

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:      Dwight D. Keen, Chair  
                                 Susan K. Duffy  
                                 Andrew J. French

In the Matter of the Investigation of **Charles**      )  
**Harness, of Highland, Kansas,** Regarding the      )  
Violation(s) of the Motor Carrier Safety Statutes,      )  
Rules and Regulations and the Commission's      ) Docket No. 23-TRAM-112-PEN  
Authority to Impose Penalties, Sanctions and/or the      )  
Revocation of Motor Carrier Authority.      )

**ORDER GRANTING STAFF'S MOTION TO VACATE PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I.      JURISDICTION AND BACKGROUND**

1.      Pursuant to K.S.A. 66-1,111, 66-1,112g, and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2.      Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

## **II. FINDINGS OF FACTS**

3. Charles Harness (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicles in interstate commerce under the USDOT Number 1826632.

4. On August 18, 2022, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2022 UCR fees.

5. Carrier contacted Staff after the issuance of the Penalty Order stating his truck needs repairs and he has not operated in two years. Carrier also requested its USDOT number be inactivated. As a result Staff inactivated Carrier's USDOT Number.

6. Staff after reviewing available records determined that Carrier had not been found operating in 2022. Staff also inactivated Carrier's USDOT Number. Staff therefore determined the Penalty Order issued for not paying their 2022 UCR fees should be vacated.

7. On August 18, 2022, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order.

## **III. CONCLUSIONS OF LAW**

8. The Commission finds it has jurisdiction over Charles Harness because Carrier is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f.

9. The Commission further finds that Carrier did not operate during 2022.

10. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued August 18, 2022.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. The Penalty Order issued to Charles Harness on August 18, 2022 is hereby vacated.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>1</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/20/2022



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Lynn M. Retz  
Executive Director

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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

23-TRAM-112-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 09/20/2022.

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/S/ KCC Docket Room

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