

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of **Gary D. Rea**)
d/b/a Rea Trucking, of Williamsburg, Kansas,)
Regarding the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 24-TRAM-232-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

ORDER REINSTATING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission), on Transportation Staff's motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,111, 66-1,112, and 66-1,114b, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined 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, and amendments thereto, 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.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Gary D. Rea d/b/a Rea Trucking, of Williamsburg, Kansas (Carrier), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 679510.

6. On December 5, 2023, the Commission issued an Order suspending Carrier's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on September 14, 2023. The Penalty Order also assessed Carrier a \$1,950 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On December 18, 2023, Carrier submitted payment of the \$1,950 civil assessment. Transportation Staff (Staff) confirmed the payment had been made as of that date and determined the carrier was now in compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.

8. On December 18, 2023, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Carrier.

III. STAFF'S RECOMMENDATION

9. Based on Staff's Motion and Carrier's compliance, Staff recommends the Commission reinstate Carrier's Kansas motor carrier operations.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier because it is a motor carrier as defined in K.A.R. 82-4-3f.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Gary D. Rea d/b/a Rea Trucking's motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:


A. Gary D. Rea d/b/a Rea Trucking's intrastate motor carrier authority is hereby reinstated.

B. Gary D. Rea d/b/a Rea Trucking remains obligated to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order. Carrier must also provide Litigation Counsel with written proof of attendance.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/28/2023



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

24-TRAM-232-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/28/2023.

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