

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

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

In the Matter of the Investigation of)
Mario's Contractor Corp, of Garden)
City, Kansas, Regarding the Violation)
of the Motor Carrier Safety Statutes,)
Rules and Regulations and the) Docket No. 22-TRAM-269-OOS
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

**ORDER ADOPTING STAFF'S REPORT AND RECOMMENDATION, OPENING
DOCKET, AND SUSPENDING INTRASTATE MOTOR CARRIER
OPERATIONS**

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 by 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. Pursuant to K.S.A. 66-1,142b the Commission is granted the authority to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission.

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.

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. FINDINGS OF FACTS

4. On September 28, 2021, Carrier was issued a penalty assessment of \$300 (Penalty Order) for failing to pay its 2021 Unified Carrier Registration (UCR) fees in docket 22-TRAM-137-PEN.¹

5. On December 29, 2021, Commission Staff submitted its Report and Recommendation (R&R) regarding Mario's Contractor Corp's (Carrier's) failure to comply with the Penalty Order. As part of the R&R, Staff recommended the Commission open a new docket concerning the Carrier's failure to comply with the Penalty Order. Staff further recommends the Commission issue an order suspending Carrier's intrastate motor carrier operating authority. A copy of the R&R is attached hereto as Attachment "A" and incorporated herein by reference.

6. As noted in the R&R, Mario's Contractor Corp, of Garden City, Kansas (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-

¹See Penalty Order, Docket No. 22-TRAM-137-PEN (Sep. 28, 2021).

3f, which operates commercial motor vehicle(s) in interstate commerce and operates under USDOT Number 1805559.

7. According to Staff's R&R, Carrier was issued a penalty assessment of \$300 for failing to pay its 2021 Unified Carrier Registration (UCR) fees in docket 22-TRAM-137-PEN.²

8. Litigation Counsel for Staff mailed a collection letter dated November 29, 2021, notifying Carrier of its unpaid fine and lack of compliance with the above-referenced Penalty Order, giving the Carrier ten (10) days from the date of the collection letter to pay the penalty amount. To date, Commission records indicate Carrier has not complied with requirements of the Penalty Order in that Carrier had thirty (30) days from the date of service to pay the fine of \$300, and Transportation Division records indicate the fine remains unpaid.

9. The Commission reviewed Staff's Report and Recommendation submitted in this matter. The Commission adopts the recommendations contained within Staff's R&R and incorporates the aforementioned into this Order by reference. The Commission concludes a new docket should be opened to place the Carrier out-of-service due to its failure to comply with the Commission's Penalty Order.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier pursuant to K.S.A. 66-1,108b as it is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

²See Penalty Order, Docket No. 22-TRAM-137-PEN (Sep. 28, 2021).

11. The Commission finds a new docket should be opened to place the Carrier out-of-service.

12. The Commission finds Carrier received sufficient notice of the Commission's Penalty Order and the requirement to pay the fine within 30 days from the date of service of the Penalty Order.

13. The Commission finds Carrier's failure to comply with the requirements of the Penalty Order is intentional and therefore this Commission finds the Carrier should be suspended from all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. The Commission adopts Staff's Report and Recommendation, submitted on December 29, 2021, and included hereto as Attachment "A".

B. Mario's Contractor Corp, of Garden City, Kansas is immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier pays the penalty amount of \$300 and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

C. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific**

grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 66-1,142b(e) and amendments thereto.

E. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 01/06/2022



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Verna Jackson, UCR Manager

DATE: December 29, 2021

SUBJECT: Docket No. 22-TRAM-269-OOS
In the Matter of the Investigation of Mario's Contractor Corp of Garden City, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Mario's Contractor Corp (Carrier) is a motor carrier that has self-declared to be an interstate motor carrier on its USDOT profile. Carrier was issued a penalty assessment of \$300 for failure to pay its 2021 Unified Carrier Registration (UCR) fees in docket 22-TRAM-137-PEN (Penalty Order). The Carrier had thirty days after the issuance of the Penalty Order to pay the penalty fine of \$300 as well as the Carrier's 2021 UCR fees. Carrier was mailed a collection letter dated November 29, 2021, notifying Carrier of the unpaid fine and lack of compliance with the penalty order. To date, Staff records indicate Carrier has not paid the fine of \$300. Staff recommends a new docket be opened, and an order be issued suspending the Carrier's intrastate motor carrier operating authority for failure to comply with the Penalty Order in 22-TRAM-137-PEN.

BACKGROUND:

Mario's Contractor Corp (Carrier) is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 1805559. On September 28, 2021, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2021 in docket 22-TRAM-137-PEN. A copy of the Penalty Order is attached hereto as Exhibit 1. Carrier was required to pay the civil penalty and its 2021 UCR fees within 30 days of the issuance of the Penalty Order.

Further, Carrier was sent a collection letter on November 29, 2021, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto as Exhibit 2.

To date, Commission records indicate that Carrier has not paid complied with the collection letter or the requirements of the Penalty Order.

Therefore, Staff recommends the Commission open a new docket to address the Carrier's failure to comply with the requirements of the Penalty Order, and issue an order suspending Carrier's intrastate motor carrier operation until such time as Carrier pays the penalty of \$300, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

RECOMMENDATION:

Transportation Staff recommends the Commission open a new docket to address the Carrier's failure to comply with the requirements of the Penalty Order issued in docket 22-TRAM-137-PEN.

Additionally, Staff recommends the Commission issue an order suspending the Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

September 28, 2021

Mario's Contractor Corp
1605 Angus Ln
Garden City, KS 67846

This is a notice of a penalty assessment against Mario's Contractor Corp (Carrier) for violation of the Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered by Kansas Corporation Commission Special Investigator Verna Jackson. Penalty amounts are assessed in accordance with the Commission-approved Uniform Penalty Assessment Matrix. For a full description of the penalty and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Carrier has been assessed a \$300 penalty for failure to pay Unified Carrier Registration (UCR) fees. If you have questions regarding UCR fees please contact the Transportation Division at 785-271-3145. You have thirty (30) days from the date of service of this Penalty Order to pay the penalty. Please remit payment of \$300 through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Network (KTRAN) located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a Personal Identification Number (PIN) for use with your KTRAN account, please contact the Division at 785-271-3145. You must have an account through KTRAN to pay the penalty.

Additionally, if your 2021 UCR fees are still outstanding, those fees must be paid within thirty (30) days from the date of service of this Penalty Order to avoid additional penalties being assessed. 2021 UCR fees may be paid through the UCR website at www.ucr.gov.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Carrier must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and must mail a service copy of the request to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$300 within thirty (30) days from the date of service of the Penalty Order, or failure to comply with the terms of the Order or, in the alternative, failure to provide a timely written request for a hearing, will result in the attached Penalty Order becoming final and may result in additional sanctions including suspension and/or revocation of your motor carrier operating authority.

Respectfully,

/s/ Ahsan A. Latif
Litigation Counsel
(785) 271-3118

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

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

In the Matter of the Investigation of **Mario's**)
Contractor Corp, of Garden City, Kansas,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 22-TRAM-137-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A 66-1,108b, 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. Part 390.5 and adopted by 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.

3. Pursuant to 49 U.S.C. § 14504a, the Unified Carrier Registration (UCR) Act is a federally mandated commercial motor vehicle registration program administered by individual States for motor carriers self-designating their operations as interstate commerce. Kansas administers the UCR Act pursuant to K.S.A. 66-1,139 which requires motor carriers to “register their motor vehicles in their base state pursuant to federal statutes.” 49 U.S.C. § 14504a(i)(4) expressly authorizes States the ability to issue citations and impose reasonable fines and penalties “pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to ...pay the fees required.”

4. UCR fees are set annually by the Federal Motor Carrier Safety Administration (FMCSA). The Commission enforces this registration requirement as outlined in the Uniform Penalty Assessment Matrix (Penalty Matrix), reviewed each year by July 1 and subsequently approved by the Commission. The Penalty Matrix establishes the structure of penalties for failure to pay the required UCR fees.

II. FINDINGS OF FACT

5. On September 16, 2021, Staff submitted a Report and Recommendation (R&R) regarding Mario's Contractor Corp's (Carrier's) failure to pay its 2021 UCR fees. As part of the R&R, Staff recommended the Commission assess Carrier a penalty in the amount of \$300, to be paid through the Carrier's Kansas Trucking Regulatory Assistance Network (KTRAN) account, and require Carrier to pay its outstanding UCR fees for 2021 through the UCR website at www.ucr.gov. A copy of the R&R is attached hereto as **Attachment “A”** and incorporated herein by reference.

6. As noted in the R&R, Carrier has operating authority under United States Department of Transportation (USDOT) number 1805559. According to Carrier's USDOT

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f.

11. The Commission finds Carrier committed one violation of K.S.A. 66-1,139 for failure to pay the 2021 UCR fees outlined in 49 C.F.R. Part 367.

THE COMMISSION THEREFORE ORDERS THAT:

A. Mario's Contractor Corp of Garden City, Kansas is hereby assessed a \$300 civil penalty for one violation of K.S.A. 66-1,139 for failure to pay the 2020 UCR fees outlined in 49 C.F.R. Part 367.

B. Mario's Contractor Corp shall pay its outstanding 2021 UCR fees through the UCR website at www.ucr.gov.

C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Penalty Order will become a Final Order.

D. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation.⁶

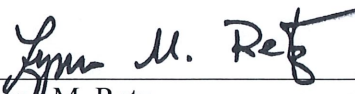
E. If you do not request a hearing, the payment of the civil penalty of \$300 as well as payment of the 2021 UCR fees is due in thirty (30) days from the date of service of this Order. Payment of \$300 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have a KTRAN account to pay the penalty through KTRAN. Payment of the 2021 UCR fees may be made through the UCR website at www.ucr.gov.

F. Failure to pay the \$300 civil penalty and the outstanding 2021 UCR fees within thirty (30) days from the date of service of this Penalty Order,⁷ may result in suspension of Carrier's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not be limited to, additional monetary sanctions, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 9-28-2021


 Lynn M. Retz
 Executive Director

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⁶ K.S.A. 66-1,142b(e) and amendments thereto.

⁷ See K.S.A. 66-1,105.

ATTACHMENT “A”

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Verna Jackson, Special Investigator

DATE: September 16, 2021

SUBJECT: **Docket No. 22-TRAM-137-PEN, Mario's Contractor Corp**
Motor Carrier Penalty Order for Failure to Pay 2021 UCR Fees

EXECUTIVE SUMMARY:

Mario's Contractor Corp (Carrier) is a carrier that has self-declared to be an interstate motor carrier on its USDOT profile. Interstate motor carriers are required to pay annual Unified Carrier Registration (UCR) fees. Staff has attempted, without success, to contact Carrier regarding its 2020 UCR fees. The first attempt was on May 13, 2021 when a notice was sent through the Carrier's Kansas Trucking Regulatory Assistance Network (KTRAN) account. The next attempt was on July 9, 2021, when Staff sent Carrier a letter regarding the 2021 UCR fees. An additional letter dated August 20, 2021, was sent by Litigation Counsel for Staff. Also, the National Registration System (NRS), which is maintained by the UCR Board, sent solicitation notices every 15 days beginning February 18, 2021 to any unregistered motor carriers. To date, Carrier's profile lists its UCR fees for 2021 as unpaid. Staff recommends Carrier be assessed a penalty for failure to complete its federal registration as required by K.S.A. 66-1,139, as outlined in the applicable Uniform Penalty Assessment Matrix. Additionally Staff recommends the Carrier be required to pay the unpaid 2021 UCR fees.

BACKGROUND:

Mario's Contractor Corp operates under USDOT number 1805559, domiciled in Kansas at 1605 Angus Ln, Garden City, Kansas. Staff Special Investigator (SI) Verna Jackson has been tasked with ensuring Kansas motor carriers conducting interstate operations have properly paid their UCR fees for the calendar year 2021. Based on SI Jackson's review of Carrier's USDOT profile, Mario's Contractor Corp is self-declared to be conducting interstate operations. On its most recent USDOT Profile update, submitted March 13, 2020, the carrier lists 2 vehicle(s). However, its UCR fees for 2021 remain unpaid. A copy of the Carrier's most recent USDOT Profile update is attached hereto as Exhibit 1.

An initial letter was automatically sent to the Carrier on May 13, 2021, through K-TRAN informing it of its responsibility to pay UCR fees. A copy of the initial letter is attached hereto as Exhibit 2. A letter was sent by Staff to the Carrier on July 9, 2021, reminding it of its UCR obligations. A copy of that letter is attached hereto as Exhibit 3. Yet another letter dated August 20, 2021, was sent by Litigation Counsel for Staff also reminding Carrier that its 2021 UCR fees were outstanding, and warning that nonpayment would result in the issuance of a penalty order. A copy of this letter is attached hereto as Exhibit 4.

Therefore, Staff recommends Carrier be assessed a civil penalty for failure to pay 2021 Unified Carrier Registration (UCR) fees as required. This is a violation of K.S.A. 66-1,139 for failure to “register their motor vehicles in their base state pursuant to federal statutes,” namely 49 USC 14504a. Additionally, Staff requests the Commission require the Carrier to pay its UCR fees for 2021 through the UCR website at www.ucr.gov.

DISCUSSION AND ANALYSIS:

K.S.A. 66-1,139 requires “all interstate regulated public motor carriers of property, of household goods, or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to federal statutes” unless otherwise exempted. The UCR Act, pursuant to 49 USC 14504a, establishes the registration requirements for motor carriers operating in interstate commerce.

The UCR Act is a federally mandated commercial motor vehicle registration program administered by individual states for motor carriers self-designating their operations as interstate or are discovered to be operating in interstate commerce through roadside inspections or an accident. UCR funds are used by states for administration of the UCR program and enforcement of motor carrier safety programs.

UCR fees are collected from all motor carriers or other entities required to obtain an Interstate USDOT number and/or is required to register with the Federal Motor Carrier Safety Administration (FMCSA). There are six fee categories and the registration fees are based on the number of commercial motor vehicles operated in interstate commerce.

Kansas based motor carriers can register UCR by logging into the NRS portal at www.ucr.gov and paying the UCR fees.

For the purposes of determining UCR fees, a Commercial Motor Vehicle (CMV) is defined as: a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo (as defined under 49 U.S.C. Section 31101), if the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of at least 10,001 pounds, whichever is greater;
- (2) Is designed to transport more than 10 passengers including the driver; or
- (3) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary.

The operation of certain non-CMV vehicles still qualify it for UCR fees, but at the lowest UCR fee bracket. For example, for lightweight passenger vehicles that do not meet the above definition of CMV (1 less than 10 passengers including the driver), the fleet size for the UCR purposes would be zero and the carrier would register and pay the lowest fee bracket.

In 2021, the UCR fee schedule was established in 49 C.F.R. 367.60 as follows:

TABLE 1 TO § 367.60 - FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2020

AND EACH SUBSEQUENT REGISTRATION YEAR THEREAFTER

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$59	\$59
B2	3-5	176	
B3	6-20	351	
B4	21-100	1,224	
B5	101-1,000	5,835	
B6	1,001 and above	56,977	

The UCR Agreement applies to the following types of interstate operations of passenger and property:

- (1) Motor carrier;

- (2) Motor private carrier of property;
- (3) Freight forwarder;
- (4) Broker;
- (5) Leasing company; and
- (6) CMV registered with IRP plates cannot be excluded from the UCR vehicle count.

UCR Exempt Operations include:

- (1) Wholly intrastate CMV; and
- (2) Private Motor Carriers of Passengers.

If a carrier designates itself as an interstate carrier on its USDOT profile and fails to pay UCR fees within the calendar year that such fees apply, it is in violation of the UCR Agreement as enforced by the state of Kansas and subject to the appropriate fine based on the number of vehicles that should have been registered. Here, Carrier designated itself as an interstate carrier, with 2 vehicle(s) operating in interstate commerce.

Each year, the Commission approves a Uniform Penalty Assessment Matrix, which establishes the fee schedule used by Staff for penalties. With regard to violations of K.S.A. 66-1,139 for failure to pay the fees outlined in 49 CFR 367, the matrix establishes the following fee schedule for standard violations:

Regulation / Statute	Standard				
49 C.F.R. § 367	1 – 5 Vehicles	6 – 20 Vehicles	21-100 Vehicles	101-1000 Vehicles	1000+ Vehicles
	\$300.00	\$500.00	\$700.00	\$900.00	\$1,000.00

RECOMMENDATION:

Transportation Staff recommends a penalty of \$300 be assessed against Mario's Contractor Corp in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix. This penalty is based on the carrier's USDOT profile, which lists the carrier as an interstate motor carrier. As discussed above, numerous attempts were made to contact the motor carrier and notify it of its obligation to pay the UCR fee. To date the 2021 UCR fee remains unpaid. This is a violation K.S.A. 66-1,139 for failure to comply with the UCR Act, 49 U.S.C. 14504a, by not paying the applicable UCR fees outlines in 49 C.F.R. 367.

Additionally, Staff requests the Commission require the Carrier to pay its outstanding UCR fees for 2021 through the UCR website at www.ucr.gov.



MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT NUMBER)

REASON FOR FILING

(Check Only One)

☐ NEW APPLICATION☒ BIENNIAL UPDATE OR CHANGES

☐ OUT OF BUSINESS NOTIFICATION

☐ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)[illegible]

Transportation Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3145
Fax: 785-271-3124
<http://kcc.ks.gov/>

Andrew J. French, Chairman
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

May 13, 2021

USDOT 1805559
MARIO'S CONTRACTOR CORP
1605 ANGUS LN
GARDEN CITY KS 67846

RE: 2021 UCR Registration

Our records indicate your Unified Carrier Registration (UCR) fees have not been paid for the period noted. Payment of this fee is required by Federal and State Regulations for Carriers that transport in commerce between two states (interstate Commerce). Farms, ranches, custom harvesters, tow trucks, construction and passenger carriers are **not** exempt from this requirement. Possession of an active USDOT number necessitates your compliance with these regulations. Based on your USDOT profile, you are listed as an active, interstate carrier. Operating a commercial motor vehicle in interstate commerce prior to paying UCR fees is a violation of 49 C.F.R. 367 and K.A.R. 82-4-30a. **Nonpayment of UCR fees may result in Civil Assessments and a Commission-issued Penalty Order, resulting with a minimum penalty of \$300 for each instance of non-compliance.**

To process the UCR registration, please sign in to the National Registration System (NRS) at <https://www.ucr.gov>. Follow the instructions as directed. Please register for each required year.

If you are no longer an active carrier, a written notice must be provided indicating your desire for the inactivation of the USDOT number and the reason for the inactivation request. Please provide the USDOT number, name of the motor carrier, your name and affiliation with the motor carrier on the written notice. The request may be emailed to transportation@kcc.ks.gov or mailed to the Kansas Corporation Commission, Division of Transportation, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

For additional motor carrier requirements and information, please visit our website at www.kcc.ks.gov. By clicking on Transportation, several links are available for reference at any time.

Verna Jackson
UCR Manager
Kansas Corporation Commission
Transportation Division
Email: v.jackson@kcc.ks.gov
Phone: 785-271-3104 Fax: 785-271-3124

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
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<http://kcc.ks.gov/>

Andrew J. French, Chairman
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

July 9, 2021

USDOT 1805559
MARIO'S CONTRACTOR CORP
1605 ANGUS LN
GARDEN CITY KS 67846

RE: 2021 UCR Registration

Our records indicate your Unified Carrier Registration (UCR) fees have not been paid for the period noted. Payment of this fee is required by Federal and State Regulations for Carriers that transport in commerce between two states (interstate Commerce). Farms, ranches, custom harvesters, tow trucks, construction and passenger carriers are **not** exempt from this requirement. Possession of an active USDOT number necessitates your compliance with these regulations. Based on your USDOT profile, you are listed as an active, interstate carrier. Operating a commercial motor vehicle in interstate commerce prior to paying UCR fees is a violation of 49 C.F.R. 367 and K.A.R. 82-4-30a. **Nonpayment of UCR fees may result in Civil Assessments and a Commission-issued Penalty Order, resulting with a minimum penalty of \$300 for each instance of non-compliance.**

To process the UCR registration, please sign in to the National Registration System (NRS) at <https://www.ucr.gov>. Follow the instructions as directed. Please register for each required year.

If you are no longer an active carrier, a written notice must be provided indicating your desire for the inactivation of the USDOT number and the reason for the inactivation request. Please provide the USDOT number, name of the motor carrier, your name and affiliation with the motor carrier on the written notice. The request may be emailed to transportation@kcc.ks.gov or mailed to the Kansas Corporation Commission, Division of Transportation, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

For additional motor carrier requirements and information, please visit our website at www.kcc.ks.gov. By clicking on Transportation, several links are available for reference at any time.

Kansas Corporation Commission
Transportation Division
Email: Transportation@kcc.ks.gov
Phone: 785-271-3145 Fax: 785-271-3124

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

August 20, 2021

MARIO'S CONTRACTOR CORP
1605 ANGUS LN
GARDEN CITY, KANSAS 67846

Re: Unregistered 2021 Unified Carrier Registration (UCR) – USDOT NO. 1805559

Dear Motor Carrier Representative:

I am an attorney with the Kansas Corporation Commission (KCC) writing to you regarding your unpaid 2021 Unified Carrier Registration (UCR) fees. The KCC is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

Our records indicate your UCR fees for 2021 have not been paid. Payment of these fees is required by Federal and State Regulations for Carriers that transport in commerce between two states (interstate commerce). Farms, ranches, custom harvesters, tow trucks, construction and passenger carriers are **not** exempt from this requirement. Possession of an active USDOT number necessitates your compliance with these regulations. Based on your USDOT profile, you are listed as an active, interstate carrier. Operating a commercial motor vehicle in interstate commerce prior to paying UCR fees is a violation of 49 C.F.R. 367 and K.A.R. 82-4-30a. **Nonpayment of UCR fees within ten days of the date of this letter will result in Civil Assessments and a Commission-issued Penalty Order, with a penalty of at least \$300 for each instance of non-compliance.**

Our Staff has made attempts to notify you regarding your unpaid UCR fees. Deliberate avoidance of registering your applicable vehicles for UCR is a violation of the above-stated law and authority.

If you are no longer an active carrier, a written notice must be provided indicating your desire for the inactivation of your USDOT number and the reason for the inactivation request. Please mail your notification along with your USDOT# and company name to Kansas Corporation Commission, Division of Transportation, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027 or send by email to transportation@kcc.ks.gov.

Thank you for your cooperation. If you have any further questions, you may contact the Verna Jackson, UCR Manager for the Transportation Division at the Kansas Corporation Commission at 785-271-3104 or email her at v.jackson@kcc.ks.gov.

Sincerely,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached order has been served to the following by means of first class mail this 28th day of September, 2021:

AHSAN LATIF,
LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

MARIO'S CONTRACTOR CORP
1605 ANGUS LN
GARDEN CITY, KS 67846

/s/Ann Murphy

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairman
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

November 29, 2021

Mario's Contractor Corp
1605 Angus Ln
Garden City, KS 67846

Re: Docket No. 22-TRAM-137-PEN

In the Matter of the Investigation of **Mario's Contractor Corp of Garden City, Kansas**,
Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations
and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority.

On September 28, 2021, a Penalty Order was issued against Mario's Contractor Corp for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$300.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$300 along with any unpaid UCR fees for 2021, through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed and any unpaid UCR fees for 2021. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
a.latif@kcc.ks.gov

CERTIFICATE OF SERVICE

22-TRAM-269-OOS

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 01/06/2022.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

MARIO VELAZCO, PRESIDENT
MARIO'S CONTRACTOR CORP.
1605 ANGUS LN
GARDEN CITY, KS 67846
rvelazco@cox.net

/S/ DeeAnn Shupe

DeeAnn Shupe