

**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 **Bailey**)
Trucking LLC, of Overland Park, Kansas,)
Regarding the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 23-TRAM-959-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 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.

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. Bailey Trucking LLC, of Overland Park, 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 3136502.

6. On October 19, 2023, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ 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 on June 29, 2023.² The Penalty Order assessed Carrier a \$300 civil fine for failing to pay its 2023 Unified Carrier Registration (UCR) fees. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On November 6, 2023, Carrier submitted payment of the \$300 civil assessment and submitted payment of their 2023 UCR fees. Transportation Staff (Staff) confirmed the payments have 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.

¹Order Suspending Intrastate Motor Carrier Operations (Oct. 19, 2023).

² See Penalty Order, Docket No. 23-TRAM-959-PEN (Jun., 29, 2023).

8. On November 6, 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 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Bailey Trucking LLC's motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Bailey Trucking LLC's intrastate motor carrier authority is hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/16/2023



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

23-TRAM-959-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 11/16/2023.

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/S/ KCC Docket Room
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