

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

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Emergency Suspension of)
Operating Authority of **Jay Price, d/b/a Larison**)
Towing of Baxter Springs, Kansas, for Failure to) Docket No. 15-TRAM-495-OOS
Comply with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

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

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, 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. 2015 Supp. 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. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Jay Price, d/b/a Larison Towing is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Jay Price, d/b/a Larison Towing is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2463760.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Jay Price, d/b/a Larison Towing's New Entrant Registration had been revoked effective April 22, 2015 for failure to comply with safety requirements.

7. Pursuant to the above authority, on April 28, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Jay Price, d/b/a Larison Towing in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On February 3, 2016, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Jay Price, d/b/a Larison Towing has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2463760 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Jay Price, d/b/a Larison Towing's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Jay Price, d/b/a Larison Towing because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jay Price, d/b/a Larison Towing's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Jay Price, d/b/a Larison Towing's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

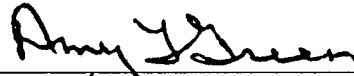
(B) Jay Price, d/b/a Larison Towing remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on April 28, 2015.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: FEB 09 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

FEB 10 2016



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

JAY PRICE
OWNER
JAY PRICE
LARISON TOWING
400 N CENTRAL
BAXTER SPRINGS, KS 66713-3281

1200 New Jersey Ave., S.E.
Washington, DC 20590
February 3, 2016

In reply refer to:
USDOT Number: 2463760
MC Number: MC851436

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since JAY PRICE's USDOT New Entrant registration was revoked on April 22, 2015, based on a failed safety audit conducted on February 9, 2015. Our records also indicate that JAY PRICE has reapplied in accordance with 49 CFR section 385.329. JAY PRICE's reapplication for USDOT New Entrant registration has been approved.

JAY PRICE's 18-month new entrant safety monitoring period restarts as of February 3, 2016. FMCSA will continue to monitor and evaluate JAY PRICE's safety management practices and on-road performance to ensure JAY PRICE has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of JAY PRICE's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

15-TRAM-495-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **FEB 09 2016**.

JAY PRICE, OWNER
JAY PRICE
D/B/A LARISON TOWING
400 N CENTRAL
BAXTER SPRINGS, KS 66713-3281

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KANSAS CORPORATION COMMISSION
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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

FEB 10 2016