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 HAMM , Inc. , of Perry , Kansas , Regarding the Violation 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.)	Docket No. 22-TRAM-167-PEN
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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. HAMM, Inc., of Perry, Kansas (Carrier), is a motor carrier, as defined in 49 C.F.R. 390.6 and as adopted by 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 634172.
- 6. On December 28, 2021, 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 October 14, 2021. The Penalty Order also assessed Carrier a \$2,000 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.
- 7. On January 4, 2022, Carrier contacted Transportation Staff (Staff) and stated that it had previously submitted payment of the \$2,000 civil assessment, but that the payment was not showing online. Staff reviewed its records and confirmed the payment had been made as of that date and determined the carrier was in compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.
- 8. On January 4, 2022, 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 HAMM, Inc.'s motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. HAMM, Inc.'s intrastate motor carrier authority is hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Lynn M. Retz

Executive Director

Lynn M. Ret

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CERTIFICATE OF SERVICE

22-TRAM-167-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 on01/11	
Kobi Foster, SAFETY DIRECTOR HAMM, INC. 609 PERRY PLACE PERRY, KS 66073-4201	AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 a.latif@kcc.ks.gov
	/S/ DeeAnn Shupe
	DeeAnn Shupe