

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

Dated: 01/11/2022



Lynn M. Retz
Executive Director

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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 on 01/11/2022.

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