

**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 **A Garcia** )  
**Transport LLC , of Garden City, Kansas,** )  
Regarding the Violation(s) of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No.25-TRAM-015-UCR  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor Carrier )  
Authority.

**ORDER WAIVING CIVIL FINE**

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 regulation (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. A Garcia Transport LLC, of Garden City, 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 3742645.

6. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually, by January 1, 2024. Carrier failed to pay its annual UCR fees by January 1, 2024, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a.

7. On September 5, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,<sup>1</sup> due to non-compliance with a Penalty Order issued in this docket on July 2, 2024.<sup>2</sup> The Penalty Order assessed Carrier a \$300 civil fine to Carrier for failing to pay its 2024 UCR fees by January 1, 2024, as required by 49 C.F.R. 367-40 and adopted by K.A.R. 82-4-30a. The Commission’s Penalty Order is incorporated herein by reference and made a part of this Order.

8. On September 24, 2024, Carrier contacted Staff stating that Carrier does not operate and requesting in writing that its USDOT Number be inactivated.

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<sup>1</sup> Order Suspending Intrastate Motor Carrier Operations (Sep. 5, 2024).

<sup>2</sup> See Penalty Order, (Jul. 2, 2024).

9. Staff inactivated the Carrier's USDOT Number and determined that the Commission should waive the \$300 civil fine in the penalty order as the Carrier did not operate interstate.

10. On September 30, 2024, Staff filed a Motion to Waive Civil Fine.

### **III. STAFF'S RECOMMENDATION**

11. Because Carrier no longer operates and Staff has inactivated its USDOT Number, Staff recommended the Commission to waive the \$300 civil fine in the Penalty Order issued July 2, 2024.

### **IV. CONCLUSIONS OF LAW**

12. 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.

13. Based on the facts on the record, the Commission finds that Staff's recommendation to waive the \$300 civil fine in the Penalty Order issued July 2, 2024, is reasonable.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. The \$300 civil fine in the Penalty Order issued to A Garcia Transport LLC on July 2, 2024, is hereby waived.

B. Should A Garcia Transport LLC begin or resume operations in the future, they must first pay the appropriate Unified Carrier Registration fees for the year they operate.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/03/2024



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Lynn M. Retz  
Executive Director

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**CERTIFICATE OF SERVICE**

25-TRAM-015-UCR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/03/2024.

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/S/ KCC Docket Room  
KCC Docket Room