

**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 **Lowder**)
Trucking LLC, of Gardner, Kansas, Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No.25-TRAM-008-UCR
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

**ORDER REINSTATING INTRASTATE MOTOR CARRIER OPERATIONS AND
VACATE PENALTY ORDER**

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:

II. JURISDICTION

1. Pursuant to K.S.A. 66-1,111, 66-1,112 and 66-1,114b, and amendments thereto, the Commission has 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. Lowder Trucking LLC, of Gardner, 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 2378650.

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.

7. The Commission does not have a record of Carrier paying its 2024 UCR fees.

8. On September 5, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to non-compliance with a Penalty Order issued in this docket on July 2, 2024.² The Penalty Order assessed Carrier a \$300 civil fine to Carrier for failing to pay its 2024 Unified Carrier Registration (UCR) fees.

9. On September 5, 2024, Carrier contacted Staff in writing stating that Carrier does not operate and requested its USDOT Number be inactivated.

10. Staff therefore inactivated the Carrier's USDOT Number and determined that the Commission should reinstate Carrier's Kansas motor carrier operations and vacate the penalty order as the Carrier represented it did not operate in interstate commerce

¹Order Suspending Intrastate Motor Carrier Operations (Sep. 5, 2024).

² See Penalty Order, (Jul. 2, 2024).

11. On September 9, 2024, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations and Vacate Penalty Order.

III. STAFF’S RECOMMENDATION

12. Because Carrier no longer operates and has inactivated its USDOT Number, Staff recommends the Commission reinstate Carrier’s Kansas motor carrier operations and vacate the Penalty Order issued July 2, 2024.

IV. CONCLUSIONS OF LAW

13. 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.

14. Based on the available facts and representations by Carrier to Staff, the Commission finds that Staff’s recommendation to reinstate Lowder Trucking LLC’s motor carrier operations and to vacate the Penalty Order issued July 2, 2024, is reasonable.


THE COMMISSION THEREFORE ORDERS THAT:

- A. The Penalty Order issued to Lowder Trucking LLC on July 2, 2024 is hereby vacated.
- B. Lowder Trucking LLC’s intrastate motor carrier operations are hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 09/12/2024



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

25-TRAM-008-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 09/12/2024.

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/S/ KCC Docket Room
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