

**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 **Hotrods**)
Transport LLC of Erie, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No.25-TRAM-037-UCR
Authority to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER GRANTING STAFF'S MOTION TO 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:

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. Hotrods Transport LLC, of Erie, 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 3885535.

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 10, 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 11, 2024.² 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 18, 2024, Carrier contacted Staff stating that Carrier does not operate and requesting in writing that its USDOT Number be inactivated.

¹ Order Suspending Intrastate Motor Carrier Operations (Sep. 10, 2024).

² See Penalty Order, (Jul. 11, 2024).

9. Staff 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 did not operate interstate.

10. On September 25, 2024, Staff filed a Motion to Vacate Penalty Order.

III. STAFF'S RECOMMENDATION

11. Because Carrier no longer operates and Staff has inactivated its USDOT Number, Staff recommended the Commission vacate the Penalty Order issued July 11, 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 vacate the Penalty Order issued July 11, 2024, is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. The Penalty Order issued to Hotrod Transport LLC on July 11, 2024 is hereby vacated.

B. Should Hotrod 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: 10/01/2024



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

25-TRAM-037-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 10/01/2024.

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