

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **Arnold**)
Bonilla d/b/a Bonilla Module Hauling of)
Liberal, Kansas, Regarding the Violation) Docket No. 23-TRAM-135-PEN
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.

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Arnold Bonilla d/b/a Bonilla Module Hauling of Liberal, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in interstate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2202788.
3. On August 30, 2022, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2022 this docket.¹
4. Carrier was sent a collection letter on January 13, 2023, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.

¹See Penalty Order (August 30, 2022).

5. As of March 9, 2023, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order. Although Carrier has paid its UCR fees for 2022 and 2023, the \$300 civil penalty remains unpaid.

6. Staff asks the Commission find that Carrier's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

7. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier.

Respectfully submitted,

/s/ Ahsan A. Latif

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For Commission Staff

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Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

January 13, 2023

Arnold Bonilla d/b/a Bonilla Module Hauling
206 W Coolidge St
Liberal, KS 67901

Re: Docket No. 23-TRAM-135-PEN
In the Matter of the Investigation of **Arnold Bonilla d/b/a Bonilla Module Hauling of Liberal, Kansas**, Regarding the Violation(s) 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.

On August 30, 2022, a Penalty Order was issued against Arnold Bonilla d/b/a Bonilla Module Hauling for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$300.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$300 along with any unpaid UCR fees for 2022, through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed and any unpaid UCR fees for 2022. Additionally, 2023 UCR fees are now required and must be paid as well. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call UCR Manager Verna Jackson at (785) 271-3104.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
a.latif@kcc.ks.gov

CERTIFICATE OF SERVICE

23-TRAM-135-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 9th day of March, 2023, to the following:

ARNOLD BONILLA, OWNER
ARNOLD BONILLA
D/B/A BONILLA MODULE HAULING
206 W COOLIDGE STR.
LIBERAL, KS 67901

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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Madeleine E. Hare