

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Emergency Suspension of)
Operating Authority of **Clint Davis Motor**)
Freight, LLC of Emporia, Kansas, for Failure to) Docket No. 18-TRAM-357-OOS
Comply with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, 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. 2016 Supp. 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. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Clint Davis Motor Freight, LLC is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Clint Davis Motor Freight, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2542254.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Clint Davis Motor Freight, LLC's New Entrant Registration had been revoked effective July 13, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on February 27, 2018, the Commission entered an Emergency Suspension of Operating Authority Order on Clint Davis Motor Freight, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On March 22, 2018, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received sufficient documentation from the U.S. Department of

Transportation, Federal Motor Carrier Safety Administration, that Clint Davis Motor Freight, LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2542254 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Clint Davis Motor Freight, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Clint Davis Motor Freight, LLC because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Clint Davis Motor Freight, LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Clint Davis Motor Freight, LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

(B) Clint Davis Motor Freight, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on February 27, 2018, and provide proof of attendance to Litigation Counsel.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/27/2018 _____

A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

AAL

Choose Subsystem 

Out of Service Records



USDOT Number:	2542254	Company Type:	CARRIER	Status:	ACTIVE
Legal Name:	CLINT DAVIS MOTOR FREIGHT LLC				
Physical Address:	2918 W HIGHWAY 50 STE A, EMPORIA, KS 66801-5149				

OOS Date	State	Rescind Date	Reason Description
07/13/2017		03/22/2018	UNSATISFACTORY = UNFIT

Options for this Company 

March 22, 2018

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY 1-800-877-8339 • [Field Office Contacts](#)

CERTIFICATE OF SERVICE

18-TRAM-357-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail/hand delivered on 03/28/2018

CLINT DAVIS, MANAGING MEMBER
CLINT DAVIS MOTOR FREIGHT, LLC
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/S/ DeeAnn Shupe

DeeAnn Shupe