

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Emergency Suspension of)
Operating Authority of **Kevin D. Rupp, Jr., d/b/a**)
Bud Rupp Trucking of Russell, Kansas, for) Docket No. 16-TRAM-364-OOS
Failure to 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. 2017 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. 2017 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. 2017 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. 2017 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. Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2575593.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking's New Entrant Registration had been revoked effective February 2, 2016, for failure to comply with safety requirements.

7. Pursuant to the above authority, on February 9, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On October 26, 2018, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking 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. 2575593 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 Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking'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. Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on February 9, 2016, 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; Keen, Commissioner

Dated: 11/01/2018



Lynn M. Retz
Secretary to the Commission

AAL

Vicki Jacobsen

From: Gary Davenport
Sent: Friday, October 26, 2018 1:53 PM
To: Vicki Jacobsen
Subject: Rescinding OOS for Kevin Dale Rupp JR USDOT 2575593



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Out of Service Records

USDOT Number:	2575593	Company Type:	CARRIER
Legal Name / DBA Name:	KEVIN DALE RUPP JR / BUD RUPP TRUCKING		
Physical Address:	220 N KANSAS AVE, LURAY, KS 67649		

OOS Date	State	Rescind Date	Reason
02/02/2016		10/26/2018	NEW ENTRANT REVOKED - REFUSAL OF AUDIT/M

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October 26, 2018

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Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-6880 - TTY: 1-800

CERTIFICATE OF SERVICE

16-TRAM-364-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 11/02/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe