

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

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

In the Matter of the Investigation of )  
**Belle Springs Trucking, Inc. of** )  
**Abilene, Kansas,** Pursuant to the )  
Kansas Highway Patrol Issuance of a )  
Notice of Violation for Violations of the ) Docket No. 11-GIMM-309-KHP  
Federal Motor Carrier Safety )  
Regulations, as adopted by K.S.A. 66- )  
1,129, and implemented by K.A.R. 82-4- )  
3. )

**ORDER REINSTATING MOTOR CARRIER OPERATIONS IN KANSAS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION AND BACKGROUND**

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, 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, 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. FINDINGS OF FACTS**

4. Belle Springs Trucking, Inc. of Abilene, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in commerce.

5. Respondent operates under USDOT Number 764415.

6. On September 21, 2010, the Commission issued Respondent a Notice and Invoice (Invoice No. H000517501) assessing Respondent a civil fine in the amount of \$300 for violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129, and implemented by K.A.R. 82-4-3, discovered during a routine motor carrier stop and inspection on September 16, 2010, by a Kansas Highway Patrolman. The Notice gave Respondent 30 days to pay the fine or to request an administrative hearing.

7. On October 26, 2010, the Respondent filed a request for hearing, contesting the violation(s) set out in the Notice and Invoice.

8. On December 6, 2010, the Commission issued an Order Granting Staff's Unopposed Motion to Dismiss Respondent's Request for Hearing due to Respondent's willingness to pay the fine.

9. On March 9, 2017, the Commission issued an Order Suspending Motor Carrier Operations in Kansas due to the Respondent failing to pay the civil fine.

10. On March 9, 2017, Transportation Staff received payment of \$300 from the Respondent.

11. On March 9, 2017, Commission Staff filed a Motion to Reinstate Belle Springs Trucking, Inc.'s Motor Carrier Operations in Kansas due to its compliance with the Order Suspending Motor Carrier Operations in Kansas, issued on March 9, 2016.

### **III. CONCLUSIONS OF LAW**

9. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

10. A Notice and Invoice (Invoice No. H000517501) was issued to Belle Springs Trucking, Inc. on September 21, 2010, in the amount of \$300 for violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129, and implemented by K.A.R. 82-4-3, discovered during a routine motor vehicle stop and inspection on September 16, 2010, by a Kansas Highway Patrolman. The Notice gave Respondent 30 days to pay the civil fine or request an administrative hearing.

11. On October 26, 2010, Respondent filed a Request for Hearing, contesting the violation(s) set out in the Notice and Invoice.

12. On December 6, 2010, the Commission issued an Order Granting Staff's Unopposed Motion to Dismiss Respondent's Request for Hearing due to Respondent's willingness to pay the fine.

13. On March 9, 2017, the Commission issued an Order Suspending Motor Carrier Operations in Kansas due to the Respondent's failure to pay the civil fine.

14. On March 9, 2017, Transportation Staff received payment of \$300 from the Respondent.

15. The Commission finds Respondent's compliance is satisfactory and finds the Respondent should be reinstated for all motor carrier operations in Kansas.

**THE COMMISSION THEREFORE ORDERS THAT:**

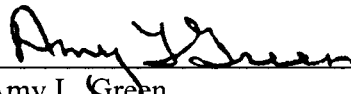
A. Belle Springs Trucking, Inc. of Abilene, Kansas is immediately reinstated for all commercial motor carrier operations in Kansas.

F. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: MAR 14 2017

  
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Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date

MAR 15 2017

**CERTIFICATE OF SERVICE**

11-GIMM-309-KHP

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 **MAR 14 2017**.

DAN REIFF, PRESIDENT  
BELLE SPRINGS TRUCKING, INC.  
1372 KEY RD  
ABILENE, KS 67410

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

Order Mailed Date

**MAR 15 2017**