



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

May 4, 2021

BARNHARTS EXCAVATION LLC
2082 W 21ST
CHANUTE, KS 66720

This is a notice of a penalty assessment against BARNHARTS EXCAVATION LLC (Carrier) for violation of the Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered by Kansas Corporation Commission Special Investigator Verna Jackson. Penalty amounts are assessed in accordance with the Commission-approved Uniform Penalty Assessment Matrix. For a full description of the penalty and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Carrier has been assessed a \$300 penalty for failure to pay Unified Carrier Registration (UCR) fees. If you have questions regarding UCR fees please contact the Transportation Division at 785-271-3145. You have thirty (30) days from the date of service of this Penalty Order to pay the penalty. Please remit payment of \$300 through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Network (KTRAN) located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a Personal Identification Number (PIN) for use with your KTRAN account, please contact the Division at 785-271-3145. You must have an account through KTRAN to pay the penalty.

Additionally, if your 2020 UCR fees are still outstanding, those fees must be paid within thirty (30) days from the date of service of this Penalty Order to avoid additional penalties being assessed. 2020 UCR fees may be paid through the UCR website at www.ucr.gov.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Carrier must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and must mail a service copy of the request to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$300 within thirty (30) days from the date of service of the Penalty Order, or failure to comply with the terms of the Order or, in the alternative, failure to provide a timely written request for a hearing, will result in the attached Penalty Order becoming final and may result in additional sanctions including suspension and/or revocation of your motor carrier operating authority.

Respectfully,

/s/ Ahsan A. Latif
Litigation Counsel
(785) 271-3118

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation of)
BARNHARTS EXCAVATION LLC , of)
CHANUTE, Kansas, Regarding the Violation(s))
of the Motor Carrier Safety Statutes, Rules and) Docket No. 21-TRAM-400-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112g and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5, and 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, 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 49 U.S.C. § 14504a, the Unified Carrier Registration (UCR) Act is a federally mandated commercial motor vehicle registration program administered by individual States for motor carriers self-designating their operations as interstate commerce. Kansas administers the UCR Act pursuant to K.S.A. 66-1,139 which requires motor carriers to “register their motor vehicles in their base state pursuant to federal statutes.” 49 U.S.C. § 14504a(i)(4) expressly authorizes States the ability to issue citations and impose reasonable fines and penalties “pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to ...pay the fees required.”

4. UCR fees are set annually by the Federal Motor Carrier Safety Administration (FMCSA). The Commission enforces this registration requirement as outlined in the Uniform Penalty Assessment Matrix (Penalty Matrix), reviewed each year by July 1 and subsequently approved by the Commission. The Penalty Matrix establishes the structure of penalties for failure to pay the required UCR fees.

II. FINDINGS OF FACT

5. On April 26, 2021, Staff submitted a Report and Recommendation (R&R) regarding BARNHARTS EXCAVATION LLC’s (Carrier’s) failure to pay its 2020 UCR fees. As part of the R&R, Staff recommended the Commission assess Carrier a penalty in the amount of \$300, to be paid through the Carrier’s Kansas Trucking Regulatory Assistance Network (KTRAN) account, and require Carrier to pay its outstanding UCR fees for 2020 through the UCR website at www.ucr.gov. A copy of the R&R is attached hereto as **Attachment “A”** and incorporated herein by reference.

6. As noted in the R&R, Carrier has operating authority under United States Department of Transportation (USDOT) number 1017849. According to Carrier’s USDOT

profile,¹ it designates itself as an interstate carrier, with its base as State as Kansas. Carrier owns 3 self-propelled vehicles that meet the definition of the type of vehicle for which Carrier is required to pay annual UCR fees.²

7. According to Staff's R&R, multiple attempts were made to contact Carrier regarding its 2020 UCR fees. The National Registration System (NRS), which is maintained by the UCR Board, sent solicitation notices every 15 days beginning February 18, 2020.

8. Litigation Counsel for Staff mailed a letter dated February 15, 2020, and mailed on February 15, 2021, to Carrier informing it that it needed to pay its 2020 UCR fees within fifteen days. Staff advised in the letter that nonpayment of UCR fees could result in civil assessments, with a penalty of \$300 for each instance of non-compliance.³ To date, Commission records indicate that the Carrier has not paid its 2020 UCR fees.

9. Based on Carrier's failure to register its commercial motor vehicle(s) for registration year 2020 and pay the appropriate UCR fees as established in 49 C.F.R. 367, there is sufficient evidence to demonstrate that the Carrier is in violation of K.S.A. 66-1,139 in conjunction with K.A.R. 82-4-30a, and that a fine in the amount of \$300 is warranted. Additionally, Carrier is still obligated to pay its 2020 UCR fees through the UCR website at www.ucr.gov.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f.

11. The Commission finds Carrier committed one violation of K.S.A. 66-1,139 for failure to pay the 2020 UCR fees outlined in 49 C.F.R. Part 367.

¹ See Exhibit 1 of Staff's R&R.

² 49 U.S.C. § 14504a requires UCR fees be paid for all commercial motor vehicles owned or operated by a motor carrier, motor private carrier, or freight forwarder.

³ See Exhibit 2 of Staff's R&R.

THE COMMISSION THEREFORE ORDERS THAT:

A. BARNHARTS EXCAVATION LLC of Chanute, Kansas is hereby assessed a \$300 civil penalty for one violation of K.S.A. 66-1,139 for failure to pay the 2020 UCR fees outlined in 49 C.F.R. Part 367.

B. BARNHARTS EXCAVATION LLC shall pay its outstanding 2020 UCR fees through the UCR website at www.ucr.gov.

C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Penalty Order will become a Final Order.

D. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation.⁴

E. If you do not request a hearing, the payment of the civil penalty of \$300 as well as payment of the 2020 UCR fees is due in thirty (30) days from the date of service of this Order. Payment of \$300 must be made through your personal account with the Kansas Corporation

⁴ K.S.A. 66-1,142b(e) and amendments thereto.


Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have a KTRAN account to pay the penalty through KTRAN. Payment of the 2020 UCR fees may be made through the UCR website at www.ucr.gov.

F. Failure to pay the \$300 civil penalty and the outstanding 2020 UCR fees within thirty (30) days from the date of service of this Penalty Order,⁵ may result in suspension of Carrier's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not be limited to, additional monetary sanctions, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/04/2021



Lynn M. Retz
Executive Director

AAL

⁵ See K.S.A. 66-1,105.

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Verna Jackson, Special Investigator

DATE: April 26, 2021

SUBJECT: **Docket No. 21-TRAM-400-PEN, BARNHARTS EXCAVATION LLC**
Motor Carrier Penalty Order for Failure to Pay 2020 UCR Fees

EXECUTIVE SUMMARY:

BARNHARTS EXCAVATION LLC (Carrier) is a carrier that has self-declared to be an interstate motor carrier on its USDOT profile. Interstate motor carriers are required to pay annual Unified Carrier Registration (UCR) fees. A letter dated February 15, 2020, and mailed on February 15, 2021, was sent by Litigation Counsel for Staff. Also, the National Registration System (NRS), which is maintained by the UCR Board, sent solicitation notices every 15 days beginning February 1, 2020 to any unregistered motor carriers. To date, Carrier's profile lists its UCR fees for 2020 as unpaid. Staff recommends Carrier be assessed a penalty for failure to complete its federal registration as required by K.S.A. 66-1,139, as outlined in the applicable Uniform Penalty Assessment Matrix. Additionally Staff recommends the Carrier be required to pay the unpaid 2020 UCR fees.

BACKGROUND:

BARNHARTS EXCAVATION LLC operates under USDOT number 1017849, domiciled in Kansas at 2082 W 21ST, CHANUTE, Kansas. Staff Special Investigator (SI) Verna Jackson has been tasked with ensuring Kansas motor carriers conducting interstate operations have properly paid their UCR fees for the calendar year 2020. Based on SI Jackson's review of Carrier's USDOT profile, BARNHARTS EXCAVATION LLC is self-declared to be conducting interstate operations. On its most recent USDOT Profile update, submitted December 2, 2020, the carrier lists 3 vehicles. However, its UCR fees for 2020 remain unpaid. A copy of the Carrier's most recent USDOT Profile update is attached hereto as Exhibit 1.

A letter dated February 15, 2020, and mailed on February 15, 2021, was sent by Litigation Counsel for Staff also reminding Carrier that its 2020 UCR fees were outstanding, and warning that nonpayment would result in the issuance of a penalty order. A copy of this letter is attached hereto as Exhibit 2.

Therefore, Staff recommends Carrier be assessed a civil penalty for failure to pay 2020 Unified Carrier Registration (UCR) fees as required. This is a violation of K.S.A. 66-1,139 for failure to “register their motor vehicles in their base state pursuant to federal statutes,” namely 49 USC 14504a. Additionally, Staff requests the Commission require the Carrier to pay its UCR fees for 2020 through the UCR website at www.ucr.gov.

DISCUSSION AND ANALYSIS:

K.S.A. 66-1,139 requires “all interstate regulated public motor carriers of property, of household goods, or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to federal statutes” unless otherwise exempted. The UCR Act, pursuant to 49 USC 14504a, establishes the registration requirements for motor carriers operating in interstate commerce.

The UCR Act is a federally mandated commercial motor vehicle registration program administered by individual states for motor carriers self-designating their operations as interstate or are discovered to be operating in interstate commerce through roadside inspections or an accident. UCR funds are used by states for administration of the UCR program and enforcement of motor carrier safety programs.

UCR fees are collected from all motor carriers or other entities required to obtain an Interstate USDOT number and/or is required to register with the Federal Motor Carrier Safety Administration (FMCSA). There are six fee categories and the registration fees are based on the number of commercial motor vehicles operated in interstate commerce.

Kansas based motor carriers can register UCR by logging into the NRS portal at www.ucr.gov and paying the UCR fees.

For the purposes of determining UCR fees, a Commercial Motor Vehicle (CMV) is defined as: a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo (as defined under 49 U.S.C. Section 31101), if the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of at least 10,001 pounds, whichever is greater;
- (2) Is designed to transport more than 10 passengers including the driver; or
- (3) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary.

The operation of certain non-CMV vehicles still qualify it for UCR fees, but at the lowest UCR fee bracket. For example, for lightweight passenger vehicles that do not meet the above definition of CMV (1 less than 10 passengers including the driver), the fleet size for the UCR purposes would be zero and the carrier would register and pay the lowest fee bracket.

In 2021, the UCR fee schedule was established in 49 C.F.R. 367.60 as follows:

TABLE 1 TO [§ 367.60](#) - FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2020

AND EACH SUBSEQUENT REGISTRATION YEAR THERAFTER

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$59	\$59
B2	3-5	176	
B3	6-20	351	
B4	21-100	1,224	
B5	101-1,000	5,835	
B6	1,001 and above	56,977	

The UCR Agreement applies to the following types of interstate operations of passenger and property:

- (1) Motor carrier;
- (2) Motor private carrier of property;
- (3) Freight forwarder;
- (4) Broker;
- (5) Leasing company; and
- (6) CMV registered with IRP plates cannot be excluded from the UCR vehicle count.

UCR Exempt Operations include:

- (1) Wholly intrastate CMV; and
- (2) Private Motor Carriers of Passengers.

If a carrier designates itself as an interstate carrier on its USDOT profile and fails to pay UCR fees within the calendar year that such fees apply, it is in violation of the UCR Agreement as enforced by the state of Kansas and subject to the appropriate fine based on the number of vehicles that should have been registered. Here, Carrier designated itself as an interstate carrier, with 3 vehicles operating in interstate commerce.

Each year, the Commission approves a Uniform Penalty Assessment Matrix, which establishes the fee schedule used by Staff for penalties. With regard to violations of K.S.A. 66-1,139 for failure to pay the fees outlined in 49 CFR 367, the matrix establishes the following fee schedule for standard violations:

Regulation / Statute	Standard				
49 C.F.R. § 367	1 – 5 Vehicles	6 – 20 Vehicles	21-100 Vehicles	101-1000 Vehicles	1000+ Vehicles
	\$300.00	\$500.00	\$700.00	\$900.00	\$1,000.00

RECOMMENDATION:

Transportation Staff recommends a penalty of \$300 be assessed against BARNHARTS EXCAVATION LLC in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix. This penalty is based on the carrier's USDOT profile, which lists the carrier as an interstate motor carrier. As discussed above, numerous attempts were made to contact the motor carrier and notify it of its obligation to pay the UCR fee. To date the 2020 UCR fee remains unpaid. This is a violation K.S.A. 66-1,139 for failure to comply with the UCR Act, 49 U.S.C. 14504a, by not paying the applicable UCR fees outlines in 49 C.F.R. 367.

Additionally, Staff requests the Commission require the Carrier to pay its outstanding UCR fees for 2020 through the UCR website at www.ucr.gov.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT NUMBER)

(Check Only One)

☐ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER BARNHARTS EXCAVATION LLC					2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME ERVIN BARNHART																																																																																		
3. PRINCIPAL ADDRESS 2082 W 21ST			4. CITY CHANUTE		5. STATE/PROVINCE KANSAS		6. ZIP CODE + 4 66720		7. COLONIA (MEXICO ONLY)																																																																														
8. MAILING ADDRESS 2082 W 21ST			9. CITY CHANUTE		10. STATE/PROVINCE KANSAS		11. ZIP CODE+4 66720		12. COLONIA (MEXICO ONLY)																																																																														
13. PRINCIPAL BUSINESS PHONE NUMBER (620) 431-0959			14. PRINCIPAL CONTACT CELL PHONE NUMBER (620) 431-0959				15. PRINCIPAL BUSINESS FAX NUMBER (620) 431-6770																																																																																
16. USDOT NO. 1017849		17. MC OR MX NO.		18. DUN & BRADSTREET NO.		19. IRS/TAX ID NO. EIN# SSN# 																																																																																	
20. INTERNET E-MAIL ADDRESS BARNHARTS_EXC@HOTMAIL.COM						21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) 4000			YEAR 2020																																																																														
22. COMPANY OPERATION (Mark all that apply) <input checked="" type="radio"/> A. Interstate Carrier <input type="radio"/> B. Intrastate Hazmat Carrier <input type="radio"/> C. Intrastate Non-Hazmat Carrier <input type="radio"/> D. Interstate Hazmat Shipper <input type="radio"/> E. Intrastate Hazmat Shipper <input type="radio"/> F. Vehicle Registrant Only																																																																																							
23. OPERATION CLASSIFICATION (Circle All that Apply) A. Authorized For-Hire D. Private Passengers (Business) G. U. S. Mail J. Local Government B. Exempt For-Hire E. Private Passengers (Non-Business) H. Federal Government K. Indian Tribe <input checked="" type="radio"/> C. Private Property F. Migrant I. State Government L. Other																																																																																							
24. CARGO CLASSIFICATIONS (Circle All that Apply) A. GENERAL FREIGHT F. LOGS, POLES, BEAMS, LUMBER J. FRESH PRODUCE P. GRAIN, FEED, HAY V. COMMODITIES DRY BULK BB. CONSTRUCTION B. HOUSEHOLD GOODS G. BUILDING MATERIALS K. LIQUIDS/GASES Q. COAL/COKE W. REFRIGERATED FOOD CC. WATER WELL C. METAL; SHEETS; COILS; ROLLS H. MOBILE HOMES L. INTERMODAL CONT. R. MEAT X. BEVERAGES DD. OTHER D. MOTOR VEHICLES <input checked="" type="radio"/> I. MACHINERY, LARGE OBJECTS M. PASSENGERS S. GARBAGE, REFUSE, TRASH Y. PAPER PRODUCTS E. DRIVE AWAY/TOWAWAY O. LIVESTOCK T. U.S. MAIL Z. UTILITY AA. FARM SUPPLIES																																																																																							
25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE C S A. DIV 1.1 B NB C S K. DIV 2.2A (Ammonia) B NB C S U. DIV 4.2 B NB C S EE. HRCQ B NB C S B. DIV 1.2 B NB C S L. DIV 2.3A B NB C S V. DIV 4.3 B NB C S FF. CLASS 8 B NB C S C. DIV 1.3 B NB C S M. DIV 2.3B B NB C S W. DIV 5.1 B NB C S GG. CLASS 8A B NB C S D. DIV 1.4 B NB C S N. DIV 2.3C B NB C S X. DIV 5.2 B NB C S HH. CLASS 8B B NB C S E. DIV 1.5 B NB C S O. DIV 2.3D B NB C S Y. DIV 6.2 B NB <input checked="" type="radio"/> C S II. CLASS 9 B <input checked="" type="radio"/> NB C S F. DIV 1.6 B NB C S P. Class 3 B NB C S Z. DIV 6.1A B NB C S JJ. ELEVATED TEMP MAT. B NB C S G. DIV 2.1 B NB C S Q. Class 3A B NB C S AA. DIV 6.1B B NB C S KK. INFECTIOUS WASTE B NB C S H. DIV 2.1 LPG B NB C S R. Class 3B B NB C S BB. DIV 6.1 Poison B NB C S LL. MARINE POLLUTANTS B NB C S I. DIV 2.1 (Methane) B NB C S S. COM LIQ B NB C S CC. DIV 6.1 SOLID B NB C S MM. HAZARDOUS SUB(RQ) B NB C S J. DIV 2.2 B NB C S T. DIV 4.1 B NB C S DD. CLASS 7 B NB C S NN. HAZARDOUS WASTE B NB C S OO. ORM B NB																																																																																							
26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S. <table border="1"><thead><tr><th rowspan="3"></th><th rowspan="3">Straight Trucks</th><th rowspan="3">Truck Tractors</th><th rowspan="3">Trailers</th><th rowspan="3">Hazmat Cargo Tank Trucks</th><th rowspan="3">Hazmat Cargo Tank Trailers</th><th rowspan="3">Motor Coach</th><th colspan="3">School Bus</th><th>Mini-bus</th><th colspan="2">Van</th><th colspan="3">Limousine</th></tr><tr><th colspan="6">Number of vehicles carrying number of passengers (including the driver) below</th></tr><tr><th>1-8</th><th>9-15</th><th>16+</th><th>16+</th><th>1-8</th><th>9-15</th><th>1-8</th><th>9-15</th><th>16+</th></tr></thead><tbody><tr><td>OWNED</td><td>1</td><td>2</td><td>4</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>TERM LEASED</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>TRIP LEASED</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></tbody></table>													Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus	Van		Limousine			Number of vehicles carrying number of passengers (including the driver) below						1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+	OWNED	1	2	4												TERM LEASED															TRIP LEASED														
	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus	Van								Limousine																																																																				
							Number of vehicles carrying number of passengers (including the driver) below																																																																																
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+																																																																								
OWNED	1	2	4																																																																																				
TERM LEASED																																																																																							
TRIP LEASED																																																																																							
27. DRIVER INFORMATION			INTERSTATE		INTRASTATE		TOTAL DRIVERS			TOTAL CDL DRIVERS																																																																													
Within 100-Mile Radius										1																																																																													
Beyond 100-Mile Radius					1																																																																																		
28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes _____ No <input checked="" type="checkbox"/> X If Yes, enter your U.S. DOT Number. _____																																																																																							
29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER) 1. ERVIN BARNHART, MEMBER BARNHARTS EXC LLC (Please print Name) 2. _____ (Please print Name)																																																																																							
30. CERTIFICATION STATEMENT (to be completed by an authorized official) I, ERVIN BARNHART (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete. Signature ERVIN BARNHART Date 12/02/2020 Title MEMBER (Please print)																																																																																							

1500 SW Arrowhead Road
Topeka, KS 66604-4027



EXHIBIT 2

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

February 15, 2020

BARNHARTS EXCAVATION LLC
ERVIN BARNHART
2082 W 21ST
CHANUTE, KANSAS 66720

Re: Unregistered 2020 Unified Carrier Registration (UCR) – USDOT NO. 1017849

Dear Motor Carrier Representative:

I am an attorney with the Kansas Corporation Commission (KCC) writing to you regarding your unpaid 2020 Unified Carrier Registration (UCR) fees. The KCC is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

Our records indicate your UCR fees for 2020 have not been paid. Payment of this fee is required by Federal and State Regulations for Carriers that transport in commerce between two states (interstate commerce). Farms, ranches, custom harvesters, tow trucks, construction and passenger carriers are **not** exempt from this requirement. Possession of an active USDOT number necessitates your compliance with these regulations. Based on your USDOT profile, you are listed as an active, interstate carrier. Operating a commercial motor vehicle in interstate commerce prior to paying UCR fees is a violation of 49 C.F.R. 367 and K.A.R. 82-4-30a. **Nonpayment of UCR fees within fifteen days of the date of this letter will result in Civil Assessments and a Commission-issued Penalty Order, with a penalty of \$300 for each instance of non-compliance.**

Our Staff has made attempts to notify you regarding your unpaid 2020 UCR fees. Deliberate avoidance of registering your applicable vehicles for UCR is a violation of the above-stated law and authority.

If you are no longer an active carrier, a written notice must be provided indicating your desire for the inactivation of your USDOT number and the reason for the inactivation request. Please mail your notification along with your USDOT# and company name to Kansas Corporation Commission, Division of Transportation, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027 or send by email to transportation@kcc.ks.gov.

Thank you for your cooperation. If you have any further questions, you may contact the Transportation Division of the Kansas Corporation Commission at 785-271-3145 or email them at transportation@kcc.ks.gov.

Sincerely,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail or electronic service this 4 day of May, 2021:

AHSAN LATIF,
LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

BARNHARTS EXCAVATION LLC
2082 W 21ST
CHANUTE, KS 66720

/s/ DeeAnn Shupe