

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

In the Matter of the Investigation of **Chance**)
Low Gen Ptr d/b/a Outlaw)
Recovery|Outlaw Recovery & Transport)
of Douglass, Kansas, Regarding the)
Violation of the Motor Carrier Safety) Docket No. 25-TRAM-191-PEN
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 AUTHORITY

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 Chance Low Gen Ptr d/b/a Outlaw Recovery|Outlaw Recovery & Transport of Douglass, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 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 40 C.F.R. 390.5 as 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. 66-1,129(a)(7), no public motor carrier of property, household goods or passengers or private motor carrier of property shall operate, or allow the operation of, any commercial motor vehicle on any public highway in this state without following rules and regulations consistent with the federal motor carrier safety assistance program.

3. K.S.A. 66-1,108c states:

“The corporation commission shall have the authority to examine all accounts and records pertaining to its regulation of motor carriers. The agents, accountants, examiners or inspectors designated by the commission shall have authority under the direction of the

transportation division to inspect and examine any and all books, accounts, papers, records, property and memoranda pertinent to its regulation of motor carriers.”

4. Carrier is a motor carrier as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, in that it operates commercial motor vehicle(s) in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 4148319. Carrier’s USDOT Profile was updated on October 24, 2023 by the filing of an MCS-150 file that lists its current physical and mailing address, phone number and email address. A copy of Carrier’s MCS-150 form is attached hereto as Attachment “A” and is hereby incorporated by reference.

6. On September 13, 2024, a Staff Special Investigator sent formal letters to the Carrier to schedule a compliance investigation. The letters were sent to the address listed as Carrier’s mailing address on its MCS-150 as well as two other addresses associated with the Carrier. An affidavit signed by the SI is attached hereto as Attachment “B” and is hereby incorporated by reference.

7. Ahsan Latif, Litigation Counsel, wrote and mailed Carrier a letter on September 25, 2024, informing Carrier that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Carrier. The Carrier was given ten (10) days from the date of the letter to respond and contact the special investigator. A copy of the letter is attached hereto as Attachment “C” and is hereby incorporated by reference.

8. As of October 16, 2024, the Special Investigator and Litigation Counsel have not been contacted by Carrier to complete the safety compliance investigation or otherwise.

9. Staff asks that the Commission find Carrier received sufficient notice of the need facilitate a safety compliance review, including written notice by Litigation Counsel's September 25, 2024 letter.

10. Staff asks that the Commission find Carrier failed to respond to attempts at contact.

11. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier authority operations until such time as Carrier contacts the Special Investigator to cooperate with Staff and permit the safety compliance review, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

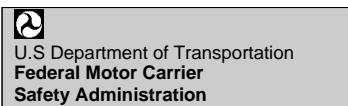
WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier operations.

Respectfully submitted,

/s/ Ahsan Latif

Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
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ahsan.latif@ks.gov (E-mail)
For Commission Staff

ATTACHMENT “A”



MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT NUMBER)

REASON FOR FILING (Check Only One)
 NEW APPLICATION **BIENNIAL UPDATE OR CHANGES** **OUT OF BUSINESS NOTIFICATION** **REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)**

1. NAME OF MOTOR CARRIER CHANCE LOWE GEN PTR				2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME OUTLAW RECOVERY OUTLAW RECOVERY & TRANSPORT			
3. PRINCIPAL ADDRESS 415 S WILLOW ST		4. CITY DOUGLASS		5. STATE/PROVINCE KANSAS		6. ZIP CODE + 4 67039-8682	7. COLONIA (MEXICO ONLY)
8. MAILING ADDRESS 415 S WILLOW ST		9. CITY DOUGLASS		10. STATE/PROVINCE KANSAS		11. ZIP CODE+4 67039-8682	12. COLONIA (MEXICO ONLY)
13. PRINCIPAL BUSINESS PHONE NUMBER (316) 530-2751			14. PRINCIPAL CONTACT CELL PHONE NUMBER			15. PRINCIPAL BUSINESS FAX NUMBER	
16. USDOT NO. 4148319	17. MC OR MX NO.	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# XXXXXXXXXX SSN#	20. INTERNET E-MAIL ADDRESS CHANCE0519@GMAIL.COM	21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR		

22. COMPANY OPERATION (Mark all that apply)
 A. Interstate Carrier B. Intrastate Hazmat Carrier **C. Intrastate Non-Hazmat Carrier** D. Interstate Hazmat Shipper E. Intrastate Hazmat Shipper 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
 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 DRIVE AWAY/TOW AWA
 D. MOTOR VEHICLES I. MACHINERY, LARGE OBJECTS M. PASSENGERS S. GARBAGE, REFUSE, TRASH Y. PAPER PRODUCTS
 E. DRIVE AWAY/TOWAWAY O. LIVESTOCK U. CHEMICALS AA. FARM SUPPLIES Z. UTILITY

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	C	S	II. CLASS 9	B	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.

	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	0	1	0																
TERM LEASED	0	0	0																
TRIP LEASED	0	0	0																

27. DRIVER INFORMATION

	INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
Within 100-Mile Radius	0	0	0	0
Beyond 100-Mile Radius	0	0		

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes _____ No **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. **CHANCE CORDELL LOWE , OWNER** 2. _____
 (Please print Name) (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, **Chance Lowe** (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 **Chance Lowe** Date **10/24/2023** Title **Owner** (Please print)

ATTACHMENT “B”

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

In the Matter of the Investigation of **Chance**)
Low Gen Ptr d/b/a Outlaw Recovery|Outlaw)
Recovery & Transport, of Douglass, Kansas,)
Regarding the Violation of the Motor Carrier) Docket No. 25-TRAM-191-PEN
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

AFFIDAVIT OF MICHAEL HEENAN

I, Michael Heenan, affiant, of lawful age, first being duly sworn upon oath, depose and say the following:

1. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I am a Special Investigator employed by the Kansas Corporation Commission's Transportation Division.
3. I have been assigned to complete a compliance investigation on Chance Low Gen Ptr d/b/a Outlaw Recovery|Outlaw Recovery & Transport (Outlaw Towing and Recovery or Carrier).
4. In effort to schedule the compliance investigation, I attempted contact of the Carrier using the contact information provided on its MCS-150 Form, filed by the Carrier on October 24, 2023.
5. Carrier has failed to respond to my requests to schedule a compliance investigation.
6. I sent formal letters to the Carrier at its listed mailing address, 415 S Willow St. Douglass, Kansas 67039 on September 13, 2024. I also sent formal letters to suspected addresses of Carrier, 1700 W Mable, Lot 20 C, Goddard, Kansas 67052 and 1506 W Laurel, Independence, Kansas 67301. I received no response.

7. Despite these multiple attempts at contact, Carrier refuses to respond or schedule a compliance investigation.

8. I have read the above information under penalty of perjury, that the information and records are true, correct and complete to the best of my knowledge.

FURTHER, Affiant sayeth not.

Michael Heenan

Michael Heenan

October, 15th 2024

ATTACHMENT “C”

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
Annie Kuether, Commissioner

Laura Kelly, Governor

September 25, 2024

Chance Lowe d/b/a Outlaw Recovery & Transport
Attn: Chance Cordell Lowe, Owner
415 S Willow St.
Douglas, KS 67039-8682

Re: Scheduling a Compliance Review

Dear Mr. Lowe:

I am an attorney with the Kansas Corporation Commission (KCC) contacting you regarding a compliance matter. KCC Special Investigator (SI) Michael Heenan has made several attempts to contact you to perform a safety compliance review on your company, to no avail. This letter serves to notify you that if you fail to contact SI Heenan and submit to a safety compliance review, **within ten days of the date of this letter**, the Commission may suspend your motor carrier operations, revoke or amend certificates, and/ or initiate sanctions or fines against you, pursuant to K.S.A. 66-1, 129a. If you have any further questions, you may contact SI Michael Heenan with the Transportation Division of the KCC at (620) 338-0093.

K.S.A. 66-1,108b grants the KCC the “power, authority and jurisdiction to supervise and control motor carriers” operating in this state. Outlaw Recovery & Transport is a motor carrier that is subject to the Commission’s jurisdiction and therefore, is required by law to submit to a Commission compliance investigation. Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of K.S.A. 66-1,108c. Failure to respond to this letter will result in further enforcement actions, including but not limited to suspension of your operating authority and fines.

Thank you for your attention to this matter.

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

CERTIFICATE OF SERVICE

25-TRAM-191-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on October 16, 2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

Chance Lowe, OWNER
Chance Lowe Gen Ptr
D/B/A Outlaw Recovery| Outlaw Recovery & Transport
415 S Willow St
Douglass, KS 67039
chancel0519@gmail.com

/S/ Kiley McManaman
Kiley McManaman
