

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.

II. FINDINGS OF FACTS

3. Perry's Tire and Supply (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicles in interstate commerce under the USDOT Number 1438202.

4. On October 21, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2020 UCR fees.

5. Carrier contacted Staff on November 6, 2021 stating that they no longer operate and requested their USDOT number be inactivated. Staff after reviewing available records determined that Carrier no longer operates and therefore determined the Penalty Order issued for not paying their 2020 UCR fees should be vacated. Staff has inactivated the Carrier's USDOT number.

6. On November 9, 2021, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order.

III. CONCLUSIONS OF LAW

7. The Commission finds it has jurisdiction over Perry's Tire and Supply because Carrier is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f.

8. The Commission further finds that Carrier no longer operates and the Carrier's USDOT number has been inactivated.

9. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued October 21, 2021.

THE COMMISSION THEREFORE ORDERS THAT:

A. The Penalty Order issued to Perry's Tire and Supply on October 21, 2021 is hereby vacated.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 11/16/2021



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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 on 11/16/2021.

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