

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **Donna J**)
Beebe d/b/a Beebe Farms, of Colony, Kansas,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 25-TRAM-024-UCR
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 June 28, 2024, Staff submitted a Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$300 to be issued to Donna J Beebe d/b/a Beebe Farms’s (Carrier’s). As stated in the R&R, Staff has identified one (1) violation, accounting for one (1) count, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2025 Uniform Penalty Assessment Matrix¹ for the Carrier’s failure to pay its 2024 UCR fees.

6. Additionally, Staff recommends that the Carrier be required to pay its outstanding UCR fees for 2024 through the UCR website at www.ucr.gov.

¹ Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10–24 (Jun. 27, 2024) (“Penalty Matrix”).

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Mike Hoeme, Director of Transportation

DATE: June 28, 2024

SUBJECT: **Docket No. 25-TRAM-024-UCR, Donna J Beebe d/b/a Beebe Farms**
Motor Carrier Penalty Order for Failure to Pay 2024 UCR Fees

EXECUTIVE SUMMARY:

Donna J Beebe d/b/a Beebe Farms (Carrier) is a carrier that has self-declared to be an interstate motor carrier (MC) on its USDOT profile. Interstate motor carriers are required to pay annual Unified Carrier Registration (UCR) fees. Staff has attempted, without success, to contact Carrier regarding its 2024 UCR fees. The first attempt was on March 7, 2024 when a notice was sent to the MC regarding the unregistered 2024 UCR fees. An additional letter dated April 3, 2024, 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 18, 2024 to any unregistered MC. To date, the MC's UCR record lists its fees for 2024 as unregistered. Staff recommends the MC 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 MC be required to pay the unregistered 2024 UCR fees.

BACKGROUND:

Donna J Beebe d/b/a Beebe Farms operates under USDOT number **3170921**, domiciled in Kansas at **1995 600th St, Colony, Kansas**. Staff has been tasked with ensuring Kansas MCs conducting interstate operations have properly paid their UCR fees for the calendar year 2024. Based on Staff's review of the MC's USDOT profile, **Donna J Beebe d/b/a Beebe Farms** is self-declared to be conducting interstate operations. On its most recent USDOT Profile update, the MC lists **3** vehicle(s). However, its UCR fees for 2024 remain unregistered. A copy of the MC's most recent USDOT Profile update is attached hereto as Exhibit 1.

An initial letter was sent to the MC by Staff on March 7, 2024 informing the MC of its responsibility to register with UCR. A copy of the initial letter is attached hereto as Exhibit 2. Another letter dated April 3, 2024, was sent by Litigation Counsel for Staff also reminding the MC that its 2024 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 3.

Therefore, Staff recommends MC be assessed a civil penalty for failure to pay 2024 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 MC to pay its UCR fees for 2024 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 CMV registration program administered by individual states for MCs 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 MC safety programs.

UCR fees are collected from all MCs 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 MCs 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 CMV is defined as: a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo (as defined in the UCR handbook), if the vehicle:

- (1) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater, or when connected to trailing equipment has a gross combination weight rating or gross combination weight of at least 10,001 pounds, whichever is greater, or
- (2) Carries placarded amounts of hazardous materials, regardless of the vehicle’s weight, or
- (3) Is designed to carry more than 10 passengers, including the driver.

The operation of certain non-CMV vehicles still qualify the MC 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 2023, the UCR fee schedule was established in 49 C.F.R. 367.40 as follows:

TABLE 1 TO § 367.40 - FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2024 AND EACH SUBSEQUENT REGISTRATION YEAR THEREAFTER

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	\$37	\$37
B2	3-5	\$111	
B3	6-20	\$221	
B4	21-100	\$769	
B5	101-1,000	\$3,670	
B6	1,001 and above	\$35,836	



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

April 3, 2024

Donna J Beebe
1995 600Th St
Colony, KS 66015-7252

Re: Unregistered 2024 Unified Carrier Registration (UCR) – USDOT NO. 3170921

Dear Motor Carrier Representative:

I am an attorney with the Kansas Corporation Commission (KCC) writing to you regarding your unpaid 2023 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 2024 have not been paid. Payment of these fees 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. Additionally, payment of unpaid 2024 UCR fees is also required. **Nonpayment of UCR fees within ten 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 UCR fees. Deliberate avoidance of registering your applicable vehicles for UCR is a violation of the above-stated law and authority.

You can pay your UCR fees for 2024 at <https://www.ucr.gov>.

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 at the Kansas Corporation Commission at 785-271-3145 or at transportation@kcc.ks.gov.

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

CERTIFICATE OF SERVICE

25-TRAM-024-UCR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 0 /09/2024.

Donna Beebe, OWNER
Donna J Beebe
D/B/A Beebe Farms
1995 600th St
Colony, KS 66015
dvbeeb@yahoo.com

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

/S/ KCC Docket Room
KCC Docket Room