

Kansas Administrative Regulations

Kansas Department of Transportation

Article 1.—Special Permits, Loads and Vehicles

36-1-30. Cancellation of permit, hearing.

(a) Whenever the secretary cancels an annual SVC permit, the applicant/owner shall be notified by certified mail, return receipt requested, at the address on the application, of the following:

(1) the right to a hearing;

(2) the right to be represented by counsel of the applicant's own choosing at the hearing;

(3) that a written request for a hearing must be filed with the secretary within 15 days of the date of mailing of the order of cancellation to the applicant/owner; and

(4) that the timely filing of the request shall suspend the operation of the order of cancellation pending a hearing.

(b) After receipt by KDOT of a request for a hearing, the applicant/owner of the SVC and any person who has made a complaint as to the operation of the SVC shall be given not less than 10 days written notice by the secretary of the time and place of hearing by registered or certified mail, return receipt requested, provided an address is available. If available, the letter will be addressed to the persons at their last known address, as shown by the files of the secretary.

(c) The owner of the SVC and other interested parties may appear at the hearing in person or by counsel and present their reasons for and against cancellation of the permit. Corporations may be represented by an officer or other agent or by an attorney duly authorized to practice law in Kansas.

(d) At the conclusion of the hearing, the order cancelling the annual SVC permit shall be affirmed, vacated or taken under advisement and a final ruling will be issued within 10 days.

(1) If the order is vacated, the permit shall be reinstated and the SVC allowed to operate.

(2) If the order is affirmed, the applicant/ owner may not apply for a new annual SVC permit for a period of one year from the date of the final ruling.

(e) If a hearing is not requested, the applicant/ owner may not apply for a new annual SVC permit for a period of one year from the date of the original order of cancellation.

(Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

***** Authenticated Kansas Administrative Regulation *****