

# STATE OF KANSAS

CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027



PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## NOTICE OF PENALTY ASSESSMENT

June 7, 2018

18-TRAM-511-PEN

Gloria Rubio De Martinez, Secretary  
Zima Trucking LLC  
4130 E Lamonte Pl  
Garden City, Kansas 67846

This is a notice of a penalty assessment against Zima Trucking LLC (Zima Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 25, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Zima Trucking has been assessed a \$500 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$500 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

### **ZIMA TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:**

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

(1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future;

(3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$250 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

**IF YOU CONTEST THE PENALTY ORDER:**

**You have the right to request a hearing if you contest the terms of the Penalty Order.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Zima Trucking LLC 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 mail a copy of the request for hearing to Litigation Counsel 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$500 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Zima Trucking submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$250 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
a.latif@kcc.ks.gov

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## **REDUCED PENALTY AGREEMENT**

### **18-TRAM-511-PEN**

Zima Trucking LLC (Zima Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 7, 2018. Zima Trucking has agreed to comply with the following terms and obligations:

1. Zima Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Zima Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Zima Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Zima Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Zima Trucking LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$250, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Zima Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

Zima Trucking LLC

\_\_\_\_\_  
Gloria Rubio De Martinez  
Secretary

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

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

Before Commissioners:        Shari Feist Albrecht, Chair  
                                     Jay Scott Emler  
                                     Dwight D. Keen

In the Matter of the Investigation of **Zima**        )  
**Trucking LLC, of Garden City, Kansas,**        )  
Regarding the Violation of the Motor Carrier        )  
Safety Statutes, Rules and Regulations and the        ) Docket No. 18-TRAM-511-PEN  
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. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 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 K.S.A. 2017 Supp. 66-1,108, 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. 2017 Supp. 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. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. Zima Trucking LLC (Zima Trucking) has common operating authority with the Commission and further operates under USDOT number 2827267.

5. Cynthia Martinez attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on October 26, 2015, on behalf of Zima Trucking.

6. Zima Trucking is a common motor carrier which primarily hauls general freight and livestock.

7. Zima Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on April 25, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Zima Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 27, 2018, Zima Trucking required or permitted its driver, Inoel Martinez-Martinez to operate a CDL-required commercial motor vehicle, a 2010 Kenworth, VIN ending in 268590, GVWR 52,000 lbs., pulling a 2017 Wilson semi-trailer, VIN ending in 5552310, GVWR 65,000 lbs., in interstate commerce from Perryton, Texas to Holcomb, Kansas. This trip is

evidenced by Driver's Daily Log, dated March 27, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. Zima Trucking permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the 2017 Wilson semi-trailer during the preceding 12-month period. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, the 2010 Kenworth had a periodic (annual) inspection performed by Inoel Martinez-Martinez. Zima Trucking could not provide the special investigator the inspector certification showing that Mr. Martinez-Martinez' was qualified to complete periodic (annual) inspections on commercial motor vehicles. The carrier's failure to obtain evidence of the inspector's qualifications to inspect commercial motor vehicles is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

#### **IV. STAFF'S RECOMMENDATIONS**

9. Based upon the available facts, Staff recommends the Commission find Zima Trucking committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of \$500 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Zima Trucking LLC is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Zima Trucking LLC submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Zima Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Zima Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

15. The Commission finds it has jurisdiction over Zima Trucking because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

16. The Commission finds a penalty of \$500 should be assessed to Zima Trucking for committing two (2) violation(s) of Kansas law that governs motor carriers, including various

provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Zima Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Zima Trucking LLC, of Garden City, Kansas is hereby assessed a penalty of \$500 for two (2) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Zima Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

C. Zima Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.



D. Zima Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Zima Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$500 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Zima Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On June 7, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745988. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **Pursuant to K.S.A. 2017 Supp. 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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Zima Trucking's right to a hearing.

H. 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 exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 06/07/2018



\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

AAL

## **ATTACHMENT “A”**

	<b>US DOT #</b> 2827267		<b>Legal:</b> ZIMA TRUCKING LLC <b>Operating (DBA):</b>	
	<b>MC/MX #:</b> 943990		<b>State #:</b> [REDACTED]	<b>Federal Tax ID:</b> 47-5634342 (EIN)
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Other		<b>Territory:</b>
<b>Operation Types</b> Interstate Intrastate				
<b>Carrier:</b> Non-HM Non-HM		<b>Business:</b> Corporation		
<b>Shipper:</b> N/A N/A		<b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2017		
<b>Cargo Tank:</b> N/A				
<b>Company Physical Address:</b> [REDACTED]				
<b>Contact Name:</b> Gloria Rubio De Martinez				
<b>Phone numbers:</b> (1) [REDACTED]		<b>Fax</b>		
<b>E-Mail Address:</b> [REDACTED]				
<b>Company Mailing Address:</b> 108 N 9TH ST GARDEN CITY, KS 67846-9416				
<b>Carrier Classification</b>				
Authorized for Hire		Exempt for Hire		
<b>Cargo Classification</b>				
General Freight		Livestock		
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned</b>
Truck Tractor	0	5	0	Trailer
				0 4 0
Power units used in the U.S.: 5				
Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	
< 100 Miles:			<b>Total Drivers:</b> 4	
>= 100 Miles:	4		<b>CDL Drivers:</b> 4	



**ZIMA TRUCKING LLC**  
U.S. DOT #: 2827267

State #: [REDACTED]

Review Date:  
04/25/2018

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks 66604      Phone : 785-271-3145

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

Name: Gloria Rubio De Martinez

Title: Secretary

Name: [REDACTED]



ZIMA TRUCKING LLC  
U.S. DOT #: 2827267

State #: [REDACTED]

Review Date:  
04/25/2018

### Part B Violations

1 STATE CRITICAL	Primary: K.A.R. 82-4-35(a) CFR Equivalent: 392.2	Discovered 141	Checked 255	Drivers/Vehicles In Violation 4	Checked 4																												
<b>Description</b> Failure to provide supporting documents <b>Example</b> Driver [REDACTED] Trip Date: March 27, 2018  Driver [REDACTED] hauled cattle from Great Bend, Kansas to Holcomb, Kansas and failed to keep a copy of the bill of lading for the load.																																	
2 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5																												
<b>Description</b> Using a commercial motor vehicle not periodically inspected. <b>Example</b> Unit 2301 Trip Date: 3/27/2018  On March 27, 2018 Driver [REDACTED] operated Unit 71 and Unit 2301. The carrier was not able to provide me with a current annual inspection for Unit 2301.																																	
3 FEDERAL	Primary: 396.19(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2																												
<b>Description</b> Failing to maintain evidence of inspector's qualifications. <b>Example</b> Inspector [REDACTED] Inspection Date: 12/15/2017 Unit 71 Trip Date: 3/27/2018  The carrier provided the brake adjuster certification but did not provide the inspector certification for [REDACTED]																																	
<b>Safety Fitness Rating Information:</b> Total Miles Operated 269,077 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 3																															
Your proposed safety rating is :  <b>SATISFACTORY</b>		<table border="1"><thead><tr><th colspan="2">Rating Factors</th><th>Acute</th><th>Critical</th></tr></thead><tbody><tr><td>Factor 1:</td><td>S</td><td>0</td><td>0</td></tr><tr><td>Factor 2:</td><td>S</td><td>0</td><td>0</td></tr><tr><td>Factor 3:</td><td>C</td><td>0</td><td>1</td></tr><tr><td>Factor 4:</td><td>C</td><td>0</td><td>0</td></tr><tr><td>Factor 5:</td><td>N</td><td>0</td><td>0</td></tr><tr><td>Factor 6:</td><td>S</td><td>-</td><td>-</td></tr></tbody></table>				Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	C	0	1	Factor 4:	C	0	0	Factor 5:	N	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																														
Factor 1:	S	0	0																														
Factor 2:	S	0	0																														
Factor 3:	C	0	1																														
Factor 4:	C	0	0																														
Factor 5:	N	0	0																														
Factor 6:	S	-	-																														

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





**ZIMA TRUCKING LLC**  
U.S. DOT #: 2827267

State #: XXXXXXXXXX

Review Date:  
04/25/2018

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety





ZIMA TRUCKING LLC  
U.S. DOT #: 2827267

State #: [REDACTED]

Review Date:  
04/25/2018

### Part B Requirements and/or Recommendations

Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission  
Attn: Gary Davenport  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027

2. Supporting documents shall be made available upon request for inspection by any duly authorized representative of the Kansas Corporation Commission. Supporting documents are registration receipts, drivers records of duty status, bills of lading, shipping receipts, waybills, freight bills, run tickets or equivalent documents, fuel receipts, toll road receipts and any other document that would indicate compliance with the hours of service requirements.
3. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year, unit number and tire size. This includes the trailers.
4. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
5. Evidence of the individual's qualifications to perform annual inspections shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter.
6. This review will result in a Safety Rating.
7. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
8. I, GLORIA RUBIO DE MARTINEZ acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Zima Trucking L.L.C. operating authority and/or the impoundment of Zima Trucking L.L.C. vehicles.





## **ATTACHMENT “B”**

NO. NH 74

ORIGINAL • File each day at home terminal

DUPLICATE - Driver retains in his possession for one month

### DRIVER'S VEHICLE CONDITION REPORT

DATE: 2-27-18 TRACTOR NO.: 71 TRAILER NO.: 230

APPROPRIATE  
BOX  
CHECK



I detect no defect or deficiency in this motor vehicle as would be likely to affect the safety of its operation or result in its mechanical breakdown.

11

I detect the following defects or deficiencies in this motor vehicle that would be likely to affect the safety of its operation or result in its mechanical breakdown:

Indicate whether defects are on TRACTOR or TRAILER - Use sufficient detail to locate for mechanic:

1

Above defects corrected

□

DRIVER'S SIGNATURE [Signature]  
Above defects need not be corrected for safe operation of vehicle

MECHANIC'S  
SIGNATUREDRIVER'S  
SIGNATURE

## **CERTIFICATE OF SERVICE**

18-TRAM-511-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 06/08/2018.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

GLORIA RUBIO DE MARTINEZ, SECRETARY  
ZIMA TRUCKING LLC  
4130 E LAMONTE PL  
GARDEN CITY, KS 67846-9416  
buruca@sbcglobal.net

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe