



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-TRAM-420-PEN

April 23, 2019

Joshua Mulqueen, Manager
S & J Tow and Recovery LLC
1907 NE Monroe
Topeka, KS 66608

This is a notice of a penalty assessment against S & J Tow and Recovery LLC (S & J Tow) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 3, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: S & J Tow has been assessed a \$900 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$900, 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.

The attached Order requires a representative of S & J Tow to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. S & J Tow 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 the undersigned at the above address. 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 the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$900 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


Ahsan A. Latif
Litigation Counsel
(785) 271-3118

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

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

In the Matter of the Investigation of **S & J Tow**)
and Recovery LLC, of Topeka, KS, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 19-TRAM-420-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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 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 issue an order 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. S & J Tow and Recovery LLC (S & J Tow) has common operating authority with the Commission and further operates under USDOT number 2534042.

5. Joshua Mulqueen attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on February 9, 2015, on behalf of S & J Tow.

6. S & J Tow is a common motor carrier which primarily hauls motor vehicles, driveaway/towaway.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 3, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of S & J Tow. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 9, 2019, S & J Tow required or permitted its driver, Tye Robertson, to operate a CDL-required commercial motor vehicle, a 2007 Ford F650, VIN ending in 516414, GVWR 26,000 lbs., in intrastate

commerce in and around the area of Topeka, Kansas. This trip is evidenced by Invoice Number 202169, dated March 9, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, S & J Tow failed to require its driver to be medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a, above, S & J Tow did not have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. The carrier's failure to have records indicating the nature and due date of the inspections and maintenance operations to be performed on the commercial motor vehicles is a violation of 49 C.F.R. 396.3(b)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.
- c. During the transportation described in paragraph a, above, S & J Tow failed to require its driver to prepare a Driver/Vehicle Inspection Report on the commercial motor vehicle operated. The special investigator

discovered 15 violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$300.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds S & J Tow committed three (3) 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.

9. Additionally, Staff recommends a civil penalty of \$900 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from S & J Tow be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that S & J Tow 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.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over S & J Tow because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds S & J Tow committed three (3) 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. S & J Tow and Recovery LLC, of Topeka, KS is hereby assessed a \$900 civil penalty for three (3) 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.

B. S & J Tow is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. S & J Tow 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 carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 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. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division.

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 of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of S & J Tow's right to a hearing, and this Penalty Order will become a Final Order assessing a \$900 civil penalty against S & J Tow, and ordering a representative from S & J Tow to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$900 is due in thirty (30) days from the date of service of this Order. Payment of \$900 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.

G. Failure to pay the \$900 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of S & J Tow's motor carrier operating authority without

further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

H. 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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/23/2019



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT "A"



US DOT #
2534042

Legal: S & J TOW AND RECOVERY LLC
Operating (DBA):

MC/MX #: Federal Tax ID: [REDACTED] (EIN)

Review Type: Non-ratable Review - CSA

Scope: Principal Office Location of Review/Audit: Company facility in the U S Territory:

Operation Types Interstate Intrastate

Carrier: N/A HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Other
Gross Revenue: [REDACTED] for year ending: 12/31/2018

Company Physical Address:

1907 NE MONROE
TOPEKA, KS 66608-1742

Contact Name: Joshua Mulqueen
Phone numbers: (1) [REDACTED] Fax
E-Mail Address: [REDACTED]

Company Mailing Address:

1907 NE MONROE
TOPEKA, KS 66608-1742

Carrier Classification

Authorized for Hire

Cargo Classification

Motor Vehicles Driveaway / Towaway

Hazardous Materials

9 Miscellaneous HM | Carried | Non-Bulk

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Truck	2	0	0			

Power units used in the U.S. 2

Percentage of time used in the U.S.: 100

Does carrier transport placardable quantities of HM? No
Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month:
< 100 Miles:		1	0
>= 100 Miles:			Total Drivers: 1
			CDL Drivers:





S & J TOW AND RECOVERY LLC
U.S. DOT #. 2534042

Review Date
04/03/2019

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 Rd, Topeka, KS 66604
785-271-3104

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Joshua Mulqueen

Title: Owner

Name: Sharon Mulqueen

Title: Secretary/Treasurer





S & J TOW AND RECOVERY LLC
U S DOT #: 2534042

Review Date
04/03/2019

Part B Violations

1 STATE	Primary 390.19 Secondary KAR 82-4-3f(a)(7)(G)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

The carrier must file Form MCS-150 before it begins operations and every 24 months according to the schedule noted in 390.19(b)(2).

Example

4/3/2019

S & J Tow and Recovery LLC last updated their MCS-150 2/1/2017. According to the USDOT number, the MCS-150 should be updated by the last day of February in every even numbered year.

2 STATE	Primary 391.45(b)(1) Secondary 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Using a driver not medically examined and certified during the preceding 24 months.

Example

Tye Robertson

3/9/2019

Tow for Eric Boling

Vehicle - 2015 Volkswagon Jetta

From Monroe & Van Buren to 1907 NE Monroe St

3 STATE	Primary 396.3(b)(2) CFR Equivalent 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Example

Tye Robertson

3/9/2019

Tow for Eric Boling

Vehicle - 2015 Volkswagon Jetta

From Monroe & Van Buren to 1907 NE Monroe St

4 STATE	Primary 396.11(a) CFR Equivalent: 396.11(a)	Discovered 15	Checked 15	Drivers/Vehicles In Violation	Checked 2
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Description

Failing to require driver to prepare driver vehicle inspection report.

Example

Tye Robertson

3/9/2019

Tow for Eric Boling

Vehicle - 2015 Volkswagon Jetta

From Monroe & Van Buren to 1907 NE Monroe St

Safety Fitness Rating Information:					
Total Miles Operated	25,000	OOS Vehicle (CR): 0			
Recordable Accidents	0	Number of Vehicle Inspected (CR): 0			
		OOS Vehicle (MCMIS): 0			
		Number of Vehicles Inspected (MCMIS): 0			





S & J TOW AND RECOVERY LLC
U S DOT # 2534042

Review Date:
04/03/2019

Part B Violations

Your proposed safety rating is :

This Review is not Rated.





S & J TOW AND RECOVERY LLC
U S. DOT # 2534042

Review Date
04/03/2019

Safety Management Process Breakdowns and Remedies

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.

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 recurrence 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





S & J TOW AND RECOVERY LLC
U.S. DOT #: 2534042

Review Date:
04/03/2019

Safety Management Process Breakdowns and Remedies

2. The MCS-150 (Motor Carrier Identification Report) is required to be updated bi-annually. As required under 49 CFR 390.19(a) and 390.19(b), the carrier must file Form MCS-150 before it begins operations and every 24 months according to the schedule noted in 390.19(b)(2). Depending on the next to the last digit of the USDOT#, the carrier will be responsible for updating the USDOT# in either the even or odd number year. Example. The next to the last number in the USDOT# is 2, the carrier would need to update the MCS150 in an even numbered year. On the same hand, the last number of the USDOT# is the qualifier for the month in which the update must occur. If the last number of the USDOT# is 4, the USDOT# must be updated by the end of April. The required form must be filed with FMCSA Office of Information Management. The USDOT number needs to be filed electronically according to the instructions at the Agency's (www.fmcsa.dot.gov) Web site.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN S & J Tow and Recovery LLC failed to maintain copies of the medical certificates in the driver qualification file. S & J Tow and Recovery LLC cannot verify that the driver was medically certified to operate the vehicle required. Current Medical Certificates dated 4/2/2019 wer in the file.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably, and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.)

Seek Out Resources

- You are encouraged to review your company's record at the following website <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN S & J Tow and Recovery LLC failed to require the driver to prepare a driver vehicle inspection report each time the vehicle was used. S & J Tow and Recovery LLC failed to provide a written maintenance policy.





S & J TOW AND RECOVERY LLC
U.S. DOT #: 2534042

Review Date:
04/03/2019

Safety Management Process Breakdowns and Remedies

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. Kansas regulations require the driver to complete a driver vehicle inspection report (DVIR) each day the commercial motor vehicle has been operated.
6. I 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 S & J Tow and Recovery LLC's operating authority and/or the impoundment of S & J Tow and Recovery LLC's commercial motor vehicles.

Jordan Miller
Carrier Representative

4/3/19
Date

7. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at kcc.ks.gov. Select Transportation, then Safety Information, and then the link available under Unifor Penalty Assessment Table.

S & J TOW AND RECOVERY
Carrier Name

Jordan Miller
Carrier Official



ATTACHMENT "B"

CERTIFICATE OF SERVICE

19-TRAM-420-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 04/24/2019.

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

JOSHUA MULQUEEN, MANAGING MEMBER
S & J TOW AND RECOVERY LLC
1907 NE MONROE
TOPEKA, KS 66608-1742
jetsdrum@aol.com

/S/ DeeAnn Shupe
DeeAnn Shupe