

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

December 13, 2018

19-TRAM-215-PEN

Duane Kent Hahn, Owner
d/b/a Rockin HJ Trucking
3576 N Hwy 25
Lakin, KS 67860

This is a notice of a penalty assessment against Duane Kent Hahn, d/b/a Rockin HJ Trucking (Rockin HJ Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 20, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Rockin HJ Trucking has been assessed a \$1,750 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 \$1,750 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.

ROCKING HJ TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

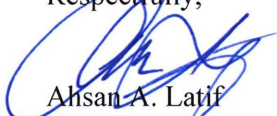
IF YOU CONTEST THE PENALTY ORDER:

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. Duane Kent Hahn, d/b/a Rockin HJ Trucking 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 \$1,750 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.

Respectfully,



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

STATE OF KANSAS



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

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REDUCED PENALTY AGREEMENT

19-TRAM-215-PEN

Duane Kent Hahn, d/b/a Rockin HJ Trucking (Rockin HJ Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated December 11, 2018. Rockin HJ Trucking has agreed to comply with the following terms and obligations:

1. Rockin HJ 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. Rockin HJ 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. Rockin HJ 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. Rockin HJ 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.

Duane Kent Hahn, d/b/a Rockin HJ Trucking understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$875, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Rockin HJ 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.

Duane Kent Hahn, d/b/a Rockin HJ Trucking

Duane Kent Hahn
Owner

(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 and 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 **Duane Kent**)
Hahn, d/b/a Rockin HJ Trucking, of Lakin,)
KS, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 19-TRAM-215-PEN
and the 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. Duane Kent Hahn, d/b/a Rockin HJ Trucking (Rockin HJ Trucking) has common operating authority with the Commission and further operates under USDOT number 2480737.

5. Duane Hahn attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 17, 2014, on behalf of Rockin HJ Trucking.

6. Rockin HJ Trucking is a common motor carrier which primarily hauls grain, feed, hay, calcium and salt.

7. Rockin HJ 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 October 20, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Rockin HJ 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 5-6, 2018, Rockin HJ Trucking required or permitted its driver, Scott Allen Baxley, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 3302698, GVWR 53,000 lbs.,

pulling a 1994 Wilson semi-trailer, VIN ending in 219420, GVWR 60,000 lbs., in interstate commerce from Marble Falls, Texas or Burnet, Texas on October 5, 2018, to Lakin, Kansas. This trip is evidenced by Driver's Daily Logs, copies of which are attached hereto as Attachment "B". On October 6, 2018, driver Baxley drove from Lakin, Kansas to Oakley, Kansas. At the time of this transportation, driver Scott Baxley's record of duty status was false on October 6, 2018, because it showed he was agricultural exempt (150 air mile radius) from Lakin, Kansas to Oakley, Kansas, but the source of commodity was from Marble Falls or Burnet, Texas. The 150 air mile radius agricultural exemption would have ended near Hamlin, Texas. The special investigator discovered seven (7) violations of this type. Rockin HJ Trucking's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a, above, driver Scott Baxley was required to complete his records of duty status on a certified and registered ELD because he was required a record of duty status for more than 8 days. Owner Duane Kent Hahn signed a written statement that stated that Mr. Baxley was using logging software on his cell phone to complete the hours of service. *See*, KCC Written Statement dated November 7, 2018, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. The special investigator

discovered 16 violations of this type. Rockin HJ Trucking's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

- c. On October 18, 2018, Rockin HJ Trucking required or permitted its driver, Scott Allen Baxley, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 3302698, GVWR 53,000 lbs., pulling a 1994 Wilson semi-trailer, VIN ending in 219420, GVWR 60,000 lbs., in interstate commerce from Lyons, Kansas to Des Moines, Iowa. This trip is evidenced by Driver's Daily Log, dated October 18, 2018, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Rockin HJ Trucking had an annual inspection on the 2013 Kenworth in November 2017 by and Inspector Hector Veteaga. Rockin HJ Trucking failed to retain or maintain the evidence of the inspector's qualifications. The carrier's failure to retain evidence of the inspector's qualifications to inspect the 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 Rockin HJ Trucking 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.

10. Staff recommends a civil penalty of \$1,750 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Duane Kent Hahn, d/b/a Rockin HJ Trucking 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 Duane Kent Hahn, d/b/a Rockin HJ Trucking 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 Rockin HJ 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 Rockin HJ 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 Rockin HJ 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 \$1,750 should be assessed to Rockin HJ Trucking for committing 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.

17. The Commission finds Rockin HJ 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. Duane Kent Hahn, d/b/a Rockin HJ Trucking, of Lakin, KS is hereby assessed a penalty of \$1,750 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. Payment of \$1,750 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 Rockin HJ 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.

C. Rockin HJ 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. Rockin HJ 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 Rockin HJ Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,750 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 Rockin HJ 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. **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 Rockin HJ Trucking's right to a hearing.

G. 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.

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 12/13/2018




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT #	Legal: DUANE KENT HAHN			
	2480737	Operating (DBA): ROCKIN HJ TRUCKING			
MC/IMX #: 858489		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)		
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Other		Territory:	
Operation Types Interstate Intrastate					
Carrier: Non-HM Non-HM		Business: Individual			
Shipper: N/A N/A		Gross Revenue: [REDACTED]		for year ending: 12/31/2017	
Cargo Tank: N/A					
Company Physical Address:					
[REDACTED] LAKIN, KS 67860-6318					
Contact Name: Duane Kent Hahn					
Phone numbers: (1) [REDACTED] Fax					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
3576 N HWY 25 LAKIN, KS 67860-6318					
Carrier Classification					
Authorized for Hire			Exempt for Hire		
Cargo Classification					
Grain, Feed, Hay			Other: Calcium & Salt		
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	2	1	0	Trailer	3 0 0
Power units used in the U.S.: 3					
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: 0		
< 100 Miles:			Total Drivers: 1		
>= 100 Miles:	1		CDL Drivers: 1		

	ROCKIN HJ TRUCKING (DUANE KENT HAHN dba) U.S. DOT #: 2480737	Review Date: 11/20/2018
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State #: XXXXXXXXXX

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 Attention: Gary Davenport : 785-271-3151
Topeka, Kansas 66604

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Duane Kent Hahn
Name:

Title: Owner
Title:





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(a)(1)(i)	Discovered 16	Checked 30	Drivers/Vehicles In Violation	Checked
				1	1

Description

Carrier failed to install and/or require driver to record the driver's duty status using an ELD.

Example

Driver Scott Allen Baxley
Trip Date: 10/09/2018

Owner Duane Kent Hahn stated that Driver Scott Baxley is using logging software on his cell phone that does not connect to the truck in any way. Driver Scott Baxley operated outside of the 150 air mile radius agricultural exemption and hauled non ag exempt commodities for more than 8 days in a thirty day period.

2 FEDERAL CRITICAL	Primary: 395.8(e)(1)	Discovered 6	Checked 30	Drivers/Vehicles In Violation	Checked
				1	1

Description

Making, or permitting a driver to make, a false report regarding duty status

Example

Driver Scott Baxley
Trip Date: 10/18/2018

On 10/18/2018 the bill of lading shows the driver loaded salt in Lyons, Kansas at 06:26 a.m, that was going to Des Moines, Iowa. Drivers Record of Duty Status showed the driver was in the sleeper berth from 12:00 a.m. until 09:00 a.m. in Lyons, Kansas.

3 FEDERAL	Primary: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation	Checked
				5	5

Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Unit 001
2013 Kenworth

The maintenance records do not identify the vehicle by the make, year, VIN number and tire size.

4 FEDERAL	Primary: 396.19(b)	Discovered 2	Checked 4	Drivers/Vehicles In Violation	Checked
				2	4

Description

Failing to maintain evidence of inspector's qualifications.

Example

Inspector Hector Veteaga
Inspection Date: November 2017
Unit 001
Trip Date: 10/16/2018

Safety Fitness Rating Information:

Total Miles Operated 170,164
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





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

Part B Violations

Your proposed safety rating is :

CONDITIONAL

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	4
Factor 4:	C	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

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





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

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 resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

Part B Requirements and/or Recommendations

Max Strathman – Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett – Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
3. Agricultural operations. The hours of service shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation: Is limited to an area within a 100 air-mile radius from the source of the commodities or the distribution point for the farm supplies, and is conducted (except in the case of livestock feed transporters) during the planting and harvesting seasons within such State, as determined by the State and livestock feed at any time of the year.
4. Motor carriers subject to the requirements of Part 395 must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed. Motor carriers operating commercial motor vehicles must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with subpart B of this part no later than December 18, 2017.
5. 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.
6. 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.





ROCKIN HJ TRUCKING (DUANE KENT HAHN dba)
U.S. DOT #: 2480737

State #: [REDACTED]

Review Date:
11/20/2018

Part B Requirements and/or Recommendations

7. This review will result in a Safety Rating.
8. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
9. If you have any questions concerning this report, please contact the Kansas Corporation Commission, 1600 SW Arrowhead Rd. Topeka, Ks. 66604-4027
785-271-3151
10. I, [Signature] 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 Duane Kent Hahn d/b/a Rockin HJ Trucking operating authority and/or the impoundment of Duane Kent Hahn d.b.a Rockin HJ Trucking vehicles.



ATTACHMENT “B”



DRIVER'S DAILY LOG

October 05, 2018

USA Property 70 hour / 8 day

Driver	Scott Baxley	ID	Scott baxley	Co-Drivers		
Distance	772 mi			Vehicles	001	Trailers 6
Carrier	Baxley trucking/ Rockin hj trucking			Main Office	██████████ Lakin , KS, 67860	
Shipping Docs	Commodities					

M 1 2 3 4 5 6 7 8 9 10 11 N 1 2 3 4 5 6 7 8 9 10 11 M																								Recap	
OFF																								06.00	9/28 9.25
SB																								08.00	9/29 0.00
D																								10.00	Restart on 9/30
ON																								00.00	9/30 0.00
																								24.00	

No.	Status	Start (CDT)	Duration	Location	Notes	
1	Sleeper	12:00 AM	8 hr	Heame, TX		10/02 0.00
2	Driving	8:00 AM	3 hr	Heame, TX		10/03 10.83
3	Off Duty	11:00 AM	45 min	Marble Falls, TX		10/04 7.50
4	Driving	11:45 AM	7 hr	Marble Falls, TX		Total Hours Since Restart 18.33
5	Off Duty	6:45 PM	5 hr 15 min	Lakin, KS	150 air mile exemption	Hrs Available Today 51.67
						Hrs Worked Today 10.00

Odometers			
Vehicle	Start	End	Distance
001	620,508	621,280	772 mi

I certify that these entries are true and correct

Scott Baxley
Driver Signature

**DRIVER'S DAILY LOG**

USA Property 70 hour / 8 day

October 06, 2018

Driver	Scott Baxley	ID	Scott baxley	Co-Drivers				
Distance	224 mi				Vehicles	001	Trailers	6
Carrier	Baxley trucking/ Rockin hj trucking			Main Office	[REDACTED], Lakin , KS, 67860			
Shipping Docs	Commodities							

	M	1	2	3	4	5	6	7	8	9	10	11	N	1	2	3	4	5	6	7	8	9	10	11	M		Recap
OFF																										24.00	9/29 0.00
SB																										00.00	Restart on 9/30
D																										00.00	9/30 0.00
ON																										00.00	10/01 0.00
																										24.00	10/02 0.00
								R					R														10/03 10.83

No.	Status	Start (CDT)	Duration	Location	Notes
1	Off Duty	12:00 AM	24 hr	Lakin, KS	150 air mile exemption
R	-	7:00 AM	-	Lakin, KS	150 air mile exemption / 621280
R	-	11:30 AM	-	Lakin, KS	150 air mile exemption/ 621504

Total Hours Since Restart	28.33
Hrs Available Today	41.67
Hrs Worked Today	0.00

Odometers			
Vehicle	Start	End	Distance
001	621,280	621,504	224 mi

I certify that these entries are true and correct

Driver Signature

ATTACHMENT “C”

KCC WRITTEN STATEMENT

Signed Statement of Duane Kent Hahn,

Representative of Motor Carrier Duane Kent Hahn d/b/a Rockin HJ Trucking
USDOT# 2480737

I, Duane Kent Hahn, voluntarily give the following statement to Special Investigator Penny Fryback, who has identified himself/herself as a Special Investigator for the State of Kansas, Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.

NARRATIVE:

Driver Scott Baxley is using a logging software that does not connect to the ECM on the truck in anyway. Driver Baxley has recently purchased the required products to connect the device to the truck but has not gotten it installed at this time.



I have read the foregoing statement consisting of 1 page(s). It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials.

I sign this statement under the penalty of perjury in the presence of 

Witness'/Interviewee's signature

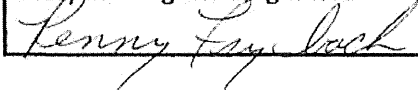


Date

11/7/18

I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.

Safety Investigator's Signature



Date

11/7/18

ATTACHMENT “D”



DRIVER'S DAILY LOG

October 18, 2018

USA Property 70 hour / 8 day

Driver	Scott Baxley	ID	Scott baxley	Co-Drivers		
Distance	692 mi			Vehicles	001	Trailers 6
Carrier	Baxley trucking/ Rockin hj trucking			Main Office	[REDACTED], Lakin , KS, 67860	
Shipping Docs	Commodities					

M 1 2 3 4 5 6 7 8 9 10 11 N 1 2 3 4 5 6 7 8 9 10 11 M																								Recap	
OFF																									

No.	Status	Start (CDT)	Duration	Location	Notes	
1	Sleeper	12:00 AM	9 hr	Lyons, KS		10/15 0.00
2	Driving	9:00 AM	7 hr	Lyons, KS		10/16 10.25
3	Off Duty	4:00 PM	5 hr 12 min	Menlo, IA	150 air mile exemption 626436	10/17 9.00
R	-	8:38 PM	-	Waverly, NE	Scale	Total Hours Since Restart 19.25
4	Driving	9:12 PM	48 min	Seward, NE	End 150 air mile exemption 626613	Hrs Available Today 50.75
5	Sleeper	10:00 PM	2 hr	Aurora, NE		Hrs Worked Today 7.80

Odometers			
Vehicle	Start	End	Distance
001	625,962	626,654	692 mi

I certify that these entries are true and correct


Driver Signature

CERTIFICATE OF SERVICE

19-TRAM-215-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 12/14/2018.

DUANE KENT HAHN, OWNER
DUANE KENT HAHN
D/B/A ROCKIN HJ TRUCKING
3576 N HWY 25
LAKIN, KS 67860-6318
rockinhjfeed@hotmail.com

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

/S/ DeeAnn Shupe
DeeAnn Shupe