

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **RD. G**)
Truckin, LLC, of Emporia, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-340-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

ORDER AMENDING PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. RD.G Truckin, LLC (Respondent) is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 297611.
2. On February 27, 2018, the Commission issued Respondent a Penalty Order assessing a \$1500 penalty as a result of three (3) violations of the Kanas Motor Carrier Safety Regulations found during a Compliance Review conducted on January 19, 2018, by Transportation Division Special Investigator Jared Smith.
3. On March 19, 2018, Staff Filed a Motion to Amend the Penalty Order to reduce from \$750.00 to \$300.00 the previously assessed penalty alleging the carrier failure to require its driver to record the total number of hours worked each day on the Driver's Daily Log is in violation of 395.8(d)(10), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

4. Staff states in its motion that after discussions between Respondent and Transportation Staff it was determined that the carrier's failure to require its driver to record the total number of hours worked each day on the Driver's Daily Log was charged the incorrect amount.

II. FINDINGS AND CONCLUSIONS

5. The Commission finds it has jurisdiction over Respondent because it is a motor carrier as defined in K.S.A. 66-1,108.

6. Based on the available facts, the Commission finds that Staff's Motion to Amend Penalty Order to reduce the penalty for carrier's failure to require its driver to record the total number of hours worked each day on the Driver's Daily Log from \$750 to \$300.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Penalty Order issued on February 27, 2018, to RD.G Truckin, LLC, of Emporia, Kansas, is hereby amended to reduce the previously assessed penalty of \$750 to \$300, alleging the carrier failure to require its driver to record the total number of hours worked each day on the Driver's Daily Log is in violation of 395.8(d)(10), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

(C) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/22/2018 _____



Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

18-TRAM-340-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 03/23/2018.

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

THOMAS WILSON, MANAGING MEMBER
RD G TRUCKING, LLC
PO BOX 846
EMPORIA, KS 66801
rdgtruckin@yahoo com

/S/ DeeAnn Shupe
DeeAnn Shupe