



July 22, 2019

Docket No. 20-GIMM-031-KHP

Kansas Corporation Commission  
Att: Ahsan  
1500 SW arrowhead Road  
Topeka, KS 66604-4027

RE: Challenge KSHP92513439

Dear Sir:

This letter is to inform you that New Prime Inc. is challenging fines associated with Inspection Report# KSHP92513439. I have attached the following documents:

- Copy of inspection report KSHP92513439
- Fine Invoice H000581135
- Original letter written to Kansas Highway Patrol challenging inspection violation
- Copy of Cedric C Thornton logs showing driver was in compliance with his hours of service rules

As stated in the letter sent to the Kansas Highway Patrol on 07/04/2019, New Prime was never notified by Cedric C Thornton he was fatigued and needing to shut down. New Prime had no indication of any issues the driver might be having, Cedric Thornton took it upon himself to continue to drive.

I would ask that the fine amount of \$250.00 assessed against New Prime Inc. be dismissed. Please feel free to contact me if you have any questions my contact information is below.

Sincerely

Steve Field

Safety Director  
2740 N Mayfair  
Springfield, MO 65803  
417-521-3223  
sfield@primeinc.com

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## Inspections - Detail View Report #: KS KS-HP92513439

View Full Report

Dispute Print

## Motor Carrier Information

Legal Name: NEW PRIME INC Business Address: 2740 N MAYFAIR AVENUE, SPRINGFIELD, MO 65803, US  
 USDOT #: 00003706 Business Phone: (417)866-0001  
 MC/MX#: MC140665 Business Fax: (417)521-5728  
 Entity Type: CARRIER,BROKER Contact Cell Phone: (417)425-1960

## Time &amp; Location

Report #: KS-HP92513439 Inspection Level: WALK-AROUND  
 Inspection Date: 06/24/2019 Inspection Location: CONCORDIA  
 Start-End Time: 0900-1015 Post Crash Inspection: YES

## Driver Information

Name: CEDRIC C THORNTON  
 DOB:  
 Age:

License State: KS  
 License #:

## Hazardous Materials Information

Material Desc:  
 Report Qty:  
 Waste:

## Vehicle Information

Unit	Type	Make	State	Plate #	Equipment ID	VIN #	IEP USDOT#
1	TRUCK TRACTOR	FRHT	MO	13AP9S	630596	U5092	
2	SEMI-TRAILER	WANC	MO	35A208	185084	.953941	

## Violation Information

Unit	Violation Code	OOS	Violations Category	Violations Discovered	State Citation Number	State Citation Result	Certify Post Crash	IEP
1	393.60(c)	NO	WINDSHIELD	Damaged or discolored windshield	N/A	NO	YES	
1	393.50	NO	ALL OTHER VEHICLE DEFECTS	No or defective rear-vision mirror	N/A	NO	YES	
2	392.9(a)(2)	YES	LOAD SECUREMENT	Failing to secure vehicle equipment	N/A	YES		
D	392.3	YES	ALL OTHER DRIVER VIOLATIONS	Operating a CMV while ill or fatigued	N/A	NO	NO	

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SAFETY SUPERVISOR

JUL 02 2019

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**KANSAS CORPORATION COMMISSION**

Kansas Corporation Commission  
Transportation Division  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027  
(785) 271-3145  
FEIN: 48-1124839

JUL 22 2019

**INVOICE**

PRIME INC D/B/A PRIME INC  
2740 N MAYFAIR AVENUE  
SPRINGFIELD, MO 65803

Invoice Date: June 28, 2019

Invoice Number: H000581135

Due Date: July 28, 2019

## Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
			5092	13AP9S	680596

Unit	Violation	Violation Description	Penalty
	392.3	Operating a CMV while ill or fatigued	250.00
Total Due:			\$250.00

**Please return this invoice with your payment, payable to the  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
Fax: (785) 271-3124**

Failure to pay as provided in the Notice of Violation will result in the carrier being in default. Default status will prohibit carriers from making changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Payment options: check, money order or credit card

Circle type of credit card: Visa, MasterCard, Discover or American Express

Card Holder Name \_\_\_\_\_

Credit card number: \_\_\_\_\_ Expires: Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Please direct questions regarding the violation(s) and/or assessment to the  
Kansas Highway Patrol, MCSAP at (785) 368-8086.**



July 4, 2019

Kansas Highway Patrol  
Motor Carrier Safety Assistance Program (MCSAP)  
700 SW Jackson Suite 704  
Topeka, KS 66603

Re: Challenge Examination Report KSHP92513439

I am writing this letter to contest the fine notice issued to New Prime Inc. for inspection KSHP92513439 written to Cedric Thornton. Prior to accident Cedric Thornton failed to notify anyone he was fatigued and needed to shut down. The Log book shows Cedric Thornton was in compliance with his hours of service rules. I have attached copy of logs for review. New Prime Inc. always puts safety before anything and drivers will never receive any pushback for shutting down due to fatigue, illness or feel they cannot drive safe.

I am asking the fine amount of 250.00 be dismissed based on there was no indication by New Prime Inc. that the driver was fatigued and driver took it upon himself to drive resulting in a rollover accident.

Please feel free to contact me at 417-521-3207 or [jwood@primeinc.com](mailto:jwood@primeinc.com) if you have further questions.

Sincerely

Jeff Wood  
New Prime Inc.  
2740 N Mayfair  
Springfield, MO 65803  
P: 417-521-3207  
F: 417-521-5564  
E: [jwood@primeinc.com](mailto:jwood@primeinc.com)

700 SW Jackson, Ste 704  
Topeka, KS 66603

Herman T. Jones, Superintendent



JUL 22 2019

Phone: 785-296-7189  
Fax: 785-296-2858  
www.KansasHighwayPatrol.org

Laura Kelly, Governor

July 17, 2019

PRIME INC  
2740 N MAYFAIR AVENUE  
SPRINGFIELD, MO 65803

RE: **Invoice # H000581135**  
**Report # KSHP92513439**

To: Whom it May Concern

This letter is to inform you that your challenge concerning violation(s) **392.3 – Operating a CMV while ill or fatigued**, has been **DENIED**. Please see guidance below

- **§392.3 Ill or fatigued operator.**
  - No driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle...
- **Are carriers liable for the actions of their employees?**
  - Yes. Carriers are liable for the actions of their employees, neither intent to commit, nor actual knowledge of, a violation is a necessary element of that liability.

The violation(s) will remain on your carrier profile and Invoice # **H000581135** remains valid. Please see the invoice for information regarding the fines due. Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to: adding vehicles, name changes or renewal of authority until the fine has been paid or the matter is resolved.

If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received **WITHIN 15 DAYS** of the close of the challenge and forwarded to the Kansas Highway Patrol at the above address.

Thank you for your time and attention to this inspection report.

Sincerely,

Wes Ludolph, Captain  
Troop I, Topeka

# Driver Log

**CEDRIC C THORNTON**  
(8 day cycle)

Carrier:  
Prime Inc.

Main Office:  
2740 North Mayfair  
Springfield, MO  
65803

Depot Location:  
Springfield, MO

**6/24/2019** Start of Day: Midnight Central

Document(s): 5277043: R28550051

Off Duty: 1h03m33

Trailer(s): 180484 165084

Sleeper Berth:

Tractor(s): 680596

Driving: 2h54m31

Co-Driver(s):

On Duty Not Driving: 20h01m56

Edits: 0

Total Hours On Duty Today: 22h56m27

Sensor Failures: 0

Total Hours On Duty for Week: 76h44m14

Distance Driven (mi): 180

00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 00

Mon  
06-24

2h12

42

20h02

01h03m33 Off  
00h00m00 Sleep  
**02h54m31 Drive**  
20h01m56 On

Start Time	Duration	Activity	Location	Flags*	Remarks
00:00:00	2h12m07	Driving	2 mi S of Lexington, NE		
02:12:07	1h03m33	Off-Duty	5 mi SSW of Hebron, NE		
03:15:40	0h42m24	Driving	5 mi SSW of Hebron, NE		
03:58:04	20h01m56	On-Duty	3 mi S of Concordia, KS		

Driver's Signature

# Driver Log

**CEDRIC C THORNTON**  
(8 day cycle)

Carrier:  
Prime Inc.

Main Office:  
2740 North Mayfair  
Springfield, MO  
65803

Depot Location:  
Springfield, MO

**6/23/2019** Start of Day: Midnight Central

Document(s): 5277043: R28550051

Off Duty: 10h00m19

Trailer(s): 180484 165084

Sleeper Berth: 8h06m14

Tractor(s): 680596

Driving: 5h45m59

Co-Driver(s):

On Duty Not Driving: 0h07m28

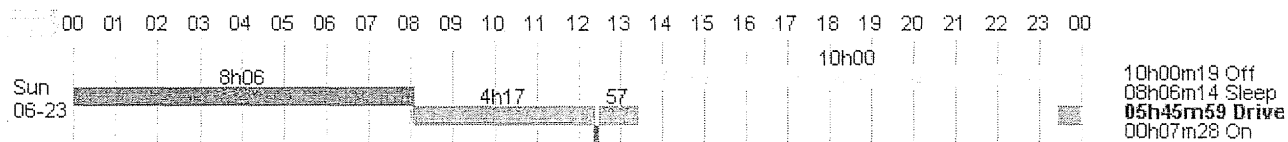
Edits: 0

Total Hours On Duty Today: 5h53m27

Sensor Failures: 0

Total Hours On Duty for Week: 63h38m56

Distance Driven (mi): 361



Start Time	Duration	Activity	Location	Flags*	Remarks
00:00:00	8h06m14	Sleeper	3 mi NE of Aurora, CO		
08:06:14	4h16m38	Driving	3 mi NE of Aurora, CO		
12:22:52	0h07m28	On-Duty	3 mi ESE of North Platte, NE		
12:30:20	0h57m22	Driving	3 mi ESE of North Platte, NE		
13:27:42	10h00m19	Off-Duty	2 mi SSE of Lexington, NE		
23:28:01	0h31m59	Driving	2 mi S of Lexington, NE		

Driver's Signature