

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

April 30, 2019

19-TRAM-428-PEN

Kolton Harting, Manager  
Kolton Harting Trucking LLC  
16799 Road U  
Norton, KS 67654

This is a notice of a penalty assessment against Kolton Harting Trucking LLC (Kolton Harting Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 10, 2019, by Kansas Corporation Commission Special Investigator Gregory Askren. 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:

Kolton Harting Trucking has been assessed a \$400 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 \$400 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.

**KOLTON HARTING 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.

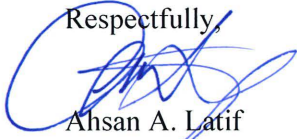
### IF YOU CONTEST THE PENALTY ORDER:

**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. Kolton Harting 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. 2018 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 \$400 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

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

## **REDUCED PENALTY AGREEMENT**

### **19-TRAM-428-PEN**

Kolton Harting Trucking LLC (Kolton Harting Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 30, 2019. Kolton Harting Trucking has agreed to comply with the following terms and obligations:

1. Kolton Harting 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. Kolton Harting 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. Kolton Harting 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. Kolton Harting 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.

Kolton Harting Trucking LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$200, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Kolton Harting Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

Kolton Harting Trucking LLC

\_\_\_\_\_  
Kolton Harting  
Manager

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

In the Matter of the Investigation of **Kolton**     )  
**Harting Trucking LLC, of Norton, KS,**     )  
Regarding the Violation of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 19-TRAM-428-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 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. Kolton Harting Trucking LLC (Kolton Harting Trucking) has private and common operating authority with the Commission and further operates under USDOT number 2903979.

5. Kolton Harting attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on July 11, 2016, on behalf of Kolton Harting Trucking.

6. Kolton Harting Trucking is a private and common motor carrier which primarily hauls general freight, metal, lumber, building materials, large objects, livestock, grain, feed, hay and gravel.

7. Kolton Harting 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 10, 2019, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Kolton Harting 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 28, 2019, Kolton Harting Trucking required or permitted its driver, Kolton Harting, to operate a CDL-required commercial motor vehicle, a 2004 Peterbilt, VIN ending in 836515, GVWR 52,000 lbs., pulling a 2019 Wilcox trailer, VIN ending in 5557218, in intrastate commerce as an exempt load of livestock in and around the area of Norton, Kansas. This trip is evidenced by a Bill of Lading, dated March 28, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Kolton Harting Trucking failed to require its driver to complete a Driver Vehicle Inspection Report (DVIR) on the commercial motor vehicles operated. The special investigator discovered five (5) 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.
- b. During the transportation described in paragraph a, above, Kolton Harting Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire

into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.

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

9. Based upon the available facts, Staff recommends the Commission find Kolton Harting 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 \$400 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Kolton Harting 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 Kolton Harting 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 Kolton Harting 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 Kolton Harting 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 Kolton Harting Trucking because it is a motor carrier as defined in K.A.R. 82-4-1.

16. The Commission finds a penalty of \$400 should be assessed to Kolton Harting 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 Kolton Harting 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. Kolton Harting Trucking LLC, of Norton, KS is hereby assessed a penalty of \$400 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 \$400 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 Kolton Harting 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. Kolton Harting 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. Kolton Harting 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 Kolton Harting Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$400 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 Kolton Harting 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. 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, 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 Kolton Harting Trucking's right to a hearing.

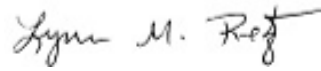
G. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission 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. 2018 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.**

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/30/2019






A handwritten signature in cursive script, reading "Lynn M. Retz".

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Lynn M. Retz  
Secretary to the Commission

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## **ATTACHMENT “A”**

	<b>US DOT #</b> 2903979	<b>Legal:</b> KOLTON HARTING TRUCKING LLC <b>Operating (DBA):</b>											
<b>MC/MX #:</b> 977403		<b>Federal Tax ID:</b>  (EIN)											
<b>Review Type:</b> Compliance Review (CR)													
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> F									
<b>Operation Types</b> Interstate Intrastate													
<b>Carrier:</b> Non-HM N/A <b>Shipper:</b> N/A N/A <b>Cargo Tank:</b> N/A		<b>Business:</b> Corporation <b>Gross Revenue:</b>  for year ending: 12/31/2018											
<b>Company Physical Address:</b> 16799 ROAD U NORTON, KS 67654  <b>Contact Name:</b> Kolton Harting <b>Phone numbers: (1)</b>  <b>Fax</b> <b>E-Mail Address:</b> 													
<b>Company Mailing Address:</b> 16799 ROAD U NORTON, KS 67654													
<b>Carrier Classification</b> Authorized for Hire Exempt for Hire Private Property													
<b>Cargo Classification</b> <table style="width:100%;"> <tr> <td>General Freight</td> <td>Metal: Sheets, Coils, Rolls</td> <td>Logs, Poles, Beams, Lumber</td> </tr> <tr> <td>Building Materials</td> <td>Machinery, Large Objects</td> <td>Livestock</td> </tr> <tr> <td>Grain, Feed, Hay</td> <td>Other: Gravel Private prope</td> <td></td> </tr> </table>					General Freight	Metal: Sheets, Coils, Rolls	Logs, Poles, Beams, Lumber	Building Materials	Machinery, Large Objects	Livestock	Grain, Feed, Hay	Other: Gravel Private prope	
General Freight	Metal: Sheets, Coils, Rolls	Logs, Poles, Beams, Lumber											
Building Materials	Machinery, Large Objects	Livestock											
Grain, Feed, Hay	Other: Gravel Private prope												
<b>Equipment</b>													
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>										
Truck Tractor	2	0	0	Trailer									
				Owned Term Leased Trip Leased									
				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													
<b>Driver Information</b>													
	<b>Inter</b>	<b>Intra</b>											
< 100 Miles:			Average trip leased drivers/month: 0										
>= 100 Miles:	1		Total Drivers: 1										
			CDL Drivers: 1										



	<b>KOLTON HARTING TRUCKING LLC</b> U.S. DOT #: 2903979	Review Date: 04/10/2019
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**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:

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

**Person(s) Interviewed**


**Name:** Kolton Harting

**Title:** Owner/operator

**Name:**

**Title:**



	<b>KOLTON HARTING TRUCKING LLC</b> U.S. DOT #: 2903979	Review Date: 04/10/2019
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### Part B Violations

1 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 5	Checked 8	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to require driver to prepare driver vehicle inspection report.


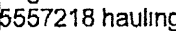
#### Example

Driver - Kolton Harting

DOB - 

Ks. OL 

Trip Date - 3/28/2019

In an intrastate trip from Rural Norton ks. to Norton Ks. sale barn driving a 2004 PTRB, Vin #  836515, Ks. Reg. 169376 GVWR 52000 pulling a 2019 Wilx, Vin #  5557218 hauling an exempt load of livestock. Kolton Harting Trucking LLC failed to require the driver to prepare a driver vehicle inspection report for intrastate trips.

2 FEDERAL	Primary: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain driver's employment application in driver's qualification file.


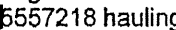
#### Example

Driver - Kolton Harting

DOB - 

Ks. OL 

Trip Date - 3/28/2019

In an intrastate trip from Rural Norton ks. to Norton Ks. sale barn driving a 2004 PTRB, Vin #  836515, Ks. Reg. 169376 GVWR 52000 pulling a 2019 Wilx, Vin #  5557218 hauling an exempt load of livestock. Kolton Harting Trucking LLC failed to maintain a driver's employment application in the driver's qualification file.

3 FEDERAL	Primary: 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).


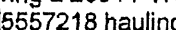
#### Example

Driver - Kolton Harting


DOB - 

Ks. OL 

Trip Date - 3/28/2019

In an intrastate trip from Rural Norton ks. to Norton Ks. sale barn driving a 2004 PTRB, Vin #  836515, Ks. Reg. 169376 GVWR 52000 pulling a 2019 Wilx, Vin #  5557218 hauling an exempt load of livestock. Kolton Harting Trucking LLC failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).



	<b>KOLTON HARTING TRUCKING LLC</b>	<b>Review Date:</b>
	U.S. DOT #: 2903979	04/10/2019

### Part B Violations

4 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description



Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Driver - Kolton Harting

DOB - 

Ks. OL 

Trip Date - 3/28/2019

In an intrastate trip from Rural Norton ks. to Norton Ks. sale barn driving a 2004 PTRB, Vin #  336515, Ks. Reg. 169376 GVWR 52000 pulling a 2019 Wilx, Vin #  5557218 hauling an exempt load of livestock. Kolton Harting Trucking LLC Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

5 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.



#### Example

Driver - Kolton Harting

DOB - 

Ks. OL 

Trip Date - 3/28/2019

In an intrastate trip from Rural Norton ks. to Norton Ks. sale barn driving a 2004 PTRB, Vin #  336515, Ks. Reg. 169376 GVWR 52000 pulling a 2019 Wilx, Vin #  5557218 hauling an exempt load of livestock. Kolton Harting Trucking LLC failed maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.


<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
<b>Total Miles Operated</b>	46,235	<b>Number of Vehicle Inspected (CR): 0</b>	
<b>Recordable Accidents</b>	0	<b>OOS Vehicle (MCMIS): 0</b>	
<b>Recordable Accidents/Million Miles</b>	0.00	<b>Number of Vehicles Inspected (MCMIS): 1</b>	

Your proposed safety rating is :      <b>SATISFACTORY</b>	<b>Rating Factors</b>	<b>Acute</b>	<b>Critical</b>
	Factor 1: S	0	0
	Factor 2: S	0	0
	Factor 3: S	0	0
	Factor 4: C	0	1
	Factor 5: N	0	0
	Factor 6: S	-	-

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





	<b>KOLTON HARTING TRUCKING LLC</b> U.S. DOT #: 2903979	Review Date: 04/10/2019
<b>Part B Requirements and/or Recommendations</b>		

**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.
- **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
- **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.
- 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.

For all Investigations resulting 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 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 FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)**

**KOLTON HARTING TRUCKING LLC**  
U.S. DOT #: 2903979

Review Date:  
04/10/2019

## Part B Requirements and/or Recommendations

3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa dot gov/login>)
4. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
5. Maintain all completed CVSA roadside inspection forms on file for 12 months from the date of the inspection at the carrier's principal place of business.
6. 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, tire size, and carrier unit number.
7. You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

### 8. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN - Develop policy to ensure that annual review of driving records are completed.


#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
  - Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
  - Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
  - Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
  - Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
  - 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 Driver Fitness 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.

9. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may



	<b>KOLTON HARTING TRUCKING LLC</b> U.S. DOT # 2903979	Review Date 04/10/2019
<b>Part B Requirements and/or Recommendations</b>		

contact me KCC Special Investigator Greg Askren at 785-483-0212 or email at [g\\_askren@kcc.ks.gov](mailto:g_askren@kcc.ks.gov)

10. 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 Kolton Harting Trucking LLC's operating authority and/or the impoundment of Kolton Harting Trucking LLC's vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

X Kolton Harting  
Printed

X  4-10-19  
Signed



## **ATTACHMENT “B”**

# Kolton Harting Trucking, LLC

Kolton Harting  
16799 Rd. U  
Norton, KS 67654  
1-785-202-0085 • 1-785-877-2036

Date 3-28-19 Load #

Driver

Shipper Gene Tilton

Address

Loaded At Home

Address

Delivered To Norton Sale Barn

Address

Received By

Mileage Report

Unload

Load

Total Miles

NO HD	DESCRIPTION	MILES HAULED	WEIGHT	RATE	CHARGES
<u>32</u>	<u>Hfgs</u>				<u>100</u>

The above cargo received in good condition unless otherwise noted.

**CERTIFICATE OF SERVICE**

19-TRAM-428-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 05/01/2019.

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

KOLTON HARTING, OWNER  
KOLTON HARTING TRUCKING LLC  
16799 ROAD U  
NORTON, KS 67654  
koltonh70@yahoo.com

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