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Herman T. Jones, Superintendent

Laura Kelly, Governor

October 22, 2019

DANNY G LAMBETH  
22640 PLEASANT VALLEY RD  
WELLSVILLE, KS 66092

RE: Invoice # H000582576  
Report # KSHP04200689

To: Whom it May Concern

This letter is to inform you that your challenge concerning violation listed below, has been **DENIED**. Please see guidance below:

- The vehicle you were operating meets the definition of a commercial motor vehicle (GVWR greater than 10,000lbs). Anytime you use a commercial motor vehicle in the furtherance of your business, you are considered to be in commerce and therefore you are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Kansas statutes. In your challenge, you describe the unfairness of the civil penalties assessed to your company. Penalties are based on if the violation is valid or invalid. Without supporting documentation provided by your company, we are denying your challenge in whole.
- **393.75A3 - Tire-flat and/or audible air leak**
  - If a tire has a noticeable leak or has 50% or less of the maximum inflation pressure marked on the tire sidewall; then an OOS condition exists.
  - Axle 2, Left-Outside tire was measured at 25psi
    - The maximum inflation pressure marked on the tire sidewall was listed at 110psi
  - Axle 2, Right-Inside tire was measured at 0psi
    - The maximum inflation pressure marked on the tire sidewall was listed at 110psi
- **393.51 - No or defective brake warning device**
  - **Air brakes.** A commercial motor vehicle (regardless of the date of manufacture) equipped with service brakes activated must be equipped with a pressure gauge and a warning signal. Trucks, truck tractors, and buses must, at a minimum, have a pressure gauge and a warning signal which meets the requirements of FMVSS No. 121
    - (1) A pressure gauge, visible to a person seated in the normal driving position, which indicates the air pressure (in kilopascals (kPa) or pounds per square inch (psi)) available for braking; and
    - (2) A warning signal that is audible or visible to a person in the normal driving position and provides a continuous warning to the driver whenever the air pressure in the service reservoir system is at 379 kPa (55 psi) and below, or one-half of the compressor governor cutout pressure, whichever is less.
  - Upon testing the Low Air Pressure Warning Device, it was found to be inoperative by visual and audible signals
- **396.3A1 - Inspection/repair and maint parts & accssries**
  - Per 393.67E, the Side-mounted fuel tank must perform and be capable of passing tests to avoid the tank or any fitting from leaking with furtherance of a leakage continuing.
  - Left, saddle-tank was found to have a continued leak during the inspection.
- **Civil Penalties**
  - The carrier was assessed a Civil Penalty for the OOS defects found. The Civil Penalty was disclosed on the inspection report given to the driver, "Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-

WL: JLP

1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE" ... This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report.

- o Effective 04/01/2006, KCC will assess civil penalties to all motor carrier for the applicable OOS violations discovered during a roadside inspection as determined by the CVSA, North American Out-Of-Service Criteria.
- o Pursuant to K.S.A. 66-1, 129a, 66-1,130 and 66-1,142b, the commission may suspend operations, revoke or amend certificated, 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. Please reference to: KS Statute 66-1,142b

The violation(s) will remain on your carrier profile and Invoice # **H000582576** 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