

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner



20170713135702
Kansas Corporation Commission

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

July 13, 2017

18-TRAM-007-PEN

Jerry W. Hoppe, Owner
d/b/a Hoppe's Trucking
PO Box 523
Glasco, Kansas 67445

Certified Mail Receipt No. 70161970000105740365

This is a notice of a penalty assessment against Jerry W. Hoppe, d/b/a Hoppe's Trucking for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 27, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

Hoppe's Trucking has been assessed a \$500 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 \$500 through your personal account with the Kansas Corporation Commission's KTRAN application 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.

HOPPE'S TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2018 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

(4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended

Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$250 would be due within thirty (30) days from the date of service of the Amended Penalty Order.

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. Jerry W. Hoppe, d/b/a Hoppe's 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 by mailing 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 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 \$500 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Hoppe's Trucking submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$250 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



Ansar 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
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Pat Apple, Chairman
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REDUCED PENALTY AGREEMENT

18-TRAM-007-PEN

Jerry W. Hoppe, d/b/a Hoppe's Trucking (Hoppe's Trucking) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated July 13, 2017. Hoppe's Trucking has agreed to comply with the following terms and obligations:

1. Hoppe's Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on July 13, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Hoppe's Trucking will, within 30 days from the date of the Penalty Order dated July 13, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the 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 before my company can be eligible for the 50% reduced penalty.

3. Hoppe's Trucking will, within thirty (30) days from the date of the Penalty Order dated July 13, 2017, 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. Hoppe's 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.

Jerry W. Hoppe, d/b/a Hoppe's Trucking understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Hoppe's Trucking a fifty-percent (50%) reduced penalty of \$250, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Hoppe's Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

Jerry W. Hoppe, d/b/a Hoppe's Trucking

Jerry W. Hoppe
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: Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Jerry W.)**
Hoppe, d/b/a Hoppe's Trucking, of Glasco,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-007-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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 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. 2016 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. 2016 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. Jerry W. Hoppe, d/b/a Hoppe's Trucking (Hoppe's Trucking) has common operating authority from the Commission and further operates under USDOT number 2060348.

5. Hoppe's Trucking is a common motor carrier which primarily hauls general freight, metal, sheets, coils, rolls, logs, poles, beams, lumber, building materials, machinery, large objects, oil field equipment, grain, feed, hay, and construction.

6. Hoppe's Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on June 27, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of Hoppe's 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, Mr. identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 26, 2016, Hoppe's Trucking required or permitted its driver, Jerry W. Hoppe, to operate a CDL-required commercial motor vehicle, a 2001 Freightliner, VIN ending in 07074, GVWR 33,000 lbs., pulling a 2006 REIT trailer, VIN ending in 015006, GVWR 68,000 lbs., in intrastate commerce from Hudson, Kansas to Cimarron, Kansas. This trip is

evidenced by Detailed Crash Report No. KS2016E12706, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Hoppe's Trucking failed to require driver Jerry W. Hoppe to be medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to confirm that its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On February 23, 2017, Hoppe's Trucking required or permitted its driver, Jerry W. Hoppe, to operate a CDL-required commercial motor vehicle, a 2001 Freightliner, VIN ending in 88251, GVWR 33,000 lbs., pulling a 2006 REIT trailer, VIN ending in 015006, GVWR 68,000 lbs., in interstate commerce from Casper, Wyoming to Glasco, Kansas. This trip is evidenced by Driver's Daily Log, dated February 23, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Hoppe's Trucking failed to maintain copies of its driver's motor vehicle record in his driver qualification file. The special investigator found two (2) violations of this type. Hoppe's Trucking's failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a

violation of 49 C.F.R. 391.51(b)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Hoppe's 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.

9. Staff recommends a civil penalty of \$500 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Jerry W. Hoppe, d/b/a Hoppe's Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment.

11. Staff recommends Jerry W. Hoppe, d/b/a Hoppe's Trucking submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the 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.

12. Staff further recommends that Hoppe's 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.

13. Finally, Staff recommends that Hoppe's 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

14. The Commission finds it has jurisdiction over Hoppe's Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

15. The Commission finds a penalty of \$500 should be assessed to Hoppe's 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.

16. The Commission finds Hoppe's Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Jerry W. Hoppe, d/b/a Hoppe's Trucking, of Glasco, Kansas is hereby assessed a penalty of \$500 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 \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

B. Hoppe's 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 the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Hoppe's 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 in the attached 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.

D. Hoppe's 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 Hoppe's Trucking does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$500 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 Hoppe's 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. 2016 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 within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On July 13, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105740365. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Hoppe's Trucking's right to a hearing.

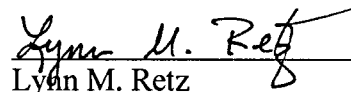
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JUL 13 2017



Lynn M. Retz
Secretary to the Commission


AAL

Order Mailed Date


JUL 14 2017

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 2060348	Legal: JERRY W HOPPE Operating (DBA): HOPPE'S TRUCKING					
MC/MX #: 765003		Federal Tax ID: [REDACTED] (EIN)					
Review Type: Compliance Review (CR)							
Scope: Principal Office		Location of Review/Audit: Company facility in the U S.		Territory:			
Operation Types		Interstate	Intrastate				
Carrier: Non-HM N/A Shipper: N/A N/A Cargo Tank: N/A		Business: Individual Gross Revenue: [REDACTED] for year ending: 12/31/2016					
Company Physical Address: [REDACTED]							
Contact Name: Jerry Hoppe Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]							
Company Mailing Address: 539 N 30TH RD PO Box 523 GLASCO, KS 67445-9346							
Carrier Classification Authorized for Hire							
Cargo Classification							
General Freight Building Materials Grain, Feed, Hay		Metal: Sheets, Coils, Rolls Machinery, Large Objects Construction		Logs, Poles, Beams, Lumber Oil Field Equipment			
Equipment							
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased			
Truck Tractor	2	0	0	Trailer	4	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							
Driver Information							
	Inter Intra	Average trip leased drivers/month: 0					
< 100 Miles:		Total Drivers: 2					
>= 100 Miles: 2		CDL Drivers: 2					



	HOPPE'S TRUCKING (JERRY W HOPPE dba) U.S. DOT #: 2060348	Review Date: 06/27/2017
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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:

Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Jerry W. Hoppe

Title: Owner

Name: 






HOPPE'S TRUCKING (JERRY W HOPPE dba)
U S DOT # 2060348

Review Date
07/06/2017

Part B Violations

1 FEDERAL CRITICAL	Primary 391 51(b)(2)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain inquiries into driver's driving record in driver's qualification file Example Driver Jerry Hoppe DOB 1/24/67 Ks. [REDACTED] Driver Jerry Hoppe DOB [REDACTED] Ks. [REDACTED] Trip Date 1/23/17 on an interstate trip from Casper WY to Glasco, Ks operating a 2001 FRHT, Vin # [REDACTED] 88251, Ks Reg. [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 15006, GVWR 80,000 lbs Hoppe's Trucking failed to maintain inquiries into driver's driving Record in driver's qualification file					
2 FEDERAL	Primary 390 15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to maintain, for a period of three years after an accident occurs, an accident register. Example Driver Jerry Hoppe DOB [REDACTED] Ks [REDACTED] Trip Date 7/26/2016 Hoppe's Trucking failed to maintain, for a period of tree years after an accident occurs, an accident register					
3 FEDERAL	Primary 391 45(b)(1) Secondary. 391 11(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Using a driver not medically examined and certified during the preceding 24 months Example Driver Jerry Hoppe DOB [REDACTED] Ks. OLN [REDACTED] Trip Date 7/26/2016 On an intrastate trip from Hudson ks to Cimarron, Ks Accident Report #KS2016E12706 Operating a 2001 FRHT, Vin # [REDACTED] 07074 Ks. Reg [REDACTED] GVWR 33,000 Pulling a 2006 REIT, Vin # [REDACTED] 015006 Ks. Reg [REDACTED] GVWR 68,000. Jerry Hoppe failed to have a current medical examination from 4/11/2016 to 6/1/2017					



	HOPPE'S TRUCKING (JERRY W HOPPE dba)	Review Date
	U S DOT #. 2060348	07/06/2017

Part B Violations

4	Primary: 391.51(b)(5)	Discovered	Checked	Drivers/Vehicles
FEDERAL		2	2	In Violation Checked
				2 2

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 Jerry Hoppe

DOB [REDACTED]

Ks O [REDACTED]

Driver Jerry Hoppe

DOB [REDACTED]

Ks. O [REDACTED]

Trip Date 1/23/17 on an interstate trip from Casper WWY to Glasco, Ks. operating a 2001 FRHT, Vin #

[REDACTED] 88251, Ks. Reg. [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs

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

5	Primary: 391.51(b)(6)	Discovered	Checked	Drivers/Vehicles
FEDERAL		2	2	In Violation Checked
				2 2

Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27.

Example

Driver Jerry Hoppe

[REDACTED]

Trip Date 1/23/17 on an interstate trip from Casper WWY to Glasco, Ks. operating a 2001 FRHT, Vin #

[REDACTED] 88251, Ks. Reg. [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs

Hoppe's Trucking failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27.

6	Primary: 391 51(b)(9)	Discovered	Checked	Drivers/Vehicles
FEDERAL		2	2	In Violation Checked
				2 2

Description

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391 23(m) in driver qualification file(s)

Example

[REDACTED]

Trip Date 1/23/17 on an interstate trip from Casper WWY to Glasco, Ks. operating a 2001 FRHT, Vin #

[REDACTED] 88251, Ks. Reg. [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs

Hoppe's Trucking failed to place a note related to the verification of the medical examiner's listing on the National Registry of certified medical examiners required by 391 23(m) in the driver qualification file



	HOPPE'S TRUCKING (JERRY W HOPPE dba)	Review Date
	U S DOT # 2060348	07/06/2017

Part B Violations

7 FEDERAL	Primary. 391 51(c)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

Failing to keep driver qualification file for at least 3 years after termination of driver's employment

Example

Jerry W Hoppe DBA Hoppe's Trucking failed to keep a driver qualification file for at least 3 years after termination of driver's employment

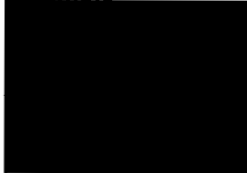
Drivers - [REDACTED] terminated 2/2/2017
[REDACTED] terminated 2/2/2017
[REDACTED] Terminated 8/31/2016

8 FEDERAL	Primary: 395 8(f)(11)	Discovered 2	Checked 30	Drivers/Vehicles In Violation 1	Checked 2
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Description

Violating the 70 hr rule

Example



Trip Date 1/23/17 on an interstate trip from Casper WY to Glasco, Ks. operating a 2001 FRHT, Vin # [REDACTED] 88251, Ks. Reg [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs

After a 34 hrs restart on the 14th, Driver Jerry Hoppe is in violation of the 70 hr rule starting on 2/22/17 from 14 45 hrs to 15 15 hrs

And on 2/23/17 from 05 30 hrs. to 15 15 hrs

9 STATE	Primary 395 8(f)(11)	Discovered 0	Checked 0	Drivers/Vehicles In Violation 0	Checked 0
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Description

Violation of the 70 hr rule

Example



Trip Date 1/23/17 on an interstate trip from Casper WY to Glasco, Ks. operating a 2001 FRHT, Vin # [REDACTED] 88251, Ks. Reg [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs

After a 34 hr restart on 2/14/17, Driver Jerry Hoppe in in violation of the 70 hr rule starting on 2/22/17 from 14 45 hrs to 15 15 hrs

And on 2/23/17 from 05 30 hrs. to 15 15 hrs





HOPPE'S TRUCKING (JERRY W HOPPE dba)
U S DOT #: 2060348


Review Date
07/06/2017

Part B Violations

10 FEDERAL	Primary. 396 3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5																												
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size Example Driver Jerry Hoppe [REDACTED] Trip Date 1/23/17 on an interstate trip from Casper WWY. to Glasco, Ks operating a 2001 FRHT, Vin # [REDACTED] [REDACTED] 88251, Ks Reg [REDACTED] GVWR 33,000 lbs pulling a 2006 REIT, Vin # [REDACTED] 015006, GVWR 80,000 lbs Hoppe's Trucking failed to have identification of the vehicle including company number, if so marked, make, serial number, year, and tire size																																	
Safety Fitness Rating Information: Total Miles Operated 405,875 Recordable Accidents 1 Recordable Accidents/Million Miles 2.46		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0																															
Your proposed safety rating is :		<table border="1"><thead><tr><th>Rating Factors</th><th></th><th>Acute</th><th>Critical</th></tr></thead><tbody><tr><td>Factor 1:</td><td>S</td><td>0</td><td>0</td></tr><tr><td>Factor 2:</td><td>C</td><td>0</td><td>1</td></tr><tr><td>Factor 3:</td><td>S</td><td>0</td><td>0</td></tr><tr><td>Factor 4:</td><td>S</td><td>0</td><td>0</td></tr><tr><td>Factor 5:</td><td>N</td><td>0</td><td>0</td></tr><tr><td>Factor 6:</td><td>S</td><td>-</td><td>-</td></tr></tbody></table>				Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	C	0	1	Factor 3:	S	0	0	Factor 4:	S	0	0	Factor 5:	N	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																														
Factor 1:	S	0	0																														
Factor 2:	C	0	1																														
Factor 3:	S	0	0																														
Factor 4:	S	0	0																														
Factor 5:	N	0	0																														
Factor 6:	S	-	-																														
SATISFACTORY																																	

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



	HOPPE'S TRUCKING (JERRY W HOPPE dba) U.S. DOT #: 2060348	Review Date 06/27/2017
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>


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. 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**



	HOPPE'S TRUCKING (JERRY W HOPPE dba) U.S. DOT #: 2060348	Review Date: 06/27/2017
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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.

3. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>
4. 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
5. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
6. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months
7. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

8. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN. Hoppe's Trucking failed review the driving records at least once annually.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for unsafe-driving violations of all prospective drivers for the last three years
- Ensure that prospective drivers will drive safely by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding drivers' safety performance going back three years. Create a detailed written record of each inquiry
- Ensure that enough drivers are hired so that the carrier can meet deadlines within Hours-of-Service (HOS) restrictions without speeding.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as that pertaining to moving violations, prior convictions, and denied employment based on unsafe driving.
- Enhance the recruitment process to identify and attract qualified applicants for the position of safety director and driver, using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

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. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN. Policies and Procedures

	HOPPE'S TRUCKING (JERRY W HOPPE dba) U S. DOT #: 2060348	Review Date 06/27/2017
Part B Requirements and/or Recommendations		

DESCRIPTION OF PROCESS BREAKDOWN: Hoppe's Trucking failed to keep a file on each unit which identifies the vehicle, including make, serial number, year, and tire size

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- 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 vehicle maintenance 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.

10. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Hoppe's Trucking failed to keep a file for accident records after being involved in a reportable accident.

BASIC SPECIFIC RECOMMENDED REMEDIES


Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Maintain roadside inspection reports, moving violation records, crash reports, and "How am I driving?" complaints to help evaluate the performance of all staff (drivers and managers) involved in the effectiveness of company safety management policies and procedures.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to safe driving. File the MVR in each driver's driver qualification file after review.
- Maintain and record crash accident details and evaluate the company's crash experience over time to identify potential patterns/trends
- Ensure all training needs and training received are documented and monitored.
- Implement a system for keeping accurate records of employee driving-safety training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method

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.



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- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

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

SI Gregory Askren
785.483.0212
g.askren@kcc.ks.gov

12. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Jerry W. Hoppe DBA Hoppe's Trucking operating authority and/or the impoundment of Jerry W Hoppe DBA Hoppe's Trucking vehicles.

Dorothy M. Askren

NAME OF CARRIER OFFICIAL, TITLE
Date

6-28-2017



ATTACHMENT "B"

S

SMSSafety
Measurement
System**Detailed Crash Report as of 5/26/2017****CARRIER INFORMATION**

Carrier Name: Hoppe'S Trucking
U.S. DOT#: 2060348
Carrier Address: [REDACTED]
Glasco, KS 67445-9346
State Census#:

CRASH INFORMATION

of Fatalities: 0
of Injuries: 0
Towaway: Yes
of Vehicles in Crash: 1

LOCATION

Crash Date & Time: 7/26/2016 1630
Location: U050
City:
County: FORD
Crash State: KS

REPORTING DATA

Report State: KS
Report #: [REDACTED]
Reporting Agency: FORD CO SHERIFF
Officer Badge #: 150
Federally Recordable: Yes
State Recordable: Yes

CRASH ENVIRONMENT

Roadway Trafficway: Two-Way Trafficway, Not Divided
Road Access Control: Full Control
Road Surface Condition: Dry

Weather Condition: No Adverse Conditions
Light Condition: Daylight

DRIVER INFORMATION

Name*: Jerry Hoppe
Date of Birth: [REDACTED]
Age: [REDACTED]
License State: KS

License Number*: [REDACTED]
Citation Issued: No
Valid License: Yes

*Driver Name and Driver License Number are sensitive information, please handle in accordance with FMCSA guidelines

VEHICLE INFORMATION

Identification

VIN: [REDACTED] 07074

Plate Number: [REDACTED]

Plate State: KS

Hazardous Materials

HM Placards: No

Release of Cargo: No

Vehicle Type

Vehicle Configuration: Tractor/Semi-Trailer

Cargo Body Type: Flatbed

Gross Vehicle Weight Range: More Than
26,000 Pounds

ATTACHMENT "C"



DRIVER'S DAILY LOG

(24 HOURS)

Total Miles Driving Today
554

Total Mileage Today

2 / 123 / 17
(Month) (Day) (Year)

Hoppe's Trucking
Cleese, R

Name of Carrier or Carriers

Main Office Address

Original - File at home terminal
Duplicate - Driver retains in possession for 60 days

2-4446T
Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								14 1/2
2. SLEEPER BERTH																								0
3. DRIVING																								9 1/4
4. ON DUTY (NOT DRIVING)																								1/4

REMARKS	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
																								24

SHIPPING DOCUMENTS:

Envt
B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work, and when and where each change of duty occurred

From:

To:

USE TIME STANDARD AT HOME TERMINAL

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DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE DOT FEDERAL MOTOR CARRIER SAFETY REGULATIONS FROM THE EO 12060

DATE: _____ TRACTOR/TRUCK NO.: _____ TRAILER(S) NO (S): _____

I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER - DESCRIBE DEFECT IN DETAIL. USE BACK SIDE IF NECESSARY

DRIVER'S SIGNATURE

ABOVE DEFECTS CORRECTED

ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE

DRIVER'S SIGNATURE

DATE

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615-MP 12215

CERTIFICATE OF SERVICE

18-TRAM-007-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 **JUL 13 2017**.

JERRY W. HOPPE, OWNER
JERRY W. HOPPE
D/B/A HOPPE'S TRUCKING
PO BOX 523
GLASCO, KS 67445-9346
hoppestrucking@gmail.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JUL 14 2017