

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

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

In the Matter of the Investigation of **Party Hardy** )  
**Bus, LLC, of Wichita, Kansas,** Regarding the )  
Violation of the Motor Carrier Safety Statutes, ) Docket No. 15-TRAM-294-PEN  
Rules and Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions and/or )  
the Revocation of Motor Carrier Authority. )

**ORDER REINSTATING INTRASTATE MOTOR CARRIER OPERATIONS**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission), on Transportation Staff's motion. The Commission, being fully advised in the premises, finds as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 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. 2015 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Party Hardy Bus, LLC, of Wichita, Kansas (Respondent), is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicles in intrastate commerce.

5. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1915422.

6. On June 18, 2015, the Commission issued an Order suspending Respondent's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2015 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on January 27, 2015. The Penalty Order also assessed Respondent a \$1,250 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On August 7, 2015, Respondent submitted evidence to Transportation Staff (Staff) of bringing its motor carrier operation into compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order. Respondent also paid the \$1,250 civil assessment.

### **III. STAFF'S RECOMMENDATION**

8. Based on Respondent's compliance with the January 27, 2015, Penalty Order issued in this docket, Staff recommends the Commission reinstate Respondent's Kansas motor carrier operations.

### **IV. CONCLUSIONS OF LAW**

9. The Commission finds it has jurisdiction over Respondent because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

10. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Party Hardy Bus, LLC's motor carrier operations is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Party Hardy Bus, LLC's ability to carry on motor carrier operations in the state of Kansas is hereby reinstated.


B. Party Hardy Bus, LLC remains obligated to attend a Commission-sponsored safety seminar within the next ninety (90) days pursuant to the above-referenced Penalty Order at paragraph B, entered on January 27, 2015. Respondent must also provide Staff with written proof of attendance.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chair; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 02 2016

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

**Order Mailed Date**

**AUG 03 2016**

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**15-TRAM-294-PEN**

January 27, 2015

Omar Brambila, Owner  
Party Hardy Bus, LLC  
2163 S Milstead  
Wichita, Kansas 67209

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 24, 2014 and December 5, 2014, by Kansas Corporation Commission Special Investigator Gary Goeller. For a full description of the penalty and process please refer to the Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$1,250 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY:**

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Acting Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2013 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes  
Litigation Counsel  
(785) 271-3181

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

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

In the Matter of the Investigation of Party      )  
**Hardy Bus, LLC, of Wichita, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 15-TRAM-294-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). 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. 2013 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. 2013 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. 2013 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. Party Hardy Bus, LLC (Party Hardy Bus) operates under USDOT number 1915422.

5. Party Hardy Bus is a party bus service located in Wichita, Kansas. It primarily operates on Fridays and weekends as customer dictate. It operates within a 25 mile radius of its principle place of business and is exempt from KCC authority.

6. Party Hardy Bus is a common motor carrier which primarily hauls passengers.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on November 24, 2014 and December 5, 2014, Commission Staff (Staff) Special Investigator Gary Goeller conducted a compliance review of the operations of Party Hardy Bus. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Goeller identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On November 15, 2014, Party Hardy Bus required or permitted its driver, Christopher Bush, to operate a commercial motor vehicle, a 1986 Neoplan 45 passenger bus, in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Christopher Bush's timesheet, a copy of which is attached hereto as Attachment "B" and is

hereby incorporated by reference. At the time of this transportation, driver Christopher Bush did not have an Air Brake Restriction endorsement on his commercial driver's license, which is required to operate a bus. Party Hardy Bus' failure to ensure that its drivers have the proper class or endorsements on their commercial driver's licenses is a violation of 49 C.F.R. Parts 383.37(a) and 392.2, as implemented by K.S.A. 8-2,132. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a., above, Party Hardy Bus had not made an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. The special investigator found three (3) violations of this type. Party Hardy Bus' failure to inquire into its driver's driving record at least once every 12 months and maintain a copy of the driving record in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2013 Supp. 66-1,112. Staff recommends a fine of \$250.

- c. On October 17, 2014, Party Hardy Bus required or permitted its driver, Salvador Brambila, to operate a commercial motor vehicle, a 1986 Neoplain 45 passenger bus, in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Salvador Brambila's timesheet, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Party



Hardy Bus had not required Salvador Brambila to be medically examined and certified during the preceding 24 months. Mr. Brambila's medical certificate expired on October 13, 2014 and was not renewed until December 4, 2014. The special investigator found two violations of this type. Party Hardy Bus' failure to confirm that each of 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. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.

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

8. Based upon the available facts, Staff recommends the Commission find Party Hardy Bus committed three (3) violations 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. Additionally, Staff recommends a civil penalty of \$1,250 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Party Hardy Bus be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Party Hardy Bus submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Party Hardy Bus because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

13. The Commission finds Party Hardy Bus committed three (3) violations 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.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Party Hardy Bus, LLC, of Wichita, Kansas is hereby assessed a \$1,250 civil penalty for three (3) violations 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.

B. Party Hardy Bus is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Party Hardy Bus is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2013 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Acting Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of

service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Party Hardy Bus' right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,250 civil penalty against Party Hardy Bus, and ordering Party Hardy Bus to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,250 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Party Hardy Bus' motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 27 2015




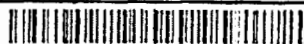
ORDER MAILED JAN 28 2015

Neysa Thomas  
Acting Secretary

MJD

## **ATTACHMENT “A”**

|   |                     |   |  |              |                         |
|---|---------------------|---|--|--------------|-------------------------|
|  | US DOT #<br>1915422 | Legal: PARTY HARDY BUS LLC<br>Operating (DBA):          |  |              |                         |
|   | MC/MX #:            |   | Federal Tax ID:                            |              | (EIN)                   |
| Review Type: Compliance Review (CR)   |                     |   |  |              |                         |
| Scope: Principal Office   |                     | Location of Review/Audit: Company facility in the U. S. |  | Territory: F |                         |
| Operation Types   |                     | Interstate  | Intrastate                                 |              |                         |
| Carrier:  | N/A                 | Non-HM  | Business: Corporation                      |              |                         |
| Shipper:  | N/A                 | N/A   | Gross Revenue: for year ending: 12/31/2013 |              |                         |
| Cargo Tank:   | N/A                 |   |  |              |                         |
| Company Physical Address:   |                     |   |  |              |                         |
|   |                     |   |  |              |                         |
| Contact Name: Omar Brambila   |                     |   |  |              |                         |
| Phone numbers: (1)  |                     | (2)   | Fax  |              |                         |
| E-Mail Address:   |                     |   |  |              |                         |
| Company Mailing Address:  |                     |   |  |              |                         |
| 2163 S MILSTEAD<br>WICHITA, KS 67209  |                     |   |  |              |                         |
| Carrier Classification  |                     |   |  |              |                         |
| Authorized for Hire   |                     |   |  |              |                         |
| Cargo Classification  |                     |   |  |              |                         |
| Passengers  |                     |   |  |              |                         |
| Equipment   |                     |   |  |              |                         |
|   | Owned               | Term Leased   | Trip Leased                                | Owned        | Term Leased Trip Leased |
| Motor Coach   | 4                   | 0   | 0  |              |                         |
| Power units used in the U.S.: 4   |                     |   |  |              |                         |
| 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:  |                     | 4   | Total Drivers: 4                           |              |                         |
| >= 100 Miles:   |                     |   | CDL Drivers: 4                             |              |                         |





PARTY HARDY BUS LLC  
U.S. DOT #: 1915422

Review Date:  
12/11/2014

**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  
Attn: Gary Davenport  
1500 SW Arrowhead Rd., Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

**Person(s) Interviewed**

Name: Omar Brambila

Title: Owner

Name:

Title:






PARTY HARDY BUS LLC  
U.S. DOT #: 1915422

Review Date:  
12/11/2014

### Part B Violations

| 1<br>STATE   | Primary: 292.2<br>Secondary: 8-2,132<br>CFR Equivalent: 383.37(a)          | Discovered<br>1 | Checked<br>4 | Drivers/Vehicles<br>In Violation<br>1 | Checked<br>4 |
|--|--|-----------------|--------------|---------------------------------------|--------------|
| <b>Description</b><br>Knowingly allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.<br><b>Example</b><br>Christopher Bush<br>Trip date 11.15.2014<br>1986 Neop 42 foot bus<br><br>Operated a 1986 NEOP 45 passenger bus KS tag / 42 foot bus on a trip in Wichita, KS with a Class B CDL with Air Brake restriction. |  |                 |              |                                       |              |
| 2<br>FEDERAL   | Primary: 390.19(a)<br>Secondary: 390.19(4)(h)(i)                           | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation      | Checked      |
| <b>Description</b><br>Failed to upated MCS 150 every 12 months per Kansas<br><b>Example</b><br>[REDACTED]<br>Trip Date 11.21.2014<br><br>Carrier failed to update MCS150 as required by the State of Kansas every 12 months. Carrier's last mcs150 update was on 09.07.2013. Per MCMIS report on 11.24.2014 and on 12.10.2014  |  |                 |              |                                       |              |
| 3<br>STATE   | Primary: 391.21(a)<br>CFR Equivalent: 391.21(a)                            | Discovered<br>2 | Checked<br>4 | Drivers/Vehicles<br>In Violation<br>2 | Checked<br>4 |
| <b>Description</b><br>Using a driver who has not completed and furnished an employment application.<br><b>Example</b><br>[REDACTED]<br>Trip date 11.08.2014<br>hire date<br><br>Application does not meet requirements for a commercial driver application   |  |                 |              |                                       |              |
| 4<br>STATE   | Primary: 391.23(a)<br>Secondary: 391.23(a)(1)<br>CFR Equivalent: 391.23(a) | Discovered<br>1 | Checked<br>4 | Drivers/Vehicles<br>In Violation<br>1 | Checked<br>4 |
| <b>Description</b><br>Failing to investigate driver's background.<br><b>Example</b><br>[REDACTED]<br>Hire Date<br>trip date 11.08.2014<br><br>Carrier failed to make an inquiry to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.   |  |                 |              |                                       |              |



|   |                     |  |              |  |
|---|---------------------|--|--------------|--|
|  | PARTY HARDY BUS LLC |  | Review Date: |  |
|   | U.S. DOT #: 1915422 |  | 12/11/2014   |  |
| <b>Part B Violations</b>  |                     |  |              |  |

|            |                           |            |         |                  |         |
|------------|---------------------------|------------|---------|------------------|---------|
| 5<br>STATE | Primary: 391.25(a)        | Discovered | Checked | Drivers/Vehicles |         |
|            | CFR Equivalent: 391.25(a) | 3          | 4       | In Violation     | Checked |
|            |                           |            |         | 3                | 4       |

**Description**

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

**Example**

Christopher Bush  
Trip date 11.15.2014

Carrier failed to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

|            |                              |            |         |                  |         |
|------------|------------------------------|------------|---------|------------------|---------|
| 6<br>STATE | Primary: 391.45(b)(1)        | Discovered | Checked | Drivers/Vehicles |         |
|            | Secondary: 391.11(a)         |            |         | In Violation     | Checked |
|            | CFR Equivalent: 391.45(b)(1) | 2          | 4       | 2                | 4       |

**Description**

Using a driver not medically examined and certified during the preceding 24 months.

**Example**

Salvador Brambila  
Trip date 10.17.2014  
last exam date

Trip date 11.21.2014  
Last exam date

Operated the Bus named Platanum a 1986 Neoplan KS tag on 10.17.2014 on a trip in Wichita, KS without having been medically examined and certified every 24 months. Driver new medical on 12.04.2014

|            |                              |            |         |                  |         |
|------------|------------------------------|------------|---------|------------------|---------|
| 7<br>STATE | Primary: 391.51(b)(5)        | Discovered | Checked | Drivers/Vehicles |         |
|            | CFR Equivalent: 391.51(b)(5) | 3          | 4       | In Violation     | Checked |
|            |                              |            |         | 3                | 4       |

**Description**

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

**Example**

Christopher Bush  
Trip date 11.15.2014

|            |                              |            |         |                  |         |
|------------|------------------------------|------------|---------|------------------|---------|
| 8<br>STATE | Primary: 391.51(b)(6)        | Discovered | Checked | Drivers/Vehicles |         |
|            | CFR Equivalent: 391.51(b)(6) | 3          | 4       | In Violation     | Checked |
|            |                              |            |         | 3                | 4       |

**Description**

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

**Example**

Christopher Bush  
Trip date 11.15.2014



PARTY HARDY BUS LLC  
U.S. DOT #: 1915422

Review Date:  
12/11/2014

**Part B Violations**

**Safety Fitness Rating Information:**

Total Miles Operated 1,200  
Recordable Accidents 0

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 :

**This Review is not Rated.**



PARTY HARDY BUS LLC  
U.S. DOT #: 1915422

Review Date:  
12/11/2014

**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.

**For all Investigations that could result 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 KCC 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:**

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 15 days and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission  
Attn: Gary Davenport  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027





PARTY HARDY BUS LLC  
U.S. DOT # 1916422

Review Date  
March 2014

## Part B Requirements and/or Recommendations

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2012 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 2013. There will be additional opportunities for public comment on the changes after the preview period ends in July 2013.

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 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 (HMM)), 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://data.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

3. You are encouraged to review your company's safety record at the following website:  
<http://data.fmcsa.dot.gov/sms/default.asp>

You will need to enter your U.S. DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN, you only need to click on a link on the webpage to make a request for your PIN to be forwarded to you by U.S. mail.

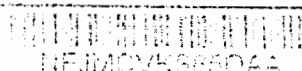
Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource number is included within the recommendations.

You are encouraged to view all of the SIRs at the following website:  
<http://data.fmcsa.dot.gov/sms/Datacenter/sirs.asp>

4. Ensure that all drivers are fully and properly qualified before operating a motor vehicle. Maintain a complete file as required for each driver, documenting the qualifications process.
5. Copies of the regulations, terms, 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/safetyindex.htm](http://www.fmcsa.dot.gov/safety/safetyindex.htm)
6. Do not allow drivers to drive a motor vehicle unless they have been physically re-examined each 24 months.
7. This report contains citations of regulations that are deemed serious in nature or it could result in penalties against your company and/or your drivers.
8. I acknowledge that these requirements and the recommendations have been discussed with me and my questions have been answered. I understand that failure to do so, timely, correct, the administrative violations, and/or failure to comply with Kansas Motor Carrier Safety Statute and Regulations could result in the suspension of Party Hardy Bus LLC's operating authority under the jurisdiction of Party Hardy Bus LLC's vehicle.

Signed:

Date: 12-23-2014



**ATTACHMENT "B"**

No. Platinum  
Chris Bush  
11/15/14  
 WEEK ENDING

|     |           |                          |  |
|-----|-----------|--------------------------|--|
| In  | Monday    |                          |  |
| Out |           |                          |  |
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| In  | Thursday  |                          |  |
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Form #21255506  
 01/01/04

## **ATTACHMENT “C”**

No. Platinum

Salvador Brambila

10/17/14 WEEK ENDING

[illegible][illegible]



IN RE: DOCKET NO. **15-TRAM-294-PEN**

DATE **JAN 27 2015**

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

| NAME AND ADDRESS   | NO.<br>CERT.<br>COPIES | NO.<br>PLAIN<br>COPIES |
|--|------------------------|------------------------|
| MICHAEL DUENES, LITIGATION COUNSEL<br>KANSAS CORPORATION COMMISSION<br>1500 SW ARROWHEAD RD<br>TOPEKA, KS 66604-4027<br>***Hand Delivered*** |                        |                        |
| OMAR BRAMBILA, OWNER/MEMBER<br>PARTY HARDY BUS, LLC<br>2163 S MILSTEAD<br>WICHITA, KS 67209  |                        |                        |

ORDER MAILED **JAN 28 2015**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

**CERTIFICATE OF SERVICE**

15-TRAM-294-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 AUG 02 2016.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
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OMAR BRAMBILA, OWNER/MEMBER  
PARTY HARDY BUS, LLC  
2163 S MILSTEAD  
WICHITA, KS 67209  
plant.418@pssi.com

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

**Order Mailed Date**

**AUG 03 2016**