

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
25-TRAM-293-PEN

February 11, 2025

Rex D. Rice, Owner  
Rex Rice Harvesting  
608 S Ridge Street  
Emmett, Kansas, 66783

This is a notice of a penalty assessment against Rex Rice Harvesting (“Rex Rice”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 17, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigators identified one hundred and six (106) violations of the Motor Carrier Safety regulations. Penalties for the violations are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. Rex Rice has been assessed a \$4,900.00 penalty. For a full description of the penalties and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$4,900.00 through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (“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.

The attached Order also requires a representative of Rex Rice:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order. 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).
- b. To submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

**IF YOU CONTEST THE PENALTY ORDER:** You have the right to request a hearing. A request for a hearing must be made in writing, and within fifteen (15) days from the date of service of this Order, setting forth the specific grounds upon which relief is sought. You may request a hearing through the Commission’s electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and you must also mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an

original and seven copies of the request to the Acting Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$4,900.00 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,  
*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
Ahsan.Latif@ks.gov

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<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners:     Andrew J. French, Chairperson  
                                  Dwight D. Keen  
                                  Annie Kuether

In the Matter of the Investigation of **Rex Rice**     )  
**Harvesting of Emmett, Kansas.** Regarding the     )  
Violation(s) of the Motor Carrier Safety Statutes,     )  
Rules and Regulations and the Commission's     )     Docket No. 25-TRAM-293-PEN  
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:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority, and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 66-129a, 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 issue an order on the Commission’s own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

4. Rex Rice Harvesting (“Rex Rice” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 4334228.

5. The Commission finds it has jurisdiction over Rex Rice pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

6. On January 17, 2025, a Commission Transportation Staff (“Transportation Staff” or “Staff”) Special Investigator (“SI”) completed a safety compliance investigation of Rex Rice. As a result of the compliance investigation, the SI identified one hundred and six (106) violations, set forth in four (4) counts of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.<sup>1</sup>

7. On January 27, 2025, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as “Attachment A” and hereby incorporated by reference herein, recommending a penalty of \$4,900.00 to be issued to Rex Rice based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff’s R&R, the Commission finds that Rex Rice committed one hundred and six (106) violations of the following four (4) counts, discussed more fully in Staff’s R&R:<sup>2</sup>

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<sup>1</sup> Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (Jun. 27, 2024) (“Penalty Matrix”).

<sup>2</sup> See Staff’s Report and Recommendation, Transportation Division (Jan. 22, 2025).

- a. Count 1: On September 11, 2025, Rex Rice required or permitted its driver, Rex Rice, to operate a commercial driver's license required commercial motor vehicle (a 2003 International, VIN ending 4326, GVWR over 33,000 lbs., pulling a 2020 Jett trailer, VIN ending in 0587) in Kansas on a public road (Rossville to Topeka) without having an alcohol and controlled substance testing program, which resulted in one (1) violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$650 is appropriate and in accordance with the current Penalty Matrix.
- b. Count 2: On September 11, 2025, Rex Rice required or permitted its driver, Rex Rice, to operate a commercial driver's license required commercial motor vehicle (a 2003 International, VIN ending 4326, GVWR over 33,000 lbs., pulling a 2020 Jett trailer, VIN ending in 0587) in Kansas on a public road (Rossville to Topeka) without obtaining a valid CDL, which resulted in one (1) violation of 4 K.S.A. 8-2,125, et. seq., K.A.R. 82-4-6a (*See also* K.S.A. 8-2,132 and 49 C.F.R. 392.1, 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h.). The Commission finds that Staff's recommendation of a penalty of \$500 is appropriate and in accordance with the current Penalty Matrix.
- c. Count 3: On September 11, 2025, Rex Rice required or permitted its driver, Rex Rice, to operate a commercial driver's license required commercial motor vehicle (a 2003 International, VIN ending 4326, GVWR over 33,000 lbs., pulling a 2020 Jett trailer, VIN ending in 0587) in Kansas on a public road (Rossville to Topeka) without first being registered with the Federal Drug and Alcohol Clearinghouse, which resulted in one (1) violation of 49 C.F.R. 382.711, adopted by K.A.R. 82-4-

3c. The Commission finds that Staff's recommendation of a penalty of \$750 is appropriate and in accordance with the current Penalty Matrix.

d. Count 4: On September 11, 2025, Rex Rice required or permitted its driver, Rex Rice, to operate a commercial driver's license required commercial motor vehicle (a 2003 International, VIN ending 4326, GVWR over 33,000 lbs., pulling a 2020 Jett trailer, VIN ending in 0587) in Kansas on a public road (Rossville to Topeka) and load of corn with a gross weight of 93,880 lbs., which is 8,380 lbs. over the statutory weight limit of 85,500 lbs. As more fully set forth in Staff's R&R, the SI found that Rex Rice had hauled one hundred and three loads above the statutory weight limit, resulting in one hundred and three violations of K.S.A. 8-1901(a) and K.S.A. 8-1909, adopted by K.A.R. 82-4-3h.<sup>3</sup> The Commission finds that Staff's recommendation of a penalty of \$3,000.00 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission hereby adopts Staff's findings as contained in its January 27, 2025, R&R.

10. The Commission finds that Rex Rice is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order.<sup>4</sup> A schedule of the dates and locations for safety seminars 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. The Commission further finds that Rex Rice is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within

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<sup>3</sup> Also see K.A.R. 82-4-6a, 49 C.F.R. 392.1 and 49 C.F.R. 392.2.

<sup>4</sup> See *Id.*, p. 4.

thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.<sup>5</sup>

12. The Commission further finds that Rex Rice is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.<sup>6</sup>

13. Failure to comply with the requirements of this Penalty Order shall result in suspension of Rex Rice's motor carrier operating authority without further notice.<sup>7</sup>

14. The Commission concludes the penalty of \$4,900.00 for the one violation set forth above, and the additional three requirements set forth in paragraphs 10, 11, and 12 are just and reasonable.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Rex Rice is hereby assessed a \$4,900.00 civil penalty for one hundred and six (106) violations, set forth in four (4) counts 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. Rex Rice is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order.

C. Rex Rice is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this

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<sup>5</sup> See Id.

<sup>6</sup> See Id.

<sup>7</sup> K.S.A. 66-1,105.

order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Rex Rice is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

E. Pursuant to K.S.A. 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. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Acting Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Rex Rice's right to a hearing, and this Penalty Order will become a Final Order.

F. 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 \$500.00, 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.<sup>8</sup> For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>9</sup>

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<sup>8</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>9</sup> K.S.A. 66-1,142b(e) and amendments thereto.



G. If you do not request a hearing, the payment of the civil penalty of \$4,900.00 is due in thirty (30) days from the date of service of this Order. Payment of \$4,900.00 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network ("KTRAN") system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure of Rex Rice to perform, pay, or fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Rex Rice's motor carrier operating authority without further notice.<sup>10</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/11/2025



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Abigail D. Emery  
Acting Secretary to the Commission

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<sup>10</sup> K.S.A. 66-1,105.

**ATTACHMENT "A"**



Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

**TO:** Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

**FROM:** Jared Smith, Deputy Director of Transportation

**DATE:** January 27, 2025

**SUBJECT: Docket No. 25-TRAM-293-PEN**  
In the Matter of the Investigation of **Rex Rice Harvesting of Emmett, Kansas**  
Regarding the Violation of the Motor Carrier Rules and Regulations and the  
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of  
Motor Carrier Authority

**EXECUTIVE SUMMARY:**

Rex Rice Harvesting is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed and hay. Rex Rice Harvesting operates under USDOT 4334228. On January 17, 2025, a Commission Staff (Staff) Special Investigator (SI) completed a safety compliance investigation of the operations of Rex Rice Harvesting. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified one hundred and six (106) violations, set forth in four (4) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$4,900 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On January 17, 2025, a Commission Staff SI conducted a safety compliance investigation of the operations of Rex Rice Harvesting. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

**Count One (1 of 4)**

**Authority:** K.S.A. 66-1,111 and 66-1,129.

**Relevant Statutes:** 49 C.F.R. 382.115(a), titled "Starting date for testing programs," states: "(a) All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations." Specific testing procedures are outlined in 49 C.F.R. 382.105.

**Material Facts and Supporting Documents:** On September 11, 2024, Rex Rice Harvesting required or permitted its driver, Rex Rice, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2003 International, VIN ending 4326, GVWR over 33,000 lbs., pulling a 2020 Jett trailer, VIN ending in 0587, in intrastate commerce from Rossville, Kansas to Topeka, Kansas. This trip is evidenced by a Cargill Elevator scale ticket attached hereto as **Exhibit 2**. The MC did not provide the SI with evidence of enrollment in an alcohol and controlled substance testing program compliant with 49 C.F.R. 382.115(a) at the time of this transport.

**Violation:** Rex Rice Harvesting operated a CDL-required CMV without having an alcohol and controlled substance testing program, which is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 3**). One (1) violation discovered (**Exhibit 1, Page 10**).

**Recommendations:** Staff recommends a fine of \$650, in accordance with the FY 2025 Penalty Matrix.

**Count Two (2 of 4)**

**Authority:** K.S.A. 66-1,111 and 66-1,129.

**Relevant Statutes:** K.A.R. 82-4-6a states: "Each motor carrier and driver shall comply with the following:... (b) the state traffic laws and regulations of the Kansas department of revenue pertaining to driver's licenses as established in the Kansas driver's license act, K.S.A. 8-222 et seq. and amendments thereto;"

49 C.F.R. 392.1 states: "(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

49 C.F.R. 392.2 states: "Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Motor Carrier Safety Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Motor Carrier Safety Administration regulation must be complied with."

K.S.A. 8-2,132. Same; driver of commercial vehicle must have a commercial class driver's license to operate vehicle; violations; penalty

"(a) On and after April 1, 1992, except when driving under a commercial class A, B or C or class A or B instruction permit or a valid class C license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person has a valid commercial driver's license and is in immediate possession thereof and applicable endorsements valid for the vehicle they are driving, except that no person charged with violating this subsection shall be convicted if such person produces in court or the office of the arresting officer a commercial driver's license issued to such person and valid at the time of the arrest.

- (b) No person shall drive a commercial motor vehicle while their driving privilege is suspended, revoked or canceled or while subject to a disqualification.
- (c) No person shall drive a commercial motor vehicle in violation of an out-of-service order.
- (d) Any commercial driver in violation of this section shall be guilty of a class B misdemeanor.”

**Material Facts and Supporting Documents:** This violation took place during the transport on September 11, 2024, described in Count One, above. Additionally, this violation is evidenced by the driver’s Kansas MVR confirming he does not possess a CDL, attached hereto as **Exhibit 3**. On the MVR, after “CDL:” the form is blank, indicating the driver did not possess a CDL.

**Violation:** Rex Rice Harvesting utilized a driver without a CDL to operate a CDL-required vehicle, which is a violation of K.S.A. 8-2,132, K.A.R. 82-4-6a (*See also* K.S.A. 8-2,132 and 49 C.F.R. 392.1, 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h.) (**Exhibit 1, Page 3**). One (1) violation was discovered. (**Exhibit 2, Pages 10**).

**Recommendation:** Staff recommends a fine of \$500, in accordance with the FY 2025 Penalty

#### **Count Three (3 of 4)**

**Authority:** K.S.A. 66-1,111 and 66-1,129.

**Relevant Statutes:** 49 C.F.R. 382.711 states: “Clearinghouse registration required. Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.”

**Material Facts and Supporting Documents:** This violation took place during the transport on September 11, 2024, described in Count One, above. Additionally, this violation is evidenced by a screenshot showing the carrier is not registered in the Federal Drug and Alcohol Clearinghouse (DACH), attached hereto as **Exhibit 4**. The SI searched for the MC by its USDOT Number and obtained no result.

**Violation:** Rex Rice Harvesting failed to register in the DACH, which is a violation of 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c (**Exhibit 1, Pages 3 to 4**). One (1) violation was discovered. (**Exhibit 2, Page 10**).

**Recommendation:** Staff recommends a fine of \$750, in accordance with the FY 2025 Penalty Matrix.

#### **Count Four (4 of 4)**

**Authority:** K.S.A. 66-1,111 and 66-1,129.

**Relevant Statutes:** K.A.R. 82-4-6a states: “Each motor carrier and driver shall comply with the following:...(c) the uniform act regulating traffic and the size, weight, and load of vehicles as established in K.S.A. 8-1901 et seq. and amendments thereto; and (d) the regulations issued by the commission pertaining to the driving of commercial motor vehicles as adopted in K.A.R. 82-4-3h.”

49 C.F.R. 392.1 states: “(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

49 C.F.R. 392.2 states: “Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However,

if a regulation of the Federal Motor Carrier Safety Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Motor Carrier Safety Administration regulation must be complied with.”

K.S.A. 8-1901(a) states: “It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in article 19 of chapter 8 of Kansas Statutes Annotated or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this article.”

K.S.A. 8-1909 describes the specific weight limits.

**Material Facts and Supporting Documents:** This violation took place during the transport on September 11, 2024, described in Count One, above. During this transport, driver Rex Rice hauled a load of corn with a gross weight of 93,880 lbs. (See **Exhibit 2**), which is over the maximum weight limit of 85,500 lbs. In total, the SI found that Rex Rice had hauled one hundred and three loads above the statutory weight limit, resulting in one hundred and three violations.

**Violation:** Rex Rice Harvesting operated over the maximum gross weight of 85,500 lbs. allowed in Kansas, which is a violation of K.A.R. 82-4-6a, K.S.A. 8-1909, 49 C.F.R. 392.1 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 4**). One hundred and three (103) violations were discovered. (**Exhibit 2, Page 10**).

**Recommendation:** Staff recommends a fine of \$3,000, in accordance with the 2025 Penalty Matrix.

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Rex Rice Harvesting committed one hundred and six (106) violations, set forth in four (4) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$4,900 for one hundred and six (106) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Rex Rice Harvesting require a representative responsible for the company’s safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars 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).

Staff further recommends Rex Rice Harvesting submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

Finally, Staff recommends that Rex Rice Harvesting submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

**EXHIBIT 1**



# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 4334228  
**MC/MX#:**

**Legal:** REX RICE  
**Operating (DBA):**

**Investigation Date:**  
01/17/2025

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

## Physical Address

13655 Highway 63  
Emmett, KS 66422  
United States

## Mailing Address

13655 Highway 63  
Emmett, KS 66422  
United States

## Contact Information

**Contact Name:** Rex Rice

**Email:**

**Phone:** (785)844-0313    **Cell:** (785)844-0313    **Fax:** ( )-

## Business and Financial

**Business Type:** Sole Proprietorship

**Name of Gross Revenue Provider:** Rex Rice

**Title of Gross Revenue Provider:** Owner/Operator

**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2023

**Federal Tax ID:** ██████████

## Operation Classification and Type

**Type of Operation:** Non-HM Intrastate Carrier

## Cargo

Grain, Feed, Hay

## Operation Classification

For-Hire Motor Carrier

Property

Exempt Commodities

Private Motor Carrier

Property – Non-Hazardous Materials

## Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	3		
Trailers	3		

## Driver Information

Drivers	Intrastate	Interstate
< 100 Miles	2	
>= 100 Miles		

**Power units used in the U.S.:** 3

**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0

**Drivers with CDL:** 1

**Total Drivers:** 2

## Person(s) Interviewed

**Name:** Rex Rice

**Title:** Owner

**Questions**

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200  
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040  
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260  
Administration at: Fax: (877) 547-0378

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

# Violations

## 1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.



**Acute**

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

**BASIC Impacted**  
Controlled  
Substances/Alcohol

**Rating Factor 2:**  
Driver = Part 382

### Example/Notes:

Driver name- Rex Rice

Trip date. - 9/11/2024

Rex Rice operated in for hire status for Mulvane Farms on this date. As evidenced by Cargill Elevators ticket number 4435728.

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 2. Primary: 392.2

### State Equivalent: 8-2,125

Operating a CMV without having the proper class of CDL.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	2	2

### Drivers/Vehicles in Violation

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	2	2

### Example/Notes:

Driver Name - Rex Rice

Vehicle ID - Unit 4326 2003 INTL. vin ending 4326.

Trip Date 9-11-2024

Class of CDL and Endorsements Required - Rice has a Regular Class A and is required a Class A CDL for hire operations.

## 3. Primary: 382.711(b)

Failing to register in the Clearinghouse.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Drivers/Vehicles in Violation

### Example/Notes:

The company Failing to register in the Clearinghouse.

Driver was Rex Rice

Trip date was 9/11/2024. Rex operated in for hire status at Mulvane Farms. As evidenced by Cargill Elevators ticket number 4435728.

Fed	State	Total
-----	-------	-------

Checked		
---------	--	--

Fed	State	Total
-----	-------	-------

**4. Primary: 392.2**

**State Equivalent: 8-1901**

Operating in excess of the maximum gross weight of 85,500 pounds that is allowed in Kansas. And I write the Total number of loads I look at and the total number of loads that were over the 86,500 lbs.

**Violations Discovered**

Fed	State	Total
-----	-------	-------

	103	103
--	-----	-----

Checked		
---------	--	--

Fed	State	Total
-----	-------	-------

	146	146
--	-----	-----

**Example/Notes:**

Driver Rex Rice

Trip date 9/11/2024

Operating in excess of the maximum gross weight of 85,500 pounds that is allowed in Kansas, As evidenced by Cargill Elevators ticket number 4435728 with a gross weight of 93,880 lbs.

**Drivers/Vehicles in Violation**

Fed	State	Total
-----	-------	-------

	2	2
--	---	---

Checked		
---------	--	--

Fed	State	Total
-----	-------	-------

	2	2
--	---	---

## **Safety Fitness Rating**

### **This Investigation is Not Rated**

**DataQs:** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

## Process Breakdown and Remedies

None

## Recommendations

### 1. Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

### 2. For All Investigations Not Un-Sat

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>

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 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.

For all Investigations that could result in a Notice of Claim:

**PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. 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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

3. **Obtain copies of the regulations, forms, interpretations, manuals.**  
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)
4. **Clearinghouse Annual Query**  
Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.
5. **Clearinghouse Registration - Owner/Operator**  
As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.
6. **Clearinghouse Registration - Employer**  
Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.
7. **Clearinghouse Driver Consent**  
Ensure driver consent has been obtained and is on file before conducting a limited query.
8. **Clearinghouse Pre-employment Query**  
Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.
9. **Maintain a complete file documenting the qualification process.**  
Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
10. **Ensure that all vehicles are properly marked.**  
Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
11. **A copy of your profile can be obtained by accessing the Portal.**  
A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
12. **CDL and drug testing rules apply.**  
Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
13. **Obtain a copy of each driver's driving record and review it.**  
Obtain a copy of each driver's driving record and review it annually.
14. **All Investigations with a penalty order**  
MANDATORY FOLLOW UP REQUIRMENTS (ALL INVESTIGATIONS THAT RESULT IN PENALTY)  
1) The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:  
Email: [jared.L.Smith@ks.gov](mailto:jared.L.Smith@ks.gov)  
FAX: 785-271-3124  
  
or mail:  
Kansas Corporation Commission  
Attn: Jared Smith  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027  
  
2) The KCC requires a representative from MOTOR CARRIER NAME to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the penalty order. Schedule of the dates for safety seminars can be found on the Commission s website at <https://www.kcc.ks.gov/transportation/calendar-of-events>.



FAILURE TO SUBMIT THE CORRECTIVE ACTION PLAN (CAP) AND ATTEND A SAFETY SEMINAR WITHIN 30 DAYS WILL RESULT IN THE SUSPENSION OF MOTOR CARRIER NAME OPERATING AUTHORITY AND/OR THE IMPOUNDMENT OF MOTOR CARRIER NAME VEHICLES.

I understand that these requirements/violations and/or recommendations have been discussed with me and my questions have been answered. I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>392.2 - Operating a CMV without having the proper class of CDL.</b>			
1	09/11/2024	Driver: Rex Rice Scale Ticket #4435933	
<b>382.115(a) - Failing to implement an alcohol and/or drug testing program</b>			
1	09/11/2024	Driver: Rex Rice Scale Ticket #4435728	
<b>382.711(b) - Failing to register in the Clearinghouse.</b>			
1	09/11/2024	Driver: Rex Rice: Scale ticket #4435728	
<b>392.2 - Operating in excess of the maximum gross weight of 85,500 pounds that is allowed in Kansas. And I write the Total number of loads I look at and the total number of loads that were over the 86,500 lbs.</b>			
1	09/11/2024	Ticket #4435728	
2	09/11/2024	Ticket #4435799	
3	09/11/2024	Ticket #4438576	
4	09/11/2024	Ticket #4435909	
5	09/11/2024	#4435933	
6	09/11/2024	#4435952	
7	09/12/2024	#4436033	
8	09/12/2024	#4436070	
9	09/12/2024	#4336116	
10	09/12/2024	#4336154	
11	09/12/2024	#4436201	
12	09/13/2024	4436319	
13	09/13/2024	#4436360	
14	09/13/2024	#4436449	
15	09/13/2024	#4436558	
16	09/13/2024	#4436410	
17	09/13/2024	#4436488	
18	09/14/2024	#11-690059	
19	09/14/2024	#11-680159	
20	09/14/2024	#11-680214	
21	09/14/2024	#11-679963	
22	09/14/2024	#11-679995	
23	09/15/2024	#11-680410	
24	09/15/2024	#11-680529	
25	09/15/2024	#11-680590	

26	09/15/2024	#11-680466	
27	09/16/2024	#4436826	
28	09/16/2024	#4436637	
29	09/16/2024	#4436904	
30	09/16/2024	#4436804	
31	09/16/2024	#4436721	
32	09/16/2024	#4436592	
33	09/16/2024	#4436850	
34	09/16/2024	#4436770	
35	09/17/2024	#00001	Assigned number
36	09/17/2024	#4437037	
37	09/17/2024	#4437101	
38	09/17/2024	#4437147	
39	09/17/2024	#000002	Assigned number
40	09/17/2024	#4436985	
41	09/17/2024	#4436950	
42	09/17/2024	#4437021	
43	09/17/2024	#4437071	
44	09/17/2024	#4437127	
45	09/17/2024	#4437173	
46	09/18/2024	#4437300	
47	09/18/2024	#4437254	
48	09/18/2024	#4437259	
49	09/18/2024	#4437446	
50	09/18/2024	#000003	
51	09/18/2024	#4437608	
52	09/18/2024	#4437394	
53	09/18/2024	#4437488	
54	09/18/2024	#000004	Assigned number
55	09/19/2024	#4437608	
56	09/19/2024	#000005	Assigned number
57	09/19/2024	#4437560	
58	09/25/2024	#44338421	
59	09/25/2024	#11-682544	
60	09/26/2024	#000006	Assigned number

61	09/26/2024	#4438577	
62	09/27/2024	#4438800	
63	09/27/2024	#4438680	
64	09/27/2024	#000007	Assigned number
65	09/27/2024	#4438802	
66	09/27/2024	#11-683234	
67	09/27/2024	#11-683181	
68	09/28/2024	#11-683646	
69	09/28/2024	Trace ID 872832219	
70	09/28/2024	#11-683367	
71	09/28/2024	Trace ID 872852080	
72	09/28/2024	#11-683433	
73	09/29/2024	Trace ID 872852532	
74	09/29/2024	#11-683895	
75	09/29/2024	#11-683963	
76	09/29/2024	#11-683831	
77	09/30/2024	#4438864	
78	09/30/2024	#4439044	
79	09/30/2024	#4439023	
80	09/30/2024	#4438997	
81	09/30/2024	#4438937	
82	09/30/2024	#4438847	
83	10/01/2024	#443987	
84	10/09/2024	#11-686409	
85	10/13/2024	#11-687442	
86	10/16/2024	#4441154	
87	10/16/2024	#000008	Assigned number
88	10/16/2024	#4441167	
89	10/16/2024	#4441182	
90	10/16/2024	#4441131	
91	10/18/2024	#4441291	
92	10/18/2024	#4441308	
93	10/18/2024	#4441304	
94	10/18/2024	#4441287	
95	10/18/2024	#000009	Assigned number

96	10/18/2024	#4441312
97	10/18/2024	#4441293
98	10/18/2024	#4441281
99	10/18/2024	#000010
100	10/19/2024	#4441345
101	10/19/2024	#4441318
102	10/19/2024	#4441324
103	10/19/2024	#4441335

Assigned number

## **Exhibit 2**



ORIGINAL - NOT NEGOTIABLE  
 INBOUND TRUCK GRAIN INSPECTION AND WEIGHT CERTIFICATE  
 UNITED STATES WAREHOUSE ACT

CERT # 4435728

Warehouseman: Cargill, Incorporated  
 Licensed Warehouse: Cargill West Elevators, Olathe, KS  
 Location: Topeka, KS - (Crossroads Facility),

UNLOAD DATE: 9/11/2024 9:36:59AM

Customer:  
 Mulvane Farm and Ranch LLC  
 16231 NW 54th Street

Scale No.	Platform	Gross	Tare	W
09:29 am		Gross Weight		93880LB
09:36 am		Tare Weight		25980LB

Net Weight	67900LB
Gross:	1212.50BU
Shrink	0.00BU
Dock	0.00BU
Net	1212.50BU

Rossville, KS 66533

Farm/Split:

For the Account of

Shipper Ref:

Commodity: Yellow Corn

Open Storage

Carrier:

Truck ID:

INTERNATIONAL 8400 TRUCK

Driver: (on) SAME

Tit/Til Lic. No.:

REMARKS:

Grade	U.S. No. 2	Yellow Corn	Graded	09/11/2024 09:28AM
TW	60.2 LB/BU	M 13.20 %	DKT	2.3 %
			BCFM	2.1 %

Grade Remarks:

This certificate is issued by an inspector and/or weigher licensed under the U.S. Warehouse Act and the regulations thereunder, or the inspection is performed by a third party service provider.

Anya Tollakson

Shawn Kuszak

LICENSED WEIGHER

LICENSED INSPECTOR

DRIVER

**EXHIBIT 3**





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Page 1 of 1

**EXHIBIT 4**



## Search for an Employer

USDOT#

4334228

or

Company Name

rex rice

Country (optional)

United States

State (optional)

state

Your carrier search did not return any results.

Search

**CERTIFICATE OF SERVICE**

25-TRAM-293-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
02/11/2025  
first class mail and electronic service on \_\_\_\_\_.

MADISEN HANE, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
madisen.hane@ks.gov

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
ahsan.latif@ks.gov

Rex Rice, OWNER  
Rex Rice Harvesting  
13655 Highway 63  
Emmett, KS 66422  
rickr@reeseandnovelly.com

/S/ KCC Docket Room  
KCC Docket Room