

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Mark Sievers, Chairman  
Ward Loyd, Commissioner  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

May 4, 2012

William Thornberg, General Manager  
JCMC, Inc.  
PO Box 1727  
Junction City, Kansas 66441

12-TRAM-779-PEN

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 April 23, 2012, by Kansas Corporation Commission Special Investigator Lance Jones. 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 \$500 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 Fiscal Section 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 calling the Fiscal Office at 785-271-3274.

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 12 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 Executive Director 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.

### **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 operations.

Sincerely,

Amber Smith  
Litigation Counsel  
(785) 271-3301



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. JCMC, Inc. (JCMC) obtained private operating authority from the Commission on July 21, 2010, and operates under KSMCID number 167780 and USDOT number 1700231.

5. John Andrew attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on October 19, 2010, on behalf of JCMC.

6. JCMC is a private motor carrier which primarily hauls motor vehicles.

## **III. STAFF'S STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on April 23, 2012, Commission Staff (Staff) Special Investigator Lance Jones conducted a compliance review of the operations of JCMC. 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. Jones identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On or about April 19, 2012, JCMC, Inc. required or permitted its driver, William McLaughlin, to operate a commercial motor vehicle, a 2006 Chevrolet, VIN [REDACTED] on an interstate trip from Junction City, Kansas to Camden, Missouri. This trip is evidenced by the Driver's Daily Log contained herein as Attachment "B." JCMC permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the

preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. JCMC's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of Title 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2010 Supp. 66-1,129. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission find JCMC committed one (1) violation of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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 \$500 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that JCMC 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 JCMC submit to one follow-up safety compliance review within the next twelve (12) 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 JCMC because it is a motor carrier as defined in K.S.A. 66-1,108.

13. The Commission finds JCMC committed one (1) violation of Kansas law that govern motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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. JCMC, Inc., of Junction City, Kansas is hereby assessed a \$500 civil penalty for one (1) violation 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. JCMC 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, JCMC is ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, and amendments thereto, 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 Executive Director, 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 JCMC's right to a**

hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against JCMC, and ordering JCMC 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 twelve (12) 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.

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 Fiscal Section 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 \$500 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 JCMC's 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.**

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: MAY 04 2012

  
ORDER MAILED MAY 04 2012

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Patrice Petersen-Klein  
Executive Director

AS

**ATTACHMENT "A"**



US DOT #  
1700231

Legal: JCMC INC  
Operating (DBA): JIM CLARK AUTO CENTER

MC/MX #: State #: 167780 Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: A

Operation Types Interstate Intrastate

Carrier: HM HM  
Shipper: N/A N/A  
Cargo Tank: N/A

Business: Corporation  
Gross Revenue: [REDACTED] for year ending: 12/31/2011

Company Physical Address:

[REDACTED]  
[REDACTED]

Contact Name: Pamela Sallee

Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]

E-Mail Address: [REDACTED]

Company Mailing Address:

PO BOX 1727  
JUNCTION CITY, KS 66441

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	4
Review/Audit Receipt Page	1
<b>Total Pages</b>	<b>9</b>

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

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 ROAD  
TOPEKA, KS 66604-4027 (785)271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Pamela Sallee Title: Accounting Assistant  
Name: William Thomborg Title: General Manager

Reported By: [Signature] Title: SL Code: KS8210 Date: 4/23/2012

Received By: [Signature] Title: Accounting Assistant





US DOT #  
1700231

Legal: JCMC INC  
Operating (DBA): JIM CLARK AUTO CENTER

MC/MX #: State #: 167780 Federal Tax ID: [REDACTED] (EIN)

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Operation Types Interstate Intrastate

Carrier: HM HM  
Shipper: N/A N/A  
Cargo Tank: N/A

Business: Corporation  
Gross Revenue: [REDACTED] for year ending: 12/31/2011

Company Physical Address:

[REDACTED]  
[REDACTED]

Contact Name: Pamela Sallee  
Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]  
E-Mail Address: [REDACTED]

Company Mailing Address:

PO BOX 1727  
JUNCTION CITY, KS 66441

Carrier Classification

Private Property

Cargo Classification

Motor Vehicles

Hazardous Materials

9 Miscellaneous HM Carried Non-Bulk

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:	2	0	Total Drivers: 2
>= 100 Miles:	0	0	CDL Drivers: 0

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	1	0	0	Trailer	1	0	0

Power units used in the U.S.: 1

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





JIM CLARK AUTO CENTER (JCMC INC dba)  
U.S. DOT #: 1700231

State #: 167780

Review Date:  
04/23/2012

**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 ROAD  
TOPEKA, KS 66604-4027 (785)271-3151

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

**Person(s) Interviewed**

Name: Pamela Sallee

Title: Accounting Assistant

Name: William Thomberg

Title: General Manager





JIM CLARK AUTO CENTER (JCMC INC dba)  
U.S. DOT #: 1700231

State #: 167780

Review Date:  
04/23/2012

**Part B Violations**

1 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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**Description**  
Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).  
**Example**  
William McLaughlin  
4/19/2012

2 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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**Description**  
Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.  
**Example**  
William McLaughlin  
4/19/2012

3 FEDERAL	Primary: 395.8(f)	Discovered 2	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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**Description**  
Failing to require driver to prepare record of duty status in form and manner prescribed.  
**Example**  
William McLaughlin  
4/19/2012

Failing to list commodity or manifest #. Trip from Jct. City, KS to Camden, MO & Marshall, IA.

4 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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**Description**  
Using a commercial motor vehicle not periodically inspected.  
**Example**  
William McLaughlin  
4/19/2012

**Safety Fitness Rating Information:**

Total Miles Operated	10,000
Recordable Accidents	0
Recordable Accidents/Million Miles	0.00

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 :

**SATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

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





JIM CLARK AUTO CENTER (JCMC INC dba)  
U.S. DOT #: 1700231

State #: 167780

Review Date:  
04/23/2012

**Part B Violations**





## Part B Requirements and/or Recommendations

1. 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.

2. 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:





### Part B Requirements and/or Recommendations

• **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

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

DESCRIPTION OF PROCESS BREAKDOWN: Carrier is not completing annual review and certifications of drivers.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

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

#### HAZMAT Carriers:

- Establish policies and procedures for companies that haul both HAZMAT and regular cargo to be responsible for ensuring that only drivers with an "H" or "X" endorsement are assigned to placardable HAZMAT shipments and only those with an "N" or "X" endorsement are assigned to cargo tanks and portable tanks/bulk packages over a 1,000-gallon capacity.

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>.





## Part B Requirements and/or Recommendations

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

### 4. FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Drivers are not totaling hours or indicating the commodity or manifest number on the log sheet.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip. Outline consequences for noncompliance, such as withholding of paychecks until documents have been submitted.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with fatigued-driving-related regulations and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

#### HAZMAT Carriers:

- Develop a clearly written policy and procedures for all personnel involved in accepting loads, assigning drivers, and establishing delivery schedules, taking into account the full operational process and enabling dispatchers to safely manage all types of HAZMAT loads for which the carrier is qualified within Hours of Service (HOS).

#### 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.

### 5. VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier is doing annual inspections on the truck but none on the trailer.

#### 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





### Part B Requirements and/or Recommendations

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, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that employees comply with vehicle inspection, repair and maintenance regulations, and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

#### HAZMAT Carriers:

- Establish a policy and procedure to ensure that drivers examine each tire on the motor vehicle at the beginning of each trip and each time the vehicle is parked, and that they take immediate corrective measures as needed before continuing with the route.

#### 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.

6. Make sure that you update your MCS-150 (USDOT number) every year.



**ATTACHMENT "B"**

### DRIVER'S DAILY LOG

ORIGINAL - Submit to carrier  
 DUPLICATE - Retain in possession for 8 days

4 19 12  
 Month Day Year

01 / 01 T

I certify these entries are true and correct: Vehicle Numbers - Show Each Unit

725  
 Total Miles Driving Today

William M. [Signature]  
 Driver's Signature in Full

Jim Clark Auto Center  
 Name of Carrier or Carriers  
 Golden Belt Blvd J.C.  
 Main Office Address

Name of Co-driver

	MID-NIGHT	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
OFF DUTY	[Handwritten bars indicating off-duty periods]																							11	
SLEEPER BERTH	[Handwritten bars indicating sleeper berth periods]																								
DRIVING	[Handwritten bars indicating driving periods]																							10 1/2	
ON DUTY (NOT DRIVING)	[Handwritten bars indicating on-duty non-driving periods]																							2 1/2	
<b>TOTAL</b>																								<b>24</b>	

REMARKS  
 Manifest No.  
 Commodity  
 Shipper

*From the City to [unclear] [unclear]*  
*Conner Ma Fine*  
*Washburn [unclear] [unclear]*  
*Conner Ma Fine*  
*From the City*

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

USE TIME STANDARD AT HOME TERMINAL

RECAP  
 Eligible Hrs. Today

Minus Hrs. Today

Subtotal

Add. Hrs. Gain From First Day

Eligible Hrs. Tomorrow

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
William Thornberg, GENERAL MANAGER JCMC, Inc. D/B/A Jim Clark Auto Center PO Box 1727 Junction City, KS 66441		
AMBER SMITH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED MAY 04 2012

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.