

# DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone #: (785)296-7189 Fax #: (785)296-2858  
truckinspection@khp.ks.gov

Report Number: KSH01000930  
Inspection Date: 11/29/2016 Certification Date:  
Time Started: 14:00 Time Ended: 15:15  
Inspection Level: I - Full Inspection  
HM Inspection Type: No HM Inspection

GARRETT BENJAMIN FARMS

Driver: BENJAMIN, RICHARD L

COUNCIL GROVE, KS 66846

License #: State: KS

USDOT #:

Phone #:

MC/IMX #:

Fax #:

State #: S00000016541

Location: OLATHE SOUTH M.C.I.S. #24W

MilePost: 213

Highway: I-35 SB

Origin: SPRING HILL, KS

Bill of Lading: NONE

County: JOHNSON

Destination: EMPORIA, KS

Cargo: FOAM INSULATION

Shipper: CUSTOM HARDWOODS

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA issued #	OOS SIKr.#
1	TR	FORD	2000	KS			59834	8,800			
2	ST	ELIT	2015	KS	NONE		230145	22,500			140968

## BRAKE ADJUSTMENTS:

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	HYDR	HYDR	ELEC	ELEC

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.8	392.8	D	N		N	N	Failing to inspect/use emergency equipment: Failing to inspect emergency equipment; Driver failed to ensure vehicle was equipped with emergency equipment as required by 393.95
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.; Driver didn't know he needed a medical card
392.2DL	392.2	D	N		N	N	Miscellaneous Drivers License Violation: Miscellaneous Drivers License Violation; KSA 8-2, 133, Fail to self-certify medical card status with KDOR correctly - has declared Category 2, but is not exempt
390.21B	390.21(b)	1	N		N	N	Carrier name and/or USDOT Number not displayed as required: No carrier name displayed (does not have USDOT # to display)
385.301A	385.301(a)	1	N		N	N	Failing to register with FMCSA to obtain a USDOT number: Failing to register with FMCSA to obtain a USDOT number; www.fmcsa.dot.gov OR www.truckingks.com
393.60C	393.60(c)	1	N		N	N	Damaged or discolored windshield: Intersecting cracks in approximately center of windshield
393.9	393.9(a)	1	N		N	N	Inoperable Required Lamp: Reverse lamp inoperable - must have at least one white lamp that activates when the vehicle is shifted into reverse
392.2RG	392.2	1	N		N	N	State vehicle registration or License Plate violation: State vehicle registration or License Plate violation; KSA 8-133, Improper display of license plate; Current registration sticker was not displayed (showed 2015)
393.95A	393.95(a)	1	N		N	N	No/discharged/unsecured fire extinguisher: NONE PRESENT
393.95F	393.95(f)	1	N		N	N	No / Insufficient warning devices: NONE PRESENT
396.17C	396.17(c)	1	N		N	N	Operating a CMV without proof of a periodic inspection: Operating a CMV without periodic inspection; No evidence of annual inspection in or on truck
396.17C	396.17(c)	2	N		N	N	Operating a CMV without proof of a periodic inspection: Operating a CMV without periodic inspection; No evidence of annual inspection in or on trailer
392.2RG	392.2	2	N		N	N	State vehicle registration or License Plate violation: State vehicle registration or License Plate violation; KSA 8-142(1), No

Report Prepared By:

N.B. Wright

Badge #:

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BENJAMIN, RICHARD L

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Report Number: KSHPO1000930  
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GARRETT BENJAMIN FARMS

Driver: BENJAMIN, RICHARD L

COUNCIL GROVE, KS 66846

License #:

State: KS

Date of Birth:

USDOT #:

Phone #:

MC/MX #:

Fax #:

State #: S00000016541

393.9	393.9(a)	2	N	N	N	registration for trailer - actual weight was 7,160 lbs on fixed scale; Purchased 10/20/16
393.9	393.9(a)	2	N	N	N	Inoperable Required Lamp: Passenger side trailer four-way (hazard warning) lamp Inoperable
393.9TS	393.9(a)	2	Y	U	N	Inoperable Required Lamp: Passenger side trailer stop (brake) lamp Inoperable
393.48A	393.48(a)	2	N	N	N	Inoperative turn signal: Passenger side trailer turn signal Inoperable
393.48A	393.48(a)	2	N	N	N	Inoperative/defective brakes: Axle #3, Driver side, brakes Inoperable when function checked (trailer actual weight was 7,160 lbs on fixed scale)
393.48A	393.48(a)	2	N	N	N	Inoperative/defective brakes: Axle #4, Driver side, brakes Inoperable when function checked (trailer actual weight was 7,160 lbs on fixed scale)
393.48A	393.48(a)	2	N	N	N	Inoperative/defective brakes: Axle #3, Passenger side, brakes Inoperable when function checked (trailer actual weight was 7,160 lbs on fixed scale)
393.48A	393.48(a)	2	N	N	N	Inoperative/defective brakes: Axle #4, Passenger side, brakes Inoperable when function checked (trailer actual weight was 7,160 lbs on fixed scale)
396.3A1BOS	396.3(a)(1)	2	Y	U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 4 of 8 brakes = 50% of combination
393.43	393.43	2	Y	U	N	No/improper breakaway or emergency braking: Breakaway was disconnected when vehicle was stopped - no evidence of braking, pin not plugged in, trailer actual weight 7,160 lbs
392.2MI	392.2	2	N	N	N	Miscellaneous Traffic Law Violation: KSA 8-1907, No safety chains connected for trailer - chains resting loosely on bed of truck but not connected (gooseneck ball hitch)
393.100B	393.100(b)	2	Y	A	N	Leaking/spilling/blowing/falling cargo: Foam insulation panels flew off of trailer, I-35 SB MP 213, struck another TT-ST (no damage)

\* N - Non-OOS or Driver OOS Violation; U - Unknown; A - Repaired at Scene

HazMat: No HM Transported.

Placard: NA Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check  
☐ Conducted by Local Jurisdiction  
☒ Size and Weight Enforcement  
☐ EScreening

- ☐ Traffic Enforcement  
☐ PASA Conducted Inspection  
☐ Drug Interdiction Search

- ☐ Post Crash Inspection  
☐ PBBT Inspection  
Arrests:

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COUNCIL GROVE, KS 66846

USDOT #: Phone #:  
MC/MX #: Fax #:  
State #: S00000018541

Inspection Notes: \*\*\* CIVIL RECOMMENDED \*\*\*

Pulled into scale by another Ruan truck because he lost some foam insulation that flew off and hit the Ruan TT-ST. He stopped in the left lane of the scale and was securing his load. J. Wilson, K2008, had him pull around back to finish so he wasn't blocking the lane.

When contacted and asked about the name of his carrier, he immediately said it was farm use. He picked up this load of foam insulation (120 panels of it) from somewhere in Spring Hill near 215th & US-169 Hwy. He was not hauling any agricultural products. He said he was hauling this for his son's farm (Garret Benjamin) back to Emporia as he is building a barn for his farm.

After I went through the whole inspection, the driver came over to me and said he spoke to his son. At that point he was claiming it was all personal use, which is exactly what I thought he would claim by the end of the inspection since he had some time to make phone calls.

I asked him what he meant and he said his son just told him it's all personal use. I talked to his son on the phone (on speaker phone, recorded on my in-car video). He claimed this was all personal use to build a shop for himself on his own property. The driver had a receipt (I have a photo) for the insulation panels with the name "Custom Hardwoods Garret Benjamin." I asked Garret what that was all about and he inquired how that came up and why I had that receipt. I explained, and he said that is a business is TRYING to buy, which will be a custom flooring business where customers can bring lumber to him (logs, etc.) and he will plane them down into flooring for them. At that point, I realized this was likely the purpose of the "shop" on his property where he'll doing his business. Any way you slice it, this guy is in commerce, whether it's his farm or his flooring business he's trying to buy.

## Special Study Fields:

Special Study1: Special Study6:  
Special Study2: Special Study7:  
Special Study3: Special Study8:  
Special Study4: Special Study9:  
Special Study5: Special Study10:

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier Indicated on this report. Driver Initials \_\_\_\_\_

\*\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*\* \*\*/ \*\* \*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature of Carrier Official: X Date: \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature of Repairer: X Facility: \_\_\_\_\_ Date: \_\_\_\_\_

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