

Docket No. 20-GIMM-246-KHP

Kansas Highway Patrol,

The purpose of this letter is to contest the violations and fines sent to our company on invoice # H000583209.

The first violation is described as "No/improper breakaway or emergency braking. The trailer is, in fact, equipped with emergency breakaway braking and the control cable is attached to an anchor point on the hitch of the truck, which is firmly attached to the truck.

The second violation is described as "False report of drivers record of duty status". This truck, like all of our trucks, is equipped with an ELD. The brand of the device is Verizon Reveal. Occasionally these devices fail to work properly due to signal loss with cell service. When that happens, and our drivers become aware of it, they do a paper log for any hours that may be included in an ELD outage. Our driver did have a paper log for the period in question.

Please direct any questions about this matter to:



Mike Gill

Cda Wheels Transport LLC

PO Box 2222

Coeur d' Alene, Idaho 83816



DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.106.7212



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03050871
Inspection Date: 10/25/2019
Start: 10:38 AM CT **End:** 12:43 PM CT
Inspection Level: I - Full
HM Inspection Type: None

CDA WHEELS TRANSPORT LLC
 5180 E SELTICE WAY # C
 POST FALLS, ID, 83854
USDOT: 2947959 **Phone:** [REDACTED]
MC/MX#: 1003672 **Fax#:** [REDACTED]
State#:
Location: SHERMAN COUNTY - 181
Highway: I-70
County: SHERMAN

Driver: FREEMAN, BENJAMIN B
License#: [REDACTED] **State:** WA
Date of Bi [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:
Milepost: 8 EB **Shipper:** PROTECH DIESEL
Origin: GLENDIVE, MT **Bill of Lading:** N/A
Destination: CHENEY, KS **Cargo:** AUTOMOBILES

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	FORD	2014	ID	TEMP	6	[REDACTED]	12388	14000		
2	ST	BIGT	2017	ID	5987TJ	5987TJ	[REDACTED]	2016875	20000		

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

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
395.8E	F	D	Y		N	False report of drivers record of duty status: False Log on 10/25/2019. see notes for details
393.95A	F	1	N		N	No/discharged/unsecured fire extinguisher: fire extinguisher needs recharged and it wasn't secured/mounted, was loosely on floorboard behind driver seat
390.21B	F	1	N		N	Carrier name and/or USDOT Number not displayed as required: missing company name & USDOT # on right side of truck, had magnetic sign, said it fell off but not sure when it fell off
393.43	F	2	Y		U	No/Improper breakaway or emergency braking: break-away emergency brake cord was attached to its own electric wires, not attached to truck as required

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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 the 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: DF

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 driver identified on this report "OUT OF SERVICE." No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until his/her eligibility to drive has been reestablished. 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: DF

* 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: [Signature] Facility: Cheney Date: 11-6-19

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>
 Signature Of Motor Carrier: [Signature] Title: GM Date: 11-6-19



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700 SW Jackson, Ste 704
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Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03050871
Inspection Date: 10/25/2019
Start: 10:38 AM CT End: 12:43 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Report Prepared By: ID/Badge #:
M. Huynh 0305

X

Copy Received By:
BENJAMIN FREEMAN

X



INSPECTION NOTES

Report Number: KSHP03050871

Inspection Date: 10/25/2019

Signature:

M. Huynh

observed discrepancies on Oct. 22nd, showed ELD log showed he was on duty-not driving and no drive time for the entire day, located paperwork that he was working and delivering vehicle(s), Oct. 23rd, showed he was off duty all day, located paperwork that he was working, load/unload deliveries, Oct. 24th showed drive time approx. 6 hours for day's trip, which was approx. 722 miles and approx. 10 hours and 30 minutes, missing approx. 4.5 hours of drive time, Also Oct 24th, showed he stopped in Fort Collins, CO for the night, then this morning (25th) his ELD log showed he started out in Fort Collins as a continuation from last night but this is not accurate, driver actually stopped in Limon, CO last night and also started out in Limon, CO, not Fort Collins, CO. spoke with driver about these and other discrepancies, we agreed that his log is incorrect, said that he had trouble with it since 22nd but didn't start paper logs, see photographs for details

trailer break-away emergency brake cord was attached to its own wire and not to the truck, if the trailer would've detached from truck, the emergency switch would stay with trailer and not be pulled out

Copy Received

by X Ben Freeman





Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy Commissioner

Governor Laura Kelly

NOTICE OF VIOLATION(S)

October 31, 2019

CDA WHEELS TRANSPORT LLC D/B/A CDA WHEELS
5180 E SELTICE WAY # C
POST FALLS, ID 83854

Re: Roadside Driver/Vehicle Examination Report No. KSHP03050871

This is a Notice of Violation(s) of Kansas Motor Carrier Safety Statutes and/or Rules and Regulations discovered during a roadside inspection conducted by the Kansas Highway Patrol.

The Kansas Highway Patrol inspected vehicle [REDACTED] 2388, on October 25, 2019, and discovered violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3 et seq. The civilly assessed violation(s) are set out in the attached invoice along with the fine(s) assessed.

You have thirty (30) days from the date of this letter to pay the fine amount as indicated in the enclosed invoice or thirty (30) days from the date of this letter to submit a challenge as described below. Failure to address this matter may negatively impact your KCC operating authority or result in the issuance of an Out-of-Service Order in the State of Kansas. You have the following options:

1. Pay the fine amount shown on the enclosed invoice: H000583209.
2. If you contest the violation(s) and/or fine(s) you may first submit a challenge to:

Kansas Highway Patrol
Motor Carrier Safety Assistance Program (MCSAP)
700 SW Jackson, Suite 704
Topeka, Kansas 66603
(785) 368-8086 fax (785) 296-2858

In your "challenge", please specifically describe your contested issues. The KHP will review your issues and either grant, modify or dismiss your challenge.

3. If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received within 15 days of the close of the challenge, and forwarded to the Kansas Highway patrol at the above address.

Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

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KANSAS CORPORATION COMMISSION

Kansas Corporation Commission
Transportation Division
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027
(785) 271-3145
FEIN: 48-1124839

INVOICE

CDA WHEELS TRANSPORT LLC D/B/A CDA WHEELS
5180 E SELTICE WAY # C
POST FALLS, ID 83854

Invoice Date: October 31, 2019
Invoice Number: H000583209
Due Date: November 30, 2019

Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
2	BIGT	5987TJ	[REDACTED]	12388 TEMP TAG	6

Unit	Violation	Violation Description	Penalty
2	393.43	No/improper breakaway or emergency braking	150.00
	395.8E	False report of drivers record of duty status	500.00
Total Due:			\$650.00

**Please return this invoice with your payment, payable to the
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
Fax: (785) 271-3124**

Failure to pay as provided in the Notice of Violation will result in the carrier being in default. Default status will prohibit carriers from making changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Payment options: check, money order or credit card

Circle type of credit card: Visa, MasterCard, Discover or American Express

Card Holder Name _____

Credit card number: _____ Expires: Date ____/____/____

Please direct questions regarding the violation(s) and/or assessment to the
Kansas Highway Patrol, MCSAP at (785) 368-8086.

KANSAS CORPORATION COMMISSION



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