



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

May 28, 2020

20-TRAM-472-PEN

Erin J. Behrens, Corporate Secretary
Commercial Tire Centers, Inc.
2144 W Crawford
Salina, KS 67401

This is a notice of a penalty assessment against Commercial Tire Centers, Inc. (Commercial Tire) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 8, 2020, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalty amounts are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Commercial Tire has been assessed a \$450 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$450 through your personal account with the Kansas Corporation Commission's 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.

COMMERCIAL TIRE IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Commercial Tire Centers, Inc. must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$450 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,

Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

20-TRAM-472-PEN

Commercial Tire Centers, Inc. (Commercial Tire) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated May 28, 2020. Commercial Tire has agreed to comply with the following terms and obligations:

1. Commercial Tire has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Commercial Tire will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Commercial Tire will attend a Commission-sponsored safety seminar at the time said seminars are offered, and proof of attendance will be submitted to the Litigation Counsel.
4. Commercial Tire will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Commercial Tire Centers, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$225, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Commercial Tire will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2020.

Commercial Tire Centers, Inc.

Erin J. Behrens
Corporate Secretary

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Susan K. Duffy, Chair
 Shari Feist Albrecht
 Dwight D. Keen

In the Matter of the Investigation of)
Commercial Tire Centers, Inc., of Salina, KS,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-472-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 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. 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

3. Commercial Tire Centers, Inc. (Commercial Tire) operates under USDOT number 2471438.

4. Erin Behrens attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on May 22, 2017, on behalf of Commercial Tire.

5. Commercial Tire is a private motor carrier which primarily hauls machinery, large objects and tire supplies.

6. Commercial Tire is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 8, 2020, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Commercial Tire. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 6, 2020, Commercial Tire required or permitted its driver, Blake Spear, to operate a CDL-required commercial motor vehicle in intrastate commerce in and around the area of Salina, Kansas. This trip is evidenced by Work Order #698813, dated May 5, 2020, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Commercial Tire did not have implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing

program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a, above, Commercial Tire failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Commercial Tire committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Staff recommends a civil penalty of \$450 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Commercial Tire Centers, Inc. is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty

Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

11. Staff recommends Commercial Tire Centers, Inc. submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this 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. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that a representative of the carrier to attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 10 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

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

V. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over Commercial Tire 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.

15. The Commission finds a penalty of \$450 should be assessed to Commercial Tire for committing two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

16. The Commission finds Commercial Tire is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Commercial Tire Centers, Inc., of Salina, KS is hereby assessed a penalty of \$450 for two (2) violation(s) 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. Payment of \$450 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Commercial Tire is ordered to attend a Commission-sponsored safety meeting as set out in paragraph 12, above. 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.

C. Commercial Tire must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, 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.

D. Commercial Tire is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Commercial Tire does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$450 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Commercial Tire's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

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

G. 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, 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

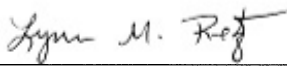
in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 66-1,142b(e) and amendments thereto.

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

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/28/2020




Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 2471438 MC/MX#:	Legal: COMMERCIAL TIRE CENTERS INC Operating (DBA):	Investigation Date: 05/07/20
Investigation Type: Offsite Investigation			
Physical Address		Mailing Address	
2144 W CRAWFORD SALINA, KS 67401-4591 United States		2144 W CRAWFORD SALINA, KS 67401-4591 United States	
Contact Information			
Contact Name: ERIN J. BEHRENS			
Email: [REDACTED] Phone: [REDACTED]			
Business and Financial			
Business Type: Corporation			
Gross Revenue: [REDACTED] For Year Ending: 09/30/19			
Federal Tax ID: [REDACTED] N)			
Operation Classification and Type		Cargo	
Type of Operation: Non-HM Intrastate Carrier, HM Intrastate Carrier		Machinery, Large Objects, Other (Tires & supplies)	
Operation Classification			
For-Hire Motor Carrier			
Property			
Hazardous Materials			
Other Non-Hazardous Freight			
Private Motor Carrier			
Property – Hazardous Materials			
Property – Non-Hazardous Materials			
Hazardous Materials			
Which of the following hazardous materials requiring a Safety Permit does the company transport?		None	
Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?		N/A	
Is an HM Permit required by any State?		No	
Hazardous Materials		Class 9 Miscellaneous Hazardous Materials = C, NB	

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	11	2			Intrastate	Interstate
Trailers	2			< 100 Miles		1
				>= 100 Miles		
Power units used in the U.S.: 13 Percentage of time used in the U.S.: 100%				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1		
Person(s) Interviewed						
Name: ERIN J. BEHRENS				Title: CORP SECRETARY/TREASURE		
Questions						
Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:				1303 SW FIRST AMERICAN PLACE, SUITE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (785) 228-9725		
This report will be used to assess your safety compliance.						

Violations

<p>1. Primary: 382.115(a)</p> <p>Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations</p> <p>A Acute</p>	<table border="1"> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>1</td> <td></td> <td>1</td> </tr> <tr> <th colspan="3">Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>1</td> <td></td> <td>1</td> </tr> </table>	Violations Discovered			Fed	State	Total	1		1	Checked			Fed	State	Total	1		1	<p>BASIC Impacted</p> <p>Controlled Substances/Alcohol</p>	<p>Rating Factor 2:</p> <p>Driver = Part 382</p>
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<p>Example/Notes:</p> <p>Driver name: Blake C Spear</p> <p>Trip date: 5/6/2020</p>		<p>Drivers/Vehicles</p> <table border="1"> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td></td> <td></td> </tr> </table>		In Violation	Checked																
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<p>2. Primary: 391.51(b)(4)</p> <p>Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a)</p>	<table border="1"> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td></td> <td>1</td> <td>1</td> </tr> <tr> <th colspan="3">Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td></td> <td>1</td> <td>1</td> </tr> </table>	Violations Discovered			Fed	State	Total		1	1	Checked			Fed	State	Total		1	1
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<p>3. Primary: 391.51(b)(5)</p> <p>Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p>	<table border="1"> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td></td> <td>1</td> <td>1</td> </tr> <tr> <th colspan="3">Checked</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Violations Discovered			Fed	State	Total		1	1	Checked					
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1	1						

4. Primary: 391.51(b)(6) Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.	Violations Discovered <table border="1"> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td></td> <td>1</td> <td>1</td> </tr> </table> Checked <table border="1"> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td></td> <td>1</td> <td>1</td> </tr> </table>	Fed	State	Total		1	1	Fed	State	Total		1	1
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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

BASIC: Driver Fitness

Process Breakdown: Policies and Procedures

The company failed to check the annual MVR for their driver and complete the review and certification.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a policy for the periodic 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.
2. 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.
3. Develop a policy for document retention and record keeping, including documents that are to be in the possession of the driver as proof of credentials.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

The company failed to have a drug & alcohol policy in place.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
3. Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
4. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
5. Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent

to a positive result.

Recommendations

1. Additional Information

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

2. All Recommendations

"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 carrier's 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.

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

4. 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>).

5. **Conduct periodic internal reviews. (non-HM)**
Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
6. **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.
7. **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
8. **10-year driver employment history required.**
Ensure that drivers provide a 10-year employment history on their employment application.
9. **Maintain all required controlled substance testing records.**
Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
10. **Drug and Alcohol Testing Company Policy (Educational Materials)**
Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.
11. **Alcohol Testing**
Ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
12. **Positive Drivers**
Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.
13. **Random Test Selections**
After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
14. **New Hires**
Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.
15. **Drug Testing Supervisor Training**
Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.
16. **Maintenance Record Program**
Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year, tire size, and carrier unit number
17. **MVR Required**
As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

18. Safety Seminar

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, you are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

19. CAP Requirement

"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. g.davenport@kcc.ks.gov
FAX 785-271-3124

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

20. Monetary Penalty Assessment acknowledgement

"I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans.penalty_assessment_table.htm

Carrier Name Carrier Official"

21. Acknowledgement Statement

"I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Commercial Tire Centers Inc. operating authority and/or the impoundment of Commercial Tire Centers Inc commercial motor vehicles.

Carrier Representative

Date

ATTACHMENT “B”

Commercial Tire Centers Inc.

2324 N 9th, Salina, KS 67401
 Phone 785-404-1821 Fax: 785-823-2597

Where Service is everything

Customer Information	Work Order	Additional Information
Salina Iron & Metal 312 N 5th Salina, KS 67401 Acct Number 000915 Tax ID [REDACTED]	Date 5/06/2020 Reference W-698813 Salesperson [REDACTED] Route Delivery Date 5/08/2020	PO Number Work Order# W-698813 Comment Comment Entered By [REDACTED]
Vehicle #74 Volvo 04/05 Red Desc #74 Volvo 04/05 Red	Lic No [REDACTED] Unit 74 VIN [REDACTED] 408674	Mileage IN 469918 Mileage OUT 469918 *OE Info

Diagnostic

Customer stated there was a shifting issue. Test drove for about 3 miles. Shifter bushing is worn out making it difficult to shift through the gears properly.

Qty	Description	Hours	Technician
1.00	Test Drive - Shifting Issue		Blake Spear

LUG NUTS MUST BE RE-TORQUED AFTER 25 MILES

~ THE FOLLOWING SECURITY AGREEMENT AREA IS CUSTOMIZABLE BY USER ~ I hereby authorize the stated repair work to be done along with the necessary material, and hereby grant [Company Name] permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. [Company Name] is not responsible for loss or damage to vehicles, or articles left in vehicles, in case of fire, theft or any other cause beyond it's control. A 1 5% (18% APR) service charge will be assessed on any amount which becomes delinquent beyond 30 days

CERTIFICATE OF SERVICE

20-TRAM-472-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 05/29/2020.

ERIN J. BEHRENS, CORPORATE SECRETARY/TREASURE
COMMERCIAL TIRES CENTERS, INC.
2144 W CRAWFORD
SALINA, KS 67401-4591
greatestmom222@yahoo.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe