



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**20-TRAM-290-PEN**

January 9, 2020

Will E. Wilson, Owner  
d/b/a BKE Enterprises  
5740 SE 44th Street  
Tecumseh, KS 66542

This is a notice of a penalty assessment against Will E. Wilson, d/b/a BKE Enterprises (BKE Enterprises) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 23, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. Penalties 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(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** BKE Enterprises has been assessed a \$550 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$550, 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.

The attached Order requires a representative of BKE Enterprises to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. 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). The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER: 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. BKE Enterprises 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 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$550 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,

Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118

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

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

In the Matter of the Investigation of **Will E.    )**  
**Wilson, d/b/a BKE Enterprises, of Tecumseh,    )**  
**KS,** Regarding the Violation(s) of the Motor    )  
Carrier Safety Statutes, Rules and Regulations   ) Docket No. 20-TRAM-290-PEN  
and the 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 2018 Supp. 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.     Pursuant to K.S.A. 2018 Supp. 66-1,129a, 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.

## **II. BACKGROUND**

4. Will E. Wilson, d/b/a BKE Enterprises (BKE Enterprises) operates under USDOT number 1871816.

5. Devin Phillips attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 7, 2019, on behalf of BKE Enterprises.

6. BKE Enterprises is a common motor carrier which primarily hauls refuse and trash.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on December 23, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of BKE Enterprises. 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, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 5, 2019, BKE Enterprises required or permitted its driver, Scotty D. Wilson, to operate a CDL-required commercial motor vehicle, a 1987 International, VIN ending in 486861, GVWR 54,000 lbs., in

intrastate commerce in and around the area of Topeka, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03201272, dated December 5, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, BKE Enterprises failed to obtain a negative pre-employment controlled substance test on driver Scotty D. Wilson. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of him/her employment and prior to requiring or permitting him/her to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a, above, BKE Enterprises 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. This carrier was cited for the same violation in a safety compliance review conducted on July 24, 2018. BKE Enterprises' 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. 2018 Supp. 66-1,112. Staff recommends a fine of \$200.

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

8. Based upon the available facts, Staff recommends the Commission finds BKE Enterprises 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. Additionally, Staff recommends a civil penalty of \$550 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from BKE Enterprises be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this 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).

11. Finally, Staff recommends that BKE Enterprises 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.

#### **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over BKE Enterprises 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.

13. The Commission finds BKE Enterprises 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.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Will E. Wilson, d/b/a BKE Enterprises, of Tecumseh, KS is hereby assessed a \$550 civil penalty 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.

B. BKE Enterprises is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. BKE Enterprises 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 carrier to set up the appointment.

E. Pursuant to K.S.A. 2018 Supp. 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 Executive Director 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 BKE Enterprises' right to a hearing, and this Penalty Order will become a Final Order assessing a \$550 civil penalty against

BKE Enterprises, and ordering a representative from BKE Enterprises to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this 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, 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$550 is due in thirty (30) days from the date of service of this Order. Payment of \$550 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.

H. Failure to pay the \$550 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of BKE Enterprises' 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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. 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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 01/09/2020



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Lynn M. Retz  
Executive Director

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## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 1871816 MC/MX#:		Legal: WILL E WILSON Operating (DBA): BKW ENTERPRISES		Investigation Date: 12/23/19
	<b>Investigation Type:</b> Offsite Investigation				
<b>Physical Address</b>			<b>Mailing Address</b>		
5740 SE 44TH STREET TECUMSEH, KS 66542-9745 United States			5740 SE 44TH STREET TECUMSEH, KS 66542-9745 United States		
<b>Contact Information</b>					
Contact Name: WILL WILSON Email: Phone:					
<b>Business and Financial</b>					
Business Type: Sole Proprietorship Gross Revenue: For Year Ending: 12/31/18 Federal Tax ID: (N)					
<b>Operation Classification and Type</b>				<b>Cargo</b>	
Type of Operation: Non-HM Intrastate Carrier  Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight				Other (Refuse/Trash)	
<b>Equipment</b>				<b>Driver Information</b>	
	Owned	Term Leased	Trip Leased	<b>Drivers</b>	
Straight Trucks	2			Intrastate	Interstate
Trailers	1			< 100 Miles	1
				>= 100 Miles	
Power units used in the U.S.: 2 Percentage of time used in the U.S.: 100.0%				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1	
<b>Person(s) Interviewed</b>					

## 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:

Kansas Corporation Commission 1500 SW Arrowhead Rd  
Topeka, KS 66604  
Phone: (785) 271-3104  
Fax: (785) 271-3124

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

## Violations

<p><b>1. Primary: 390.19(b)(2)</b>  <b>State Equivalent: KAR 82-4-3f(a)(7)(G)</b></p> <p>Each motor carrier or intermodal equipment provider must file the appropriate MCS-150 form under paragraph (a) of this section every 24 months.</p>	<p><b>Violations Discovered</b></p> <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> <p><b>Violations Checked</b></p> <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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<p><b>Example/Notes:</b></p> <p>Scotty D Wilson  12/5/2019</p> <p>Will E Wilson dba BKW Enterprises failed to update the biannual motor carrier update as required by the stated regulations. The motor carrier is to update the MCS-150 by the end of June in every odd numbered year. Example: June 2019, June 2021, June 2023, etc.</p>	<p><b>Drivers/Vehicles</b></p> <table border="1"> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td></td> <td></td> </tr> </table>	In Violation	Checked										
In Violation	Checked												

<p><b>2. Primary: 382.301(a)</b></p> <p>Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.</p>	<p><b>Violations Discovered</b></p> <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> <p><b>Violations Checked</b></p> <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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Fed	State	Total											
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<p><b>Example/Notes:</b></p> <p>Scotty Wilson,  12/5/2019,</p> <p>At the time of implementation of the consortium 8/15/2018, BKW Enterprises did not require driver to conduct pre-employment controlled substance and alcohol test. No tests have been conducted since the implementation of the controlled substance and alcohol program.</p>	<p><b>Drivers/Vehicles</b></p> <table border="1"> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td>1</td> <td>1</td> </tr> </table>	In Violation	Checked	1	1								
In Violation	Checked												
1	1												

<p><b>3. Primary: 391.51(b)(4)</b></p> <p>Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).</p>	<p><b>Violations Discovered</b></p> <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					

	<b>Violations Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>Example/Notes:</b>			
Scotty Wilson, 12/5/2019. Will E Wilson dba BKW Enterprises failed to maintain the responses of the driver's driving record in the driver qualification file for inquiries of at least once every 12 months. The MVRs were dated 8/24/2018 and 12/10/2019.			
<b>Drivers/Vehicles</b>			
<b>In Violation</b>		<b>Checked</b>	
1		1	

<b>4. Primary: 391.51(b)(5)</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>Example/Notes:</b>	<b>Violations Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
Scotty Wilson, 12/5/2019. Will E Wilson dba BKW Enterprises failed to maintain a note relating to the violations noted on the driver's driving record in the driver qualification file.	<b>Drivers/Vehicles</b>		
	<b>In Violation</b>		<b>Checked</b>
	1		1

<b>5. Primary: 391.51(b)(6)</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>Example/Notes:</b>	<b>Violations Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
Scotty Wilson, 12/5/2019. Will E Wilson dba BKW Enterprises failed to maintain a list or certificate relating to the	<b>Drivers/Vehicles</b>		
	<b>In Violation</b>		<b>Checked</b>
	1		1

violations noted on the driver's driving record in the driver qualification file.	
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## Safety Fitness Rating

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

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

This was an offsite investigation. An offsite investigation allows FMCSA to evaluate your safety compliance with minimal disruption to your business. An offsite investigation will not result in a safety rating.

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>.

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## **Process Breakdown and Remedies**

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### **BASIC: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

Will E Wilson dba BKW Enterprises failed to maintain the annual motor vehicle report for driver in the driver qualification file. Not inquiring into the driver's driving record allows for the motor carrier to have a driver that does not maintain a valid driver's license putting the carrier at risk of having a disqualified driver operating their commercial motor vehicles.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

### **BASIC: Controlled Substances/Alcohol**

#### **Process Breakdown: Training and Communication**

Will E Wilson dba BKW Enterprises failed to require their driver to conduct a pre-employment controlled substance and alcohol test. Even though the implementation of the consortium was after the driver had been driving for a time with the motor carrier, the carrier should have conducted a controlled substance and alcohol pre-employment test to verify the driver was not under the influence at that time. The carrier did place the driver in the random selection pool with the consortium, however, the driver continued to drive without the initial testing.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:**

1. Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a Substance Abuse Professional (SAP); and confidentiality requirements in relation to recordkeeping.
2. Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives
3. Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.



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## Recommendations

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1. **Additional Information**

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

2. **If you have any questions concerning this report, contact KCC.**

If you have any questions concerning this report, please contact the Kansas Corporation Commission, 1500 SW Arrowhead Rd, Topeka, KS 66604 or call 785-271-3104

3. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

4. **Driver drug tests required.**

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

5. **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.

6. **MCS-150 biennial updates**

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement

[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION\\_prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION_prc_option)

7. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>. Implementation begins January 6, 2020.

8. **Drug and Alcohol Testing Company Policy (Educational Materials)**

REMINDER: 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.

9. **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](mailto: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

10 **CAP Penalty**

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all the violations identified within this report. 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.

11 **Acknowledgement Stmt - Offsite**

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 [motor carrier's] operating authority and/or the impoundment of [motor carrier's] commercial motor vehicles.

\_\_\_\_\_  
Carrier Representative

\_\_\_\_\_  
Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.

12. **Monetary Penalties**

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](http://kcc.ks.gov/trans_penalty_assessment_table.htm)

\_\_\_\_\_  
Carrier Name

\_\_\_\_\_  
Carrier Official

13 **Safety Seminar Requirement**

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, carriers 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.

## **ATTACHMENT “B”**

# 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: KSHP03201272  
Inspection Date: 12/5/2019 Certification Date:  
Time Started: 12.10 Time Ended: 12.40  
Inspection Level: I - Full Inspection  
HM Inspection Type: No HM Inspection

WILL E WILSON  
5740 SE 44TH STREET  
TECUMSEH, KS 66542-9745  
USDOT #: 01871816  
MC/MX #:  
State #:

Phone #: (785)379-5496  
Fax #: (785)379-5496

Driver: WILSON, SCOTTY D  
License #:   
Date of Birth:   
State: KS

Location: SHAWNEE COUNTY - 177  
Highway: US-75  
County: SHAWNEE  
Shipper: CARRIER

MilePost: 163  
Origin: TOPEKA,KS  
Destination: TOPEKA,KS

Bill of Lading: NONE  
Cargo: TRASH

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Sskr #
1	TR	INTL	1987	KS	581427	87	486861	54,000			

## BRAKE ADJUSTMENTS:

Axle #	1	2	3
Right	1	1 7/8	1 1/2
Left	1	2 7/8	1 1/4
Chamber	C-20	C-30	C-30

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.47E	393.47(e)	1	N		N	N	Clamp or Roto type brake out-of-adjustment: 2ND AXLE, LEFT SIDE (DRIVER SIDE) OUT OF ADJUSTMENT
393.104A	393.104(a)	1	N		N	N	Inadequate/damaged securement device/system: EXTENDED TARP FOR LOAD IS BROKEN. MUST BE FIXED TO COVER LOAD..
393.9TS	393.9(a)	1	N		N	N	Inoperative turn signal: FRONT PASSENGER SIDE INOPERABLE

\* N - Non-OOS or Driver OOS Violation

HazMat: No HM Transported.

Placard: NA Cargo Tank:

## Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

\*\*\* 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:

Report Prepared By:  
B.L. Horney

Badge #:  
0320

Copy Received By:  
WILSON, SCOTTY D

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KSHP03201272

## CERTIFICATE OF SERVICE

20-TRAM-290-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 01/10/2020.

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

WILL E. WILSON, OWNER  
WILL E. WILSON  
D/B/A BKE ENTERPRISES  
5740 SE 44TH STREET  
TECUMSEH, KS 66542-9745

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe