

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Mark Sievers, Chairman  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

July 25, 2012

Larry Prawl, Co-Owner  
Larry and Jodie Prawl, d/b/a J & L Mobile Homes  
3381 Mineral Springs Spur  
Manhattan, Kansas 66502

13-TRAM-023-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 June 20, 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 \$1,750 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

2. Pursuant to K.S.A. 2011 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 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. Larry and Jodie Prawl, d/b/a J & L Mobile Homes (J & L Mobile Homes) obtained private and common operating authority from the Commission on November 29, 2011, and operates under KSMCID number 168880 and USDOT number 528382.

5. Larry Prawl attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on December 1, 2010, on behalf of J & L Mobile Homes.

6. J & L Mobile Homes is a private and common motor carrier which primarily hauls grain, feed, hay, building materials, machinery, large objects and mobile homes.

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

7. Pursuant to the jurisdiction and authority cited above, on June 20, 2012, Commission Staff (Staff) Special Investigator Lance Jones conducted a compliance review of the operations of J & L Mobile Homes. 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 three (3) violations of the Motor Carrier Safety Regulations.

- a. On March 30, 2012, J & L Mobile Homes required or permitted its driver, Larry Prawl, to operate a commercial motor vehicle, a 1997 Volvo, VIN [REDACTED], pulling a 2002 Mood trailer, VIN [REDACTED], in intrastate commerce in and around the area of Manhattan, Kansas. This trip is evidenced by Driver/Vehicle Examination

Report No. KS00YB002366, a copy attached hereto as Attachment "B".

At the time of the transportation, J & L Mobile Homes failed to require Larry Prawl to be medically examined and certified as physically fit to operate a commercial motor vehicle. J & L Mobile Homes' failure to confirm that its driver is medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of Title 49 C.F.R. 391.45(b)(1) and Title 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2011 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

- b. During the transportation described in paragraph a., above, J & L Mobile Homes failed to require Larry Prawl to keep a record of duty status showing the beginning time of work and ending time of work and the number of hours worked in the day. J & L Mobile Homes' failure to require its drivers to record records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in Title 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in Title 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2010 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.

- c. During the transportation described in paragraph a, above, J & L Mobile Homes 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. The carrier was cited the same violation during a January 14, 2009, compliance review. J & L Mobile Homes' 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. 2011 Supp. 66-1,129. Staff recommends an enhanced fine of \$1,000.

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

8. Based upon the available facts, Staff recommends the Commission find J & L Mobile Homes committed three (3) violations 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 \$1,750 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that J & L Mobile Homes 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 J & L Mobile Homes 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 J & L Mobile Homes because it is a motor carrier as defined in K.S.A. 2011 Supp. 66-1,108.

13. The Commission finds J & L Mobile Homes committed three (3) violations 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. Larry and Jodie Prawl, d/b/a J & L Mobile Homes, of Manhattan, Kansas is hereby assessed a \$1,750 civil penalty for three (3) violations 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. J & L Mobile Homes 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, J & L Mobile Homes is ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. Pursuant to K.S.A. 2011 Supp. 77-537 and K.S.A. 77-542, 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 J & L Mobile Homes's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,750 civil penalty against J & L Mobile Homes, and ordering J & L Mobile Homes 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 \$1,750 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 J & L Mobile Homes'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; Wright, Com.


Dated: JUL 25 2012


  
ORDER MAILED JUL 25 2012  
Patrice Petersen-Klein  
Executive Director

AS



## **ATTACHMENT “A”**

	<b>US DOT #</b> 528382	<b>Legal:</b> LARRY AND JODIE PAWL <b>Operating (DBA):</b> J & L MOBILE HOMES		
<b>MC/MX #:</b> 265475		<b>State #:</b> 168880		<b>Federal Tax ID</b> [REDACTED] (EIN)
<b>Review Type:</b> Compliance Review (CR) - Receipt				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> A
<b>Operation Types</b> Interstate Intrastate				
<b>Carrier:</b> Non-HM Non-HM		<b>Business:</b> Individual		
<b>Shipper:</b> N/A N/A		<b>Gross Revenue</b> [REDACTED] <b>for year ending:</b> 12/31/2011		
<b>Cargo Tank:</b> N/A				
<b>Company Physical Address:</b> [REDACTED] [REDACTED]				
<b>Contact Name:</b> Larry Pawl <b>Phone numbers:</b> (1) [REDACTED] (2) [REDACTED] <b>Fax</b> <b>E-Mail Address:</b> [REDACTED]				
<b>Company Mailing Address:</b> 3381 MINERAL SPRINGS SPUR MANHATTAN, KS 66502-9205				
<b>Report Summary</b>				
<b>Report</b>		<b># of Pages</b>		
Part A - General		2		
Part B - Violations		2		
Part B - Recommendations		3		
Review/Audit Receipt Page		1		
<b>Total Pages</b>		8		
<b>Disclaimer:</b> 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				
<b>This report will be used to assess your safety compliance.</b>				
<b>Person(s) Interviewed</b>				
<b>Name:</b> Larry Pawl		<b>Title:</b> Owner		
<b>Name:</b>		<b>Title:</b>		
<b>Reported By:</b>		<b>Title:</b>		<b>Code:</b> KS8210
<b>Received By:</b>		<b>Title:</b>		

	<b>US DOT #</b> 528382	<b>Legal:</b> LARRY AND JODIE PAWL <b>Operating (DBA):</b> J & L MOBILE HOMES																										
	<b>MC/MX #:</b> 265475 <b>State #:</b> 168880 <b>Federal Tax ID:</b> [REDACTED] (EIN)																											
<b>Review Type:</b> Compliance Review (CR)																												
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> A																								
<b>Operation Types</b>																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"><b>Carrier:</b> Non-HM</td> <td style="width:33%;"><b>Non-HM</b></td> </tr> <tr> <td><b>Shipper:</b> N/A</td> <td><b>N/A</b></td> </tr> <tr> <td><b>Cargo Tank:</b></td> <td>N/A</td> </tr> </table>			<b>Carrier:</b> Non-HM	<b>Non-HM</b>	<b>Shipper:</b> N/A	<b>N/A</b>	<b>Cargo Tank:</b>	N/A	<b>Business:</b> Individual <b>Gross Revenue:</b> [REDACTED] <b>for year ending:</b> 12/31/2011																			
<b>Carrier:</b> Non-HM	<b>Non-HM</b>																											
<b>Shipper:</b> N/A	<b>N/A</b>																											
<b>Cargo Tank:</b>	N/A																											
<b>Company Physical Address:</b>																												
[REDACTED ADDRESS]																												
<b>Contact Name:</b> Larry Pawl <b>Phone numbers:</b> (1) [REDACTED]    (2) [REDACTED] <b>Fax</b> <b>E-Mail Address:</b> [REDACTED]																												
<b>Company Mailing Address:</b>																												
3381 MINERAL SPRINGS SPUR MANHATTAN, KS 66502-9205																												
<b>Carrier Classification</b>																												
Authorized for Hire																												
<b>Cargo Classification</b>																												
Building Materials		Mobile Homes		Machinery, Large Objects																								
Grain, Feed, Hay		Other: Rock & Sand																										
<b>Does carrier transport placardable quantities of HM?</b> No <b>Is an HM Permit required?</b> N/A																												
<b>Driver Information</b>																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:16.5%; text-align: center;"><b>Inter</b></td> <td style="width:16.5%; text-align: center;"><b>Intra</b></td> </tr> <tr> <td>&lt; 100 Miles:</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> <tr> <td>&gt;= 100 Miles:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>				<b>Inter</b>	<b>Intra</b>	< 100 Miles:	1	0	>= 100 Miles:	0	0	<b>Average trip leased drivers/month:</b> 0 <b>Total Drivers:</b> 1 <b>CDL Drivers:</b> 1																
	<b>Inter</b>	<b>Intra</b>																										
< 100 Miles:	1	0																										
>= 100 Miles:	0	0																										
<b>Equipment</b>																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: center;">Owned</th> <th style="text-align: center;">Term Leased</th> <th style="text-align: center;">Trip Leased</th> <th></th> <th style="text-align: center;">Owned</th> <th style="text-align: center;">Term Leased</th> <th style="text-align: center;">Trip Leased</th> </tr> <tr> <td>Truck</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td>Truck Tractor</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Trailer</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck	1	0	0	Truck Tractor	1	0	0	Trailer	1	0	0				
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased																					
Truck	1	0	0	Truck Tractor	1	0	0																					
Trailer	1	0	0																									
<b>Power units used in the U.S.:</b> 2																												
<b>Percentage of time used in the U.S.:</b> 100																												





J & L MOBILE HOMES (LARRY AND JODIE PAWL dba)

U.S. DOT #: 528382

State #: 168880

Review Date:

07/03/2012

**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: Larry Pawl

Title: Owner

Name:

Title:





J &amp; L MOBILE HOMES (LARRY AND JODIE PAWL dba)

U.S. DOT #: 528382

State #: 168880

Review Date:

06/20/2012

## Part B Violations

1 FEDERAL	Primary: 391.51(b)(7)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain medical examiner's certificate in driver's qualification file. <b>Example</b> Larry Pawl 3/30/2012 - Manhattan - CVSA Inspection 5/30/2012 - Manhattan to Lincoln, NE 6/12/2012 - Manhattan - CVSA Inspection  Pawl obtained his new medical 6/19/2012.					
2 STATE CRITICAL	Primary: 395.8(k)(1) CFR Equivalent: 395.8(k)(1)	Discovered 18	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to preserve driver's record of duty status for 6 months. <b>Example</b> Larry Pawl 3/30/2012  Missing 18 of days worked in March.					
3 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> 2002 Mood Trailer - VIN [REDACTED] 3/30/2012 Trailer was being pulled when carrier was stopped for a CVSA inspection KS00YB002366.					
4 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
<b>Description</b> Using a commercial motor vehicle not periodically inspected. <b>Example</b> 2002 Mood Trailer - VIN [REDACTED] 3/30/2012 Trailer was being pulled when carrier was stopped for a CVSA inspection KS00YB002366.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 50,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 1 Number of Vehicles Inspected (MCMIS): 3			





J & L MOBILE HOMES (LARRY AND JODIE PRAWL dba)  
U.S. DOT #: 528382

State #: 168880

Review Date:  
06/20/2012

### Part B Violations

Your proposed safety rating is :

**CONDITIONAL**

Rating Factors	Acute	Critical
----------------	-------	----------

Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.





J & L MOBILE HOMES (LARRY AND JODIE PAWL dba)

U.S. DOT #: 528382

State #: 168880

Review Date:

07/03/2012

## 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 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.

2. Carrier needs to provide copies of medical examiners certificates of all driver's subject to the FMCSR's.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Pawl failed to renew his medical exam certificate.

### 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.

### 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

4.





J & L MOBILE HOMES (LARRY AND JODIE PRAWL dba)

U.S. DOT #: 528382

State #: 168880

Review Date:

07/03/2012

## Part B Requirements and/or Recommendations

### FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Larry Prawl claims that he has been keeping proper time records, but he and his wife have split up, Larry had to move out and lost part of his paperwork. (Time records for March - June)

### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using electronic on-board recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### 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. 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.
- **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
- **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







J & L MOBILE HOMES (LARRY AND JODIE PAWL dba)

U.S. DOT #: 528382

State #: 168880

Review Date:

07/03/2012

### Part B Requirements and/or Recommendations

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.

- 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 resulting in a Penalty Order:

- **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 FMCSA 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 resulting in a proposed conditional or unsatisfactory rating:

385.15 If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590  
385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Ensure that a CC copy of the letter is mailed to:  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
Mr. Darin Jones  
4749 Lincoln Mall Drive  
Suite 300-A  
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:  
Division Administrator/Max Stratham  
Federal Motor Carrier Safety Administration  
1303 First American Place, Suite 200  
Topeka, KS 66604

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

The Kansas Corporation Commission requires you to 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 Road  
Topeka, KS 66604



## **ATTACHMENT “B”**

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.1.3

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: KS00YB002366  
Inspection Date: 03/30/2012  
Start: 8:55 AM CT End: 09:24 AM CT  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

LARRY AND JODIE PRAWL  
3381 MINERAL SPRINGS SPUR  
MANHATTAN, KS 66502  
USDOT#: 00528382  
MC/MX#: 265475  
State#:

Phone#:  
Fax#:

Driver: PRAWL LAWRENCE D  
License# State: KS  
Date of Birth:  
CoDriver:  
License# State:  
Date of Birth:

Location: RILEY COUNTY - 161  
Highway: K199  
County: RILEY, KS

MilePost: 99 Shipper: PRAWL  
Origin: MANHATTAN, KS Bill of Lading:  
Destination: MANHATTAN, KS Cargo: EQUIPMENT

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	Vin #	GVWR	CVSA #	New CVSA #	OOS#
1	TR	VOLV	1997	KS		5		33000			
2	FT	MOOD	2002	KS	NONE			10000			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
391.45B	391.45(b)	D	N		N	N	Driving a CMV with an expired medical certificate that expired on 02/23/2012
393.95A	393.95(a)	1	N		N	N	Discharged fire extinguisher
392.2	392.2	2	N		N	N	Trailer over 2m not registered

HazMat: No HM Transported.

Placard: No Cargo Tank:

## Special Checks:

\* 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:

\*\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION \*\*\*  
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 Motor Carrier X: Title: Date:

Report Prepared By:  
J. FRENCH

Badge #:  
9266

Copy Received By:  
LAWRENCE PRAWL

Page 1 of 1



00528382 KS KS00YB002366

X

X

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
AMBER SMITH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
LARRY PAWL, CO-OWNER LARRY AND JODIE PAWL D/B/A J & L MOBILE HOMES 3381 Mineral Springs Spur Manhattan, KS 66502		

ORDER MAILED JUL 25 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.