

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 21, 2020

20-TRAM-467-PEN

Bryce Heckert, Owner
d/b/a B Heckert Trucking
PO Box 45
Girard, KS 66743

This is a notice of a penalty assessment against Bryce Heckert, d/b/a B Heckert Trucking (B Heckert Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 5, 2020, 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: B Heckert Trucking has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 the carrier to attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Safety seminars are not currently being offered due to the COVID-19 pandemic. The carrier is required to attend a safety seminar within 90 days of the seminars being offered again. 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.

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. B Heckert Trucking 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. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$500 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,

/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@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 **Bryce)**
Heckert, d/b/a B Heckert Trucking, of)
Girard, KS, Regarding the Violation(s) of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 20-TRAM-467-PEN
Regulations 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 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. 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. Bryce Heckert, d/b/a B Heckert Trucking (B Heckert Trucking) has common operating authority with the Commission and further operates under USDOT number 2288110.

5. Bryce Heckert attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on March 19, 2019, on behalf of B Heckert Trucking.

6. B Heckert Trucking is a common motor carrier which primarily hauls general freight, fresh produce, grain, feed, hay, meat, commodities dry bulk and refrigerated food.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 5, 2020, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of B Heckert Trucking. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 29, 2019, B Heckert Trucking required or permitted its driver, Bruce Heckert, to operate a CDL-required commercial motor vehicle, a 2005 Peterbilt, VIN ending in 840378, GVWR 48,000 lbs., pulling a 2016

Wilson trailer, VIN ending in 67695, GVWR 75,000 lbs., in interstate commerce from Enid, Oklahoma to Burlington, Colorado. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP92020998, dated July 29, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, B Heckert Trucking 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 special investigator discovered three (3) violations of this type. Further, this carrier was cited for this same violation in a safety compliance review on February 27, 2019. B Heckert Trucking'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 an enhanced fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds B Heckert Trucking committed one (1) 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 \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. 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. 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.

11. Finally, Staff recommends that B Heckert Trucking 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 B Heckert Trucking 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 B Heckert Trucking committed one (1) 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. Bryce Heckert, d/b/a B Heckert Trucking, of Girard, KS is hereby assessed a \$500 civil penalty for one (1) 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. B Heckert Trucking is hereby ordered to attend a Commission-sponsored safety seminar as set out in paragraph 10, above.

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. B Heckert Trucking 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. 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 B Heckert Trucking's right to a hearing, and this Penalty Order will become a Final 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. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 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 \$500 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 B Heckert Trucking'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 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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/21/2020



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2288110
MC/MX#: 782303

Legal: BRYCE HECKERT
Operating (DBA): B HECKERT TRUCKING

Investigation Date:
05/05/20

Investigation Type: Offsite Investigation

Physical Address

629 VILLAGE DR
PITTSBURG, KS 66762
United States

Mailing Address

PO Box 45
Girard, KS 66743
United States

Contact Information

Contact Name: BRYCE HECKERT

Email: [REDACTED]

Phone: [REDACTED]

Fax: 0-

Business and Financial

Business Type: Sole Proprietorship

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/19

Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Cargo

General Freight, Fresh Produce, Grain, Feed, Hay, Meat, Commodities Dry Bulk, Refrigerated Food

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2	6	
Trailers	4	5	

Power units used in the U.S.: 8

Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		8

Average trip leased driver/month: 0

Drivers with CDL: 8

Total Drivers: 8

Person(s) Interviewed

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

1. Primary: 386.72(b)(1)

State Equivalent: KAR 82-4-3o

Operating in violation of a Commission Out-of-Service order

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Bryce Heckert dba B Heckert Trucking operated in INTRA state commerce while under a State sanctioned out of service order. Bryce Heckert dba B Heckert Trucking was placed Out of Service on 3/6/2018 due to failure to pay fines that resulted from violations discovered at the time of the 11/29/2017 compliance investigation. On 8/20/2019 Bryce Heckert dba B Heckert Trucking's driver Coy Chism operated a 1999 Freightliner connected to a 1999 ROAF trailer from Cherryvale, KS to Parsons, KS while under the out of service order. The penalty invoice was paid 4/17/2020 and the Bryce Heckert dba B Heckert Trucking was placed back in service 4/23/2020.

Drivers/Vehicles

In Violation	Checked

2. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Bryce Heckert

Trip date: 7/29/2019

Bryce Heckert dba B Heckert Trucking failed to maintain the responses of each State agency to the annual driver record inquiry. The MVR was dated 4/20/2020.

Drivers/Vehicles

In Violation	Checked
3	3

3. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

Fed	State	Total

3		3
---	--	---

Checked

Fed	State	Total
-----	-------	-------

3		3
---	--	---

Drivers/Vehicles

In Violation	Checked
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3	3
---	---

Example/Notes:

Driver name Bryce Heckert

Trip date 7/29/2019

Bryce Heckert dba B Heckert Trucking failed to maintain the note relating to the annual review of the driver record inquiry.

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

Fed	State	Total
-----	-------	-------

3		3
---	--	---

Checked

Fed	State	Total
-----	-------	-------

3		3
---	--	---

Example/Notes:

Driver name: Bryce Heckert

Trip date 7/29/2019

Bryce Heckert dba B Heckert Trucking failed to maintain a list or certificate relating to the annual review of the driver record inquiry.

Drivers/Vehicles

In Violation	Checked
--------------	---------

3	3
---	---

Safety Fitness Rating

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>.

Process Breakdown and Remedies

None

Recommendations

1 **Additional Information**

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

2. **Maintain Valid Operating Authority**

Intrastate operation beyond exempt radius in Kansas requires carrier to obtain operating authority from Kansas Corporation Commission

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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

Report Number: KSHP92020998
Inspection Date: 07/29/2019
Start: 11:03 PM CT End: 12:33 AM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

B HECKERT TRUCKING
629 VILLAGE DR
PITTSBURG, KS 66762
USDOT#: 02288110 Phone#:
MC/MX#: 00782303 Fax#:
State#:

Driver: HECKERT, BRYCE M
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver:
License#: State:
Date of Birth:

Location: TREGO COUNTY - 195
Highway: I-70
County:

MilePost: 129 Shipper: KOCH FERTILIZER ENID, LLC
Origin: ENID, OK Bill of Lading: 1620000020404
Destination: BURLINGTON, CO Cargo: UREA, GRANULAR, DRY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	PTRB	2005	KS	122270	02	[REDACTED] 340378	48,000			
2	ST	WLX	2016	KS	621185	108	[REDACTED] 37695	75,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2-SLLEWG3	392.2-SLLEWG3	D	N	E001925775	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on allowable gross weight - 8,100 lbs. overweight on interstate
392.2-SLLEWA1	392.2-SLLEWA1	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups: Overweight on tandem axle's 2-3
392.2-SLLEWA1	392.2-SLLEWA1	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups Overweight on axle's 4&5.
383.23A2	383.23A2	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 7/29/2019. CDL SHOWING "OTHER NOT VALID".
391.41A-F	391.41A-F	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate. Most recent Medical card showing expired on 10/03/2018

HazMat: No HM Transported

Placard: No Cargo Tank:

Special Checks: Size & Weight:

* Pursuant to the authority contained in Title 49, CFR, K.S.A. 66-1 129; K.C.C. Reg. 62-4-3, I hereby declare BRYCE HECKERT "OUT OF SERVICE" No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: UNTIL DRIVER HAS VALID LICENSE This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report Driver Initials _____

* 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 _____

I DRIVER THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION **/I**

*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 Motor Carrier X _____ Title _____ Date _____

Report Prepared By:
B. Werth

Badge #:
9202

Copy Received By:
BRYCE HECKERT

Page 1 of 2



02288110 KS KSHP92020998

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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

Report Number: KSHP92020998
Inspection Date: 07/29/2019
Start: 11 03 PM CT End: 12:33 AM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

B HECKERT TRUCKING
629 VILLAGE DR
PITTSBURG, KS 66762
USDOT#: 02288110
MC/MX#: 00782303
State#:

Phone#:
Fax#:

Driver: HECKERT, BRYCE M
License#: [REDACTED] State: KS
Date of Bi [REDACTED]
CoDriver:
License#: State:
Date of Birth:

Inspection Notes

DRIVER/OWNER WAS PLACED OOS IN WAKEENEY, KS., AT THE 247 TRUCK STOP.

Special Studies No Special Study Data Recorded

Report Prepared By:
B. Werth

Badge #:
9202

Copy Received By:
BRYCE HECKERT

Page 2 of 2



02288110 KS KSHP92020998

X _____

X _____

CERTIFICATE OF SERVICE

20-TRAM-467-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 05/22/2020.

BRYCE M. HECKERT, OWNER
BRYCE HECKERT
D/B/A B HECKERT TRUCKING
PO BOX 45
GIRARD, KS 66743
bryceheckert@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