

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:      Shari Feist Albrecht, Chair  
                                 Jay Scott Emler  
                                 Dwight D. Keen

In the Matter of the Investigation of **Duane**      )  
**Kent Hahn, d/b/a Rockin HJ Trucking of**      )  
**Lakin, KS**, Regarding the Violation of the      )  
Motor Carrier Safety Statutes, Rules and      ) Docket No. 19-TRAM-215-PEN  
Regulations and the Commission's Authority      )  
to Impose Penalties, Sanctions and/or the      )  
Revocation of Motor Carrier Authority.      )

**ORDER AMENDING PENALTY ASSESSMENT**

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

**BACKGROUND**

1.      On December 13, 2018, this Commission issued a Penalty Order to Duane Kent Hahn, d/b/a Rockin HJ Trucking (hereinafter Rockin HJ Trucking), assessing it a civil penalty of \$1,750. The penalty was for three (3) 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.

2.      Rockin HJ Trucking was advised that it was a New Entrant motor carrier being reviewed for the first time, and may be eligible for a reduced penalty of fifty-percent (50%), as long as it complies with the terms and obligations described in the Notice of Penalty Assessment, the Reduced Penalty Agreement and as set out below.

3. Staff states that on December 19, 2018, Rockin HJ Trucking timely submitted the signed Reduced Penalty Agreement. A copy of the Reduced Penalty Agreement was attached to Staff's Motion. The carrier further submitted a Corrective Action Plan (CAP), which has been approved by Transportation Staff.

4. On December 20, 2018, Staff filed a Motion for Order Amending Penalty Assessment, recommending the Commission assess Rockin HJ Trucking a fifty-percent (50%) reduced penalty of \$875, and set out specific terms and obligations.

### **FINDINGS OF FACT**

5. The Penalty Order issued on December 13, 2018, assessed Rockin HJ Trucking a civil penalty of \$1,750 for three (3) violation(s) of the motor carrier safety statutes, rules and regulations.

6. Staff recommended in its Motion that due to Rockin HJ Trucking's agreement to comply with the terms and obligations for a fifty-percent (50%) reduced penalty and approval of its CAP, an Order Amending Penalty Assessment is recommended to be issued by the Commission assessing Rockin HJ Trucking a reduced penalty of \$875, and setting out the terms and obligations as stated in its motion.

7. K.S.A. 66-1,142c authorizes the Commission to determine the amount of civil penalty and states in pertinent part:

"Any civil penalty may be compromised by the state corporation commission. In determining the amount of the penalty or the amount agreed in compromise, the appropriateness of the penalty to the size of the business, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, shall be considered."

### **IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The civil penalty of \$1,750 assessed to Duane Kent Hahn, d/b/a Rockin HJ Trucking in the Penalty Order dated December 13, 2018, is hereby amended to \$875.

B. Payment of \$875 is due within thirty (30) days from the date of service of this Order Amending Penalty Assessment. Payment must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

C. Rockin HJ Trucking is ordered to, within thirty (30) days from the date of the Penalty Order dated December 13, 2018, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and submit proof of attendance to Litigation Counsel.

D. Rockin HJ Trucking must submit to a follow-up compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact Rockin HJ Trucking to schedule the review.

E. If Rockin HJ Trucking fails to pay the reduced fine of \$875 and/or fails to comply with the terms and conditions ordered above, the Commission may order Rockin HJ Trucking additional sanctions, including enforcement of an out-of-service order, revoking its authority or any further sanctions as the Commission deems necessary.

F. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 01/03/2019



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Lynn M. Retz  
Secretary to the Commission

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## **CERTIFICATE OF SERVICE**

19-TRAM-215-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 01/04/2019.

DUANE KENT HAHN, OWNER  
DUANE KENT HAHN  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe