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Herman T. Jones, Superintendent

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Laura Kelly, Governor

November 18, 2019

Docket No. 20-GIMM-246-KHP

CDA WHEELS TRANSPORT LLC
5180 E SELTICE WAY #C
POST FALLS, ID 83854

RE: **Invoice # H000583209**
Report # KSHP03050871

To: Whom it May Concern

This letter is to inform you that your challenge concerning violation(s) **393.43 – No/improper breakaway or emergency braking & 395.8E - False report of drivers record of duty status** has been **DENIED**. Please see guidance below based on supporting documentation provided by the Carrier and Inspector:

- **393.43** – No/improper breakaway or emergency braking
 - Every motor vehicle, if used to tow a trailer equipped with brakes, shall be equipped with a means for providing that in the case of a breakaway of the trailer, the service brakes on the towing vehicle will be capable of stopping the towing vehicle
 - Every trailer required to be equipped with brakes shall have brakes which apply automatically and immediately upon breakaway from the towing vehicle. With the exception of trailers having three or more axles, all brakes with which the trailer is required to be equipped must be applied upon breakaway from the towing vehicle. The brakes must remain in the applied position for at least 15 minutes.
- Emergency breakaway cable was not directly attached to the towing vehicle
 - If the need for the breakaway arouse while being ineffectively attached, it would not be able to apply the emergency braking system properly and timely.
- **395.8E** – False Log
 - (1) No driver or motor carrier may make a false report in connection with a duty status.
 - (2) No driver or motor carrier may disable, deactivate, disengage, jam, or otherwise block or degrade a signal transmission or reception, or reengineer, reprogram, or otherwise tamper with an automatic on-board recording device or ELD so that the device does not accurately record and retain required data.
 - (3) No driver or motor carrier may permit or require another person to disable, deactivate, disengage, jam, or otherwise block or degrade a signal transmission or reception, or reengineer, reprogram, or otherwise tamper with an automatic on-board recording device or ELD so that the device does not accurately record and retain required data.
- **False log** - means inaccurate, does not accurately reflect the driver's actual activities and duty status. At the time of the stop the driver was using SuperDispatch ELD.
 - The ELD was not connected to the truck and was not reporting precise locations. The ELD was not recording odometer hours, did not contain diagnostic indicator. The ELD could not verify HOS, driver information or time.
 - The driver presented a single paper log, that was also not filled out accurately and did not contain all the necessary documentation.
- Carrier & Driver contradict each other's RODS by ELD manufacturers, location information and HOS recorded. Thus, leading multiple HOS and reflects inaccurate movement creating a false log.

The violation(s) will remain on your carrier profile and Invoice # **H000583209** remains valid. Please see the invoice for information regarding the fines due. Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to: adding vehicles, name changes or renewal of authority until the fine has been paid or the matter is resolved.

If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received [WITHIN 15 DAYS](#) of the close of the challenge and forwarded to the Kansas Highway Patrol at the above address.

Thank you for your time and attention to this inspection report.

Sincerely,

A handwritten signature in black ink that reads "Wes Ludolph". The signature is written in a cursive, flowing style.

Wes Ludolph, Captain
Troop I, Topeka