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

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
Docket Number 24-TRAM-354-PEN

November 21, 2023
Matt Huggins, President
Desco Coatings, Inc.
19890 W. 156th Street
Olathe, Kansas 66062-3500

This is a notice of a penalty assessment against Desco Coatings, Inc. (“Desco”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 23, 2023, by Kansas Corporation Commission Special Investigator Jeff Stipe. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. 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: Desco has been assessed a \$1,000 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,000, through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (“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 Desco 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.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Desco 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,000 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/ Kyler C. Wineinger
Kyler C. Wineinger
Litigation Counsel
(785) 271-3109
k.wineinger@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **Desco**)
Coatings Inc of Olathe, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,) Docket No. 24-TRAM-354-PEN
Rules and 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:

1. On August 23, 2023, Commission Staff Special Investigator (“SI”) Jeff Stipe completed a safety compliance investigation of the operations of Desco Coatings Inc (“Desco” or “Carrier”). Desco is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 374774.

2. On October 18, 2023, Staff submitted its Report and Recommendation (“R&R”), attached as Attachment “A” and incorporated by reference, recommending a penalty of \$1,000 to be issued against Desco based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigation, SI Stipe identified five (5) violations, accounting for three (3) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

² Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) (“Penalty Matrix”).

3. Additionally, Staff recommends that Desco be required to have a representative responsible for the Carrier's safety compliance 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.³ 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.

4. Staff further recommends Desco submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Order, documenting the violations described in this Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.⁴

5. Finally, Staff recommends that Desco submit to a follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵ Staff will contact the Carrier at a later date to determine an appropriate time for such review.

6. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,112g, 66-1,114b, 66-1,115, and 66-1,129, 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.

7. 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 Staff's Report and Recommendation, p. 3 (Oct. 18, 2023).

⁴ *Id.*

⁵ *Id.*

8. 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.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Desco Coatings Inc of Olathe, Kansas, is hereby assessed a \$1,000 civil penalty for five (5) violations, accounting for three (3) specific counts, 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. Desco is hereby ordered to have a representative responsible for the Carrier's safety compliance 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. Desco is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Order, documenting the violations described in this Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Desco is ordered to submit to a follow-up safety compliance review within eighteen (18) months from the date of this Order. 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 (7) 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 Desco's right to a hearing, and this 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. Desco 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.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$1,000 is due in thirty (30) days from the date of service of this Order. Payment of \$1,000 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network ("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 \$1,000 civil penalty within thirty (30) days from the date of service of this Order and/or failure to comply with the provisions of this Order may result in suspension of Desco's motor carrier operating authority without further notice.⁷ 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.

⁶ . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁷ K.S.A. 66-1,105.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/21/2023



Lynn M. Retz
Executive Director

KCW

ATTACHMENT “A”

REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Gary Davenport, Deputy Director of Transportation
Jared Smith, Public Service Executive

DATE: October 18, 2023

SUBJECT: Docket No. 24-TRAM-354-PEN
In the Matter of the Investigation of **Desco Coatings Inc of Olathe, Kansas**,
Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and
Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or
the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Desco Coatings Inc is an interstate motor carrier ("MC") possessing private property and authorized for-hire operating authority from the Commission, primarily hauling building and construction materials. Desco Coatings Inc operates under USDOT 374774. On August 23, 2023, Commission Staff Special Investigator ("SI") Jeff Stipe completed a safety compliance investigation of the operations of Desco Coatings Inc. A copy of the safety compliance report is attached as **Exhibit 1** and incorporated by reference. As a result of that investigation, the SI identified five (5) violations, accounting for three (3) specific counts, of the MC Safety Statutes, Rules and Regulations, which carry a penalty in accordance with the FY2024 Uniform Penalty Assessment Matrix approved by the Kansas Corporation Commission (the "Commission"). Based on the frequency, timeline and severity of the violations discovered by the SI, Staff recommends penalty in the sum of \$1,000 be issued against Desco Coatings Inc.

DISCUSSION AND ANALYSIS:

On August 23, 2023, SI Jeff Stipe conducted a safety compliance investigation of the operations of Desco Coatings Inc. The investigation covers a 365-day period as well as any previous compliance investigations. Each specific count is detailed as follows.

Count One (1 of 3)

Jurisdiction: 49 C.F.R. 391.25(a) and (c)(1), as adopted by K.A.R. 82-4-3g, and authorized by and implementing K.S.A. 66-1,112, 66-1,112g, and 66-1,129.

Intent of Law: An MC shall, at least once every twelve (12) months, make an inquiry to and obtain the motor vehicle record (“MVR”) of each driver the MC employs, covering at least the preceding twelve (12) months, to each driver’s licensing authority where the driver held a commercial motor vehicle (“CMV”) operator’s license or permit during the time period. A copy of the MVR shall be maintained in the driver’s qualification file.

Supporting Documents: On July 7, 2023, Desco Coatings Inc required or permitted its driver, Ryan Courtney, to operate a non-commercial driver’s license (“CDL”) –required CMV—a 2019 Hino straight truck, VIN ending in 7336, with a gross vehicle weight rating (“GVWR”) of 26,000 lbs.—in interstate commerce from Olathe, Kansas, to Blue Springs, Missouri. This transport is evidenced by a *Driver’s Time Record*, attached as **Exhibit 2** and incorporated by reference. The Carrier could not produce a copy of the MVR on the driver, nor could it provide evidence that they made an inquiry into the MVR of its driver.

Violation: Desco Coatings Inc failed to make an inquiry into the MVR of its driver, Ryan Courtney, at least once every twelve (12) months. Three (3) violations were discovered.

Recommendation: Staff deems this violation as intentional and recommends an enhanced penalty of \$500, due to the same violation discovered in the compliance investigation conducted on March 22, 2022, and involved in Docket Number 22-TRAM-480-PEN.

Count Two (2 of 3)

Jurisdiction: K.S.A. 66-1,142b and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h, and authorized by and implementing K.S.A. 66-1,112, 66-1,112g, and 66-1,129.

Intent of Law: Every CMV must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Further, an MC must comply with any statute, Commission order or rules and regulations adopted by the Commission.

Supporting Documents: Desco Coatings Inc was ordered to submit a Corrective Action Plan (“CAP”) as required under Commission *Penalty Order* dated August 19, 2022, filed in Docket Number 22-TRAM-480-PEN.

Violation: Desco Coatings Inc failed to submit a CAP as required under Commission *Penalty Order* dated April 19, 2022, filed in Docket Number 22-TRAM-480-PEN. One (1) violation was discovered.

Recommendation: Staff recommends a penalty of \$250.

Count Three (3 of 3)

Jurisdiction: K.S.A. 66-1,142b and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h, and authorized by and implementing K.S.A. 66-1,112, 66-1,112g, and 66-1,129.

Intent of Law: Every CMV must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Further, an MC must comply with any statute, Commission order or rules and regulations adopted by the Commission.

Supporting Documents: Desco Coatings Inc was ordered to attend a KCC safety seminar Commission *Penalty Order* dated April 19, 2022, filed in Docket Number 22-TRAM-480-PEN.

Violation: Desco Coatings Inc failed to attend a Commission-sponsored safety seminar as required under Commission *Penalty Order* dated August 19, 2022, filed in Docket Number 22-TRAM-480-PEN. One (1) violation was discovered.

Recommendation: Staff recommends a penalty of \$250.

RECOMMENDATION:

Staff recommends the Commission find Desco Coatings Inc committed five (5) violations, accounting for three (3) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty in the sum of \$1,000 for the five (5) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Desco Coating Coatings Inc require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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.

Staff further recommends Desco Coatings Inc submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of the Order, documenting the violations described in the Order, including specific and detailed information explaining the MC's efforts and concrete steps taken to ensure the violations do not occur in the future.

Finally, Staff recommends that Desco Coatings Inc submit to a follow-up safety compliance review within eighteen (18) months from the date of the Order. Staff will contact the MC at a later date to determine an appropriate time for such review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 374774
MC/MX#: 0

Legal: DESCO COATINGS INC
Operating (DBA):

Investigation Date:
08/23/2023

Investigation Type: Offsite Investigation

Physical Address

19890 W 156TH STREET
OLATHE, KS 66062-3500
United States

Mailing Address

19890 W 156TH STREET
OLATHE, KS 66062-3500
United States

Contact Information

Contact Name: MATT HUGGINS

Email: [REDACTED]

Phone: (913)782-3330 **Cell:** ()- **Fax:** (913)782-0066

Business and Financial

Business Type: Corporation

Name of Gross Revenue Provider: Amy Pollard

Title of Gross Revenue Provider: A&P Payroll Manager

Gross Revenue: \$10,816,495.00 **For Year Ending:** 12/31/2022

Federal Tax ID: [REDACTED] (EIN)

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Private Motor Carrier

Property – Non-Hazardous Materials

Cargo

Building Materials, Construction

Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	2		

Driver Information

	Drivers	
	Intrastate	Interstate
Power units used in the U.S.: 2	< 100 Miles	
Percentage of time used in the U.S.: 100.0%	>= 100 Miles	4
Average trip leased driver/month: 0		
Drivers with CDL: 0		
Total Drivers: 4		

Person(s) Interviewed

Name: AMY POLLARD

Title: AP & Payroll Manager

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:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

State Equivalent: K.S.A. 66-1,142b

The MC must comply with the requirements of a Commission Order, including submission of a corrective action plan (CAP) as ordered in a Penalty Order.

Example/Notes:

The MC must comply with the requirements of a Commission Order, including submission of a corrective action plan (CAP) as ordered in Penalty Order, 22-TRAM-480-PEN

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

2. Primary: 392.2

State Equivalent: K.S.A. 66-1,142b

The MC must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in a Penalty Order.

Example/Notes:

The MC must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in Penalty Order, 22-TRAM-480-PEN

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

3. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

Violations Discovered

Fed	State	Total
	3	3

Checked

Fed	State	Total
	3	3

Example/Notes:

Driver name, Ryan Courtney

Trip date. July 5, 2023

Description of violation - On July 7, 2023, Desco Coatings INC required or permitted its Driver to operate a non-CDL required CMV, a 2019 Hino box truck, VIN ending in 57336, GVWR of 26,000 pounds in interstate commerce from Olathe KS to Blue Springs, MO. This transport is evidenced by a Driver Time Record and Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

Drivers/Vehicles in Violation		
Fed	State	Total
	3	3
Checked		
Fed	State	Total
	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

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

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.
2. Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.

BASIC: Driver Fitness

Process Breakdown: Roles and Responsibilities

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

BASIC: Driver Fitness

Process Breakdown: Policies and Procedures

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a policy for the periodic 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.
2. Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.

Recommendations

1. **Additional Information**

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

2. **MVR**

As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

3. **Review**

Per 49 CFR 391.51(b)(5) the motor carrier is required to process an annual review of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2);

4. **Safety Seminar**

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, you 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.

5. **CAP**

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

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

6. **All Reviews**

"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. 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 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. NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and

roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MC MIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more

information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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 carriers 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.

EXHIBIT 2

Not CDL

DRIVER'S TIME RECORD (150 air-mile radius)

Driver's Name (print) Ryan Courtney Employee No. 1 Month 7 Year 2023

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:

- *For Drivers NOT required to have a CDL.
- *Operates within 150 air-mile radius of the normal work reporting location.
- *Returns to normal work reporting location and is released from work within 14 consecutive hours.
- *At least 10 consecutive hours off duty separates each 14 hours on duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start Time	End Time	Total Hours	Truck Number	Trip Information TO - FROM
1					
2					
3					
4					
5	7:00 AM	10:30 AM	3 1/2	Hino	Shop to KC, MO to shop
6	No trips				
7	7:00 AM	11:00 AM	4	Hino	Shop to Blue Springs, MO to shop
8					
9					
10	6:30 AM	10:30 AM	4	Hino	Shop to Belton, MO to shop
11	No trips				
12	9:00 AM	12:00 PM	3	Hino	Shop to Belton, MO to shop
13	No trips				
14	7:00 AM	9:30	2 1/2	Hino	Shop to Lawrence, KS to shop
15					
16					
17	No trips				
18	6:30 AM	12:00 PM	3 1/2	Hino	Shop to Blue Springs, MO to shop
19	7:00 AM	11:00 AM	4	F550	Shop to Lawrence, KS to shop
20	No trips				
21	9:00 AM	12:30 PM	3 1/2	Hino	Shop to Belton, MO to shop
22					
23					
24	10:30 AM	2:00 PM	3 1/2	Hino	Shop to Belton, MO to shop
25	No trips				
26	6:30 AM	10:30 AM	4	Hino	Shop to Lawrence, KS to shop
27	No trips				
28	10:00 AM	1:30	3 1/2	F550	Shop to Grandview, MO to shop
29					
30					
31	No trips				

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off." Check box if no driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.

CERTIFICATE OF SERVICE

24-TRAM-354-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 and electronic service on 11/21/2023.

Matt Huggins, PRESIDENT
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/S/ KCC Docket Room
KCC Docket Room