

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the State Corporation )  
Commission of the State of Kansas Approving )  
the FY 2021 Uniform Penalty Assessments for )  
the Regulation of Motor Carriers and Persons ) Docket No. 21-TRAM-004-MIS  
Operating in Kansas Who Fail to Obey Any )  
Order, Decision or Regulation of the )  
Commission. )

**ORDER DESIGNATING GUIDANCE DOCUMENT  
AND APPROVING STAFF'S USE OF THE TRANSPORTATION DIVISION'S  
UNIFORM PENALTY ASSESSMENT TABLE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 66-1,108b, 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 K.S.A. 66-1,108, 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. Also pursuant to K.S.A. 66-1,142b, the Commission is authorized to assess a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations of such motor carrier statutes, regulations or Commission orders, and not more than \$5,000 for intentional violations of such motor carrier statutes, regulations or Commission orders.

4. 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.

5. Pursuant to K.S.A. 66-1,142c, the Commission has the authority to compromise the amount of any civil penalty.

6. Pursuant to K.S.A. 77-438, the Commission may issue a guidance document without following the procedures for the adoption of administrative rules and regulations. Such a guidance document may contain binding instructions to state agency staff members; however, a guidance document issued pursuant to K.S.A. 77-438 lacks the force of law.

## **II. BACKGROUND**

7. It is the goal of the Transportation Division and of the Commission to improve the safety of motor carriers in Kansas to the benefit of motor carriers and the motoring public. Civil penalties assessed for the violation of motor carrier statutes, regulations or Commission orders are focused on improving the safety of motor carrier operations.

8. The Transportation Division has compiled a schedule of fines, relevant to violations of Kansas Motor Carrier Safety Statutes and Regulations, which are incremental in a

way designed to have a fair and appropriate financial impact on the motor carrier industry. In compiling the schedule of fines, the Transportation Division has considered the appropriateness of the penalty to the size of the business and the gravity of the violation.

9. The schedule of fines takes into consideration Commission practices with respect to assessing penalties for violations of Kansas Motor Carrier Safety Statutes and Regulations, the safety impact of each violation, the size of the motor carrier's business/operations and, where relevant, the number of drivers in violation and/or number of violations discovered.

10. The schedule of fines, titled the "Uniform Penalty Assessment Table," (Penalty Assessment Table) was designated as a guidance document and approved for use by Staff in recommending penalties for violations of the Kansas Motor Carrier Safety Statutes and Regulations in the Commission's Amended Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table (Order) issued on August 8, 2019, in docket 20-TRAM-015-MIS.

11. Pursuant to the Commission's August 8, 2019 Order, the Penalty Assessment Table shall be reviewed annually taking into consideration potential changes to motor carrier regulations and the motor carrier industry, no later than July 1 of each year.

### **III. STATEMENT OF FACTS**

12. In accordance with the Commission's August 8, 2019 Order, the Transportation Division has reviewed the FY 2020 Uniform Penalty Assessment Table and has recommended appropriate updates in conformity with its goals of improving the safety of motor carriers while taking into consideration potential changes to motor carrier regulations and the motor carrier industry. The updated FY 2021 Uniform Penalty Assessment Table is attached hereto and is incorporated by reference.

13. On June 23, 2019, Staff prepared a Report and Recommendation (R&R), recommending Commission approval of the Transportation Division's use of the updated FY 2021 Uniform Penalty Assessment Table. The Report and Recommendation is attached hereto and is incorporated by reference.

14. The updated FY 2021 Uniform Penalty Assessment Table continues to be intended for the Transportation Division's use in the administration of the laws with which it is charged, to facilitate and promote consistency and uniformity in the penalty assessment recommendations made and submitted to the Commission, and to provide assurance to motor carriers and the public of the foregoing.

15. Nothing in the updated FY 2021 Uniform Penalty Assessment Table is intended to control the conduct of the public; it shall function as a reference and guidance tool for the Transportation Division. Penalty assessments made and recommended by the Transportation Division are not binding on the Commission, and the Commission retains and shall have full authority and discretion regarding any penalty assessment in any final order made and issued.

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

16. Staff, in its R&R, recommends the Commission designate the updated FY 2021 Uniform Penalty Assessment Table as a guidance document, replacing the FY 2020 Uniform Penalty Assessment Table approved as a guidance document in the Commission's August 8, 2020 Order, and approve the updated FY 2021 Uniform Penalty Assessment Table for use by Staff in recommending penalties for violations of Kansas Motor Carrier Safety Statutes and Regulations.

17. Additionally, Staff recommends the updated FY 2021 Uniform Penalty Assessment Table be posted to the Commission website, replacing the FY 2020 Uniform Penalty

Assessment Table currently posted to the Commission website, in furtherance of agency transparency.

18. Finally, Staff recommends that the Uniform Penalty Assessment Table continue to be reviewed once annually taking into consideration potential changes to motor carrier regulations and the motor carrier industry, on or before July 1 of each year.

#### **V. CONCLUSIONS OF LAW**

19. The Commission finds it has the authority to designate guidance documents pursuant to K.S.A. 77-438.

20. The Commission finds it has jurisdiction over the assessment of civil penalties for the violation of any statute, regulation or Commission order relevant to motor carrier laws.

21. The Commission finds that it retains the authority to exercise discretion in compromising civil penalties pursuant to K.S.A. 66-1,142c.

22. The Commission finds the updated and attached FY 2021 Uniform Penalty Assessment Table to be reasonable and appropriately tailored to accomplish the Commission's goal of improving the safety of motor carriers in Kansas while having a fair impact on the motor carrier industry.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

A. The Transportation Division's FY 2021 Uniform Penalty Assessment Table with updates is hereby designated as a guidance document and approved for use by Staff. Staff shall use the FY 2021 Uniform Penalty Assessment Table in recommending penalties for violations of Kansas Motor Carrier Safety Statutes and Regulations, except for when Staff believes a deviation from the Uniform Penalty Assessment Table is merited. If Staff believes such a deviation is

merited, Staff shall present the Uniform Penalty Assessment Table recommendation, and any alternative recommendation, to the Commission for consideration.


B. The Transportation Division's FY 2021 Uniform Penalty Assessment Table shall be posted to the Commission's website, replacing the previously approved 2020 Uniform Penalty Assessment Table.

C. The Transportation Division's Uniform Penalty Assessment Table shall be reviewed annually taking into consideration potential changes to motor carrier regulations and the motor carrier industry, no later than July 1 of each year.

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

Duffy, Chairman; Keen, Commissioner; French, Commissioner

Dated: 07/07/2020 \_\_\_\_\_

  
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Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

## REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

**TO:** Chair Susan K. Duffy  
Commissioner Dwight D. Keen  
Commissioner Andrew J. French

**FROM:** Mike Hoeme, Director of Transportation

**DATE:** June 23, 2020

**DATE SUBMITTED TO LEGAL:** June 24, 2020

**SUBJECT: Docket No. 21-TRAM-004-MIS**  
Adoption of the FY 2021 Transportation Division Fine Schedule

### **EXECUTIVE SUMMARY:**

The Transportation Division seeks approval of an update to the previously approved schedule of fines, pursuant to K.S.A. 66-1,142b, relevant to violations of Kansas Motor Carrier Safety Statutes and Regulations. These fines are tailored to reflect the severity of the safety concerns of each violation and are crafted to capture major violations that previously could not be penalized appropriately. The Division seeks formal approval of the updated fine schedule by the Commission, and intends to present this Report and Recommendation at Commission meeting on June 30, 2020.

### **BACKGROUND:**

K.S.A. 66-1,142b gives the Commission the authority to assess civil penalties for the violation of any statute, regulation or Commission order relevant to motor carrier laws. Subsection (a) states any person violating such motor carrier statutes, regulations or Commission orders shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations and not more than \$5,000 for intentional violations.

Keeping in mind Commission practices with respect to assessing penalties for violations of Kansas Motor Carrier Safety Statutes and Regulations, as well as the appropriateness of the penalty to the size of the business and the gravity of the violation, the Transportation Division compiled a schedule of fines incremental in a way designed to have a fair and appropriate financial impact on the motor carrier industry.

On August 8, 2019, the Commission approved a fine schedule, titled "Uniform Penalty Assessment Table," and ordered the fine schedule to be reviewed annually. The Transportation Division has reviewed the previously approved fine schedule, and has made several appropriate updates that advance its goal to improve the safety of motor carrier operations.

### **ANALYSIS:**

The fine schedule is broken down by K.A.R. section and corresponding C.F.R. Part. The attached Uniform Penalty Assessment Table sets forth fine amounts taking into consideration factors such as company size/number of drivers and number of violations. The fines are incremental in a way designed to have a fair and appropriate impact on the motor carrier industry.

UCR fees, as set forth in 49 C.F.R. 367.30, are required to be paid by interstate motor carriers pursuant to K.A.R. 82-4-30a. This penalty has been scaled in such a way that the fine increases as the number of vehicles in violation increases.

49 C.F.R. Part 382, as adopted by K.A.R. 82-4-3c, deals with controlled substances and alcohol use and testing. Because the threat of drug/alcohol abuse is a severe safety concern, many of these fines begin at \$350. All of the fines in this category are broken out by the number of drivers within the company. This structure reduces the severity of a single violation by owner/operators.

49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, deals with safety and fitness procedures. The only violation in this category relates to Haz-Mat Safety Permits. This is an area directly related to the safety of motor carriers as well as the motoring public, therefore the fine is a flat, per-carrier violation and it is consistent across all motor carriers, regardless of size.

49 C.F.R. Part 386, as adopted by K.A.R. 82-4-3o, deals with out-of-service violations. These violations allow the Commission to penalize motor carriers that operate while under a federal or Commission out-of-service order. It also allows the Commission to penalize carriers that attempt to operate as a chameleon carrier for the purposes of avoiding an out-of-service order.

49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n, deals with minimum levels of insurance for both property and passenger carrying motor carriers. The only violation in this category relates to failure to carry interstate insurance. This is an area directly related to the safety and protection of motor carriers as well as the motoring public, therefore the fine is a flat, per-carrier violation and it is consistent across motor carriers, regardless of size.

49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f, deals with general motor carrier safety regulations, and again these violations directly impact the safety of the motor carrier and motoring public. Fines for violations of this part are broken out by number of violations.

49 C.F.R. Part 391, as adopted by K.A.R. 82-4-3g, deals with driver qualifications. This area is still critical to safe motor carrier operations; however the impact on safety is somewhat less



direct. Therefore these fines begin at a lower amount than the general motor carrier safety regulations, and are adjusted upward as the number of drivers in violation increases.

49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, deals with driving a commercial motor vehicle and fines for violations of this part are broken out by number of violations. Violations of this part directly affect highway wear and tear, and fine amounts reflect this consideration.

49 C.F.R. Part 395, as adopted by K.A.R. 82-4-3a, deals with hours of service and fines for violations of this part are broken out by number of violations. Violations of this part directly affect the safety of the motoring public, and fine amounts reflect this consideration.

49 C.F.R. Part 396, as adopted by K.A.R. 82-4-3j, deals with inspection, repair and maintenance of vehicles. Violations of this part directly affect the safety of the motoring public, and fine amounts reflect this consideration. Violation of this part is broken out by the number of violations.

49 C.F.R. Parts 100 through 185, as adopted by K.A.R. 82-4-20, deal with transportation of hazardous material, and fines for violations of these parts and regulation are broken out by number of violations. Violations of this part are a serious concern for the safety of the motoring public, and fine amounts reflect this consideration.

K.S.A. 66-1,142b, deals with the Commission's ability to enforce its own orders and outlines violations for a failure by a motor carrier to comply with a Commission Penalty Order.

**Proposed Updates:** The following are proposed updates made to the previously approved Uniform Penalty Assessment Table which reflects changes in the motor carrier industry and/or the motor carrier safety regulations:

1. 49 C.F.R. Part 382, as adopted by K.A.R. 82-4-3c, has two changes:
  - a. Enhanced fines have been added to the fine structures for violations of 49 C.F.R. 382.401 and 49 C.F.R. 382.601. Enhanced violations are assessed if the same violations are found during the follow-up compliance review conducted by Transportation Staff.
  - b. A new penalty, citing 49 C.F.R. 382.711, has been added targeting carriers who do not register with the Drug and Alcohol Clearinghouse. Violation of this statute would carry a fine structure identical to violations of 49 C.F.R. 382.601, which penalizes failure to distribute a drug and alcohol policy to employees.
2. 49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, contains a new penalty. The new penalty, citing 49 C.F.R. 392.9b, has been added to penalize carriers who operate without possessing an active DOT Number that accurately reflects the operations the carrier is engaged in. Violation of this statute would carry a fine structure of \$250.00 for the first violation and an enhanced fine of \$500.00 for an intentional or repeated violation.
3. K.S.A. 66-1,142(h), has two changes:

- a. The fine structure for violations under this section have been reduced. Under the new fine structure a carrier violating this statute would be assessed a \$250.00 civil for a first violation and \$500.00 enhanced penalty for a repeat violation.
- b. A typo in the title of this section will correct the statute referenced from “K.S.A. 66-1,142(h)” to “K.S.A. 66-1,142b.” The two violations listed here will also be corrected to specifically reference “K.S.A. 66-1,142b(h).” This change will allow the penalties to more accurately reference the statute they are based upon.

**RECOMMENDATION:**

Transportation Staff recommends the attached FY 2021 fine schedule be adopted, replacing the previously approved fine schedule, and posted to the Commission website. The schedule shall be reviewed once annually on or before July 1 of each year.

# **Uniform Penalty Assessment Table**

## **Kansas Corporation Commission Transportation Division**

**FY 2021**

# Violations Re: Adoption of 49 C.F.R. Part 367 as adopted in K.A.R. 82-4-30a

(Unified Carrier Registration)

Regulation / Statute	Standard					Enhanced / Repeat Violations
49 C.F.R. § 367	1 – 5 Vehicles	6 – 20 Vehicles	21-100 Vehicles	101-1000 Vehicles	1000+ Vehicles	<ol style="list-style-type: none"> <li>Repeat violations of a standard penalty occurring within three years from the date the standard penalty was issued receive a recommendation for an enhanced civil penalty equal to 2X the amount of the standard civil penalty.</li> <li>Repeat violations of an enhanced civil penalty occurring within three years from the date the enhanced penalty was issued receive a recommendation for an enhanced civil penalty equal to 2X the amount of the previously issued enhanced civil penalty. The maximum repeat enhanced civil penalty violation that may be recommended against a Respondent is \$5,000.00. See K.S.A. 2014 Supp. 66-1,142b.</li> </ol>
	\$300.00	\$500.00	\$700.00	\$900.00	\$1,000.00	

# Violations Re: Adoption of 49 C.F.R. Part 382 as adopted in K.A.R. 82-4-3c

(Controlled Substance and Alcohol Use and Testing Violations)

Regulation / Statute	Standard Civil Penalty <sup>1</sup>			Enhanced Civil Penalty <sup>2</sup>		
	1 CDL Driver	2-5 CDL Drivers	6+ CDL Drivers	1 CDL Driver	2-5 CDL Drivers	6+ CDL Drivers
<b>49 C.F.R. § 382.115</b> Failure to Implement Testing Programs	\$350.00	\$650.00	\$1,000.00	\$700.00	\$1,300.00	\$2,000.00
<b>49 C.F.R. § 382.215</b> Positive Controlled Substance Test	N/A	N/A	N/A	\$2,000.00	\$3,500.00	\$5,000.00
<b>49 C.F.R. § 382.301</b> No Pre-Employment Test	\$250.00	\$650.00	\$1,000.00	\$500.00	\$1,300.00	\$2,000.00
<b>49 C.F.R. § 382.303</b> Failure to Conduct Post-Accident Testing	\$250.00	\$650.00	\$1,000.00	\$500.00	\$1,300.00	\$2,000.00
<b>49 C.F.R. § 382.305</b> Failure to Conduct Random Testing	\$250.00	\$650.00	\$1,000.00	\$500.00	\$1,300.00	\$2,000.00
<b>49 C.F.R. § 382.305(i)(2)</b> Failure Remove From Pool	N/A	N/A	N/A	\$100.00	\$100.00	\$100.00
<b>49 C.F.R. § 382.401</b> Failure to Retain Records	\$100.00	\$250.00	\$500.00	\$200.00	\$500.00	\$1000.00
<b>49 C.F.R. § 382.601</b> Failure to Distribute Drug/Alcohol Policy	\$100.00	\$250.00	\$500.00	\$200.00	\$500.00	\$1000.00

<sup>1</sup> Maximum cumulative penalties: \$1,000 (1 CDL Driver); \$1,500 (2-5 CDL Drivers); \$2,000 (6+ CDL Drivers)

<sup>2</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

<b>49 C.F.R. § 382.603</b> Failure to Conduct Supervisor Training	\$100.00 (N/A if owner/operator)	\$100.00	\$100.00	N/A	\$200.00	\$200.00
<b>49 C.F.R. § 382.711</b> Failure to Register in Clearinghouse	\$100.00	\$250.00	\$500.00	\$200.00	\$500.00	\$1000.00
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in a civil penalty recommendation equal to 2X the amount of an enhanced civil penalty.					

# Violations Re: Adoption of 49 C.F.R. Part 385 as adopted in K.A.R. 82-4-3d

(Safety Fitness Procedures Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>1</sup>		
	First Violation			Repeat Violation		
49 C.F.R. § 385.403 HM Safety Permit	\$500.00			\$1,000.00		
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in a civil penalty recommendation equal to 2X the amount of an enhanced civil penalty.					

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

# Violations Re: Adoption of 49 C.F.R. Part 386 as adopted in K.A.R. 82-4-3o

(Out of Service Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>2</sup>		
	First Violation			Repeat Violation		
<b>49 C.F.R. 386.73</b> Operating as Chameleon Carrier	\$2,000.00			\$4,000.00		
<b>49 C.F.R. 386.73</b> Operating Under Federal OOS	\$2,000.00			\$4,000.00		
<b>K.S.A. 66-1,129a</b> Operating Under KCC OOS	\$2,000.00			\$4,000.00		
Repeated Violations of Enhanced Civil Penalty	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in a civil penalty recommendation equal to 2X the amount of an enhanced civil penalty.					

<sup>2</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.



# Violations Re: Adoption of 49 C.F.R. Part 387 as adopted in K.A.R. 82-4-3n

(Interstate Insurance Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty		
	First Violation			Repeat Violation		
49 C.F.R. § 387.7; § 387.31 Interstate Insurance	\$500.00			\$1,000.00		
Repeated Violations of Enhanced Civil Penalty	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in a civil penalty recommendation equal to 2X the amount of an enhanced civil penalty.					

# Violations Re: Adoption of 49 C.F.R. Part 390 as adopted in K.A.R. 82-4-3f

(General Motor Carrier Safety Regulation Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>1</sup>		
	1-15 Violations	16-30 Violations	31+ Violations	1-15 Violations	16-30 Violations	31+ Violations
<b>49 C.F.R. § 390.13</b> Aiding & Abetting	N/A	N/A	N/A	\$2,000.00	\$2,500.00	\$3,000.00
<b>49 C.F.R. § 390.19</b> No DOT #	\$200.00	N/A	N/A	\$400.00	N/A	N/A
<b>49 C.F.R. § 390.23</b> Relief From Regulation Emergency	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 390.31</b> Copies or Records of Documents	\$200.00	\$300.00	\$500.00	\$400.00	\$600.00	\$1,000.00
<b>49 C.F.R. § 390.33</b> Using a CMV For Purposes Other Than Defined	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 390.35</b> Fraudulent Certificates, Reports & Records	N/A	N/A	N/A	\$2,000.00	\$2,500.00	\$3,000.00
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in an enhanced civil penalty recommendation equal to 2X the amount that would be recommended against the Carrier, or if such a penalty would exceed the maximum civil penalty allowable by law, then the penalty recommended shall be the maximum civil penalty allowable by Kansas law; <b>currently \$5,000.00</b> . See K.S.A. 2014 Supp. 66-1,142b(a).					

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

# Violations Re: Adoption of 49 C.F.R. Part 391 as adopted in K.A.R. 82-4-3g

(Qualification of Drivers Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>1</sup>		
	1 Violation	2-10 Violations	11+ Violations	1 Violations	2-10 Violations	11+ Violations
<b>49 C.F.R. § 391.11</b> Qualification of Drivers	\$250.00	\$500.00	\$1,000.00	\$500.00	\$1,000.00	\$2,000.00
<b>49 C.F.R. § 391.15</b> Disqualified Drivers	\$250.00	N/A	N/A	\$500.00	N/A	N/A
<b>49 C.F.R. § 391.25</b> <b>49 C.F.R. § 391.23</b> <b>49 C.F.R. § 391.51(b)(4)</b> <b>49 C.F.R. § 391.51(b)(2)MVR</b>	\$100.00	\$250.00	\$500.00	\$200.00	\$500.00	\$1,000.00
<b>49 C.F.R. § 391.41</b> Physical Qualifications	\$250.00	\$500.00	\$1,000.00	\$500.00	\$1,000.00	\$2,000.00
<b>49 C.F.R. § 391.43</b> Medical Certification	\$250.00	\$500.00	\$1,000.00	\$500.00	\$1,000.00	\$2,000.00
<b>49 C.F.R. § 391.45(b)(1)</b> Medical Examination	\$250.00	\$500.00	\$1,000.00	\$500.00	\$1,000.00	\$2,000.00
<b>49 C.F.R. § 391.51(a)</b> Driver Qualification File	\$350.00	\$750.00	\$1,000.00	\$700.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 391.51(b)(3)</b> Road Test	N/A (1 driver)	\$100.00 (2-5 drivers)	\$250.00 (6+ drivers)	N/A (1 driver)	\$200.00 (2-5 drivers)	\$500.00 (6+ drivers)
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in an enhanced civil penalty recommendation equal to 2X the amount that would be recommended against the Carrier, or if such a penalty would exceed the maximum civil penalty allowable by law, then the penalty recommended shall be the maximum civil penalty allowable by Kansas law; <b>currently \$5,000.00</b> . See K.S.A. 2014 Supp. 66-1,142b(a).					

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

# Violations Re: Adoption of 49 C.F.R. Part 392 as adopted in K.A.R. 82-4-3h

(Driving of Commercial Motor Vehicle Violations)

Regulation / Statute	Standard Civil Penalty	Enhanced Civil Penalty <sup>1</sup>				
		1-5 Violations	6-15 Violations	16+ Violations	1-5 Violations	6-15 Violations
<b>49 C.F.R. § 392.2</b> K.S.A. 8-1901 Size & Weight	\$500.00	\$1,500.00	\$3,000.00	\$1,000.00	\$3,000.00	\$4,000.00
<b>49 C.F.R. § 392.2</b> K.S.A. 8-2,125 CDL	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 392.2</b> K.S.A. 66-1,111-PuMC K.S.A. 66-1330-W K.S.A. 66-1,112g-PrM	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 392.2</b> K.S.A. 8-109 Oversize Permit; K.S.A. 8-142 Registration	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 392.2</b> Unsafe Driving Speeding	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 392.2</b> Unsafe Driving Texting/Mobile Phone Use	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 392.2</b> K.S.A. 66-1,128 Insurance	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. Part 392.2</b> K.S.A. 40-3104 Insurance	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A

<sup>1</sup> Enhanced civil penalties are recommended if a violation is deemed “intentional” or if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

<b>49 C.F.R. Part 392.2 K.A.R. 82-4-35a Supporting Documents Hours of Service</b>	\$250.00	\$500.00	\$750.00	\$500.00	\$1,000.00	\$1,500
<b>49 C.F.R. § 392.9a Federal Operating Authority</b>	\$1,000.00	N/A	N/A	\$2,000.00	N/A	N/A
<b>49 C.F.R. § 392.9b No DOT #</b>	\$250.00	N/A	N/A	\$500.00	N/A	N/A
<b>K.S.A. 79-34,109 Fuel Tax</b>	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in an enhanced civil penalty recommendation equal to 2X the amount that would be recommended against the Carrier, or if such a penalty would exceed the maximum civil penalty allowable by law, then the penalty recommended shall be the maximum civil penalty allowable by Kansas law; <b>currently \$5,000.00</b> . See K.S.A. 2014 Supp. 66-1,142b(a).					

# Violations Re: Adoption of 49 C.F.R. Part 395 as adopted in K.A.R. 82-4-3a

(Hours of Service of Drivers Violations)

Regulation / Statute	Standard Civil Penalty				Enhanced Civil Penalty <sup>1</sup>			
	1-10 Violations	11-20 Violations	21-30 Violations	31+ Violations	1-10 Violations	11-20 Violations	21-30 Violations	31+ Violations
<b>49 C.F.R. § 395.1(e)</b> Total Hours	\$100.00	\$200.00	\$300.00	\$400.00	\$200.00	\$400.00	\$600.00	\$800.00
<b>49 C.F.R. § 395.3</b> Maximum Driving Time (Property)	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.3(a)(3)</b> Rest Breaks	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.5</b> Maximum Driving Time (Passenger)	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.8</b> Record of Duty Status/No ELDs	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.8(e)</b> False Reports	N/A	N/A	N/A	N/A	\$1,000.00	\$2,000.00	\$2,500.00	\$3,000.00
<b>49 C.F.R. § 395.8(k)</b> Supporting Documentation	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.11</b> Supporting Documentation	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 395.13</b> Driver's Declared OOS	\$250.00	\$500.00	\$750.00	\$1,000.00	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>Repeated Violations of Enhanced Civil Penalty</b>	Repeat violations of an enhanced civil penalty occurring within twenty-four months from the date the enhanced penalty was issued against the Carrier will result in a recommendation for the maximum civil penalty allowable by Kansas law; currently \$5,000.00. See K.S.A. 2014 Supp. 66-1,142b(a).							

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

# Violations Re: Adoption of 49 C.F.R. Part 396 as adopted in K.A.R. 82-4-3j

(Inspection, Repair and Maintenance Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>1</sup>		
	1 Violation	2-15 Violations	16+ Violations	1 Violation	2-15 Violations	16+ Violations
<b>49 C.F.R. § 396.3</b> Inspection, Repair, and Maintenance	\$350.00	\$750.00	\$1,000.00	\$700.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 396.7</b> Unsafe Operations Forbidden	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 396.9</b> Motor Vehicles Declared OOS	N/A	N/A	N/A	\$3,000.00	N/A	N/A
<b>49 C.F.R. § 396.11</b> Driver Vehicle Inspection Report	\$200.00	\$300.00	\$500.00	\$400.00	\$600.00	\$1,000.00
<b>49 C.F.R. § 396.17</b> Periodic Inspection	\$250.00	\$750.00	\$1,000.00	\$500.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 396.19(a)</b> Inspector Qualifications	\$250.00	N/A	N/A	\$500.00	N/A	N/A
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in an enhanced civil penalty recommendation equal to 2X the amount that would be recommended against the Carrier, or if such a penalty would exceed the maximum civil penalty allowable by law, then the penalty recommended shall be the maximum civil penalty allowable by Kansas law; <b>currently \$5,000.00</b> . See K.S.A. 2014 Supp. 66-1,142b(a).					

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

# Violations Re: Hazardous Materials Violations; K.A.R. 82-4-20

(Transportation of Hazardous Materials by Motor Vehicles Violations)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>1</sup>		
	1-5 Violations	6-30 Violations	31+ Violations	1-5 Violations	6-30 Violations	31+ Violations
<b>49 C.F.R. § 107.601</b> HM Registration	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 172.200</b> Shipping Papers	\$200.00	\$300.00	\$500.00	\$400.00	\$600.00	\$1,000.00
<b>49 C.F.R. § 172.500</b> Placarding	\$200.00	\$300.00	\$500.00	\$400.00	\$600.00	\$1,000.00
<b>49 C.F.R. § 172.600</b> Emergency Response Information	\$300.00	N/A	N/A	\$600.00	N/A	N/A
<b>49 C.F.R. § 172.700</b> HM Training	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>49 C.F.R. § 172.800</b> Security Plans	\$500.00	N/A	N/A	\$1,000.00	N/A	N/A
<b>49 C.F.R. § 180.401</b> Qualification & Maintenance of Cargo Tanks	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$2,000.00
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurring within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in an enhanced civil penalty recommendation equal to 2X the amount that would be recommended against the Carrier, or if such a penalty would exceed the maximum civil penalty allowable by law, then the penalty recommended shall be the maximum civil penalty allowable by Kansas law; <b>currently \$5,000.00</b> . See K.S.A. 2014 Supp. 66-1,142b(a).					

<sup>1</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.



# Violations Re: K.S.A. 66-1,142b

(Failure to Comply with Commission Penalty Order)

Regulation / Statute	Standard Civil Penalty			Enhanced Civil Penalty <sup>2</sup>		
	First Violation			Repeat Violation		
K.S.A. 66-1,142b Failure to Submit CAP	\$250.00			\$500.00		
K.S.A. 66-1,142b Failure to Attend Safety Seminar	\$250.00			\$500.00		
<b>Repeated Violations of Enhanced Civil Penalty</b>	A repeat violation of an enhanced civil penalty occurs within twenty-four months from the date the previous enhanced civil penalty was issued against the Carrier will result in a civil penalty recommendation equal to 2X the amount of an enhanced civil penalty.					

<sup>2</sup> Enhanced civil penalties are recommended if the same violation occurs within twenty-four months from the date the previous civil penalty was assessed against the Respondent.

**CERTIFICATE OF SERVICE**

21-TRAM-004-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/07/2020.

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