

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

April 18, 2012

Michael McDowell, Owner
d/b/a Affordable Towing & Recovery
7830 Lookout Dr
Manhattan, Kansas 66503

12-TRAM-739-PEN

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 2, 2012, by Kansas Corporation Commission Special Investigator Lance Jones. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$300 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Fiscal Section of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Fiscal Office at 785-271-3274.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 12 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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. Respondent must submit an original and seven (7) copies of the request to the Commission's Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operations.

Sincerely,

Amber Smith
Litigation Counsel
(785) 271-3301

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Investigation of **Michael)**
Scott McDowell, d/b/a Affordable Towing &)
Recovery, of Manhattan, Kansas, Regarding)
the Violation of the Motor Carrier Safety) Docket No. 12-TRAM-739-PEN
Statutes, 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). The Commission, being duly advised in the premises, and after having examined its files and records, 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, and amendments thereto, 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, and amendments thereto, 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 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.

II. BACKGROUND

4. Michael Scott McDowell, d/b/a Affordable Towing & Recovery (Affordable Towing & Recovery) obtained common operating authority from the Commission on November 15, 2010, and operates under KSMCID number 167931 and USDOT number 2091158.

5. Michael McDowell attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on November 15, 2010, on behalf of Affordable Towing & Recovery.

6. Affordable Towing & Recovery is a common motor carrier which primarily hauls motor vehicles.

III. STAFF'S STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 2, 2012, Commission Staff (Staff) Special Investigator Lance Jones conducted a compliance review of the operations of Affordable Towing & Recovery. 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, Mr. Jones identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On April 1, 2012, Affordable Towing & Recovery required or permitted its driver, Scott Miller, to operate a commercial motor vehicle, a 2009

GMC rollback wrecker, VIN [REDACTED], in intrastate commerce transporting a vehicle from Ogden, Kansas to Topeka, Kansas. This trip is evidenced by a typed statement by Michael Scott McDowell, the owner of Affordable Towing & Recovery, a copy of which is attached hereto as Attachment "B". At the time of this transportation, Affordable Towing & Recovery had not made inquiry into the driving record (MVR) of its driver, Scott Miller, in the preceding 12 months. The last inquiry maintained in Mr. Miller's driver qualification file was dated November 15, 2010, a copy attached hereto as Attachment "C". This violation was discovered in two out of two drivers. Affordable Towing & Recovery'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 Title 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2010 Supp. 66-1,112. Staff recommends a fine of \$300.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Affordable Towing & Recovery committed one (1) violation of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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 \$300 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Affordable Towing & Recovery be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Affordable Towing & Recovery submit to one follow-up safety compliance review within the next twelve (12) months. 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 Affordable Towing & Recovery because it is a motor carrier as defined in K.S.A. 66-1,108.

13. The Commission finds Affordable Towing & Recovery committed one (1) violation of Kansas law that govern motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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. Michael Scott McDowell, d/b/a Affordable Towing & Recovery, of Manhattan, Kansas is hereby assessed a \$300 civil penalty for one (1) violation 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. Affordable Towing & Recovery is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written

proof of attendance. Further, Affordable Towing & Recovery is ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, and amendments thereto, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Affordable Towing & Recovery's right to a hearing, and this Penalty Order will become a Final Order assessing a \$300 civil penalty against Affordable Towing & Recovery, and ordering Affordable Towing & Recovery to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within twelve (12) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$300 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Affordable Towing & Recovery'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: APR 18 2012


ORDER MAILED APR 19 2012

Patrice Petersen-Klein
Executive Director

AS

ATTACHMENT “A”



US DOT #
2091158

Legal: MICHAEL SCOTT MCDOWELL
Operating (DBA): AFFORDABLE TOWING AND RECOVERY

MC/MX #: 000000 State #: 167931 Federal Tax ID [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory: A

Operation Types Interstate Intrastate

Carrier: N/A HM

Shipper: N/A N/A

Cargo Tank: N/A

Business: Individual

Gross Revenue: [REDACTED] for year ending: 12/31/2011

Company Physical Address:

[REDACTED]
[REDACTED]

Contact Name: Michael McDowell

Phone numbers: (1) [REDACTED]

(2) [REDACTED]

Fax [REDACTED]

E-Mail Address: [REDACTED]

Company Mailing Address:

7830 LOOKOUT DR
MANHATTAN, KS 66502

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	3
Part B - Recommendations	3
Review/Audit Receipt Page	1
Total Pages	9

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027 (785)271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Michael Scott McDowell

Title: Owner

Name: Scott Craig Miller

Title: Driver

Reported By: [Signature]

Title: SI

Code: KS8210 Date: 4/2/2012


Received By: [Signature]

Title: OLH

Scott Miller

driver



	US DOT #	Legal: MICHAEL SCOTT MCDOWELL Operating (DBA): AFFORDABLE TOWING AND RECOVERY		
	2091158			
MC/MX #: 000000		State #: 167931		Federal Tax ID: [REDACTED] (EIN)
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: A
Operation Types				
Interstate		Intrastate		
Carrier:	N/A	HM	Business: Individual	
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2011	
Cargo Tank:	N/A			
Company Physical Address:				
[REDACTED]				
Contact Name: Michael McDowell				
Phone numbers: (1) [REDACTED]		(2) [REDACTED]		Fax [REDACTED]
E-Mail Address: [REDACTED]				
Company Mailing Address:				
7830 LOOKOUT DR MANHATTAN, KS 66502				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Motor Vehicles				
Hazardous Materials				
9 Miscellaneous HM		Carried	Non-Bulk	
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	0	2	Total Drivers: 2	
>= 100 Miles:	0	0	CDL Drivers: 0	
Equipment				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Truck	1	0	0	
Power units used in the U.S.: 1				
Percentage of time used in the U.S.: 100				





AFFORDABLE TOWING AND RECOVERY (MICHAEL SCOTT MCDO dba)

U.S. DOT #: 2091158

State #: 167931

Review Date:

04/02/2012

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027 (785)271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Michael Scott McDowell

Title: Owner

Name: Scott Craig Miller

Title: Driver





AFFORDABLE TOWING AND RECOVERY (MICHAEL SCOTT MCDO dba)

U.S. DOT #: 2091158

State #: 167931

Review Date:

04/02/2012

Part B Violations

1 STATE	Primary: 390.19(i)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to file a Motor Identification Report, Form MCS-150 every 12 months in Kansas which is a PRISM state. Example Scott Miller 4/1/2012 Ogden, Ks to Topeka, KS				
2 STATE	Primary: 390.21(b) CFR Equivalent: 390.21(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to mark a commercial motor vehicle with the legal name or a single trade name and/or the USDOT identification number. Kansas based (PRISM State) and does not have the name of the city or GVW on the truck. Example Scott Miller 4/1/2012 Ogden, Ks to Topeka, KS				
3 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Scott Miller 4/1/2012 Ogden, Ks to Topeka, KS				
4 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
Description Failing to maintain driver's employment application in driver's qualification file. Example Scott Miller 4/1/2012 Ogden, Ks to Topeka, KS				





AFFORDABLE TOWING AND RECOVERY (MICHAEL SCOTT MCDO dba)

U.S. DOT #: 2091158

State #: 167931

Review Date:

04/02/2012

Part B Violations

5 STATE	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Scott Miller
4/1/2012

Ogden, Ks to Topeka, KS

6 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

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

Example

Scott Miller
4/1/2012

Ogden, Ks to Topeka, KS

7 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

Scott Miller
4/1/2012

Ogden, Ks to Topeka, KS

8 STATE	Primary: 392.2 Secondary: KSA 66-1,111 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. To Wit: Operate a rollback wrecker in intrastate commerce with CANCELLED KAN-C authority.

Example

Scott Miller
4/1/2012

Hauled a motorcycle from Ogden, KS to Topeka, KS.

9 STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to maintain evidence of inspector's qualifications.

Example

Myron Hurk - Inspector
11/23/2011
4/1/2012



AFFORDABLE TOWING AND RECOVERY (MICHAEL SCOTT MCDO dba)

U.S. DOT #: 2091158

State #: 167931

Review Date:

04/02/2012

Part B Violations

Your proposed safety rating is :

This Review is not Rated.



**Part B Requirements and/or Recommendations****1. 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 (MCMIS). 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.

KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 15-days, and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier only has expired MVR's and current medical exams on file, needs all the other required documents.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the timely 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



**Part B Requirements and/or Recommendations**

qualification.

- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with driver-fitness regulations and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows driver-fitness violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

3. VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier does not have proof of qualifications of their inspector.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that employees comply with vehicle inspection, repair and maintenance regulations, and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

HAZMAT Carriers:

- Establish a policy and procedure to ensure that drivers examine each tire on the motor vehicle at the beginning of each trip and each time the vehicle is parked, and that they take immediate corrective measures as needed before continuing with the route.

Passenger Carriers:

- Develop systematic procedures for inspecting maintenance items critical to fire-safety and emergency





AFFORDABLE TOWING AND RECOVERY (MICHAEL SCOTT MCDO dba)

U.S. DOT #: 2091158

State #: 167931

Review Date:

04/02/2012

Part B Requirements and/or Recommendations

evacuation - for example, checking wheel-hub lubrication levels according to the manufacturer's recommended inspection intervals, checking wheels for signs of excess heat every time the motorcoach is parked, regularly inspecting wiring and electrical systems for shorts circuits, and inspecting emergency-exit operation and markings.

- Consider installation of fire-detection-and-suppression systems on current fleets and as purchase options on new coaches.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. Make sure that you update your MCS-150 (USDOT number) every year.

5. Renew your KAN-C KCC authority prior to operating again.



ATTACHMENT “B”

Transportation Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3145
Fax: 785-271-3124
<http://kcc.ks.gov/>

Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

4/2/2012

On 4/1/2012, Scott Miller, driver for Affordable Towing & Recovery transported a vehicle from Ogden, KS to Topeka, KS on carriers 2009 GMC rollback wrecker, [REDACTED].

Michael Scott McDowell, Owner
Affordable Towing & Recovery

ATTACHMENT “C”

11/15/10
12:07:54

KANSAS DEPARTMENT OF REVENUE - DRIVER RECORDS
MOTOR VEHICLE REPORT

PAGE 1
KDOIP054-1

DL NUMBER	NAME/ADDRESS	BIRTHDATE	TYPE	CLAS	STAT	DRIVERS LICENSE	LATEST ISSUE EXPIRE DATE	ISSUE DATE
[REDACTED]	MILLER SCOTT CRAIG [REDACTED]	[REDACTED]	C	MA	VAL/VAL		05/26/10 02/12/11 04/03/98	

RESTRICTIONS:
ENDORSEMENTS:

EYE: BLU HGT: 602 WGT: 175

ACT ION	EVENT CODE	DATE	JURS ST/LOCAL	CIT/CONV DATE	CRT TYP	SPEED LIMIT /ACTL	WITHDRAWAL RSN EXT PRD	EFFECTIVE RNST ELIG ACTL RNST	ACC SEV	C M	C D	HAZ V L MAT
CON	RW3	09/30/10	KS GE	09/13/10 09/30/10	DIS					N		N
ACC	AC4	07/29/09	KS RL							5	N	N
CON	SC1	07/28/09	KS MANRL	07/11/09 07/28/09	MUN					N		N

ACCIDENTS: 1 CONVICTIONS: 2 WITHDRAWALS: 0 MISCELLANEOUS: 0
ADMIN: 0

*** END OF RECORD ***

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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AMBER SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Hand Delivered

Michael Scott McDowell, OWNER
D/B/A Affordable Towing & Recovery
7830 Lookout Dr
Manhattan, KS 66502

ORDER MAILED **APR 19 2012**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.