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Kansas Corporation  
Commission  
Phone: 785-271-3100  
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<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**  
24-TRAM-364-PEN

November 16, 2023

Stacie Pearse, Office Manager  
Devin L Harris, d/b/a Double D Towing  
1136 US Highway 54  
Eureka, KS 67045

This is a notice of a penalty assessment against Devin L Harris, d/b/a Double D Towing (“Devin L Harris”) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 11, 2023, by Kansas Corporation Commission Special Investigator Michael Heenan. 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:** Devin L Harris has been assessed a \$3,500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,500 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.

**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. Devin L Harris 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.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$3,500 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/ Carly R. Masenthin*  
Carly R. Masenthin  
Senior Litigation Counsel  
(785) 271-3265  
[c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov)

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<sup>1</sup> 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 **Devin L**      )  
**Harris, d/b/a Double D Towing, of Eureka,**      )  
**Kansas,** Regarding the Violation(s) of the Motor      )  
Carrier Safety Statutes, Rules and Regulations      ) Docket No. 24-TRAM-364-PEN  
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 October 11, 2023, Commission Staff Special Investigator (SI) Michael Heenan, completed a safety compliance investigation of the operations of Devin L Harris, d/b/a/ Double D Towing (Devin L Harris or Carrier). Devin L Harris is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3370706.

2.      On October 26, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$3,500 to be issued to Devin L Harris based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigations, SI Michael Heenan identified eight (8) violation(s), accounting for six (6) counts

of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.<sup>2</sup>

3. Staff recommends Devin L Harris submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.<sup>3</sup>

4. Staff further recommends that Devin L Harris submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.<sup>4</sup> Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

5. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, 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.

6. 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.

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<sup>2</sup> 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").

<sup>3</sup> See Staff's Report and Recommendation, p. 3 (Oct. 26, 2023).

<sup>4</sup> See *id.*

7. 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. Devin L Harris, d/b/a Double D Towing, of Eureka, Kansas is hereby assessed a \$3,500 civil penalty for eight (8) violation(s), accounting for six (6) 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.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Devin L Harris is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation 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 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 Devin L Harris's right to a hearing, and this Penalty 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. For civil penalties exceeding \$500, a corporation 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.<sup>5</sup> For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation.<sup>6</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$3,500 is due in thirty (30) days from the date of service of this Order. Payment of \$3,500 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 \$3,500 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Devin L Harris's motor carrier operating authority without further notice.<sup>7</sup> 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.

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<sup>5</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>6</sup> K.S.A. 66-1,142b(e) and amendments thereto.

<sup>7</sup> K.S.A. 66-1,105.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/16/2023



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Lynn M. Retz  
Executive Director

CRM

# **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 26, 2023

**SUBJECT: Docket No. 24-TRAM-364-PEN**  
In the Matter of the Investigation of **Devin L Harris d/b/a Double D Towing of Eureka, Kansas** Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority

### **EXECUTIVE SUMMARY:**

Devin L Harris is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling motor vehicles. Devin L Harris, d/b/a Double D Towing, (Devin L Harris) operates under USDOT 3370706. On October 11, 2023, Commission Staff Special Investigator (SI) Mike Heenan completed a safety compliance investigation of the operations of Devin L Harris. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified eight (8) violations, accounting for six (6) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$3,500 be issued to the MC.

### **DISCUSSION AND ANALYSIS:**

On October 11, 2023, Commission Staff SI Mike Heenan conducted a safety compliance investigation of the operations of Devin L Harris. The investigation covers a 365-day period as well as previous compliance reviews. Each specific count is detailed below.



### **Count One (1 of 6)**

**Jurisdiction:** 49 C.F.R. 391.41, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must confirm that its driver is medically examined and certified prior to operation of a commercial motor vehicle and maintain documentation of the medical certificate in the driver qualification file pursuant to 49 C.F.R. 391.51.

**Supporting Documents:** On July 31, 2023, Devin L Harris required or permitted its driver to operate a commercial motor vehicle, a 2006 Ford F650, VIN ending in 2099, GVWR 26,000 lbs, in intrastate commerce within Eureka, Kansas. This transport is evidenced by driver Dave Harris' tow ticket/invoice and Greenwood County, KS Sheriff dispatch log, attached hereto as **Exhibit 2**. The MC could not produce a valid medical certificate for any of its three drivers.

**Violation:** Devin L Harris failed to have drivers medically examined and certified prior to operating a commercial motor vehicle in intrastate commerce (**Exhibit 1, Page 3**). Two (2) violations were discovered.

**Recommendation:** Staff deems this violation to be intentional and therefore recommends an enhanced fine of \$1,000, due to the same violation being discovered at the time of the June 30, 2021 compliance investigation, and previously penalized in a Penalty Order issued on July 13, 2021 in Docket No. 22-TRAM-008-PEN.

### **Count Two (2 of 6)**

**Jurisdiction:** K.S.A. 66-1330 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must obtain proper Kansas Corporation Commission authority to operate as a wrecker or towing service before conducting intrastate commercial operations.

**Supporting Documents:** This violation took place during the transport described in Count One, above. Additionally attached is a copy of the MC KTRAN Profile, attached hereto as **Exhibit 3**. This transport, which took place on July 31, 2023, consisted of a point to point move within the state of Kansas, which would require KCC operating authority. The MC did not obtain KCC operating authority until October 3, 2023, as evidenced in **Exhibit 3**.

**Violation:** Devin L Harris failed to obtain a Kansas Corporation Commission Common Carrier operating authority prior to operating as a wrecker or towing service in intrastate commercial operations (**Exhibit 1, Page 3 to 4**). One (1) violation was discovered.

**Recommendation:** Staff deems this violation to be intentional and therefore recommends an enhanced fine of \$1,000, due to the same violation being discovered at the time of the June 30, 2021 compliance investigation, and previously penalized in a Penalty Order issued on July 13, 2021 in Docket No. 22-TRAM-008-PEN.

### **Count Three (3 of 6)**

**Jurisdiction:** 49 C.F.R. 391.51(b) (2) and (4), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must maintain a copy of the motor vehicle record (MVR) received from each State in the driver qualification file.

**Supporting Documents:** This violation took place during the transport described in Count One, which is supported by **Exhibit 1**. The MC could not produce any MVRs for its drivers.

**Violation:** Devin L Harris failed to obtain Motor Vehicle Record checks (MVR) at least annually and as such did not maintain a copy of its MVR in its driver qualification file (**Exhibit 1, Page 4**). Two (2) violations were discovered.

**Recommendation:** Staff deems this violation to be intentional and therefore recommends an enhanced fine of \$500, due to the same violation being discovered at the time of the June 30, 2021 compliance investigation, and previously penalized in a Penalty Order issued on July 13, 2021 in Docket No. 22-TRAM-008-PEN.

#### **Count Four (4 of 6)**

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

**Intent of Law:** 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.

**Supporting Documents:** The MC was ordered to submit a CAP in the Penalty Order issued on July 13, 2021, which was detailed in Docket No. 22-TRAM-008-PEN.

**Violation:** Devin L Harris failed to submit a CAP as required by Commission Penalty Order dated July 13, 2021 (**Exhibit 1, Page 4**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$250.

#### **Count Five (5 of 6)**

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

**Intent of Law:** 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.

**Supporting Documents:** The MC was ordered to attend a Commission-sponsored safety seminar within ninety (90) days of the issuance of the Penalty Order issued on July 13, 2021 in Docket No. 22-TRAM-008-PEN. The MC was ordered to provide Commission Staff Litigation Counsel with written proof of attendance upon completion of the safety seminar.

**Violation:** Devin L Harris failed to complete a Commission-sponsored safety seminar and did not provide written proof of attendance as required by Commission Penalty Order dated July 13, 2021 (**Exhibit 1, Page 4 to 5**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$250.

#### **Count Six (6 of 6)**

**Jurisdiction:** 49 C.F.R. 396.17, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC shall obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The inspection shall be retained by the MC pursuant to 49 C.F.R. 396.21(b).

**Supporting Documents:** This violation took place during the transport described in Count One above. The MC could not provide an annual inspection for its CMV.

**Violation:** Devin L Harris failed to obtain a current annual inspection on the vehicle listed above (**Exhibit 1, Page 5**). One (1) violation was discovered.

**Recommendation:** Staff deems this to be an intentional violation and therefore recommends an enhanced fine of \$500, due to the same violation being discovered at the time of the June 30, 2021 compliance investigation, and was previously penalized in a Penalty Order issued July 13, 2021 in Docket No. 22-TRAM-008-PEN.

**RECOMMENDATION:**

Transportation Staff recommends the Commission find Devin L Harris committed eight (8) violations, accounting for six (6) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), 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 of \$3,500 for eight (8) 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 Devin L Harris submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that Devin L Harris submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

## **EXHIBIT 1**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 3370706  
**MC/MX#:** 0

**Legal:** DEVIN L HARRIS  
**Operating (DBA):** DOUBLE D TOWING

**Investigation Date:**  
10/11/2023

**Investigation Type:** Offsite Investigation

**Physical Address**

1136 US HIGHWAY 54  
EUREKA, KS 67045-4723  
United States

**Mailing Address**

1136 US HIGHWAY 54  
EUREKA, KS 67045-4723  
United States

**Contact Information**

**Contact Name:** Stacie Pearse  
**Email:** davesautobody54@yahoo.com  
**Phone:** (620)583-2378    **Cell:** ()-    **Fax:** ()-

**Business and Financial**

**Business Type:** Sole Proprietorship  
**Name of Gross Revenue Provider:**  
**Title of Gross Revenue Provider:**  
**Gross Revenue:** [REDACTED]    **For Year Ending:**  
**Federal Tax ID:** [REDACTED]

**Operation Classification and Type**

**Type of Operation:** Non-HM Intrastate Carrier, HM Intrastate Carrier

**Operation Classification**

For-Hire Motor Carrier  
Property  
    Hazardous Materials  
Private Motor Carrier  
Property – Hazardous Materials

**Cargo**

Motor Vehicles

**Hazardous Materials**

Which of the following hazardous materials requiring a Safety Permit does the company transport?    None

Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?    N/A

Is an HM Permit required by any State?    No

Hazardous Materials    Class 9 Miscellaneous Hazardous Materials = C, S, NB

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	1				Intrastate	Interstate
<b>Power units used in the U.S.: 1</b> <b>Percentage of time used in the U.S.: 100%</b>				< 100 Miles	3	
				>= 100 Miles		
				<b>Average trip leased driver/month: 0</b> <b>Drivers with CDL: 0</b> <b>Total Drivers: 3</b>		
<b>Person(s) Interviewed</b>						
<b>Name:</b> Stacie Pearse				<b>Title:</b> Office Manager		
<b>Questions</b>						
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:				1500 SW Arrowhead Rd Topeka, KS 66604-4027 Phone: (785) 271-3151		
<b>This report will be used to assess your safety compliance.</b>						

# Violations

**1. Primary: 391.45(a)**  
**Secondary: 391.11(a)**

Using a driver not medically examined and certified.



**Critical**

At least 10% of the number checked had violations

## Violations Discovered

Fed	State	Total
	2	2

## Checked

Fed	State	Total
	3	3

**BASIC Impacted**  
Driver Fitness

**Rating Factor 2:**  
Driver = Part 391

### Example/Notes:

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip and time of this review this carrier could not produce any valid medical certificate for any of the 3 drivers. This carrier's review was conducted 06-30-2021. The carrier had expired medical certificate on driver that was noted on that review. Carrier was told to pay particular attention to the recommendations listed. The carrier received copy of the review dated on or about 07-01-23.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of that review that was not completed or corrected.

### Drivers/Vehicles in Violation

Fed	State	Total
	2	2

### Checked

Fed	State	Total
	3	3

**2. Primary: 392.2**

**State Equivalent: K.S.A. 66-1,111**

No KCC for Hire Authority

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip and time of this review this carrier could not produce any valid KCC Common Carrier Authority. This carrier's previous review was conducted 06-30-2021. The carrier had no KCC For Hire Authority at the time of that review. Carrier was told to pay particular attention to the recommendations listed. The carrier received copy of the review dated on or about 07-01-23. Recommendation for authority was noted. Since Jan 1st of 2023, this carrier was dispatched from the Greenwood Co Ks Sheriff dept. 45 times. 9 were unanswered or refused and 36 were excepted and vehicles towed.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

that review that was not completed or corrected.

**3. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Violations Discovered**

Fed	State	Total
	3	3

**Checked**

Fed	State	Total
	3	3

**Example/Notes:**

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip, and time of this review this carrier had failed to obtain MVRs on their drivers at least annually. This carrier's review was conducted 06-30-2021. The carrier review was closed out and was told to pay particular attention to the recommendations listed. The carrier received copy of the review dated on or about 07-01-23.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of that previous review was not completed or corrected.

**Drivers/Vehicles in Violation**

Fed	State	Total
	3	3

**Checked**

Fed	State	Total
	3	3

**4. Primary: 392.2**

**State Equivalent: 66-1,142b**

Carrier failed to provide Corrective Action Plan for previous review.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip, and time of this review this carrier had failed to submit a KCC Corrective Action Plan. This carrier's review was conducted 06-30-2021. The carrier review was closed out and was told to pay particular attention to the recommendations listed. The carrier received copy of the review dated on or about 07-01-23.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of that review that was not completed or corrected.

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**5. Primary: 392.2**

Not attending a required KCC Safety Class.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**



Fed	State	Total
	1	1

**Example/Notes:**

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip, and time of this review this carrier had failed to attend a KCC Safety Class. This carrier's review was conducted 06-30-2021. The carrier review was closed out and was told to pay particular attention to the recommendations listed. The carrier received

copy of the review dated on or about 07-01-23.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of that review that was not completed or corrected.

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**6. Primary: 396.17(c)**

Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver: Dave Harris

Trip date: 07-31-23

Origination: Eureka, Ks

Destination: Eureka, Ks

At the time of this trip, and time of this review this carrier had failed to obtain an annual inspection on their only vehicle. This carrier's review was conducted 06-30-2021. The carrier review was closed out and was told to pay particular attention to the recommendations listed. The carrier received copy of the review dated on or about 07-01-23. This requirement of that review that was not completed or corrected.

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

# Process Breakdown and Remedies

## BASIC: Driver Fitness

### Process Breakdown: Roles and Responsibilities

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#### Specific Recommended Remedies

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

1. Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
2. Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
3. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

# Recommendations

## 1. **Additional Information**

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

## 2. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

## 3. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

## 4. **MCS-150 biennial updates**

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.

[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option)

## 5. **Investigations not requiring Federal Corrective Action Plan.**

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter plan (CAP), addressing the measures taken to correct all 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. Mail Submit the letter along with copies of your supporting evidence to:

e-mail: [g.davenport@kcc.ks.gov](mailto: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

CAP: The State of Kansas Correction Plan above is required action and if not completed within the required time frame of 30 days there are penalties that will be involved and issued to the carrier.

## 6. **Acknowledgement of requirements and violations.**

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Devin L Harris dba D&D Towing operating authority and/or the impoundment of Devin L Harris dba D&D Towing vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

X \_\_\_\_\_  
Printed

X \_\_\_\_\_  
Signed

X \_\_\_\_\_  
Investigator Printed

X \_\_\_\_\_  
Investigator(s) Signed

7. **Stay in Contact.**

Stay in Contact with your reviewing investigator:

Mike Heenan  
Special Investigator  
Kansas Corporation Commission  
620-338-0093  
m.heenan@kcc.ks.gov

8. **Any questions about this review.**

If you have any questions concerning this report,, please contact the Kansas Corporation Commission 1500 SW Arrowhead Dr. Topeka, Ks 66604. 785-271-3151

9. **Driver Medical Certificate**

Carrier must not allow any driver to drive a CMV when not medically certified and certified at least every 24 months.

10. **Annual Review of Driving Record**

Carrier must complete annual review of drivers records on each driver when the driver motor vehicle record checks are completed at least every 12 months.

11. **No KCC Common Carrier Authority**

Carrier must apply for and obtain a Common Carrier authority with the KCC as required under state law.

12. **No State Corrective Action Plan and/or KCC Safety School.**

Carrier did not perform required Safety School or Corrective Action Plan as required by order of the Commission following a Penalty Order or review with violations.

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>391.51(b)(4) - Inquiries into driving record not kept in qualification file</b>			
1	07/31/2023	Driver: Dave Harris	
<b>392.2 - No KCC for Hire Authority</b>			
1	07/31/2023	Dave Harris	
<b>391.45(a) - Using a driver not medically examined and certified</b>			
1	07/31/2023	Driver: Dave Harris	
2	07/30/2023	Driver: Walker Wade	
<b>396.17(c) - Using a vehicle not periodically inspected</b>			
1	07/31/2023	Equipment: Dave Harris	
<b>392.2 - Not attending a required KCC Safety Class.</b>			
1	07/31/2023	Dave Harris	
<b>392.2 - Carrier failed to provide Corrective Action Plan for previous review.</b>			
1	07/31/2023	Dave Harris	

## **EXHIBIT 2**









# Greenwood County Sheriff's Office

311 N Main, Eureka, KS 67045

## Tow Log Report

Log Date / Time	Name	Event	Disp	Vehicle	Status	Activity Notes
07/30/2023 21:37:46	DOUBLE D TOWING	23-07361	GW19	850NJV	Dispatch Tow	DOUBLE D TOWING was dispatched on event
07/31/2023 18:56:28	DOUBLE D TOWING	23-07384	GW18	924RWU	Dispatch Tow	DOUBLE D TOWING was dispatched on event
08/06/2023 06:10:33	DOUBLE D TOWING		GW18		End of Rotation	DOUBLE D TOWING moved to the end of the rotation
08/17/2023 10:06:32	DOUBLE D TOWING		GW17		End of Rotation	DOUBLE D TOWING moved to the end of the rotation
08/27/2023 00:52:37	DOUBLE D TOWING	23-08303	GW19	7360006543	Dispatch Tow	DOUBLE D TOWING was dispatched on event
09/10/2023 18:44:10	DOUBLE D TOWING	23-08800	GW19	096RJL	Dispatch Tow	DOUBLE D TOWING was dispatched on event

## **EXHIBIT 3**

The information in KTRAN is updated daily through the Federal Motor Carrier Management Information System (MCMIS). So that KTRAN receives the most up-to-date information about your motor carrier operations, **you must keep your MCS-150 information updated**. KTRAN will reflect the update 24-36 hours after the MCS-150 information has been updated. [Click here if you need to update your FMCSA registration or authority](#).

**Carrier Operation:** INTRASTATE(HM)      **Tax Type/ID:** /\*\*\*\*\*6      **IRP Status:** Active  
**USDOT:** 3370706      **KTRAN PIN:** NH62PR      **IFTA Status:** Not Found  
**MCMIS Status:** A

**Company Information**

**Legal Name:** DEVIN L HARRIS  
**DBA Name:** DOUBLE D TOWING  
**Phone:** (620) 583-2378      **Cell:**  
**Fax:**  
**Email:** DAVESAUTOBODY54@YAHOO.COM  
**Bus. Type:** INDIVIDUAL      **BEIN:**  
[Edit](#)

**Questionnaire**

SUBMITTED (10/14/2021)  
 CLOSED (10/15/2021)

  
**View**

Intrastate Operating Authority is required  
For-Hire Public Service

**Address**

Insurance	Authority	Cargo	Safety Seminar																
	<table border="1"> <thead> <tr> <th>Date Granted</th> <th>Authority</th> <th>Service</th> <th>Status</th> <th>Status Date</th> <th>Reason</th> <th>Action</th> <th>Authority Card</th> </tr> </thead> <tbody> <tr> <td></td> <td>FOR-HIRE</td> <td>PUBLIC SERVICE</td> <td>PENDING</td> <td>10/03/2023</td> <td>Order issued: 15 day wait</td> <td></td> <td>-</td> </tr> </tbody> </table>	Date Granted	Authority	Service	Status	Status Date	Reason	Action	Authority Card		FOR-HIRE	PUBLIC SERVICE	PENDING	10/03/2023	Order issued: 15 day wait		-		
Date Granted	Authority	Service	Status	Status Date	Reason	Action	Authority Card												
	FOR-HIRE	PUBLIC SERVICE	PENDING	10/03/2023	Order issued: 15 day wait		-												

**Kansas Trucking Application Status**

My Applications

New    FOR-HIRE    IN PROGRESS    ✓ Paid

Submitted on: 10/03/2023 08:40:07

			Regulatory Fee Paid	10/24/2023
			FEIN/SSN Provided	10/24/2023
			List of Commodities	10/24/2023
			Active USDOT#	10/24/2023

**CERTIFICATE OF SERVICE**

24-TRAM-364-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 11/16/2023.

Devin Harris, OWNER  
Devin L Harris  
D/B/A Double D Towing  
1136 US Hwy 54  
Eureka, KS 67045  
davesautobody54@yahoo.com

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
c.masenthin@kcc.ks.gov

/S/ KCC Docket Room  
KCC Docket Room