

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



20190416114410  
Kansas Corporation Commission

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

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
19-TRAM-408-PEN

April 16, 2019

Mark Schuster, President  
Schuster Battery Co., d/b/a Interstate Batteries Northern Kansas  
929 SW University Blvd Ste C1  
Topeka, KS 66619

This is a notice of a penalty assessment against Schuster Battery Co., d/b/a Interstate Batteries Northern Kansas (Schuster Battery) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 13, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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:** Schuster Battery has been assessed a \$1,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,250, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Schuster Battery to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm). The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER:** 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. Schuster Battery 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,250 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,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118

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

Before Commissioners:     Dwight D. Keen, Chair  
                                     Shari Feist Albrecht  
                                     Jay Scott Emler

In the Matter of the Investigation of **Schuster**     )  
**Battery Co., d/b/a Interstate Batteries**     )  
**Northern Kansas, of Topeka, KS,** Regarding     )  
the Violation of the Motor Carrier Safety     )  
Statutes, Rules and Regulations and the     )     Docket No. 19-TRAM-408-PEN  
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:

**I.     JURISDICTION**

1.     Pursuant to K.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 Supp. 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. 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.

## **II. BACKGROUND**

4. Schuster Battery Co., d/b/a Interstate Batteries Northern Kansas (Schuster Battery) has private operating authority with the Commission and further operates under USDOT number 2536917.

5. Mark Schuster attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on October 20, 2014, on behalf of Schuster Battery.

6. Schuster Battery is a private motor carrier which primarily hauls general freight and batteries.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on March 13, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of Schuster Battery. 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, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 24, 2019, Schuster Battery required or permitted its driver, William S. Merriman, to operate a CDL-required commercial motor

vehicle, a 2018 Kenworth, VIN ending in 211262, GVWR greater than 26,000 lbs., in intrastate commerce from Concordia, Kansas to Topeka, Kansas. This trip is evidenced by Driver's Daily Log, dated January 24, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Schuster Battery failed to require its driver have a valid CDL before operating a commercial motor vehicle over 26,000 lbs. The driver's CDL was downgraded to a regular driver's license on January 15, 2019, due to his failure to certify medical evaluation information by the date required. The carrier's operations using a driver without a CDL is in violation of 49 C.F.R. 392.2, authorized by K.S.A. 8-2,125. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a, above, Schuster Battery failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. On January 30, 2019, Schuster Battery required or permitted its driver, Jorge Madrigal, to operate a CDL-required commercial motor vehicle, a 2018 Kenworth, VIN ending in 191029, GVWR greater than 26,000 lbs., in intrastate commerce from Chanute, Kansas to Topeka, Kansas. This

trip is evidenced by Driver's Daily Log, dated January 30, 2019, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Schuster Battery failed to require its driver to prepare a Driver Vehicle Inspection Report on the commercial motor carrier operated for that day. The special investigator discovered 40 violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission finds Schuster Battery committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), 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 \$1,250 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Schuster Battery be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates

and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Schuster Battery submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation 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 Schuster Battery because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Schuster Battery committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), 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. Schuster Battery Co., d/b/a Interstate Batteries Northern Kansas, of Topeka, KS is hereby assessed a \$1,250 civil penalty for three (3) violation(s) 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. Schuster Battery is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Schuster Battery 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.

D. Pursuant to K.S.A. 2018 Supp. 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 Secretary to the Commission, 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 Schuster Battery's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,250 civil penalty against Schuster Battery, and ordering a representative from Schuster Battery to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,250 is due in thirty (30) days from the date of service of this Order. Payment of \$1,250 must be made

through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$1,250 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Schuster Battery'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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

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

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/16/2019



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Lynn M. Retz  
Secretary to the Commission

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## **ATTACHMENT “A”**

	<b>US DOT #</b> 2536917	<b>Legal:</b> SCHUSTER BATTERY CO <b>Operating (DBA):</b> INTERSTATE BATTERIES NORTHERN KANSAS	
	<b>MC/MX #:</b> Federal Tax ID: [REDACTED] (EIN)		
<b>Review Type:</b> Non-ratable Review - CSA			
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U S.	
<b>Territory:</b>			
<b>Operation Types</b>		<b>Business:</b> Corporation	
<b>Interstate</b>	<b>Intrastate</b>	<b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2018	
<b>Carrier:</b> N/A	<b>HM</b>		
<b>Shipper:</b> N/A	<b>N/A</b>		
<b>Cargo Tank:</b> N/A			
<b>Company Physical Address:</b>			
929 SOUTHWEST UNIVERSITY BLVD SUITE C1 TOPEKA, KS 66619			
<b>Contact Name:</b> Mark Schuster			
<b>Phone numbers: (1)</b> [REDACTED]			
<b>E-Mail Address:</b> [REDACTED]			
<b>Company Mailing Address:</b>			
929 SOUTHWEST UNIVERSITY BLVD SUITE C1 TOPEKA, KS 66619			
<b>Carrier Classification</b>			
Private Property			
<b>Cargo Classification</b>			
General Freight Other: Batteries			
<b>Hazardous Materials</b>			
8 Corrosive material   Carried   Non-Bulk			
<b>Equipment</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Truck	2	0	0
Power units used in the U.S.: 2			
Percentage of time used in the U.S.: 100			
<b>Does carrier transport placardable quantities of HM?</b> No			
<b>Is an HM Permit required?</b> N/A			
<b>Driver Information</b>			
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 2
<b>&gt;= 100 Miles:</b>	2		<b>CDL Drivers:</b> 2





**INTERSTATE BATTERIES NORTHERN KANSAS (SCHUSTER BAT dba)**  
U.S. DOT #: 2536917

Review Date:  
03/13/2019

**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 Rd, Topeka, KS 66604  
785-271-3104

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Mark Schuster

**Title:** President

**Name:**

**Title:**





INTERSTATE BATTERIES NORTHERN KANSAS (SCHUSTER BAT dba)  
U.S DOT #: 2536917

Review Date:  
03/13/2019

### Part B Violations

1 STATE	Primary 392.2 CFR Equivalent. 383.23(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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**Description**

Operating a CMV without a valid CDL issued by his/her State or Jurisdiction of domicile.

**Example**

William S Merriman

January 24, 2019

Concordia, KS to Topeka, KS

Schuster Battery Co dba Interstate Batteries Northern Kansas failed to require driver to have a valid CDL at the time of this trip.

The driver failed to certify medical evaluation information by the date required and the CDL was downgraded to a regular driver's license on 1/15/2019.

2 STATE	Primary 396.11(a)	Discovered 40	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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**Description**

Failing to require driver to prepare driver vehicle inspection report.

**Example**

Jorge Madrigal

January 30, 2019

Chanute, KS to Topeka, KS

Interstate Batteries Northern Kansas failed to require CDL drivers to prepare driver vehicle inspection reports every day the CDL commercial motor vehicle was operated

3 STATE	Primary. 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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**Description**

Using a commercial motor vehicle not periodically inspected.

**Example**

William Merriman

January 24, 2019

Concordia, KS to Topeka, KS

Interstate Batteries Northern Kansas failed to obtain the annual inspection prior to operating the CDL commercial motor vehicle.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
<b>Total Miles Operated</b>	120,000	<b>Number of Vehicle Inspected (CR): 0</b>	
<b>Recordable Accidents</b>	0	<b>OOS Vehicle (MCMIS): 0</b>	
		<b>Number of Vehicles Inspected (MCMIS): 0</b>	

Your proposed safety rating is :

**This Review is not Rated.**





INTERSTATE BATTERIES NORTHERN KANSAS (SCHUSTER BAT dba)  
U.S DOT #: 2536917

Review Date.  
03/13/2019

## Safety Management Process Breakdowns and Remedies

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

[http://www.fmcsa dot.gov/documents/Hijacking-Brochure.pdf](http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf)

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

The 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 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 the letter along with copies of your supporting evidence to:

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





## Safety Management Process Breakdowns and Remedies

### 2. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN** Schuster Battery Co dba Interstate Batteries Northern Kansas failed to require drivers to have valid CDLs. Without proper verification of the driver's driving license after each driver receives a new medical certificate, the motor carrier cannot validate that the driver has a valid CDL with the appropriate medical certificate updates.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices** The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably, and documenting the evaluations
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

#### Seek Out Resources

- You are encouraged to review your company's record at the following website. [http //ai.fmcsa dot gov/SMS](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. CDL or CLP holders who certify to non-excepted INTER or INTRA state driving must comply with 383.71(h).

Effective January 30, 2014, CLP and CDL holders will provide the State with an original or copy of a current medical examiner's certificate prepared by a medical examiner and the State will post a certification status of CERTIFIED on the driver record for the driver. When a CLP or CDL holder renews the medical certificate, the CLP or CDL holder must provide the State with an original or copy of each subsequently issued medical examiner's certificate and the State will post a certification update on the driver record. IF THE CLP OR CDL HOLDER DOES NOT PROVIDE THE MEDICAL CERTIFICATE AS REQUIRED, THE DRIVER WILL BE DOWNGRADED TO A REGULAR LICENSE AND THE CLP OR CDL WILL NO LONGER BE VALID. The driver needs to update the information within 12 months of the expiration date or the written and skills test will need to be retaken.

### 4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Policies and Procedures







INTERSTATE BATTERIES NORTHERN KANSAS (SCHUSTER BAT dba)  
U S DOT #: 2536917

Review Date  
03/13/2019

### Safety Management Process Breakdowns and Remedies

**DESCRIPTION OF PROCESS BREAKDOWN** Interstate Batteries Northern Kansas failed to require drivers to complete a driver vehicle inspection report each and every day the CDL commercial motor vehicle is in operation and failed to have CDL commercial motor vehicle periodically inspected.

#### 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.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance 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.

5. Ensure that all commercial motor vehicles, which would include trailers as well as power units, have a current Annual Inspection as required by 396.17. Please maintain the mechanic or inspector's certification in the file. If required, maintain the brake adjuster's certification in the maintenance file. This would include a certificate for the driver if the driver is allowed to adjust brakes.
6. Kansas regulations require the driver to complete a driver vehicle inspection report (DVIR) each day the CDL commercial motor vehicle has been operated.
7. 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 Schuster Battery Co dba Interstate Batteries Northern Kansas's operating authority and/or the impoundment of Schuster Battery Co dba Interstate Batteries Northern Kansas's CDL commercial motor vehicles.

Carrier Representative

Date

8. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at [kcc.ks.gov](http://kcc.ks.gov). Select Transportation, then Safety Information, and then the link available under Unifor Penalty Assessment Table.

Carrier Name

Carrier Official





INTERSTATE BATTERIES NORTHERN KANSAS (SCHUSTER BAT dba)  
U.S. DOT #: 2536917

Review Date:  
03/13/2019

## Part B Requirements and/or Recommendations

### 2. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Interstate Batteries Northern Kansas failed to require drivers to complete a driver vehicle inspection report each and every day the CDL commercial motor vehicle is in operation and failed to have CDL commercial motor vehicle periodically inspected.

#### 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.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance 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. Ensure that all commercial motor vehicles, which would include trailers as well as power units, have a current Annual Inspection as required by 396.17. Please maintain the mechanic or inspector's certification in the file. If required, maintain the brake adjuster's certification in the maintenance file. This would include a certificate for the driver if the driver is allowed to adjust brakes.

### 4. Kansas regulations require the driver to complete a driver vehicle inspection report (DVIR) each day the CDL commercial motor vehicle has been operated.

### 5. 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 Schuster Battery Co dba Interstate Batteries Northern Kansas's operating authority and/or the impoundment of Schuster Battery Co dba Interstate Batteries Northern Kansas's CDL commercial motor vehicles.

Carrier Representative

Date

### 6. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at [kcc.ks.gov](http://kcc.ks.gov). Select Transportation, then Safety Information, and then the link available under Uniform Penalty Assessment Table.





## **ATTACHMENT “B”**

# DRIVER'S DAILY LOG

ORIGINAL - Submit to carrier  
DUPLICATE - Retain in possession for 6 days

1-24-19  
Month Day Year

Certify these entries are true and correct:

Vehicle Numbers - Show Each Unit

225

Total Miles Driving Today

With me

Driver's Signature in Full

Schuster Bettyony

Name of Carrier or Carriers

- NONE -

Name of Co-driver

929 SW University Blvd Topeka KS

Main Office Address

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
OFF DUTY																									13
SLEEPER BERTH																									0
DRIVING																									11
ON DUTY (NOT DRIVING)																									0
REMARKS	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	24

NA  
Manifest No  
BETHUNOS  
Commodity  
NA  
Shipper

Coconino  
Carnegie  
Republic  
Bellville  
Cuba  
Mesa  
Lima  
Blaine  
Mesa  
Topeka

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

USE TIME STANDARD AT HOME TERMINAL



## **ATTACHMENT “C”**



# DRIVER'S DAILY LOG

(24 HOURS)

1 / 30 / 19  
(Month) (Day) (Year)

Original - File at home terminal.  
Duplicate - Driver retains in his/her possession for eight days.

RECAP  
Complete at  
end of workday.

110 110  
Total Miles Driving Today Total Mileage Today

Schuster Battery  
Name of Carrier or Carriers  
929 SW University Topeka KS  
Main Office Address

T 20

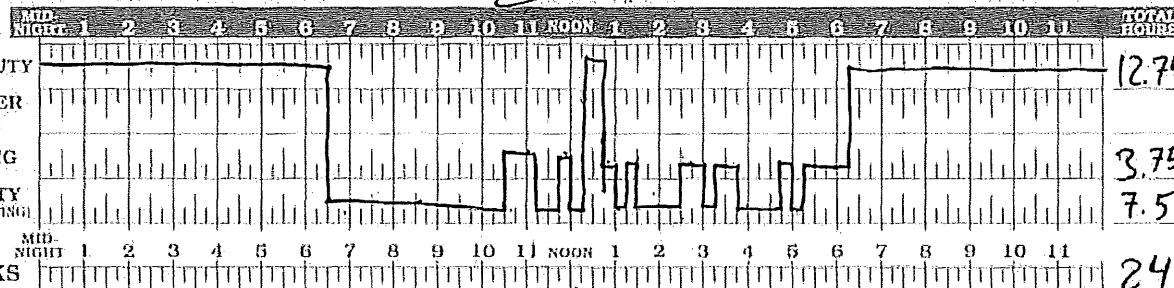
Home Terminal Address  
Verify these entries are true and correct.

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

1. OFF DUTY
2. SLEEPER BERTH
3. DRIVING
4. ON DUTY (NOT DRIVING)



REMARKS

Charlotte  
Humboldt  
Lola  
Piqua  
Yate Center  
Le Roy  
Burlington  
Lexington

SHIPPING  
DOCUMENTS:

N/A  
B/L or Manifest No.

or  
Shipper & Commodity  
Batteries

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: Chanute

To: Topeka

USE TIME STANDARD AT HOME TERMINAL

8526



A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr. minus A.

C. Total hours on duty last 7 days, including today.

\*If you meet the 34-hour rest requirement only in 8255.3, you have 80/70 hours available today.

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**CERTIFICATE OF SERVICE**

19-TRAM-408-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 04/17/2019.

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mark.schuster@ibstopeka.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe