

# STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.  
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## NOTICE OF PENALTY ASSESSMENT 19-TRAM-150-PEN

October 25, 2018

David J. Bascom, Owner  
d/b/a Heartland Trucking  
PO Box 68  
Emmett, KS 66442

This is a notice of a penalty assessment against David J. Bascom, d/b/a Heartland Trucking (Heartland Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 18, 2018, by Kansas Corporation Commission Special Investigators Verna Jackson and Brent Scott. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Heartland Trucking has been assessed a \$4,700 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$4,700 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.

### HEARTLAND TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

(1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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;

(3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$2,350 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

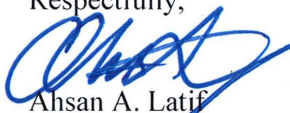
**IF YOU CONTEST THE PENALTY ORDER:**

**You have the right to request a hearing if you contest the terms of the Penalty Order.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. David J. Bascom, d/b/a Heartland Trucking 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) 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. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$4,700 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Heartland Trucking submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$2,350 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

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## **REDUCED PENALTY AGREEMENT**

### **19-TRAM-150-PEN**

David J. Bascom, d/b/a Heartland Trucking (Heartland Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated October 25, 2018. Heartland Trucking has agreed to comply with the following terms and obligations:

1. Heartland Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Heartland Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Heartland Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Heartland Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

David J. Bascom, d/b/a Heartland Trucking understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$2,350, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Heartland Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

David J. Bascom, d/b/a Heartland Trucking

\_\_\_\_\_  
David J. Bascom  
Owner

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

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

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

In the Matter of the Investigation of **David J. )  
Bascom, d/b/a Heartland Trucking, of )  
Emmett, KS**, Regarding the Violation of the )  
Motor Carrier Safety Statutes, Rules and ) Docket No. 19-TRAM-150-PEN  
Regulations and the Commission's Authority to )  
Impose Penalties, Sanctions and/or the )  
Revocation of Motor Carrier Authority. )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 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. 2017 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 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. David J. Bascom, d/b/a Heartland Trucking (Heartland Trucking) has common operating authority with the Commission and further operates under USDOT number 880784.

5. David Bascom attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 6, 2017, on behalf of Heartland Trucking.

6. Heartland Trucking is a common motor carrier which primarily hauls grain, feed, hay, fertilizer and DDG.

7. Heartland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on September 18, 2018, Commission Staff (Staff) Special Investigators Verna Jackson and Brent Scott conducted a compliance review of the operations of Heartland Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigators identified nine (9) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 3, 2018, Heartland Trucking required or permitted its driver, Juan Conner, to operate a CDL-required commercial motor vehicle, a 2003 Peterbilt, VIN ending in 594345, GVWR 52,000 lbs., pulling a 2015

Wilson trailer, VIN ending in 6623844, GVWR 65,000 lbs., in interstate commerce from Baxter Springs, Kansas to Watson, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number MOA1N7003513, dated July 3, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Heartland Trucking caused to make fraudulent or intentionally made a false entry on an Annual Periodic Inspection Report for the 2015 Wilson trailer. Check marks appeared in the sections of steering system and fuel system and a trailer does not have those types of systems to inspect. *See*, Annual Periodic Vehicle Inspection Report, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. The special investigators discovered three (3) violations of this type. Heartland Trucking is in violation of making, or causing to make fraudulent or intentionally false statements, fraudulent or intentionally false entries on record, and/or reproducing records for fraudulent purposes in violation of 49 C.F.R. 390.35, adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$2,000.

- b. During the transportation described in paragraph a., above, Heartland Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigators discovered two (2) violations of this type. The carrier'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 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$250.

- c. During the transportation described in paragraph a., above, driver Jean Conner drove after the end of the 14<sup>th</sup> hour after coming on duty. *See*, Driver's Daily Log, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. The special investigators discovered four (4) violations of this type. Heartland Trucking's failure to require its driver to cease driving at the 14<sup>th</sup> hour after coming on duty following ten (10) consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. During the transportation described in paragraph a., above, driver Jean Conner drove 8 hours and 24 minutes past the 11<sup>th</sup> hour due to not taking a 10-hour break between duty tours. The special investigators discovered four (4) violations of this type. Heartland Trucking's failure to require its driver to cease driving after the 11<sup>th</sup> hour during the 14-hour consecutive hours of driving time after coming on duty following 10 consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(3)(i), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- e. During the transportation described in paragraph a., above, driver Jeuan Conner drove more than 8 hours without taking a 30 minute break. The special investigators discovered five (5) violations of this type. Heartland Trucking's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.
- f. During the transportation described in paragraph a., above, Heartland Trucking failed to provide educational materials to its driver explaining the requirements for a controlled substance and alcohol testing program pursuant to the motor carrier regulations. The carrier's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.
- g. During the transportation described in paragraph a., above, Heartland Trucking failed to first designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes



of controlled substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.

- h. On July 27, 2018, Heartland Trucking required or permitted its driver, Matthew Abramovitz, to operate a CDL-required commercial motor vehicle, a 2007 Peterbilt, VIN ending in 686589, GVWR 26,000 lbs., pulling a 2010 Wilson trailer, VIN ending in 3615233, GVWR 26,000 lbs., in interstate commerce from Lyons, Kansas to Kansas City, Missouri. This trip is evidenced by Driver's Daily Logs, dated July 26-27, 2018, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, driver Matthew Abramovitz created a false record of duty status on the end location on July 26, 2018, and the beginning location on the day of July 27, 2018. Heartland Trucking's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$1,000.
- i. During the transportation described in paragraph a., above, Heartland Trucking had no means of indicating the nature and due date of the various inspections and maintenance operations to be performed on the

commercial motor vehicles. The carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.

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

9. Based upon the available facts, Staff recommends the Commission find Heartland Trucking committed nine (9) 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.

10. Staff recommends a civil penalty of \$4,700 for nine (9) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that David J. Bascom, d/b/a Heartland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends David J. Bascom, d/b/a Heartland Trucking submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this 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. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Heartland Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

## **V. CONCLUSIONS OF LAW**

15. The Commission finds it has jurisdiction over Heartland Trucking because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

16. The Commission finds a penalty of \$4,700 should be assessed to Heartland Trucking for committing nine (9) 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.

17. The Commission finds Heartland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

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

A. David J. Bascom, d/b/a Heartland Trucking, of Emmett, KS is hereby assessed a penalty of \$4,700 for nine (9) 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. Payment of \$4,700

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 owed.

B. A representative from Heartland Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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).

C. Heartland Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, 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.

D. Heartland Trucking 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Heartland Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$4,700 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Heartland Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. Pursuant to K.S.A. 2017 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, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. 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 Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Heartland Trucking's right to a hearing.

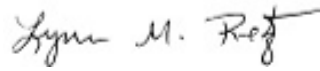
G. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/25/2018

A handwritten signature in cursive script, reading "Lynn M. Retz".

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Lynn M. Retz  
Secretary to the Commission

AAL

## **ATTACHMENT “A”**



US DOT #  
880784

Legal: DAVID J BASCOM  
Operating (DBA): HEARTLAND TRUCKING

MC/MX #: 478641

Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office

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

Territory:

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM

Shipper: N/A N/A

Cargo Tank: N/A

Business: Individual

Gross Revenue: [REDACTED] for year ending: 12/31/2017

Company Physical Address:

[REDACTED]  
DELIA, KS 66418

Contact Name: David Bascom

Phone numbers: (1) [REDACTED]

E-Mail Address: [REDACTED]

Company Mailing Address:

[REDACTED]  
EMMETT, KS 66422-0068

Carrier Classification

Authorized for Hire

Cargo Classification

Grain, Feed, Hay

Other fertilizer, DDG

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	2	0	0	Trailer	2	0	0

Power units used in the U S. 2

Percentage of time used in the U.S. 100

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:		
>= 100 Miles:	2	

Average trip leased drivers/month: 0

Total Drivers: 2

CDL Drivers: 2







HEARTLAND TRUCKING (DAVID J BASCOM dba)  
U S. DOT # 880784

Review Date.  
09/18/2018

### Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at

1500 SW Arrowhead Rd  
Topeka KS 66604-4027  
Phone 785-271-3104

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

**Person(s) Interviewed**

**Name:** David Bascom

**Title:** Owner

**Name:**

**Title:**





HEARTLAND TRUCKING (DAVID J BASCOM dba)  
U.S. DOT # 880784

Review Date:  
09/18/2018

### Part B Violations

1 FEDERAL ACUTE	Primary 390.35 Secondary 396.17(a)	Discovered 3	Checked 4	Drivers/Vehicles In Violation 3	Checked 4
<b>Description</b> Making or causing to make fraudulent or intentionally false entry on an annual periodic inspection form. <b>Example</b> Juan Conner 7/3/2018 2015 Wilcox Trailer, VIN [REDACTED] 6623844 Annual inspection records Steering System, Fuel System and Exhaust System in OK Condition. This is a Wilcox trailer and not a power unit. The trailer would not have a steering system, fuel system or exhaust system to be inspected.					
2 FEDERAL CRITICAL	Primary 391.51(b)(2)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain inquiries into driver's driving record in driver's qualification file. <b>Example</b> Juan Connor 7/3/2018 Investigation into the driver's driving record within the first 30 days of employment was not maintained in the DQ file.					
3 FEDERAL	Primary 382.601(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies. <b>Example</b> Juan Conner 7/3/2018 David Bascom, Owner, Heartland Trucking did not provide the motor carrier drivers with educational materials explaining the requirements of part 382 and the employer's controlled substance and alcohol program policies.					
4 FEDERAL	Primary 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. <b>Example</b> Juan Conner 7/3/2018 David Bascom, Owner, Heartland Trucking did not provide the motor carrier drivers with a written controlled substance and alcohol written policy for misuse.					





HEARTLAND TRUCKING (DAVID J BASCOM dba)  
U S DOT # 880784

Review Date  
09/18/2018

### Part B Violations

5 FEDERAL	Primary 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. Jeuan Conner 7/3/2018 David Bascom, Owner, was not trained in Reasonable Suspicion Testing				
6 FEDERAL	Primary 387 7(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<b>Description</b> Failing to maintain at principal place of business required proof of financial responsibility. <b>Example</b> 2003 Peterbilt VIN [REDACTED] 594345, Unit 345 7/3/2018 Jeuan Conner transported Gravel from Baxter Springs, KS to Watson, MO without David Bascom dba Heartland Trucking having the MCS-90 on file at the principal place of business at the time Carrier provided the MCS-90 8/24/2018.				
7 FEDERAL	Primary 391.23(m)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
<b>Description</b> The motor carrier must obtain an original or copy of the medical examiner's certificate issued in accordance with § 391.43, and any medical variance on which the certification is based, and, verify the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of issuance of the medical examiner's certificate, and place the records in the driver qualification file, before allowing the driver to operate a CMV. <b>Example</b> Jeuan Conner 7/3/2018 Heartland Trucking official neglected to verify the driver was certified by a medical examiner listed on the National Registry.				
8 FEDERAL	Primary. 395.3(a)(2)	Discovered 4	Checked 60	Drivers/Vehicles In Violation Checked 1 2
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. <b>Example</b> Jeuan Conner 7/3/2018 Driver drove 8 hours and 24 minutes after the 14th hour after coming on duty due to not taking the full 10 hours off duty between shifts				





HEARTLAND TRUCKING (DAVID J BASCOM dba)  
U S DOT # 880784

Review Date  
09/18/2018

### Part B Violations

9 FEDERAL	Primary 395.3(a)(3)(i)	Discovered 4	Checked 60	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours Juan Conner 7/3/2018 Conner drove 8 hours and 24 minutes past the 11th hour due to not taking a 10 hour break between duty tours.					
10 FEDERAL	Primary 395.3(a)(3)(ii)	Discovered 5	Checked 60	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. <b>Example</b> Juan Conner 7/16/2018 Driver drove past the 8th hour without first taking a 30 minute break					
11 STATE	Primary 395.8(e)	Discovered 1	Checked 60	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> False reports of records of duty status. <b>Example</b> Matthew Abramovitz 7/27/2018 Driver ended the day on 7/26/2018 at GEO location 38.29, -97.11 and began the day on 7/27/2018 at GEO location 38.37, -97.68 which is 36.4 miles, 43 minutes from the ending location on 7/26/2018					
12 FEDERAL	Primary 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. <b>Example</b> Heartland Trucking did not have a written means or a policy for maintenance on vehicles.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 100,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 2			





HEARTLAND TRUCKING (DAVID J BASCOM dba)  
U S DOT # 880784

Review Date  
09/18/2018

### Part B Violations

Your proposed safety rating is :

**SATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	C	1	0
Factor 2:	C	0	1
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report





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

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





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## Part B Requirements and/or Recommendations

2. Certificates, reports, and records falsification, reproduction, or alteration No motor carrier, its agents, officers, representatives, or employees shall make or cause to make (a) A fraudulent or intentionally false statement on any application, certificate, report, or record required by Part 325 of subchapter A or this subchapter, (b) A fraudulent or intentionally false entry on any application, certificate, report, or record required to be used, completed, or retained, to comply with any requirement of this subchapter or Part 325 Subchapter A, or (c) A reproduction, for fraudulent purposes, of any application, certificate, report, or record required by this subchapter or Part 325 of Subchapter A.

### 3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN David J Bascom dba Heartland Trucking required or permitted drivers to drive after the end of the 14th hour, drive more than 11 hours, drive after more than 8 hours without taking a 30 minute break and prepare false reports of records of duty status. The first 3 listed are critical violations. Allowing the drivers to operate without taking the necessary 10 hour break between tour duties definitely adds to the drivers 11 driving hours and 14 hour day, which may result in fatigue drivers Allowing drivers to falsify the driving record causing disruption in knowing if the driver is taking the necessary break(s) as required

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- 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 Hours-of-Service (HOS) 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.

4. Driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes Drivers must take 30 minutes off-duty or in the sleeper-berth to meet this requirement.
5. REMINDER Even utilizing ELDs, the following information must be included on the form in addition to the grid (1) Date, (2) Total miles driving today, (3) Truck or tractor and trailer number, (4) Name of carrier, (5) Driver's signature/certification, (6) 24-hour period starting time (e.g. midnight, 9.00 a.m., noon, 3.00 p.m.), (7) Main office address, (8) Remarks, (9) Name of co-driver, (10) Total hours (far right edge of grid), (11) Shipping document number(s), or name of shipper and commodity.





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## Part B Requirements and/or Recommendations

6. Retain on file a properly completed & current copy of your form MCS-90 financial responsibility endorsement

### 7. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN Roles and Responsibilities

**DESCRIPTION OF PROCESS BREAKDOWN:** David J Bascom dba Heartland Trucking failed to provide the drivers with educational material explaining the requirements of the controlled substance and alcohol program. The motor carrier failed to provide the drivers with a written policy laying out the requirements of testing, what kind of testing, where/when testing will be required, and what will happen if the driver was to test positive or refuse to test. Without the educational material and written policy, the drivers are not knowledgeable of the controlled substance and alcohol regulations.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices** The following are recommended practices related to Roles and Responsibilities

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

#### 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.

8. Each employer shall provide educational materials that explain the requirements of Part 382

9. Written drug and alcohol policy shall include detailed discussion of the identity of the person designated by the employer to answer driver questions about the materials, the categories of drivers who are subject to the testing, information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance, information concerning driver conduct that is prohibited, and the circumstances under which a driver will be tested for alcohol and/or controlled substances including post-accident testing. The policy must also indicate the procedures that will be used to test for the presence of alcohol and controlled substances, protection of the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d). Explain the requirement that a driver submit to alcohol and controlled substances test, explain what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences if a driver refuses to take the test. Indicate the consequences for drivers found to be in violation including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that will be taken. Also include the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 and information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life, signs and symptoms of an alcohol or controlled substances problem (the driver's or a co-worker's), and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

10. Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.







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## Part B Requirements and/or Recommendations

### 11. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** David J Bascom dba Heartland Trucking failed to investigate the driver's previous driving history for the 3 years prior to their employment and neglected to verify if the medical examiner listed on the medical certificate was listed on the National Registry of Medical Examiners. Not validating the motor vehicle report (MVR) for the drivers at the time of employment allows a driver to drive when not qualified. The motor carrier is responsible to have drivers that maintain a valid license. Without the verification of the previous status of the license, the motor carrier could allow a disqualified driver to operate the vehicle. Without verification of the medical examiner and the National Registry would allow the driver to operate a vehicle without being medically certified to do so.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- 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 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 Driver Fitness Violations.

#### Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://a1.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.

12. As per 391.51(b)(9), The qualification file must include a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by 391.23(m).

13. Pursuant to 391.23 (a) (1) An inquiry to each state where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.

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

**DESCRIPTION OF PROCESS BREAKDOWN:** David J Bascom dba Heartland Trucking allowed to be made or cased to make a fraudulent or intentionally false entry on an annual periodic inspection form and failed to have a written policy or schedule regarding maintenance activity. Using a form that has been fraudulently or intentionally falsified is an acute violation. Having such inspection that shows falsifying information, the motor carrier cannot validate if the vehicle is indeed operational. It is the responsibility of the motor carrier to verify the accuracy of the





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report to make sure the mechanic is not taking making invalid entries Not having written guidelines of the steps to be taken or a written policy outlining the necessary performance of maintaining preventative maintenance, drivers, mechanics, and motor carrier representatives cannot determine when actions are required.

### 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 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://a1.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.

15. Ensure that you have in writing a means of indicating the nature and due date of various inspection and maintenance operations to be performed
16. 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 this web site: [http://kcc.ks.gov/trans\\_penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans_penalty_assessment_table.htm)

Carrier Name

Carrier Official

17. 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 David J Bascom dba Heartland Trucking's operating authority and/or the impoundment of David J Bascom dba Heartland Trucking's commercial motor vehicles.

Carrier Representative

Date

Printed name and Title





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### Part B Requirements and/or Recommendations

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)

DAVID J BASCOM

Carrier Name

OWNER

Carrier Official

17. 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 David J Bascom dba Heartland Trucking's operating authority and/or the impoundment of David J Bascom dba Heartland Trucking's commercial motor vehicles.

[Signature]

Carrier Representative

9-17-18

Date

DAVID J BASCOM

Printed name and Title

OWNER



## **ATTACHMENT “B”**

# **DRIVER/VEHICLE EXAMINATION REPORT**

Missouri State Highway Patrol  
Commercial Vehicle Enforcement Division  
Post Office Box 568  
Jefferson City, MO 65102-0568  
Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MOA1N7003513  
Inspection Date: 07/03/2018  
Start: 4:18 PM CT End: 5:04 PM CT  
Inspection Level: I - Full  
HM Inspection Type: None

DAVID J BASCOM

Driver: CONNER, JEUAN I

EMMETT, KS, 66422-0068

License#:

State: KS

USDOT: 880784

Phone#:

Date of Bi

MC/MX#: 478641

Fax#:

CoDriver:

State#:

License#:

State:

Date of Birth:

Location: I-29, PLATTE CITY, NORTH

Milepost: 24

Shipper: BINGHAM SAND & GRAVEL

Highway: I-29

Origin: BAXTER SPRINGS, KS

Bill of Lading: 558644

County: PLATTE

Destination: WATSON, MO

Cargo: GRAVEL

## **VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	2003	KS		345		594345	52000		
2	ST	WLX	2015	KS		310		8623844	65000		

## **BRAKE ADJUSTMENTS**

Axle #	1	2	3	4	5
Right	1 1/8	1 3/4	1 1/2	1 1/4	1 1/2
Left	1 3/8	2 1/8	2	1 1/4	1 1/2
Chamber	C-20	C-30	C-30	C-30	C-30

## **VIOLATIONS**

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
392.2-SLLEWA1	F	D	N		N	N State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.
392.2-SLLEWA1	F	D	N		N	N State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.
392.2-SLLEWG1	F	D	N		N	N State/Local Laws - Excessive weight - 1-2500 lbs over on allowable gross weight.
393.47E	F	1	N		N	N Clamp or Roto type brake out-of-adjustment
393.53B	F	1	N		N	N CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.45D	F	1	N		N	N Brake connections with leaks or constrictions
395.5B-HLW	F	2	N		N	N Hubs - Oil and/or Grease Leaking from hub - inner wheel
392.2WC	F	2	N		N	N Wheel (Mud) Flaps missing or defective

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

I certify that the above violation(s) was/were corrected.

Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

NOTICE TO DRIVER/MOTOR CARRIER: The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P.O. Box 568, Jefferson City, MO 65102-0568 or Email to cvemail@msphp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report.

\*\*\*\*Warning\*\*\*\* If this box is checked( ), A separate traffic citation was issued to the violator. Please refer to the issued traffic citation for additional information.

DO NOT send fine payment with the return of this report.

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_





## **ATTACHMENT “C”**

# Annual Periodic Vehicle Inspection Report

Name and Address of Inspecting Company or Agency		Date		Time	
Registered Owner's Name <b>DAVID BASCOM</b>		6-18-18			
Street <b>2330 14th St Rd</b>		Certified Inspector's Name (Print or Type) <b>Brian Standhiser</b>			
City, State, Zip Code <b>DELA, Kc. 66455</b>		The technician meets and exceeds all requirements of 49 CFR §396.19 and compatible state regulations and can perform the inspection according to the appendix G criteria and that the technician has the necessary tools, and is skilled in completion of the annual inspection, as listed in 49 CFR §396.19.			
Motor Carrier Operating Vehicle (If different from Owner)					
Street					
City, State, Zip Code					
License Plate Number/State <b>662 9844</b>		Vehicle Identification Number <b>644452</b>		Vehicle Make <b>WILSON</b>	Vehicle Model <b>DW11 550</b>
				Model Year <b>2015</b>	

## Vehicle Components Inspected

OK	Need Repair	Repair Date	Item	OK	Need Repair	Repair Date	Item	OK	Need Repair	Repair Date	Item
			<b>1. BRAKE SYSTEM</b>				<b>5. FUEL SYSTEM</b>				<b>10. SUSPENSION</b>
✓			Adjustment	✓			Visible Leaks	✓			Springs (leaf springs only)
✓			Drums or Rotors	✓			Fill Caps in place/intact	✓			U-bolts, Hangers, etc.
✓			Hoses and/or Tubing	✓			Tank(s) securely attached	✓			Torque, Radius, Tracking Arms
✓			Lining				<b>6. LIGHTING DEVICES</b>				<b>11. FRAME</b>
✓			Warning (Low Pressure)	✓			Hesolamps	✓			Frame Members
✓			Tractor Protection Valve	✓			Front Turn Signals	✓			Tire & Wheel Clearance
✓			Air Compressor	✓			Front ID/Clearance Lamps	✓			Sliding Subframe (adj axle)
✓			Service Brakes	✓			Side Marker Lamps - Left				<b>12. TIRES</b>
✓			Parking Brakes	✓			Side Marker Lamps - Right	✓			Steering Axle Tires Condition
✓			Electric Brakes	✓			Rear Turn Signals	✓			Steering Tires - over 4/32" tread
✓			Hydraulic Brakes	✓			Stop Lamps	✓			Other Tires - Condition
✓			Vacuum Brakes	✓			Tail Lamps	✓			Other Tires - over 2/32" tread
✓			Warning (Sys Failure)	✓			Rear ID/Clearance Lamps				<b>13. WHEELS &amp; RIMS</b>
			<b>2. STEERING SYSTEM</b>	✓			Reflectors / Ref Tape	✓			Lock/Slide Ring
✓			Free Play (Lash)				<b>7. COUPLING DEVICES</b>	✓			Fasteners
✓			Steering Column	✓			5th Wheel	✓			Disk/Spoke Condition
✓			Front Axle Beam	✓			Pinto Hooks	✓			Welds
✓			Steering Gear Box	✓			Drawbar Eye				List any other condition which may affect safe vehicle operation
✓			Pitman Arm	✓			Drawbar Tongue				
✓			Ball & Socket Joints	✓			Safety Devices				
✓			Tie Rods & Drag Links				<b>8. EXHAUST SYSTEM</b>				
✓			Nuts, Bolts, Fasteners	✓			Leaks				
✓			Power Steering Fluid	✓			Placement				
✓			<b>3. WINDSHIELDS</b>				<b>9. SAFE LOADING</b>				
✓			<b>4. WIPERS</b>	✓			Securement Devices				

MARK COLUMNS AS FOLLOWS: x = OK; o = Needs repair; NA = Does not apply; Fill in Repair date as appropriate

I CERTIFY THE ANNUAL VEHICLE INSPECTION HAS BEEN DONE ACCURATELY AND COMPLETELY. I FURTHER CERTIFY THAT THIS INSPECTION COMPLIES WITH THE REQUIREMENTS OF 49 CFR §396.21.

This information must be available on board the vehicle, either as a copy of this report, or on a decal that complies with 49 CFR §396.17(c)(2). This report must be kept a minimum of fourteen months from date of completion.

Certified Inspector's Signature:

*Brian Standhiser*

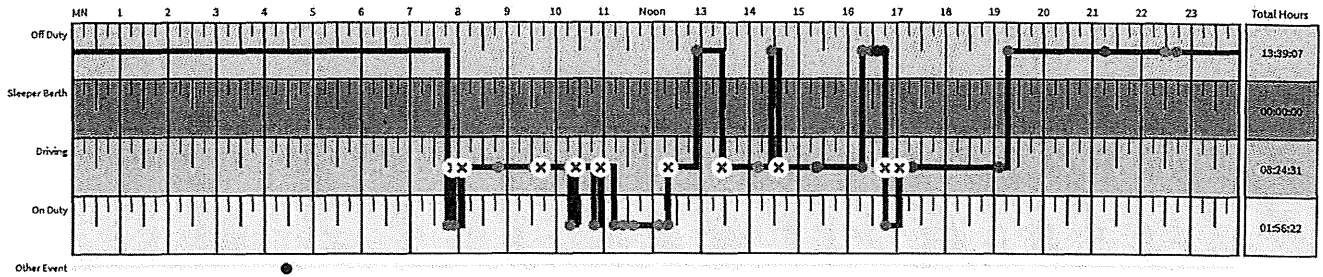
Date:

6-18-18



## **ATTACHMENT “D”**





#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
07/03/2018	04:27:23					Diagnostic logged	ELD
07/03/2018	07:46:32	13mi W OK Warner	35.47, -95.54	330	40,418	On-duty, not driving	Driver
07/03/2018	07:53:12	12mi W OK Warner	35.48, -95.53	330	40,418	Driving	ELD
07/03/2018	07:54:12	0, 0	0, 0	330	40,418	On-duty, not driving	ELD
07/03/2018	08:04:37	13mi W OK Warner	35.48, -95.54	330	40,418	Driving	ELD
07/03/2018	08:48:43	2mi W OK Wagoner	35.96, -95.4	365	40,418	Intermediate log	ELD
07/03/2018	09:32:48	3mi SW OK Big Cabin	36.51, -95.26	403	40,418	Intermediate log	ELD
07/03/2018	10:16:53	3mi WSW MO Loma Linda	36.98, -94.64	450	40,418	Intermediate log	ELD

07/03/2018	10:18:07	0, 0	0, 0	450	40,418	On-duty, not driving	ELD
07/03/2018	10:25:00	1mi NW MO Loma Linda	37, -94.6	450	40,418	Driving	ELD
07/03/2018	10:47:50	0, 0	0, 0	450	40,418	On-duty, not driving	ELD
07/03/2018	10:55:57	5mi WSW KS Baxter Junction	37, -94.83	450	40,418	Driving	ELD
07/03/2018	11:12:53	0, 0	0, 0	450	40,418	On-duty, not driving	ELD
07/03/2018	11:23:37	1mi SSW OK Zincville (historical)	36.97, -94.82	450	40,418	YM	Driver
07/03/2018	11:36:44	1mi WSW OK Zincville (historical)	36.98, -94.83	450	40,418	YM	ELD
07/03/2018	12:07:37	5mi WSW KS Baxter Junction	37, -94.83	454	40,418	Intermediate log	ELD
07/03/2018	12:18:45	5mi WSW KS Baxter Junction	37, -94.83	454	40,418	On-duty, not driving	Driver
07/03/2018	12:19:36	5mi WSW KS Baxter Junction	37, -94.83	454	40,418	Driving	ELD
07/03/2018	12:46:39					First certification	ELD
07/03/2018	12:54:35	7mi NW MO Asbury	37.34, -94.7	483	40,418	Off-duty	Driver
	30min						
07/03/2018	13:26:08	0, 0	0, 0	483	40,418	Driving	ELD
07/03/2018	14:10:37	7mi W MO Bunnville (historical)	37.84, -94.7	516	40,418	Intermediate log	ELD

07/03/2018	14:26:05	4mi NW KS Barnesville	38.07, -94.71	532	40,418	Off-duty	Driver
07/03/2018	14:35:38	0, 0	0, 0	532	40,418	Driving	ELD
07/03/2018	15:20:27	5mi WNW MO Jaudon	38.78, -94.68	581	40,418	Intermediate log	ELD
07/03/2018	15:23:20					Logout	ELD
07/03/2018	16:17:23					Login	ELD
07/03/2018	16:17:26	10mi WSW MO Edgerton	39.43, -94.79	581	40,418	Off-duty	Driver
07/03/2018	16:28:15	0, 0	0, 0	581	40,418	Off-duty	Driver
	dot check						
07/03/2018	16:35:00	0, 0	0, 0			Shut-down	ELD
07/03/2018	16:42:56	0, 0	0, 0		40,442	Power-up	ELD
07/03/2018	16:45:35	9mi WSW MO Edgerton	39.44, -94.79		40,443	Driving	ELD
07/03/2018	16:46:03	0, 0	0, 0		40,443	On-duty, not driving	ELD
07/03/2018	17:03:37	10mi WSW MO Edgerton	39.43, -94.79		40,443	Driving	ELD
07/03/2018	17:19:11					Logout	ELD
07/03/2018	19:06:13					Login	ELD
07/03/2018	19:16:40	0, 0	0, 0		40,443	Off-duty	Driver
07/03/2018	21:14:55					Logout	ELD
07/03/2018	22:28:57					Login	ELD
07/03/2018	22:29:51	0, 0	0, 0		40,443	PC	Driver
07/03/2018	22:41:54	0, 0	0, 0		40,443	Off-duty	Driver

## **ATTACHMENT “E”**

Matthew Abramovitz

False  
RODS  
7/26 - 7/27  
Matt

**Daily Log: 07/26/2018**

CMV Power Unit: 07 Pete

Start/End Engine Hours: 39652.7 - 39652.7

Record of Duty Status

Unidentified Driving Time: 00:00:00

Malfunctions: None

CMV VIN: [REDACTED] 686589

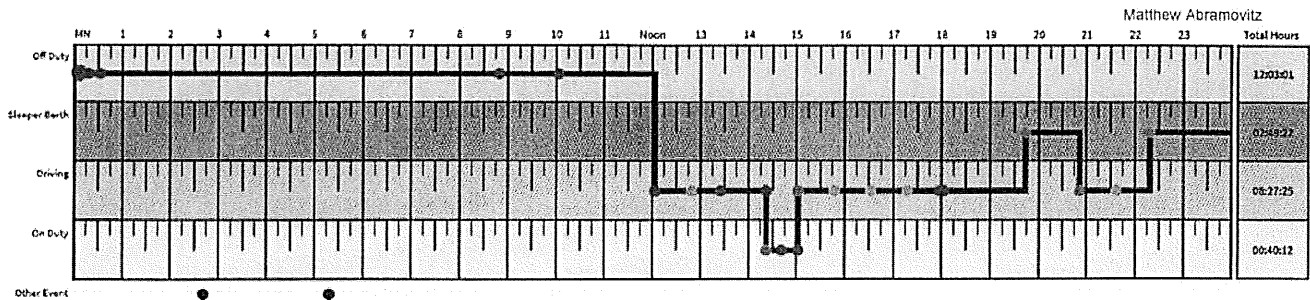
Start/End Odometer: 66 - 66

Certified by Driver: Yes

Data Diagnostics: Missing Element

Shipping Document Number:

Miles Driven: 0



#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
07/26/2018	00:06:34					Logout	ELD
07/26/2018	00:18:34					Login	ELD
07/26/2018	00:33:04					Logout	ELD
07/26/2018	02:41:27					Diagnostic logged	ELD
07/26/2018	05:18:34					Diagnostic logged	ELD
07/26/2018	08:49:04					Login	ELD
07/26/2018	10:02:58					Logout	ELD
07/26/2018	12:03:01	0, 0	0, 0	66	39,653	Driving	Driver
07/26/2018	12:03:58					Login	ELD
07/26/2018	12:49:00	6mi N CO Punkin Center	38.93, -103.7	66	39,653	Intermediate log	ELD
07/26/2018	13:25:03					Logout	ELD
07/26/2018	13:49:13					First certification	ELD
07/26/2018	14:22:03					Login	ELD

Matthew Abramovitz

07/26/2018	14:22:05	14mi SSW CO Last Chance	39.55, -103.66	66	39,653	On-duty, not driving	Driver
07/26/2018	14:41:11					Logout	ELD
07/26/2018	15:02:12					Login	ELD
07/26/2018	15:02:17	12mi S CO Last Chance	39.56, -103.6	66	39,653	Driving	Driver
07/26/2018	15:47:22	2mi E CO Limon	39.26, -103.66	66	39,653	Intermediate log	ELD
07/26/2018	16:32:22	2mi WSW CO Bethune	39.29, -102.46	66	39,653	Intermediate log	ELD
07/26/2018	17:17:23	1mi WSW KS Edson	39.33, -101.56	66	39,653	Intermediate log	ELD
07/26/2018	17:58:06					Logout	ELD
07/26/2018	18:03:07					Login	ELD
07/26/2018	19:43:45	14mi SW KS Barton	38.85, -98.27	66	39,653	Sleeper Berth	Driver
07/26/2018	20:51:51	0, 0	0, 0	66	39,653	Driving	Driver
07/26/2018	21:36:51	14mi SW KS Oursler	38.17, -97.19	66	39,653	Intermediate log	ELD
07/26/2018	22:18:44	6mi SW KS Marion	38.29, -97.11	66	39,653	Sleeper Berth	Driver

**Daily Log: 07/27/2018**

Unidentified Driving Time: 00:00:00

Certified by Driver: No

Malfunctions: None

Data Diagnostics: Missing Element

CMV Power Unit: 07 Pete

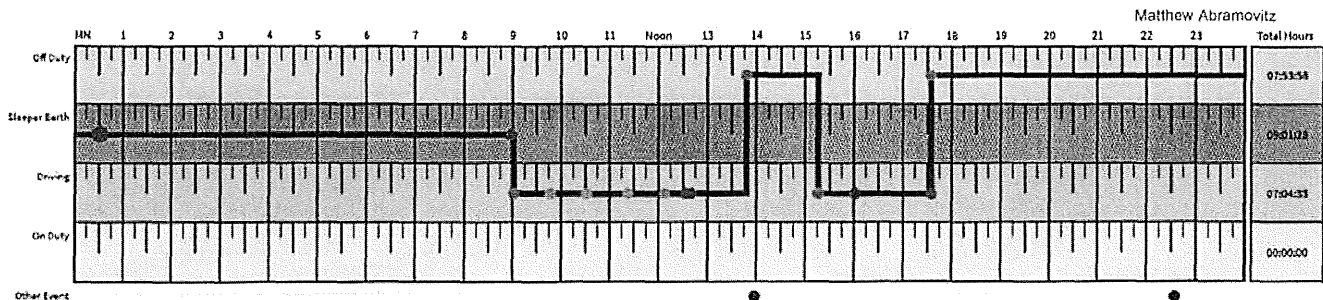
CMV VIN: [REDACTED] 886589

Shipping Document Number:

Start/End Engine Hours: 39652.7 - 39652.7 Start/End Odometer: 66 - 66

Miles Driven: 0

Record of Duty Status



#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
07/27/2018	00:31:50					Logout	ELD
07/27/2018	08:57:51					Login	ELD
07/27/2018	09:01:29	6mi NNW KS Elyria	38.37, -97.68	66	39,653	Driving	Driver
07/27/2018	09:46:30	11mi WSW KS Little River	38.33, -98.19	66	39,653	Intermediate log	ELD
07/27/2018	10:31:31	1mi W KS Windom	38.38, -97.93	66	39,653	Intermediate log	ELD
07/27/2018	11:22:18	7mi W KS Marion	38.36, -97.14	66	39,653	Intermediate log	ELD
07/27/2018	12:07:18	1mi NW KS Westhill Mobile Home Park	38.41, -96.23	66	39,653	Intermediate log	ELD
07/27/2018	12:33:09					Logout	ELD
07/27/2018	12:40:09					Login	ELD
07/27/2018	13:47:46	5mi WSW MO Harlem	39.1, -94.68	66	39,653	Off-duty	Driver



07/27/2018	13:57:50				
07/27/2018	15:18:22	0, 0	0, 0	66	39,653
07/27/2018	16:00:34				
07/27/2018	16:00:57				
07/27/2018	17:34:35				
07/27/2018	17:34:38	7ml WSW KS Carbon (historical)	39.46, -95.73	66	39,653
07/27/2018	22:34:34				

Matthew Abramovitz

Diagnostic logged	ELD
Driving	Driver
Logout	ELD
Logout	ELD
Login	ELD
Off-duty	Driver
Diagnostic logged	ELD

## CERTIFICATE OF SERVICE

19-TRAM-150-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 10/26/2018.

DAVID J. BASCOM, OWNER  
DAVID J. BASCOM  
D/B/A HEARTLAND TRUCKING  
2330 RD 142  
DELIA, KS 66418  
davebascom@hotmail.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe