

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Ernler, Commissioner



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

April 4, 2017

17-TRAM-416-PEN

Troy L. Love, Owner/Operator

**Certified Mail Receipt No. 7016 1970 0001 0574 1256**

Troy L. Love, d/b/a Love's Moving Service

916 SE 4th Street

Topeka, Kansas 66607

This is a notice of a penalty assessment against Troy L. Love, d/b/a Love's Moving Service for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 24, 2017, by Kansas Corporation Commission Special Investigator(s) Verna Jackson. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Love's Moving Service has been assessed a \$1,300 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. A check must be made payable to the Kansas Corporation Commission and mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

### LOVE'S MOVING SERVICE IS A NEW ENTRANT MOTOR CARRIER AND IS 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(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

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

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved 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; and

(3) within thirty (30) days from the date of the attached 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 Transportation Division shortly thereafter.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order assessing the reduced penalty and setting out the terms and conditions as stated above, will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$650, will be due within thirty (30) days from the date of service of the Amended Penalty Order.

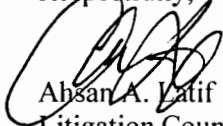
**IF YOU CONTEST THE PENALTY ORDER:**

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. Troy L. Love, d/b/a Love's Moving Service 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 by mailing 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 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 \$1,300 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Love's Moving Service submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order will be issued assessing the reduced penalty of \$650 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



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

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

### **REDUCED PENALTY AGREEMENT**

Troy L. Love, d/b/a Love's Moving Service hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. Love's Moving Service has agreed to comply with the following terms and obligations:

1. Love's Moving Service has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Love's Moving Service will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing 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. Love's Moving Service will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

Troy L. Love, d/b/a Love's Moving Service understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess Love's Moving Service a fifty-percent (50%) reduced penalty of \$650, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Love's Moving Service will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

Troy L. Love, d/b/a Love's Moving Service

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Troy L. Love  
Owner/Operator

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Investigation of **Troy L. Love**, d/b/a **Love's Moving Service**, of **Topeka, Kansas**, Regarding the Violation of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

Docket No. 17-TRAM-416-PEN

## PENALTY ORDER

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

## I. JURISDICTION

1. Pursuant to K.S.A. 2016 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. 2016 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. 2016 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. Troy L. Love, d/b/a Love's Moving Service (Love's Moving Service) obtained common operating authority from the Commission on July 6, 2015, and operates under KSMCID number 171020 and USDOT number 2460847.

5. Troy Love attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on June 2, 2014, on behalf of Love's Moving Service.

6. Love's Moving Service is a common motor carrier which primarily hauls household goods.

7. Love's Moving Service is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the original penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on February 24, 2017, Commission Staff (Staff) Special Investigator(s) Verna Jackson conducted a compliance review of the operations of Love's Moving Service. 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, Ms. Jackson identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 23, 2017, Love's Moving Service required or permitted its driver, Troy Love, to operate a commercial motor vehicle, 2000 GMC, VIN ending in 906611, GVWR 20,100 lbs., in intrastate commerce in and around the area of Topeka, Kansas. This trip is evidenced by a Driver/Vehicle Inspection Report No. KSHP92221117, dated January 23, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Love's Moving Service 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 investigator found two (2) violations of this type. The carrier's failure to inquire into its drivers' 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), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.
- b. On January 18, 2017, Love's Moving Service required or permitted its driver, Troy Love, to operate a commercial motor vehicle, a 19994 Ford F700, VIN ending in 30000, GVWR 20,100 lbs., in intrastate commerce in and around the area of Topeka, Kansas. This trip is evidenced by an invoice, dated January 18, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Troy Love did not complete a Driver's Daily Vehicle Inspection Report (DVIR) on the commercial motor vehicle

operated. The special investigator found twelve (12) violations of this type. Love's Moving Service's failure to require its drivers 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), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.

- c. During the transportation described in paragraph a., above, Love's Moving Service failed to have a periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator found two (2) violations of this type. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.

### **III. STAFF'S RECOMMENDATIONS**

9. Based upon the available facts, Staff recommends the Commission find Love's Moving Service 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.

10. Staff recommends a civil penalty of \$1,300 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Troy L. Love, d/b/a Love's Moving Service is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement which is attached to the Notice of Penalty Assessment and it is approved.

12. Staff recommends Troy L. Love, d/b/a Love's Moving Service submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the 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 Love's Moving Service attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

14. Finally, Staff recommends that Love's Moving Service 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 Love's Moving Service because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds Love's Moving Service 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.



17. The Commission finds Love's Moving Service is a New Entrant motor carrier and is eligible for an a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel the Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein. If Love's Moving Service does not submit the Agreement within fifteen (15) days from the date of this Penalty Order, it no longer is eligible for the reduced penalty option and must comply with the terms and conditions of this Order, including payment of the full penalty of \$1,300 within thirty (30) days from the date of service of this Penalty Order.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Troy L. Love, d/b/a Love's Moving Service, of Topeka, Kansas is hereby assessed penalty of \$1,300 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. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding (17-TRAM-416-PEN).*

B. Love's Moving Service 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 Transportation Staff. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

C. Love's Moving Service 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 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.

D. Love's Moving Service 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 Love's Moving Service does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$1,300 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 Love's Moving Service'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. 2016 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 within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road,**

**Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order.** On April 4, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 7016 1970 0001 0574 1256. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Love's Moving Service's right to a hearing.

G. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 04 2017








  
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Amy L. Green  
Secretary to the Commission

AAL



Order Mailed Date

APR 04 2017

## **ATTACHMENT “A”**

	<b>US DOT #</b> 2460847	<b>Legal:</b> TROY L LOVE <b>Operating (DBA):</b> LOVE'S MOVING SERVICE	
<b>MC/MX #:</b>		<b>State #:</b> 	<b>Federal Tax ID:</b>  (EIN)
<b>Review Type:</b> Compliance Review (CR)			
<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>Carrier:</b>	N/A	<b>Non-HM</b>	
<b>Shipper:</b>	N/A	N/A	
<b>Cargo Tank:</b>	N/A		
		<b>Business:</b> Individual	
		<b>Gross Revenue:</b> 	<b>for year ending:</b> 12/31/2015
<b>Company Physical Address:</b>			
			
<b>Contact Name:</b> Troy Love			
<b>Phone numbers: (1)</b> 			
<b>E-Mail Address:</b> 			
<b>Company Mailing Address:</b>			
916 SE 4TH ST TOPEKA, KS 66607-1828			
<b>Carrier Classification</b>			
Authorized for Hire			
<b>Cargo Classification</b>			
Household Goods			
<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>	
< 100 Miles:		2	
>= 100 Miles:			
			<b>Average trip leased drivers/month:</b> 0
			<b>Total Drivers:</b> 2
			<b>CDL Drivers:</b>



	<b>LOVE'S MOVING SERVICE (TROY L LOVE dba)</b> U.S. DOT #: 2460847	State #: 	Review Date: 02/24/2017
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**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  
Topeka, Kansas 66604  
Telephone 785-271-3104

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

**Person(s) Interviewed**



**Name:** Troy Love

**Title:** Owner

**Name:**

**Title:**




	<b>LOVE'S MOVING SERVICE (TROY L LOVE dba)</b>	State #: 	Review Date:
	U.S. DOT #: 2460847		02/24/2017

### Part B Violations

1 STATE	Primary: 390.19 Secondary: KAR 82-4-3f(a)(7)(G)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<b>Description</b> The MCS-150 (Motor Carrier Identification Report) must be filed every 24 months in accordance to Federal Regulation 49 CFR 390.19. <b>Example</b> Troy Love 1/23/2017 Topeka Area Love's Moving Service last updated the MCS150 7/6/2015.				
2 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
<b>Description</b> Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). <b>Example</b> Troy Love 1/23/2017 Topeka Area Love's Moving Service did not have the driver's driving record in the file.				
3 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Troy Love 1/23/2017 Topeka Area Love's Moving Service did not have the driver's annual review of the driving record in the file.				
4 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> Troy Love 1/23/2017 Topeka Area Love's Moving Service did not have the driver's annual certificate relating to the driving record in the file.				



	<b>LOVE'S MOVING SERVICE (TROY L LOVE dba)</b>	Review Date:
	U.S. DOT #: 2460847	02/24/2017

State #: 

### Part B Violations

5 STATE	Primary: 391.63(a) Secondary: 391.31 CFR Equivalent: 391.63(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

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

Troy Love

1/23/2017

Topeka Area

Love's Moving Service did not have the driver's road test certificate in the driver's file. Love advised that he drove with the driver but did not complete a certificate for the driver.

6 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 12	Checked 14	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

Failing to require driver to prepare driver vehicle inspection report.

#### Example

Troy Love

1/23/2017

Topeka Area

Ford  30000

Love's Moving Service did not require the driver to prepare a driver vehicle inspection report each and every day the CMV was utilized. Love advised he did the driver vehicle inspection report every Monday and not every day the vehicle was used.

7 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

Using a commercial motor vehicle not periodically inspected.

#### Example

Troy Love

1/23/2017

Topeka Area

Love's Moving Service utilized CMVs prior to having the CMV periodically inspected.

#### Safety Fitness Rating Information:


Total Miles Operated 200  
Recordable Accidents 0

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 0  
OOS Vehicle (MCMIS): 0  
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

**This Review is not Rated.**



	<b>LOVE'S MOVING SERVICE (TROY L LOVE dba)</b> U.S. DOT #: 2460847	Review Date: 02/24/2017
<b>Part B Requirements and/or Recommendations</b>		

1. 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.

2. The MCS-150 (Motor Carrier Identification Report) is required to be updated bi-annually. As required under 49 CFR 390.19(a) and 390.19(b), the carrier must file Form MCS-150 before it begins operations and every 24 months according to the schedule noted in 390.19(b)(2). Depending on the next to the last digit of the USDOT#, the carrier will be responsible for updating the USDOT# in either the even or odd number year. Example: The next to the last number in the USDOT# is 2, the carrier would need to update the MCS150 in an even numbered year. On the same hand, the last number of the USDOT# is the qualifier for the month in which the update must occur. If the last number of the USDOT# is 4, the USDOT# must be updated by the end of April. The required form must be filed with FMCSA Office of Information Management. The USDOT number needs to be filed electronically according to the instructions at the Agency's ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)) Web site.

### 3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN:** Love's Moving Service failed to maintain the driver's motor vehicle report in the driver's qualification file. The driver's road test was not available in the file. Without the applicable copy of the motor vehicle report, the carrier cannot validate the driver has a valid license to operate said vehicle. Without the road test the motor carrier cannot validate the driver is familiar with the vehicle being operated.

#### 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.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety





LOVE'S MOVING SERVICE (TROY L LOVE dba)

U.S. DOT #: 2460847

State #: [REDACTED]

Review Date:

02/24/2017

## Part B Requirements and/or Recommendations

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>. 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. 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.
5. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
6. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process and annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
7. The carrier is required to maintain a complete road test or a copy of a valid commercial drivers license (CDL) in the driver qualification file.
8. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Love's Moving Service failed to require driver to make the driver vehicle inspection report as required every day the vehicle was in operation. Annual inspections were not provided and are required. Without the driver vehicle inspection report the motor carrier cannot validate the vehicle is safe to operate. Without the annual inspection the vehicle has not been adequately inspected for safety defects.

### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier





LOVE'S MOVING SERVICE (TROY L LOVE dba)

U.S. DOT #: 2460847

State #: [REDACTED]

Review Date:

02/24/2017

## Part B Requirements and/or Recommendations

Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.

- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue 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>. 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.

9. 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. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of the inspection, and the name and address of the motor carrier or entity where the report is maintained.
10. Ensure that you have on file a mechanics certification from mechanics that conduct your annual inspections.
11. 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





LOVE'S MOVING SERVICE (TROY L LOVE dba)

U.S. DOT #: 2460847

State #:

Review Date:

02/24/2017

### Part B Requirements and/or Recommendations

target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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

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

12. 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 Love's Moving Service's operating authority and/or the impoundment of Love's Moving Service's vehicles.

\_\_\_\_\_  
Carrier Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name and Title

13. 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



## **ATTACHMENT “B”**

# DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP92221117  
Inspection Date: 01/23/2017  
Start: 10:17 AM CT End: 10:33 AM CT  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

TROY L LOVE  
[REDACTED]  
TOPEKA, KS, 66604  
USDOT: 2460847  
MC/MX#: [REDACTED]  
State#: [REDACTED]  
Location: SHAWNEE COUNTY - 177  
Highway: 700 BLK TOPEKA  
County: [REDACTED]

Driver: LOVE, TROY L  
License#: [REDACTED] State: KS  
Date of Birth: [REDACTED]  
CoDriver: [REDACTED]  
License#: [REDACTED] State: [REDACTED]  
Date of Birth: [REDACTED]  
Milepost: SB Shipper: CARRIER  
Origin: TOPEKA,KS Bill of Lading: N/A  
Destination: TOPEKA,KS Cargo: EMPTY

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	GMC	2000	KS	[REDACTED]	6611	[REDACTED]906611	20100			

**BRAKE ADJUSTMENTS:** No brake measurements required for level II or level III

## VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
392.2	F	D	N		N N	Violation of Local Laws - Explain:
391.41A	F	D	N		N N	No medical certificate in driver's possession

**HazMat:** No HM transported

**Placard:**

**Cargo Tank:**

**Special Checks:** Alcohol/Controlled Substance Check X Traffic Enforcement Post Crash Inspection  
Conducted by Local Jurisdiction PASA Conducted Inspection PBBT Inspection  
Size and Weight Enforcement Drug Interdiction Search  
eScreen Inspection

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.  
Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*/\*\* \*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.  
Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: M. Marnach  
Badge #: 9222

Copy Received By: TROY LOVE

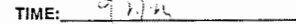
X

X



## **ATTACHMENT “C”**

WK: \_\_\_\_\_



AT ORIGIN	CONTRACTOR, CARRIER OR REPRESENTATIVE (DRIVER)	DATE	AT DESTI- NATION	CONTRACTOR, CARRIER OR REPRESENTATIVE (DRIVER)	DATE
	(SIGNATURE)	TIME		(SIGNATURE)	TIME
	OWNER OR AUTHORIZED AGENT	DATE		OWNER OR AUTHORIZED AGENT	DATE
	(SIGNATURE)	TIME		(SIGNATURE)	TIME



## CERTIFICATE OF SERVICE

17-TRAM-416-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 APR 04 2017.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

TROY L. LOVE, OWNER/OPERATOR  
TROY L. LOVE  
D/B/A LOVE'S MOVING SERVICE  
916 SE 4TH STREET  
TOPEKA, KS 66607-1828  
Fax: 785-235-0414  
tlamontlove@yahoo.com

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

Order Mailed Date

APR 04 2017