



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

June 18, 2019

19-TRAM-506-PEN

Rick Wendland, Vice President
Sunflower Rents, Inc., d/b/a Sunflower Rental
221 SW Hampton Street
Topeka, KS 66612

This is a notice of a penalty assessment against Sunflower Rents, Inc., d/b/a Sunflower Rental (Sunflower Rental) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 29, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Sunflower Rental has been assessed a \$1,400 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,400, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

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

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Sunflower Rental must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,400 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of **Sunflower**)
Rents, Inc., d/b/a Sunflower Rental, of)
Topeka, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-506-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.A.R. 82-4-1b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-1, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Sunflower Rents, Inc., d/b/a Sunflower Rental (Sunflower Rental) has private operating authority with the Commission and further operates under USDOT number 982683.

5. Nicole Selvidge attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on July 24, 2017, on behalf of Sunflower Rental.

6. Sunflower Rental is a private motor carrier which primarily hauls machinery and large objects.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 29, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of Sunflower Rental. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 14, 2019, Sunflower Rental required or permitted its driver, Richard Harper, to operate a CDL-required commercial motor vehicle, a

2003 International, VIN ending in 051953, pulling a 2006 SEMI trailer, VIN ending in 163961, GVWR in excess of 26,000 lbs., in intrastate commerce in and around the area of Topeka, Kansas. This trip is evidenced by Time Sheet Detail Listing, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Sunflower Rental had not implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a, above, Sunflower Rental failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment. The special investigator discovered two (2) violations of this type. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. On May 15, 2019, Sunflower Rental required or permitted its driver, Cody Flowers, to operate a CDL-required commercial motor vehicle, a 2003 International, VIN ending in 051953, pulling a 2006 SEMI trailer, VIN

ending in 163961, GVWR in excess of 26,000 lbs., in intrastate commerce from Berryton, Kansas to Topeka, Kansas. This trip is evidenced by Time Sheet, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Sunflower Rental failed to require its driver to have a commercial driver’s license (CDL) to operate commercial motor vehicles. The carrier’s operations using a driver without a CDL is in violation of 49 C.F.R. 392.2, authorized by K.S.A. 8-2,125. Staff recommends a fine of \$500.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Sunflower Rental committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,400 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Sunflower Rental be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission’s website at http://kcc.ks.gov/trans/safety_meetings.htm.

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

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Sunflower Rental because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Sunflower Rental committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Sunflower Rents, Inc., d/b/a Sunflower Rental, of Topeka, KS is hereby assessed a \$1,400 civil penalty for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Sunflower Rental is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Sunflower Rental is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds

upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Sunflower Rental's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,400 civil penalty against Sunflower Rental, and ordering a representative from Sunflower Rental to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,400 is due in thirty (30) days from the date of service of this Order. Payment of \$1,400 must be made through your personal account with the Kansas Corporation Commission's KTRAN system

located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$1,400 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Sunflower Rental's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/20/2019



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 982683	Legal: SUNFLOWER RENTS INC Operating (DBA): SUNFLOWER RENTAL			
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Non-ratable Review - CSA					
Scope: Principal Office		Location of Review/Audit: Company facility in the U S			Territory:
Operation Types		Interstate	Intrastate	Business: Corporation	
Carrier: N/A		HM		Gross Revenue: [REDACTED]	
Shipper: N/A		N/A		for year ending: 6/30/2018	
Cargo Tank: N/A					
Company Physical Address:					
2010 S TOPEKA AVENUE TOPEKA, KS 66612-1414					
Contact Name: Nicole Selvidge					
Phone numbers: (1) [REDACTED]					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
221 SW HAMPTON STREET TOPEKA, KS 66612					
Carrier Classification					
Private Property					
Cargo Classification					
Machinery, Large Objects					
Hazardous Materials					
9 Miscellaneous HM		Carried	Non-Bulk		
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	1	0	0	Trailer	1 0 0
Power units used in the U S. 1					
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	Average trip leased drivers/month: 0		
< 100 Miles:		2	Total Drivers: 2		
>= 100 Miles:			CDL Drivers: 2		





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)

U S DOT # 982683

Review Date.

05/29/2019

Part A

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

Kansas Corporation Commission
1500 SW Arrowhead Rd, Topeka, KS 66604
785-271-3104

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Rick Wendland

Title: Vice President

Name: Nicole Selvidge

Title: Secretary/Treasurer





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)
U S DOT #: 982683

Review Date:
05/29/2019

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Richard Harper 1/14/2019 BNSF to Shop, Topeka, KS Sunflower Rents utilized driver prior to the implementation of an alcohol and/or controlled substances testing program that meets the requirements of the regulations				
2 STATE	Primary: 391.21(a) CFR Equivalent 391.21(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
Description Using a driver who has not completed and furnished an employment application. Example Richard Harper 1/14/2019 BNSF to Shop, Topeka, KS Sunflower Rents utilized driver prior to having an employment application meeting the requirements of the regulations.				
3 STATE	Primary 391.23(c) CFR Equivalent 391.23(c)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
Description Failing to investigate driver's background within 30 days of employment. Example Richard Harper 1/14/2019 BNSF to Shop, Topeka, KS Sunflower Rents utilized driver prior to investigating the driver's safety performance history as required by the regulations.				
4 FEDERAL	Primary 392.2 Secondary: 383.23(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation Checked 1 2
Description Operating a CMV when not in possession of CDL issued by his/her State or Jurisdiction of domicile per KSA 8-2,125. Example Cody Flowers 5/15/2019 Berryton, KS to Topeka, KS Sunflower Rental allowed driver to operate CDL CMV without having a valid CDL. Driver failed to self-certify the medical certificate with his commercial drivers license.				
Safety Fitness Rating Information: Total Miles Operated 15,000 Recordable Accidents 0		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0		





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)
U S. DOT #. 982683

Review Date
05/29/2019

Part B Violations

Your proposed safety rating is :

This Review is not Rated.





Safety Management Process Breakdowns and Remedies

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information.

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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 plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to

Email: g.davenport@kcc.ks.gov
FAX: 785-271-3124

or mail





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)
U.S. DOT # 982683

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05/29/2019

Safety Management Process Breakdowns and Remedies

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

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN Sunflower Rents failed to implement a controlled substance and alcohol program. Failing to implement a program allows drivers to operate CDL Commercial Motor Vehicles while under the influence of a controlled substance or alcohol at a pre-employment level and throughout the driver's employment. Not having a program can cause hardship for the motor carrier if a driver is found to be under the influence.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 25 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- 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 controlled-substance and alcohol violations.

Seek Out Resources

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

3. The starting date for alcohol and/or controlled substance testing programs must be implemented no later than the date the employer begins commercial motor vehicle operations per 49 CFR 382.115(a).
4. 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





Safety Management Process Breakdowns and Remedies

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.

5. CDL Drivers operating vehicles which meet the definition of a CDL commercial motor vehicle (CMV) SHALL have an equal chance of being tested each time selections are made. These drivers shall be in a pool of CDL drivers. Non-CDL drivers cannot be allowed in the same pool as the CDL drivers as the non-CDL drivers will take the opportunity for a random selection away from the CDL driver resulting in the CDL driver not having an equal chance of being tested each time selections are made.
6. Each employer shall provide educational materials that explain the requirements of Part 382
7. 382 601(d) - Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.
8. 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.
9. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Sunflower Rents failed to require driver to provide a driver application meeting the requirements of the regulations and make inquiry into the driver's safety performance history within 30 days of the driver's hire date. Be sure to remember you are also required to inquiry into the driver's driving record within 30 days of their employment as well.

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.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)
U S DOT # 982683

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Safety Management Process Breakdowns and Remedies

and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.

- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.

- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources.

- You are encouraged to review your company's record at the following website <http://ai.fmcsa.dot.gov/SMS>. 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.

10. Per 49 CFR 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
11. REMINDER 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.
12. Per 49 CFR 391.23(c) - An Investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years
13. Per 49 CFR 383.71(h) - CLP and CDL holders will provide the State with an original or copy of a current medical examiner's certificate prepared by a medical examiner and the State will post a certification status of CERTIFIED on the driver record for the driver. When a CLP or CDL holder renews the medical certificate, the CLP or CDL holder must provide the State with an original or copy of each subsequently issued medical examiner's certificate and the State will post a certification update on the driver record. IF THE CLP OR CDL HOLDER DOES NOT PROVIDE THE MEDICAL CERTIFICATE AS REQUIRED, THE DRIVER WILL BE DOWNGRADED TO A REGULAR LICENSE AND THE CLP OR CDL WILL NO LONGER BE VALID The driver needs to update the information within 12 months of the expiration date or the written and skills test will need to be retaken.
14. 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 Sunflower Rents Inc dba Sunflower Rental's operating authority and/or the impoundment of Sunflower Rents Inc dba Sunflower Rental's commercial motor vehicles.

Carrier Representative

Date

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

Carrier Name

Carrier Official





SUNFLOWER RENTAL (SUNFLOWER RENTS INC dba)
U.S. DOT #: 982683

Review Date:
05/29/2019

Safety Management Process Breakdowns and Remedies

and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. 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.

10. Per 49 CFR 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
11. 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.
12. 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.
13. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an 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.
14. 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 Sunflower Rents Inc dba Sunflower Rental's operating authority and/or the impoundment of Sunflower Rents Inc dba Sunflower Rental's commercial motor vehicles.


Carrier Representative

5-29-19
Date

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

Sunflower Rental
Carrier Name

R Wendland VP
Carrier Official



ATTACHMENT “B”

Run date: 29-MAY-19

Sunflower Rental

Page: 1

Time Sheet Detail Listing by

Head1: Time Sheet Detail Listing by Employee Name

Location TOPEKA

Employee: 555 - RICHARD

From Date: 01/01/19 To Date: 01/31/19

Emp #	Pay Per	Date In	Time In	Date Out	Time Out	Hours	Loc	Proj	Stat	Adjusted
555 - RICHARD										
	0	01/04/19	07:22	01/04/19	17:35	10:14	100		OK	
	0	01/05/19	07:17	01/05/19	17:32	10:14	100		OK	
	0	01/06/19	08:46	01/06/19	12:55	4:09	100		OK	
	0	01/07/19	09:41	01/07/19	17:30	7:49	100		OK	
	0	01/09/19	07:20	01/09/19	17:30	10:10	100		OK	
	0	01/10/19	07:17	01/10/19	17:30	10:12	100		OK	
	0	01/11/19	07:15	01/11/19	17:30	10:15	100		OK	
	0	01/12/19	07:18	01/12/19	13:00	5:41	100		OK	Y
	0	01/13/19	08:50	01/13/19	16:01	7:11	100		OK	
	0	01/14/19	07:15	01/14/19	17:30	10:15	100		OK	
	0	01/15/19	07:10	01/15/19	17:29	10:19	100		OK	
	0	01/18/19	07:21	01/18/19	17:30	10:09	100		OK	
	0	01/19/19	07:19	01/19/19	17:30	10:11	100		OK	Y
	0	01/20/19	08:51	01/20/19	16:00	7:09	100		OK	
	0	01/21/19	07:20	01/21/19	17:30	10:10	100		OK	
	0	01/22/19	07:13	01/22/19	17:32	10:18	100		OK	
	0	01/23/19	07:12	01/23/19	13:55	6:43	100		OK	
	0	01/26/19	07:18	01/26/19	17:30	10:11	100		OK	
	0	01/27/19	08:48	01/27/19	16:00	7:12	100		OK	
	0	01/28/19	07:09	01/28/19	17:30	10:21	100		OK	

Total 555 - RICHARD

178:53

Total 100 - TOPEKA

178:53

* Incomplete Time Card

END OF REPORT

Richard Harper drove for Sunflower Rental 1/14/19.
All other hours are clock hours

ATTACHMENT “C”

Run date: 24-MAY-19

Sunflower Rental

Page: 20

Time Sheet

From Date: 12/31/18 To Date: 05/19/19

For ALL locations

and Employee #: 072 CODY FLOWERS

Location: 100	Employee: 072 - CODY FLOWERS	Week start: 05/13/2019		Thru 05/19/2019							
Pay Per	Date In	Time In	Date Out	Time Out	Loc	Proj	Status	Hrs Worked	Adjusted	Mgr Init	Other Desc
0	05/13/19	7:24 AM	05/13/19	5:18 PM	100		OK	9:53			
						Total:		9:53			
0	05/14/19	7:49 AM	05/14/19	5:13 PM	100		OK	9:23			
						Total:		9:23			
0	05/15/19	7:19 AM	05/15/19	4:26 PM	100		OK	9:06			
						Total:		9:06			
0	05/16/19	7:30 AM	05/16/19	5:02 PM	100		OK	9:31			
						Total:		9:31			
0	05/17/19	7:11 AM	05/17/19	5:25 PM	100		OK	10:14			
						Total:		10:14			
0	05/18/19	7:19 AM	05/18/19	11:11 AM	100		OK	3:52			
						Total:		3:52			

Total Worked Hours(includes OT): 52:01
 Total Sick Hours: 0:00
 Total Vacation Hours: 0:00
 Total Other Hours: 0:00
 Total Hours Clocked: 2d 04h 01m 51s

Total Regular Worked Hours:
 Total Over Time :

Hours by Employee

Total Worked Hours(includes OT): 923:24
 Total Sick Hours: 0:00
 Total Vacation Hours: 0:00
 Total Other Hours: 16:20
 Total Hours Clocked: 939:44

Total Regular Worked Hours : 0:00
 Total Overtime : 0:00

* Incomplete Time Card

CERTIFICATE OF SERVICE

19-TRAM-506-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 06/21/2019.

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

RICK WENDLAND, VICE PRESIDENT
SUNFLOWER RENTS, INC.
D/B/A SUNFLOWER RENTAL
221 SW HAMPTON STREET
TOPEKA, KS 66612
accounting@sunflowerrental.com

/S/ DeeAnn Shupe

DeeAnn Shupe