

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

NOTICE OF PENALTY ASSESSMENT

December 12, 2017

18-TRAM-232-PEN

Matt Schiffelbein, President
Schiffelbein Auto Repair, Inc
655 N Industrial Dr
Garden City, Kansas 67846

This is a notice of a penalty assessment against Schiffelbein Auto Repair, Inc (Schiffelbein Auto Repair) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 8, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. 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:

Schiffelbein Auto Repair has been assessed a \$350 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 \$350 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.

SCHIFFELBEIN AUTO REPAIR 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 \$175 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. Schiffelbein Auto Repair, Inc 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 Commission's Secretary 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. 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 \$350 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 Schiffelbein Auto Repair submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$175 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Absan Al-Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

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

18-TRAM-232-PEN

Schiffelbein Auto Repair, Inc (Schiffelbein Auto Repair) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated December 12, 2017. Schiffelbein Auto Repair has agreed to comply with the following terms and obligations:

1. Schiffelbein Auto Repair has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Schiffelbein Auto Repair 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. Schiffelbein Auto Repair 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. Schiffelbein Auto Repair 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.

Schiffelbein Auto Repair, Inc understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$175, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Schiffelbein Auto Repair will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

Schiffelbein Auto Repair, Inc

Matt Schiffelbein
President

(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 and alatif@kcc.ks.gov.)

**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 **Schiffelbein**)
Auto Repair, Inc, of Garden City, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-232-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.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. Schiffelbein Auto Repair, Inc (Schiffelbein Auto Repair) has private and common operating authority with the Commission and further operates under USDOT number 2446238.

5. Matt Schiffelbein attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on April 11, 2016, on behalf of Schiffelbein Auto Repair.

6. Schiffelbein Auto Repair is a private and common motor carrier which primarily hauls motor vehicles.

7. Schiffelbein Auto Repair 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 November 8, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Schiffelbein Auto Repair. 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 investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 28, 2017, Schiffelbein Auto Repair required or permitted its driver, Bret Schiffelbein, to operate a CDL-required commercial motor vehicle, a 1979 Ford wrecker, VIN ending in 9038, GVWR 44,800 lbs., in intrastate commerce from Minneola, Kansas to Garden City, Kansas. This trip is evidenced by Invoice Number 01032, dated October 28, 2017, a copy

of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Schiffelbein Auto Repair failed to ensure that the person designated to determine that CDL drivers undergo reasonable suspicion testing has received 120 minutes of training in alcohol and controlled substance abuse. 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.

- b. On October 18, 2017, Schiffelbein Auto Repair required or permitted its driver, Matthew Schiffelbein, to operate a CDL-required commercial motor vehicle, a 1979 Ford wrecker, VIN ending in 9038, GVWR 44,800 lbs., in intrastate commerce from Ingalls, Kansas to Garden City, Kansas. This trip is evidenced by Invoice Number 01029, dated October 18, 2017, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Schiffelbein Auto Repair failed to require its driver to complete a record of duty status or time card showing the date, start time, end time and total hours worked. The special investigator found five (5) violations of this type. The carrier’s failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R.

395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp.

66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Schiffelbein Auto Repair committed two (2) 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 \$350 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Schiffelbein Auto Repair, Inc 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 Schiffelbein Auto Repair, Inc 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 Schiffelbein Auto Repair 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 Schiffelbein Auto Repair 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 Schiffelbein Auto Repair because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$350 should be assessed to Schiffelbein Auto Repair for committing two (2) 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 Schiffelbein Auto Repair 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. Schiffelbein Auto Repair, Inc, of Garden City, Kansas is hereby assessed a penalty of \$350 for two (2) 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 \$350 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 Schiffelbein Auto Repair 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.

C. Schiffelbein Auto Repair 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. Schiffelbein Auto Repair 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 Schiffelbein Auto Repair does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$350 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 Schiffelbein Auto Repair'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. On December 12, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742659. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **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. If you do not have access to the internet, you can mail an original and seven 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. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Schiffelbein Auto Repair's right to a hearing.

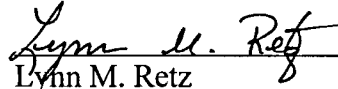
H. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

I. 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: DEC 12 2017




Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

DEC 13 2017

ATTACHMENT "A"

	US DOT # 2446238	Legal: SCHIFFELBEIN AUTO REPAIR, INC Operating (DBA):		
MC/MX #:		State #:	Federal Tax ID: (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: N/A HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: for year ending: 12/31/2016		
Company Physical Address: <div style="background-color: black; height: 30px; width: 100%;"></div>				
Contact Name: Matt Schiffelbein Phone numbers: (1) <div style="background-color: black; width: 400px; height: 15px;"></div> E-Mail Address: <div style="background-color: black; width: 400px; height: 15px;"></div>				
Company Mailing Address: 655 NORTH INDUSTRIAL DRIVE GARDEN CITY, KS 67848-8089				
Carrier Classification Authorized for Hire Private Property				
Cargo Classification Motor Vehicles				
Hazardous Materials 9 Miscellaneous HM Carried Non-Bulk				
Equipment				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Truck	3	0	0	
Power units used in the U.S.: 3 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:		2	Average trip leased drivers/month: 0	
>= 100 Miles:			Total Drivers: 2	
			CDL Drivers: 2	



SCHIFFELBEIN AUTO REPAIR INC
U.S. DOT #: 2446238

State #: XXXXXXXXXX

Review Date:
11/08/2017

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:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Matt Schiffelbein

Title: President

Name:

Title:



SCHIFFELBEIN AUTO REPAIR INC
U.S. DOT #: 2446238

State #: [REDACTED]

Review Date:
11/08/2017

Part B Violations

1 STATE	Primary: 382.603 CFR Equivalent: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 80 minutes of training for controlled substances.

Example

Driver [REDACTED]

Trip Date: 9/18/2017

Supervisor Matt Schiffelbein

Carrier had no documentation that reasonable suspicion training had been completed

2 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked
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Description

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

Example

Driver Matt Schiffelbein

Trip Date: 10/13/2017

Both Drivers medical examinations were completed by Dr. [REDACTED] and no note verifying that the Dr is on the National Registry was discovered.

3 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 5	Checked 60	Drivers/Vehicles In Violation Checked
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Description

Failing to require driver to make a record of duty status.

Example

Driver Matt Schiffelbein

Trip Date: 10/18/2017

On 10/18/2017 Driver Matt Schiffelbein operated Unit 6 to transport a Freightliner from Ingalls, KS to R & R Frame & Axle in Garden City, Kansas. Driver Matt Schiffelbein did not have a log book or a time card for this tow.

Safety Fitness Rating Information:

Total Miles Operated 5,000
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.





SCHIFFELBEIN AUTO REPAIR INC
U.S. DOT #: 2446238

State #: [REDACTED]

Review Date:
11/08/2017

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.fmcsc.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.fmcsc.dot.gov/documents/Hijacking-Brochure.pdf>

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

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





SCHIFFELBEIN AUTO REPAIR INC
U.S. DOT #: 2446238

State #: [REDACTED]

Review Date:
11/08/2017

Part B Requirements and/or Recommendations

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.

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

2. Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307.
3. For Drivers required to have a CDL the carrier is required to have a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(2).
4. A CDL driver is not required to create a standard log if the following criteria are met:
The driver operates within a 100 air-mile radius of the normal work reporting location. The driver returns to the work reporting location and is released from work within 12 consecutive hours. The driver has at least 10 consecutive hours off duty separating each 12 hours on duty. The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty. And the motor carrier must maintain time records for 6 months showing:
 - " The time the driver reports for duty each day,
 - " The time the driver is released from duty each day,
 - " Total number of hours on duty each day, and
 - " Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.
5. No wrecker or tow truck, as defined by K.S.A. 66-1329 and amended thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to 49 CFR 395.1, 49 CFR 395.2, 49 CFR 395.3, 49 CFR 395.5, 49 CFR 395.8, 49 CFR 395.13, and 49 CFR 395.15 when operated in Kansas.
6. On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include: All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier and all time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
7. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
8. I, [Signature] 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



SCHIFFELBEIN AUTO REPAIR INC
U.S. DOT #: 2446238

State #: [REDACTED]

Review Date:
11/08/2017

Part B Requirements and/or Recommendations

Statutes and Regulations could result in the suspension of Schiffelbein Auto Repair Inc.s operating authority and/or the impoundment of Schiffelbein Auto Repair Inc. vehicles.



ATTACHMENT "B"

Schiffelbein AUTO REPAIR

GARDEN CITY, KS 67846

01032

NAME <u>T/A TRUCKING</u>		DATE <u>10-28-17</u>	
ADDRESS <u>[REDACTED]</u>		PO.#	Time Out <u>2:00 PM</u>
CITY	STATE	ZIP	Unit No. <u>H6</u>
LOCATION <u>MINNAPOLA TRUCK STOP</u>		CASH CHARGE	Driver <u>BS</u>
Model Year <u>371</u>	Vehicle Description <u>PETE</u>	Body Style <u>702</u>	Ending Mileage <u>392122</u>
Tag No. & Year <u>[REDACTED]</u>	VIN <u>[REDACTED]</u>	<u>164914</u>	Starting Mileage <u>391966</u>
Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor <input type="checkbox"/> Wrecked <input type="checkbox"/> Stripped <input type="checkbox"/> Burned			Total Mileage <u>156</u>
Check Exterior Damage			
Front <input checked="" type="checkbox"/>		Rear <input type="checkbox"/>	Left Side <input checked="" type="checkbox"/> Right Side <input type="checkbox"/>
Articles in Vehicle			

REMARKS

LOAD & TRANSPORT TO T/A TRUCKING

pd #6723

THE UNDERSIGNED authorizes listed services and acknowledges that carrier is not responsible for loss or damage due to acts beyond control of the carrier or when services are performed under supervision of others.

[Signature]
SIGNATURE

IMPOUNDED BY _____ DATE _____

RELEASED BY _____ DATE _____

LOT NO. _____ KEY ☒ YES ☐ NO PEG NO. _____

CHARGES

HOOKUP	\$ <u>250</u>
MILEAGE	\$ <u>225</u>
DOLLY	\$
DRIVESHAFT / AXLE	\$ <u>50</u>
WINCH	\$
OTHER	\$
STORAGE	\$
TAX	\$
TOTAL	\$ <u>525</u>

ATTACHMENT “C”

Schiffelbein AUTO REPAIR

• GARDEN CITY, KS 67846

01.029

NAME <u>[REDACTED]</u>		DATE <u>10-18-17</u>	
ADDRESS <u>[REDACTED]</u>		P.O.#	Time Out <u>7:30 AM</u> Time In
CITY <u>Wiggins</u>	STATE <u>KS</u>	ZIP <u>67853</u>	Unit No. <u>6</u>
LOCATION	CASH	CHARGE	Driver <u>MS</u>
Model Year <u>4/90 Fritling</u>	Vehicle Description <u>Make</u>	Body Style	Ending Mileage
Tag No. & Year <u>225 FW6</u>	VIN <u>[REDACTED]</u>	<u>39575</u>	Starting Mileage <u>598</u>
Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor <input type="checkbox"/> Wrecked <input type="checkbox"/> Stripped <input type="checkbox"/> Burned			Total Mileage
Check Exterior Damage			
Front <input type="checkbox"/>		Rear <input type="checkbox"/>	Left Side <input type="checkbox"/> Right Side <input type="checkbox"/>
Articles in Vehicle			

REMARKS Load From Rear - Transport to R & R.
Frame & Axle - Garden City
Serial 272 6929

[Signature]

THE UNDERSIGNED authorizes listed services and acknowledges that carrier is not responsible for loss or damage due to acts beyond control of the carrier or when services are performed under supervision of others.				CHARGES	
				HOOKEUP	\$ <u>200</u>
X _____ SIGNATURE				MILEAGE	\$ <u>157.50</u>
				DOLLY	\$
IMPOUNDED BY _____ DATE _____				DRIVESHAFT / AXLE	\$
				WINCH	\$
RELEASED BY _____ DATE _____				OTHER	\$
				STORAGE	\$
LOT NO. _____ KEY <input type="checkbox"/> YES <input type="checkbox"/> NO PEG NO. _____				TAX	\$
				TOTAL	\$ <u>357.50</u>

CERTIFICATE OF SERVICE

18-TRAM-232-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 DEC 12 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

MATT SCHIFFELBEIN, PRESIDENT
SCHIFFELBEIN AUTO REPAIR, INC
655 N INDUSTRIAL DRIVE
GARDEN CITY, KS 67846-8089
Fax: 620-805-6775
schiffelbeinauto@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

DEC 13 2017