



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**  
17-TRAM-524-PEN

June 6, 2017

Travis Hunter, Co-Owners  
Travis and Lacey Hunter, d/b/a T & L Trucking  
13054 L Rd  
Smith Center, Kansas 66967

**Certified Mail No. 70161970000105740587**

This is a notice of a penalty assessment against Travis and Lacey Hunter, d/b/a T & L Trucking for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 3, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. Penalty amounts are assessed in accordance with the FY 2017 Uniform Penalty Assessment Matrix, approved by the Commission on August 18, 2016. For a full description of the penalty(s) and terms and obligations please refer to the Order that is attached to this notice.

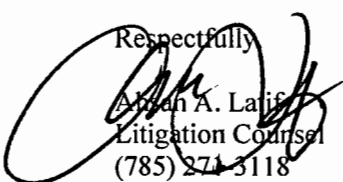
**IF YOU ACCEPT THE PENALTY:** T & L Trucking has been assessed a \$100 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$100, through your personal account with the Kansas Corporation Commission's KTRAN application located 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.

You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide the undersigned Litigation Counsel with written proof of attendance. 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). You also must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you 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. T & L Trucking must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and must 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 (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 to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$100 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the attached Penalty Order, or in the alternative, failure to provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully

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



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. Travis and Lacey Hunter, d/b/a T & L Trucking (T & L Trucking) operates under USDOT number 987669.

5. T & L Trucking is licensed as an interstate for hire carrier and operate one unit mostly in northeastern Kansas.

6. T & L Trucking is a common motor carrier which primarily hauls grain, feed and hay.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on May 3, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of T & L Trucking. 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, Mr. Askren identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 13, 2017, T & L Trucking required or permitted its driver, Travis Hunter, to operate a CDL-required commercial motor vehicle, a 2011 Kenworth, VIN ending in 93828, GVWR 33,000 lbs., pulling a 2013 Timp trailer, VIN ending in 137317, GVWR 68,000 lbs., in interstate

commerce from York, Nebraska to Smith Center, Kansas. This trip is evidenced by a Driver's Daily Log, dated February 13, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, T & L Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. T & L Trucking's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$100.

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

8. Based upon the available facts, Staff recommends the Commission finds T & L Trucking committed one (1) 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 \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that T & L Trucking 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 the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that T & L Trucking 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 T & L Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds T & L Trucking committed one (1) 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. Travis and Lacey Hunter, d/b/a T & L Trucking, of Smith Center, Kansas is hereby assessed a \$100 civil penalty for one (1) 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. T & L Trucking 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. T & L Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. 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. 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 (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, within fifteen (15) days from the date of service of this Order. On June 6, 2017, this Penalty Order was mailed to T & L Trucking via Certified Mail, Return Receipt Requested, No. 70161970000105740587. Service of this Order is 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 T & L Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against T & L Trucking, and ordering T & L Trucking 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 eighteen (18) months from the date of this Order.

E. 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.

F. If you do not request a hearing, the payment of the civil penalty of \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$100, must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

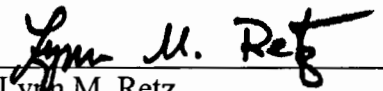
G. Failure to pay the \$100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of T & L Trucking's motor carrier operating authority without further notice. Additionally, 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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated:                     JUN. 06 2017                    

  
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Lynn M. Retz  
Secretary to the Commission

AAL


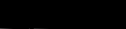




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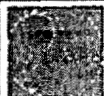
**ATTACHMENT "A"**



**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 987669	<b>Legal:</b> TRAVIS AND LACEY HUNTER <b>Operating (DBA):</b> T & L TRUCKING						
<b>MC/MX #:</b> 419358		<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> E			
<b>Operation Types</b>								
<b>Interstate</b>		<b>Intrastate</b>		<b>Business:</b> Partnership				
Carrier: Non-HM N/A		Shipper: N/A N/A		<b>Gross Revenue:</b> 		<b>for year ending:</b> 12/31/2016		
Cargo Tank: N/A								
<b>Company Physical Address:</b>								
								
<b>Contact Name:</b> Lacey Hunter								
<b>Phone numbers:</b> (1) 			<b>Fax</b>					
<b>E-Mail Address:</b> 								
<b>Company Mailing Address:</b>								
13054 L RD SMITH CENTER, KS 66967-3605								
<b>Carrier Classification</b>								
Authorized for Hire								
<b>Cargo Classification</b>								
Grain, Feed, Hay								
<b>Equipment</b>								
		<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>		<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
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								
<b>Does carrier transport placardable quantities of HM?</b> No								
<b>Is an HM Permit required?</b> N/A								
<b>Driver Information</b>								
		<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0				
< 100 Miles:				<b>Total Drivers:</b> 1				
>= 100 Miles:		1		<b>CDL Drivers:</b> 1				



	<b>T &amp; L TRUCKING (TRAVIS AND LACEY HUNTER dba)</b> U.S. DOT #: 987669	Review Date: 05/18/2017
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**Part A**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:  
Address not available

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

<b><u>Person(s) Interviewed</u></b>	
<b>Name:</b> Lacey Hunter	<b>Title:</b> Co/Owner
<b>Name:</b>	<b>Title:</b>





**T & L TRUCKING (TRAVIS AND LACEY HUNTER dba)**  
 U.S. DOT #: 987669

Review Date:  
 05/18/2017

**Part B Violations**

1 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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**Description**

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

**Example**

Driver [REDACTED]  
 Trip Date - 2/13/2017  
 Hire Date - 2/9/2016  
 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000  
 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000  
 On an interstate Trip From York, NE to Smith Center, Ks.  
 T&L Trucking failed to have a pre-employment test completed prior to there driver being put on the road. They did correct this violation prior to being contacted for the compliance review.

2 FEDERAL	Primary: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

**Example**

Driver [REDACTED]  
 Trip Date - 2/13/2017  
 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000  
 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000  
 On an interstate Trip From York NE. to Smith Center, Ks.  
 T & L Trucking failed to make inquiry into the driving recored of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

3 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

**Example**

Driver [REDACTED]  
 Trip Date - 2/13/2017  
 Hire Date  
 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000  
 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000  
 On an interstate Trip From York, NE to Smith Center, Ks.  
 T & L Trucking failed to maintain a note relating to the annual review of the drivers driving record.





**T & L TRUCKING (TRAVIS AND LACEY HUNTER dba)**  
U.S. DOT #: 987669

Review Date:  
05/18/2017

**Part B Violations**

4 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1														
<p><b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Driver [REDACTED] Trip Date - 2/13/2017 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000 On an interstate Trip From York, NE. to Smith Center, Ks. T &amp; L Trucking failed to maintain a list or certificate relating to violations of motor vehicle Laws and ordinances required by 391.27.</p>																			
5 FEDERAL	Primary: 391.51(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1														
<p><b>Description</b> Failing to keep required records in driver's qualification file for 3 years after date of execution. <b>Example</b> Driver [REDACTED] Trip Date - 2/13/2017 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000 On an interstate Trip From York, NE. to Smith Center, Ks. T &amp; L Trucking failed to maintain a copy of the MVR in the DQ files for 3 years.</p>																			
6 FEDERAL	Primary: 395.8(f)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 28	Checked 28														
<p><b>Description</b> Failing to require driver to prepare record of duty status in form and manner prescribed. <b>Example</b> Driver [REDACTED] Trip Date - 2/13/2017 Driving a 2011 KW Vin # [REDACTED] 293828 Ks. Reg. [REDACTED] GVWR 33000 Pulling a 2013 TIMP, Vin # [REDACTED] 137317 Ks. Reg. [REDACTED] GVWR 68000 On an interstate Trip From York NE. to Smith Center, Ks. T &amp; L Trucking failed to require driver to prepare record of duty status in form and manner prescribed. Driver failed to log the shipping Documents i.e. B/L or ManifestShipping. Document number(s) or name of shipper and commodity shall be shown on the driver's record of duty status.</p>																			
<p><b>Safety Fitness Rating Information:</b></p> <table border="0"> <tr> <td>Total Miles Operated</td> <td>60,929</td> </tr> <tr> <td>Recordable Accidents</td> <td>0</td> </tr> <tr> <td>Recordable Accidents/Million Miles</td> <td>0.00</td> </tr> </table>		Total Miles Operated	60,929	Recordable Accidents	0	Recordable Accidents/Million Miles	0.00	<table border="0"> <tr> <td>OOS Vehicle (CR):</td> <td>0</td> </tr> <tr> <td>Number of Vehicle Inspected (CR):</td> <td>0</td> </tr> <tr> <td>OOS Vehicle (MCMIS):</td> <td>0</td> </tr> <tr> <td>Number of Vehicles Inspected (MCMIS):</td> <td>0</td> </tr> </table>				OOS Vehicle (CR):	0	Number of Vehicle Inspected (CR):	0	OOS Vehicle (MCMIS):	0	Number of Vehicles Inspected (MCMIS):	0
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OOS Vehicle (CR):	0																		
Number of Vehicle Inspected (CR):	0																		
OOS Vehicle (MCMIS):	0																		
Number of Vehicles Inspected (MCMIS):	0																		





T & L TRUCKING (TRAVIS AND LACEY HUNTER dba)  
U.S. DOT #: 987669

Review Date:  
05/18/2017

### Part B Violations

Your proposed safety rating is :

**SATISFACTORY**

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

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



### Part B Requirements and/or Recommendations

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

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

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

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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

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

- 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. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs
5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures



	<b>T &amp; L TRUCKING (TRAVIS AND LACEY HUNTER dba)</b> U.S. DOT #: 987669	Review Date: 05/03/2017
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**Part B Requirements and/or Recommendations**

DESCRIPTION OF PROCESS BREAKDOWN: T & L Trucking failed to monitor the log books for form and manner.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

Seek Out Resources:

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

**6. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures**

DESCRIPTION OF PROCESS BREAKDOWN: T & L Trucking failed to due an annual review of the MVR.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers





T & L TRUCKING (TRAVIS AND LACEY HUNTER dba)  
 U.S. DOT #: 987669

Review Date:  
 05/03/2017

**Part B Requirements and/or Recommendations**

comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

**Seek Out Resources:**

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

7. Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.
8. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
9. You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free
10. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Travis & Lacey Hunter DBA T & L Trucking operating authority and/or the impoundment of Travis & Lacey Hunter DBA T & L Trucking vehicles.

\_\_\_\_\_ NAME OF CARRIER OFFICIAL, TITLE  
 \_\_\_\_\_ Date

11. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance.  
 SI Gregory Askren  
 785.483.0212  
[g.askren@kcc.ks.gov](mailto:g.askren@kcc.ks.gov)





**ATTACHMENT "B"**



2 13 17  
 (Month) (Day) (Year)

# DRIVER'S DAILY LOG

(24 HOURS)

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

**RECAP**  
 Complete at end of workday.

488165 Total Miles Driving Today  
 152 Ne Total Mileage Today

T+L  
 Name of Carrier or Carriers

[Redacted] Main Office Address

1-2/623T  
 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Smith Center KS Home Terminal Address

I certify these entries are true and correct:  
 S. Hunter

Driver's Full Signature Co-Driver's Name

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS	
1. OFF DUTY																									11	
2. SLEEPER BERTH																										1.15
3. DRIVING																										11
4. ON DUTY (NOT DRIVING)																										45
REMARKS																										

SHIPPING DOCUMENTS:  
 B/L or Manifest No. or  
 Shipper & Commodity  
 From: \_\_\_\_\_ To: \_\_\_\_\_  
 Enter name of place you reported and where released from work and when and where each change of duty occurred.

A. Total hours on duty last 7 days, including today  
 B. Total hours available tomorrow 70 hr minus A  
 C. Total hours on duty last 8 days, including today  
 60 Hr./7 Day Drivers  
 A. Total hours on duty last 5 days, including today  
 B. Total hours available tomorrow 60 hr minus A  
 C. Total hours on duty last 7 days, including today.  
 \*If you meet the 34 hour restart requirements in 49 CFR 392.401, 70 hours available again



**CERTIFICATE OF SERVICE**

17-TRAM-524-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 JUN 06 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

TRAVIS HUNTER, CO-OWNER  
TRAVIS AND LACEY HUNTER  
D/B/A T & L TRUCKING  
13054 L RD  
SMITH CENTER, KS 66967-3605  
lahunter48@hotmail.com

/s/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**  
**JUN 07 2017**