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The Kansas Corporation Commission (KCC) and the Kansas Highway Patrol (KHP) are joining efforts to enhance the Kansas Safety Compliance Program with one goal in mind, to reduce the number of injury/fatality accidents involving Commercial Motor Vehicles. This joint effort will result in formation of a Civil Assessment Penalty Program for non compliance with safety regulations. Under the program, drivers and carriers may expect to see the following changes:

New KHP Policy "Driver": Effective January 1, 2006, KHP officers have been trained and instructed to issue misdemeanor citations to drivers for the applicable out-of-service (OOS) violations of the Federal Motor Carrier Safety Regulations (FMCSR) discovered during roadside inspections as determined by the CVSA, North American Standard Out-Of-Service Criteria. This change in policy emphasizes the driver's role, understanding and responsibility, and holds them accountable and liable for areas under their purview.

New KCC Civil Assessment Project " Motor Carrier": Effective April 1, 2006, the KCC will assess civil penalties to all motor carriers for the applicable OOS violations of the FMCSR's discovered during roadside inspections as determined by the CVSA, North American Standard Out-Of-Service Criteria. This new program emphasizes the responsibility of motor carriers, and holds them accountable and liable for areas under their purview.

If a driver is issued a misdemeanor citation for an OOS violation, there will be no additional civil penalty assessed to the motor carrier for the same OOS violation. KCC will only issue one civil penalty fee for each OOS violation category. For example:

- The tractor of a combination vehicle is placed OOS for an air brake lining with a thickness less than 1/4 inch, as well as OOS for brake adjustment limits and the trailer is also placed OOS for brake adjustment limits, the company will be issued three OOS violations but only fined for one brake OOS.

- Scenario two, a driver is placed OOS for three OOS violations discovered during a roadside inspection. The OOS violations include an 11-hour rule, a 14-hour rule and a 70-hour rule violation. The driver will be issued a misdemeanor citation for the 11-hour OOS violation, the company will be issued three OOS violations, and because the driver will be cited for the 11-hour OOS violation, the company will not be issued a civil penalty.

As stated above, the KCC and KHP are joining efforts to reduce the number of injury/fatality accidents involving Commercial Motor Vehicles. This joint enforcement project will allow both the KCC and KHP to focus our resources on unsafe drivers and motor carriers, resulting in a more effective, efficient and safe environment for the motoring public. If you have any questions regarding this program, feel free to contact one of the agencies as indicated below. We appreciate your continued support in making the highways in the state of Kansas safer for everyone.

Sincerely,

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