Changes to HOS Rules Do Not Change Compliance Responsibilities

Unless something alters the course of the planned changes to the hours of service (HOS) rules, July 1, 2013, will force a new strategy for compliance responsibilities for both drivers and carriers. This new strategy will not lessen their responsibilities for compliance with the HOS rules, but rather the strategy will be formed around how they will adjust their routines and operations to meet their compliance with the new rules.

As of July 1st, drivers are only allowed to “restart” their full complement of hours if they have not begun a restart within the last 7 days (168 hours). This restart must consist of a 34-hour period that includes two periods of 1 a.m. to 5 a.m. Anything less than this will not constitute a restart even if it is 34 hours long.

Also, after July 1st a driver cannot drive if it has been 8 hours since the driver’s last off-duty break of 30 minutes or more. The driver will need to stop and take a 30 minute break if it has been 8 hours since the last break of 30 minutes or more if the driver wants to continue driving.

These changes are incorporated into the limits that are already in effect. To summarize, a driver may not drive once he/she reaches:

- The end of the 14th hour after coming on duty for the day
- 11 hours of driving
- 60 hours in 7 days or 70 hours in 8 days, depending on whether the company operates vehicles 7 days a week.

It is also important to note that the hours that count toward the 14-hour limit and the 11-hour limit are started and stopped by a break of 10 hours or more (or a sleeper berth period of 8 hours or more).

These are the basics for which HOS rules will be enforced. There are exceptions for drivers that stay within 100 or 150 air-miles of their work reporting location and return nightly. There are also exceptions for driver-salespeople, drivers involved in oilfield operations, drivers specializing in transporting construction materials and supplies, and certain drivers transporting agricultural products.

Compliance responsibilities have not changed. The driver is responsible for compliance with these limits and all logging requirements, including keeping
the log current to his/her last change of duty status. The carrier is responsible for making sure the driver is operating within these limits. Carriers accomplish this through their responsibilities to make sure that the driver submits completed logs within 13 days and that the logs are checked to be true and accurate with all required information recorded.

Sincerely,
Pat Testa
Senior Consultant
A&D Consulting