

Client Services Update



October 2005

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Notes from Clay



With little fanfare, the new federal drivers' hours of service rules went into effect Oct 1. The changes will primarily only affect split sleeper berth drivers and non-CDL "local" drivers. Current regulations such as the 11, 14 and 60/70 hour rules remain unchanged.

Specifically, the new regulations require drivers who split their sleeper berth time to take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty or any combination of the two. As of Oct 1, drivers are prohibited from acquiring their mandated rest time by splitting their sleeper berth time 7/3, 6/4, or 5/5, as they must now split their time 8/2 or 2/8. Drivers can still use their sleeper berths to obtain rest, however it should be noted that any sleeper berth period of less than 8 consecutive hours now counts as part of the driver's 14 hour rule.

The new Short Haul provision exempts non-CDL drivers from preparing a driver's log provided they strictly adhere to the provisions of the exemption. Please refer to the following Short Haul summary:

Non-CDL drivers are exempt from preparing a daily driver's log if all the following apply:

1. Operates a non-CDL vehicle.
(GVWR 10,001 – 26,000#, no placards for HM)
2. Operates within 150 air-miles of the work reporting location.
3. Returns to the work reporting location each day.
4. Does not drive more than 11 hours.
5. Has 10 hours off duty between shifts/work days.
6. Does not drive after the 14th hour of coming on duty.

Exception: Twice per 7 day period, the driver is permitted to extend to 16 hours.

The employer retains accurate time records showing the driver's start time, end time and total hours on duty each day. Such records must be retained for at least 6 months.

NOTE: Drivers utilizing the Short Haul provision are prohibited from utilizing the 100 air-mile radius exception.

Passenger carrier rules remain unchanged. Please contact me directly if you have any questions regarding how these new rules may effect your operation.

Fourth Quarter Random Testing Begins This Month

Try to have your testing completed before the middle of December to ensure that all test results are received by December 31. Remember, the date that counts for DOT Compliance is the date that the lab confirms the test results, NOT the collection date!

State Driver Disqualification Implementation Dates

The deadline was September 30, 2005 for states to implement provisions that will disqualify a commercial driver's license (CDL) holder for certain offenses committed in *any* type of vehicle (commercial motor vehicle (CMV) or non-CMV) at any time. Under the provisions of §383.51 of the Federal Motor Carrier Safety Regulations (FMCSR), a state must suspend, revoke, or cancel a driver's CDL-related driving privileges, if he/she is convicted (including forfeiture of bond or collateral) of a major offense or two or more serious offenses.

Major offenses include being under the influence of alcohol or a controlled substance, leaving the scene of an accident, or using a vehicle to commit a felony. (See §383.51(b) for a complete list of major offenses.) The disqualification period for the first conviction is one year, provided the vehicle the driver is operating is not transporting hazardous materials. If the driver is transporting hazardous materials, the disqualification period is three years. The disqualification period for a second conviction is life.

Serious offenses include excessive speeding, reckless driving, improper or erratic traffic lane changes, or following the vehicle ahead too closely. (See §383.51(c) for a complete list of serious offenses.) *Note:* A driver convicted of two or more serious traffic violations while operating a non-CMV is disqualified only if the conviction results in the revocation, cancellation, or suspension of the driver's license or driving privileges.

A driver convicted of two serious traffic violations in separate incidents during any three year period is disqualified for 60 days. A driver convicted of three serious traffic violations in separate incidents during any three year period is disqualified for 120 days.

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Accident Reporting

Please contact Fleet Safety if you are interested in obtaining sample accident report forms and a sample accident register. Forms are customizable and can be emailed, sent to you on disc or paper copies. Remember, under FMCSR regulations, you must keep a record of all DOT reportable accidents (accidents where a fatality, injury treated away from the scene and or a tow away of any involved vehicle. Asking your drivers to complete accident report forms will help you to develop an accurate record of each accident and may also help with insurance investigations and claims . Call the office or email Michelle at mkasouf@fleet-safety.com