

## USDOT ISSUES NEW RULES FOR HOURS OF SERVICE

The USDOT/FMCSA has issued a long-awaited final rule regarding hours of service (HOS) for truck drivers. It is the first change in HOS since 1939. The new rules are not a complete rewrite of the regulations as was originally proposed.

The new rules do not become mandatory until January 4, 2004. Michigan has already filed the new rules with the Secretary of State, as required by its adoption of the federal regulations, so state and local officers may begin enforcing the new regulations on January 4, 2004.

Michigan may need to seek legislation to change some of the industry exemptions provided in the Michigan Motor Carrier Safety Act to align those provisions with the new federal regulations.

All the section references are to the new rules, not the current regulations. The changes are:

### General Hours of Service for Passenger-Carrying CMVs (Section 395.5)

- The HOS requirements for buses did not change. They will still operate on a 10 hours on/8 hours off schedule.

### General Hours of Service for Property-Carrying CMVs (Section 395.3)

- A maximum of 11 cumulative hours of driving time after 10 consecutive hours off duty.
- A driver may not drive after the end of the 14<sup>th</sup> hour after coming on duty after 10 consecutive hours off duty.
- The 14<sup>th</sup> hour limitation can only be extended by the use of sleeper berth time. The new rule does not allow a driver to use off-duty time such as meal stops and rest breaks to extend the 14 hours. Driving must end after 14 consecutive hours.
- The 60-hour/7 day and 70-hour/8 day rules remain the same, except that drivers can now have 34 consecutive hours off duty to "restart the clock," even though 7 or 8 days may not have passed.
- This rule, like the previous one, does not restrict the number of hours a driver can be on duty. It only prevents him/her from driving once the 14<sup>th</sup> hour has been reached. All on duty time does apply to the 60 or 70-hour rules.

### Sleeper Berths (Section 395.1(g)(1))

- The use of sleeper berths remains at a minimum of 2-hour rest periods.
- The driving time prior to and after each rest period, when added together, cannot exceed 11 hours.
- The on duty time prior to and after each rest period, when added together, cannot include any driving time after the 14<sup>th</sup> hour.

- The driver cannot return to normal driving hours (395.3) until he/she has taken 10 consecutive hours off duty.

#### Oil Well Servicing Vehicles (Section 395.1(g)(2))

- The exception for the use of sleeper berths for oil well servicing vehicles has been expanded to include “other sleeping accommodations” and is subject to the same hour restrictions as outlined under Sleeper Berths.

#### 100 Air Mile Radius

- This exception has been retained, and updated to reflect the different driving times for property-carrying vehicles and passenger-carrying vehicles.

#### Adverse Driving Conditions (Section 395.1(b))

- The 2-hour additional driving time remains.
- For property-carrying vehicles, a driver cannot drive for more than 13 hours total without 10 consecutive hours off duty, or after being on duty after the end of the 14<sup>th</sup> hour after coming on duty.
- For passenger-carrying vehicles, the limitation is 12 hours total driving and 15 hours on duty time.

#### New Exemption for Certain Drivers (Section 395.1(o))

This new exemption allows a driver to be on duty for no more than 16 hours on one shift during one 7 or 8-day cycle. It only applies to property-carrying vehicles that had returned to the driver’s normal work reporting location for the previous five days prior to using the exemption.

#### Other Changes

- The “Travel Time” provision in Section 395.1(j) has been amended to address 10 hours off duty for property-carrying vehicles and 8 hours off duty for passenger-carrying vehicles.
- The “Agricultural Operations” exception in Section 395.1(k) has been expanded to all of Part 395, not just Section 395.3. The 100 air mile limitation has been retained.
- The Out-of-Service provisions in Section 395.13 have been amended to address the new hour limitations.
- The automatic on-board recording devices in Section 395.15 have been amended to address the new hour limitations.

All the other rules, including those for the logbook form, did not change.