

## PART I: DRIVERS' HOURS OF SERVICE: AN OVERVIEW OF THE FEDERAL RULES

### YOUR FEDERAL CSA HOURS OF SERVICE (HOS) SCORES

are important. The government, law enforcement, your customers, and the insurance industry all watch them. You need to watch them closely, too, to ensure compliance.

HOS defines how many hours a professional driver can work and drive. Interestingly, most HOS violations do not involve working illegal numbers of hours under the core rule. Instead, carriers are hurting their HOS scores with other, easily controllable violations. **This three-part series will guide you through the most common HOS violations so you can remain in compliance.**

The HOS provisions are found in [Part 395 of the Federal Motor Carrier Safety Regulations](#) (FMCSR). These provisions are quite detailed when it comes to the numbers of hours driven, number of hours worked (on-duty), and how much rest the driver must take before resuming the operation of a CMV. **Here is an overview of how the HOS rules work:**



**FMCSA**

Federal Motor Carrier Safety Administration

### HOURS OF SERVICE AT A GLANCE

- A driver may drive 11 hours and work 14 hours before taking a mandatory rest break.
- A 10-hour rest break is required between shifts.
- After working 60 or 70 hours (see below), a driver must "reset." The most common way to reset is by taking 34 consecutive off-duty hours.

#### 14-HOUR RULE

The 14-Hour Rule defines how long the driver has been on-duty (working). The rule includes a detailed list of actions that define when a driver is "on duty." Generally, once the driver begins their workday (typically at the pre-trip inspection), the clock starts. The driver is then allowed to be on duty up to the 14th hour after the clock starts. Once the driver reaches the end of that period, they must take a 10-hour rest break. The driver can still complete other tasks for the carrier after this time, but no driving is allowed.

#### 11-HOUR RULE

This rule states that the driver is prohibited from any additional driving once they have reached the 11th hour of driving time since their last 10-hour rest break. The driver could remain on duty but will be prohibited from driving until they have had that required rest break. The driver can still complete other tasks for the carrier after this time, but no driving is allowed.

#### 10-HOUR RESET

At the end of an 11/14 duty cycle, driver hours must be "reset" with a rest break of at least 10 consecutive hours off duty before being allowed to resume the driving of a CMV. Both rules are dependent on all on-duty time—the time the driver is either working or driving for the motor carrier.

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### 60/70 HOUR RULE

This "overall" on-duty time, known as the 60/70-Hour Rule, is also a regulation designed to reduce and prevent fatigue. This rule regulates a driver's overall on-duty activities. It also factors in if the motor carrier operates a partial work week or every day of the week.

- If partially, the organization is to utilize the 60-Hour Rule, which means the driver cannot be on duty for more than 60 hours in the last seven consecutive days.
- If the carrier operates seven days a week, the organization can use the 70-Hour Rule, which considers the driver's on-duty status for the last eight consecutive days. The driver cannot be on duty for more than 70 hours in the last eight consecutive days.

This rule also requires monitoring the driver's activities outside the motor carrier's operations. A carrier must be advised and aware of any other work the driver may be doing for any other employer or other compensated work, such as self-employment while not working for the primary motor carrier. This is because those other activities are considered "on duty" and count toward the overall on-duty time as defined for this rule.

### 30-MINUTE REST BREAK

Getting out of the truck and walking around is good for a driver's health and is also meant to help reduce driver fatigue. The 30-Minute Rest Break requires a driver to stop driving and get out from behind the wheel for 30 consecutive minutes. This rest break is easily met with fuel stops, non-driving activities at shipper/receiver locations, or the driver taking 30 minutes of off-duty time. No provision allows the ability to combine shorter periods together to achieve these 30 minutes.

### OPTIONS TO CALCULATE TIME OFF AND SPLIT SLEEPER BERTH

In both the 11-Hour and 14-Hour Rules, a requirement exists to have 10 consecutive hours off duty. FMCSA has established several methods to accomplish this required time-off period:

- The driver can take 10 consecutive hours of off-duty or sleeper berth time.
- The driver can take a combination of 10 consecutive hours of off-duty and sleeper berth time that is uninterrupted.
- In a team driving operation, the driver can achieve the 10 consecutive hours by a combination of at least 7 consecutive hours of sleeper berth time and up to 3 hours riding in the passenger seat.
- If the truck is equipped with a sleeper berth, the driver can achieve the equivalent of at least 10 consecutive hours off duty by taking two periods of either sleeper berth time or a combination of off-duty time and sleeper berth time if:
  - Neither rest period is shorter than 2 consecutive hours;
  - One rest period is at least 7 consecutive hours **in the sleeper berth**;
  - The **total of the two periods is at least 10 hours**; **and**
  - Driving time in the period immediately before and after each rest period, when added together, does not exceed 11 hours and does not violate the 14-hour duty-period limit.

In this case, the provision allows the driver to exclude from the 14-hour calculation those qualifying rest periods of at least 2 hours consecutive off-duty, or those periods of the required minimum of 7-hours in the sleeper berth.

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A driver must understand how to recalculate their driving time limit and the 14-hour duty-period limit from the end of the first of the two periods used. By using this particular provision, the 14-hour period will not include those qualifying rest periods.

Note that this last provision of the two periods in obtaining the equivalent of 10-hours off-duty is not an option for a truck not equipped with a sleeper berth or if the driver uses the 7 hours or more period in an off-duty status versus the required sleeper berth.

The driver has two "reset" choices to meet their 60- or 70-Hour Rule requirements:

- The driver can record the overall on-duty time each day and keep a running total that is monitored each day (aka "recap"). The driver simply needs to not drive after they have reached the maximum hours for that period and can then reevaluate and recalculate what they will "recoup" upon a new day, which starts at 12:01 a.m. The driver will recoup those on-duty hours worked, which will then fall outside that previous 7- or 8-day counting period.
- *The driver may also take an easier route by simple accumulating 34 hours of consecutive off-duty, which will reset the 60/70-Hour Rule entirely.*

### THE ELD RULES

The observance of HOS violations has resulted in a more dramatic effect on the CSA HOS BASIC, as any violation of [Part 395](#) results in a rapid negative affect. New violations were also added within the ELD rule that did not exist with the previous paper records of duty status requirements, such as maintaining the required in-vehicle information as follows:

- A user's manual for the driver describing how to operate the ELD;
- An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions for the driver to produce and transfer their HOS records to an authorized safety official;
- An instruction sheet describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
- A supply of blank driver records of duty status graph grids sufficient to record the driver's duty status and other related information for a minimum of 8 days.

The first three above requirements can now be met with an electronic version, which does not leave any excuses for these violations. Still needed, of course, is the minimum of 8 days of graph grid paper logs. In addition, the requirements of ELD mounting and accessibility and the ability to transmit records to FMCSA's ERODs program has created even more "unique" violations affecting CSA HOS BASICS.

**Not only must carriers understand HOS rules, but drivers are responsible, too.** Take time to go through HOS rules with your team on a regular basis, reminding drivers of the parameters, expectations, and regulations. Your organization's HOS rules are being watched, and so are your drivers.