



# REGULATORY ALERT

August 19, 2005

## HOS CHANGES AND NEW REQUIREMENTS

Today the FMCSA released its final rule for driver **Hours of Service** under 49 CFR Part 395. These changes become **effective 10/01/05** when the Congressional freeze period ends thereby allowing for continuous flow of regulatory requirements and compliance. Generally there has been no change to the current rules. There is however one (1) major clarification and a new category of short haul driver.

### Areas with No Change

**11 Hour Driving Rule – No Change**

**14 Hour On-Duty Period – No Change**

**60/70 Hours On-Duty Rule – No Change**

### Clarification Issue - Sleeper Berth Periods

Effective **10/01/05** if you are extending the 14 hour rule by using the sleeper berth (Line-2) rest period, the first period must be eight (8) hours to stop the 14 consecutive hour on-duty clock. Periods of less than eight (8) hours may be combined with a second period of eight (8) hours in the sleeper to complete the 10 hour off duty requirement. However, periods of less than 8 hours will be counted in the 14 Hour Rule calculation thereby reducing the available on-duty and driving time possible.

### New Section – Short Haul Provision

A new subsection 395.1 (e) has been added to the FMCSR to allow for local driver to operate up to 150 miles from their terminals without a log. This section is similar to the 100 mile radius exception however it only applies to drivers of vehicles under 26,001 pound GVWR.

**NATC and its staff will keep you advised of the progress or lack thereof as this situation evolves. During the interim if you have questions concerning this issue or other compliance issues contact our main office at (609) 426-0555.**

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