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14-Hour Rule and 34-Hour Restart questions answered by law enforcement officials as of Feb. 2010

**Warning: Laws are subject to change without notice.
These interpretations were made on January 11, 2010.**

Forced to Drive Over the 14-Hour Rule

Q: I had a situation the other night where a shipper was taking a long time to get me unloaded and reloaded. When I went to the guard to see where I could park because my 14 hours were going to run out, he informed me that company policy said I couldn't stay on the property. I told them federal law says I can't drive. They threatened to call the law and have me towed if I didn't leave when I was loaded. Thankfully, I got out with just enough time to get parked. Can a company force me to leave and violate the hours of service? I asked my Safety Dept. and they told me to leave and just make a note in my logs as to why I violated the HOS. It would be great to know what to do if this should happen again. Thank you – Jeff in Ohio

A: Provided by Senior Trooper Monty Dial (Ret.), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



This is a very good question. I have answered this question numerous times at truck shows, as well as on our radio programs.

One of the things I've always noticed when getting this question, is how shippers/receivers always seem to put drivers on their time schedule rather than trying to accommodate the truck driver so as to not place the driver in violation of the HOS. But unfortunately, this happens more and more and I have no solution on how to fix this problem.

What I've told every one that has asked this question is this; do not cover up the violation. Simply complete your logbook just like it happened and add an explanation in the remark section as to why you went over your hours. If you are ever stopped, hopefully you will be stopped by an understanding Trooper/Inspector who will look at the big picture. If this should ever happen, always try to find the nearest location to park until you regain your eligibility.

Starting and Stopping Your 14-Hour Clock

Q: A fellow driver is trying to tell me that if you go off-duty at any time during your 14-hour period, that the time you were off-duty doesn't count against your 70 hours. I was

taught in driving school that once your 14-hour clock starts, nothing stops the clock except going into the sleeper berth. So, if it goes against your 14-hours, it has to go against your 70 hours, too. If you could clarify this I would appreciate it – Devin in Virginia

A: Provided by Senior Trooper Monty Dial (Ret.), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



You are correct in that once a driver starts their 14-hour on-duty clock nothing stops it except 8 consecutive hours in the sleeper berth or 10 consecutive hours on either line 1 or line 2. Any off duty time of less than 10 consecutive hours will count against your 14 total duty hours. However, any time logged on line 1 will not count against your 60/70 hours in 7/8 days.

So, what I've told drivers is this, anytime you can log any time on line 1, log it there rather than showing on-duty not driving because it will save on your weekly time.

Interrupting my 34-Hour Restart

Q: I understand that the 34-hour restart means OFF DUTY – not performing any work in the capacity, employ or service of a motor carrier. Is a company violating the DOT rule of the 34-hour restart if they require a driver, who is at home in the middle of his 34-hour restart, to "check in" at the company (literally go to the building and see necessary management) concerning a load? Wouldn't this time violate the 34-hour restart and be considered "on-duty not driving" time? Thank you – Rosie in California

A: Provided by Jim Brokaw, formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



You are correct. When a company requires a driver to physically check in and meet with necessary management, this falls within the definition of "On-Duty Time" found in 49 CFR 395.2. And, if it occurs as you describe, it interrupts the 34-hour restart period and associated restart of the 60/70-hour calculation. Assuming the driver has been off-duty for at least 10 hours, the meeting time also starts a new 14-hour duty period.

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The Ask The Law™ programs, which are provided as a public service by Ol' Blue, USA™, are an ongoing educational effort between Ol' Blue, USA and commercial law Enforcement agencies. The specific purpose is to have truckers contact Ol' Blue, USA and pose questions to law enforcement officials relating to safety and legal issues concerning commercial vehicles. Truckers may submit questions at www.askthelaw.org.

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