

ISSUE NUMBER

19-039-DRV

ISSUE NAME

OOSC, Part I, Item 9. - Driver's Record of Duty Status - U.S., a. False Record of Duty Status

STATUS

Closed

Driver-Traffic Enforcement Committee

NAME

John E Smoot

AGENCY

Kentucky State Police

ADDRESS

919 Versailles Road
Frankfort, KY 40601
United States

PHONE

5027822044

FAX

(502) 573-0021

EMAILjohn.e.smoot@ky.gov**SUMMARY OF ISSUE**

There are questions relating to placing drivers out of service for a false log when "...in an apparent attempt to conceal a violation of an hours-of-service limitation" cannot be documented and a driver has since been re qualified. Secondly, if a driver takes a 34 hour reset after a false log should he be placed out of service.

JUSTIFICATION OR NEED

To develop current and consistent guidance and enforcement.

REQUEST FOR ACTION

1. A driver uses personal conveyance outside of the definition by utilizing it to enhance the operational readiness of a motor carrier by moving closer to the next loading station. By way of footnote 13 in the OOS criteria the use of PC in this manner would be deemed a false log:

Paragraph 6 of the OOS criteria states:

In relation to placing the vehicle OOS the last sentence "...in an apparent attempt to conceal a violation of an hours-of-service limitation." Becomes important.

Take for example a driver utilizes the personal conveyance improperly, however there is no indication that an hours of service violation would have occurred even if he had logged the PC driving time as on-duty driving time. All mileage ranges, time frames before and after are within tolerance and the driver takes the required ten hours off prior to any violation or possible violation based on all documentable evidence.

The question is in this instance would the driver be placed out of service for a false log? There is no doubt that the log is false based on footnote 13 but some question on whether the driver would be placed OOS due to the previously identified sentence.

2. A driver is identified as having a false log on day 2 of his 8 days. During his 4th and 5th days he obtains a valid 34 hour reset and based on all available evidence there is no reason to doubt this 34 hour reset.

395.3 states “(2) Any period of 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.”

Since the driver took a valid 34 hour reset after the identified false log would the driver be placed out of service for that false log? It appears that he would still be in violation of a false log but not placed OOS.

ACTION TAKEN BY COMMITTEE

There was an adhoc committee formed to review the hours-of-service OOSC for false RODS. A complete review of the entire section including footnotes was conducted. The HOS sections for all three countries were revised for consistency and false RODS will only be OOS if they result in an HOS violation of the driving, on-duty or 60/70 (US) or cycle (Canada) rules at the time of inspection.