



TRANSPORT CENTER UPDATE

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Are You Ready for the HOS Changes?

On July 1, the last two elements of the hours of service regulations kick in. These rules require a 30 minute break after 8 hours on duty and impose requirements and limitations on the 34 hour restart.

We have posted two five minute narrated power point presentations on the video section of our web page, <http://www.cdl-law.com/video/>. They are intended to provide a quick, simple overview to drivers, operations, shippers, brokers or yourself. Please feel free to share them with others.

REQUIRED BREAK

The rule requires that if more than 8 hours of on-duty time have passed since the last off-duty or sleeper berth period of at least 30 minutes, a driver must take a break of at least 30 minutes before driving. The break must be taken after 8 hours of "on-duty", not just driving. A break is "off duty" time. It does not have to be spent resting. Meal breaks or any other "off duty" time of 30 minutes or more will qualify for the break.

The changed definition now provides that a driver can now log "off duty" while remaining in or on a commercial motor vehicle. However, this change does not alter the existing requirement to log time "on duty" when the driver has vehicle responsibility such as loading or unloading.



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M&K Upcoming Events:

For more current updates on events, follow M&K on [Facebook](#) and [Twitter](#).

For teams, the changed rule permits a team driver to log as "off duty" up to 2 hours in the passenger seat of a moving vehicle. However, this must be immediately before or after an 8 hour period in the sleeper berth.

34 HOUR RESTART

The regulations retain the 34 hour restart-sort of. There are several significant limitations that need to be met to get credit for the restart.

First, it can only be used once per week. This is not a calendar week, but refers to the 168 hours that comprise a week (7 days times 24 hours). The 168 must pass from the time the driver begins his 34 hours off until the next time he can begin his next 34 hours off for the restart to count.

If a driver would have 2 periods of 34 hours off within a 168 hour period, he must indicate in the remarks section of his record of duty status which of the two 34 hour periods is being used as a restart.

Second, the 34 hours off must include 2 periods between 1 a.m. and 5 a.m. Key-these time periods are calculated based upon the time zone of a driver's home terminal, not the local time where a driver is located.

As with the break after 8 hours, the key is planning. With the 34 hour restart, the planning as to when you begin your restart is required to minimize your time off to get out on the road. If a driver pulls off the road and begins his 34 hours off duty at 7 p.m., he can complete his restart in 34 hours. If a driver begins his 34 hour restart at 2 a.m., he will need to be parked a total of 51 hours in order to be compliant with the new rule. This adds 17 hours to the time required to get credit for the restart.

NEW RULES-NEW CHALLENGES

Knowing the rules and planning are the keys to the new rules. Coordinating breaks and restarts are a must to maximize operations and minimize down time.

Educating shippers and brokers is also important. Their schedules can play a key role in minimizing the impact for our mutual benefit.

These are the rules. These are what we have to deal with.

PA TRUCK DRIVING CHAMPIONSHIPS

The PA TDCs are right around the corner.

The Truck Driving Championships will be held at HACC in Harrisburg, PA on June 7th and 8th. You can get more information through PMTA's website by clicking [here](#).

We hope to see you there!

Upcoming Events in the Industry:

**June 4th-6th -
CVSA'S Annual
Roadcheck -
Nationwide**

**June 7th-8th- PA
TDCs - Hosted by
PMTA - Harrisburg,
PA - for more
information click [here](#).**

CVSA Roadcheck

MARK YOUR
CALENDAR - The 2013
CVSA Roadcheck is
scheduled for June 4th
through June 6th. Make
sure you and your drivers
are ready. For more
information on CVSA's
Roadcheck you can click
[here](#).

Webinars On-Line

Additional resources can be found at the following:

[5 Minute HOS Webinars Presented by M&K](#)

[FMCSA Comparison of new and old HOS rules](#)

[FMCSA's Interstate Truck Driver's Guide to HOS](#)

[FMCSA's logbook examples](#)

Congratulations and Best Wishes!

Marcello & Kivisto, LLC would like to wish all of the drivers and their companies who will be competing next month in the Pennsylvania Truck Driving Championships the best of luck!

Congratulations on your success!

The PA Truck Driving Championships will be held at HACC in Harrisburg, Pennsylvania on June 7th and 8th. Drivers in the competition will complete a written examination, pre-trip inspection portion and a driving course. The competition is divided into nine classes; straight truck, 3 Axle semi-trailer, 4 Axle semi-trailer, 5 Axle semi-trailer (van), 5 Axle semi-trailer (tank), 5 Axle semi-trailer (flat), 5 Axle sleeper, Step van and Twin trailers.

The winners will go on to compete against the best of the best in the National Truck Driving Championships. The National Truck Driving Championships will be held in Salt Lake City, Utah on August 20th-24th.

For more information on the Pennsylvania Truck Driving Championships click [here](#). We look forward to seeing you at the competition. You'll find M&K partners Doug & Sonya cooking hamburgers and hot dogs. Stop by and say hello! Follow M&K's social media websites for updates on scores, photos and activities throughout the competition.

M&K Truck News Blog

Truck News now includes a blog by Doug Marcello. Posted bi-weekly, the posts will provide information and updates on issues of importance to our industry. You can find the blog at <http://blog.trucknews.com/author/doug>. Truck

Several 20 minute webinars on key issues in the trucking industry have been posted to our webpage. These are audio/video presentations that explain the issues and the challenges they present to the trucking industry.

The topics are as follows:

Aggressive Defense of Trucking Accidents

New Hires and PSP

CSA

We also have two 5 minute PowerPoint presentations posted to our website regarding information concerning the HOS changes coming in July!

You can view the webinars by clicking [here](#).

Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

News blog provides other writers with insight and perspective of the various challenges of our industry.

M&K Rewind

We realize that topics we have covered in previous newsletters may come up again for our clients. Therefore this section will provide information on topics we have previously covered but are still relevant today.

Pennsylvania Drug & Alcohol Testing of Commercial Drivers

Your driver was in an accident in Pennsylvania. He is being taken for a drug and alcohol test. A number of thoughts race through your mind. Are they taking him for a DOT required test because of a death or a citation with treatment away from the scene or towing? No, the driver assures you. He is not being cited.

You then assume there must be a reason that leads the officer to think drugs or alcohol is involved-odor of breath, eyes, gait, speech, actions, something. Again, your driver assures you that he is clean.

You remain understandably skeptical. But it may not be warranted.

Pennsylvania law provides that a police officer investigating an accident involving a motor carrier vehicle pursuant to a required investigation "shall request that the driver of the vehicle submit to testing for alcohol and controlled substances." 75 Pa. C.S.A. §3756(a). The costs of the test must be paid by the driver's employer. 75 Pa. C.S.A. §3756(a).

A driver who refuses commits a summary offense. 75 Pa. C.S.A. §3756(b). They can be sentenced to pay a fine of up to \$200. 75 Pa. C.S.A. §3756(b).

There is no requirement in the law for "reasonable grounds" or "probable cause". That may be a problem for its ultimate enforcement. If your driver is sent for Section 3756 testing, 9 chances out of 10 it will be by a local police department. There are many in law enforcement

Documents and Resources Available From M&K

If you are interested in obtaining copies of the following, please call or email.

- Hours-of-Service Rules Safety Impact 2010 Analysis compiled by ARTI in May 2010

- Accident preparedness DVD and/or forms

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles click [here](#).

Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

who question the application of a law that provides for such testing without a requirement of "probable cause".

Whatever its ultimate Constitutional outcome, you should be aware of the law. When your driver is involved in a Pennsylvania accident, you will know that the requirement of a test may be just that and nothing more.

Summer 2013 in Central PA

There is always a lot happening during the Summer in Central PA - Carlisle's car shows, Hershey Park, Chocolate tours and Lancaster's PA Dutch Country.

However, this Summer also marks the 150th Anniversary of the Battle of Gettysburg. If you are planning to come to the area, let us know if we can be of assistance with information or suggestions. If schedules permit, we would enjoy getting together while you are here.

About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

[PA Travel Information To-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

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[Transportation Legal News Blog](#)

Quote of the Month:

"Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

~ Abraham Lincoln
The Gettysburg Address

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