



It's the Captain's Log

safety Are you really in compliance with the HOS regs? By Brian Botham

Full implementation and enforcement of the new Hours-of-Service regulations is now in place across Canada (except Alberta). By now, your drivers, dispatchers etc., have been trained and are familiar with the regulations and should be abiding by them.

There is still one very important piece of the new regulation that, if not followed, can cost you thousands in fines and enforcement.

Section 87 (1) of the HOS Regulation states: "A Motor Carrier shall monitor the compliance of each driver with these Regulations."

This means that all carriers must audit each and every driver's log to ensure that he is in compliance with the regulation.

The logs must be checked for accuracy on form and manner, making sure the log is signed, dated properly, all the hours are totaled, the cycle is marked, etc. The carrier must also ensure that the drivers are in



compliance with the requirements of the cycle that they are operating in.

Finally the carrier must verify all time markers match on the driver's log. This would include fuel stops, bridge crossings, toll receipts, road-side inspections, citations, collisions, weigh receipts etc. You must be able to show an auditor how you have been complying with Section 87 (1). Whether it is an internal process or you send your logs out to a third party for auditing, you must be able to prove that you are in fact monitoring all of your drivers' logs. The regulation then takes it one step further.

Section 87(2) of the HOS

regulation states: "A Motor Carrier that determines that there has been non-compliance with these regulations shall take immediate remedial action and record the dates, on which the non-compliance occurred, the date of issuance of a notice of non-compliance and the action taken."

This section of the legislation is very clear. Any time your audit process finds a violation, you must document the violation, the date it occurred, and any remedial action that you took with the driver. And all of this must be documented. If an auditor finds a violation you must be able to prove that you have also found the violation and dealt with the driver in some manner of remedial training or discipline.

Each time an auditor finds an HOS regulation violation, there will be a fine to the carrier for not finding the violation and the driver as well for committing the violation. Typically fines for HOS violations run anywhere

from \$250 to \$1,500 or more. Do the math. If the carrier has 100 trucks, its sample size for audit would be 18 drivers (Based on NSC Standard 15 Facility Audits). If an auditor was to find two violations per driver audited, here is what the potential fines could be:

- 18 drivers X two violations each = 36 citations issued.
- 18 citations issued to the carrier for failure to discover violations.
- One citation of failure to monitor compliance with HOS regulations.

■ Total citations issued: 55
 $55 \times \$250 = \$13,750$
 $55 \times \$1,500 = \$82,500$

Fine amounts for these violations could reach \$82,500 or more! A carrier running at a four-percent profit margin would have to generate \$2,062,500 in revenue simply to offset this cost. ▲

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