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HOURS-OF-SERVICE UPDATED

As most of you know, one of the CSA BASIC measurements is HOS violations. A couple of recent ATRI studies have shown that HOS violations and motor carriers with an alert in HOS have increased crashes and that FMCSA's "restart" study is flawed.

Of the top 25 violations in 2013, the top two were (1) Log – General violations – Forms and manner and (2) Log – Not correct. Insurance carriers as well as plaintiff attorneys are using this possible relationship with HOS violations and crash information in risk selection and premium as well as reasons why the motor carrier should pay more. Shippers are reluctant to allow a motor carrier to haul a load for them if they have safety problems.

The HOS, and particularly the restart study, might not be sound and might even cause more problems than good. Log violations are moving to the top because it is easy to cite the log not being filled out properly or timely (not a lot of walking around the unit getting dirty and not questionable). The FMCSA now has a proposed Rulemaking to mandate electronic log devices. Another study published in [Transport Topics](#) reflects that motor carriers who use electronic logs reduced crashes 11% over the ones who do not.

Is your insured using electronic logs? If not, are they planning to before the Rule is formalized? More and more motor carriers are using electronic logs. The cost is going down and a lot of different platforms are in the marketplace.

How are the motor carriers you are involved with CSA BASIC's scored? CSA BASIC is a "comparison" system where one motor carrier's operation is compared with others in their safety event group and then "ranked" based on how their on-road activities compared with others in their safety event group. So, if a motor carrier in the safety event group gets better and others do not, then the ones who are not improving will have a high percentage.

Two loss prevention people that I spoke with and who will participate in the Annual Conference (Greg Byrne and Bob Perew) feel that ELD's handle the paperwork problem stated as the top two violations and the motor carriers who use ELD's will greatly reduce their HOS violations. The motor carriers who do not use ELD's and even those who try to control their drivers' logs will not be able to comply as well as motor carriers who use them. Therefore in all likelihood motor carriers who do not use ELD's will see their HOS BASIC go up and maybe even to an alert status even though their drivers are not driving beyond the hours allowed but because the drivers do not properly complete their paperwork (ELD's do this for the driver). If the motor carrier has a high BASIC score or an alert, it could impair their ability to obtain loads and their insurance could be affected.

Underwriters need to understand if their motor carriers are using ELD's and if not in most cases it is a paperwork problem and not driving beyond the hours allowed. As Rob Moseley (who will speak at the Annual Conference) has suggested, look at the violations and not the scores. Retail agents need to let their motor carriers know that they need to think about ELD's now and not later. A delay could affect their ability to obtain loads and insurance.