

The Top 20 Trucker Hours of Service Violations & How to Avoid Them



When agencies responsible for commercial vehicle enforcement conduct roadside inspections, the most frequent driver violations share a familiar acronym: HOS, which stands for hours of service. The Federal Motor Carrier Safety Administration's ["Analysis & Information Online" displays roadside inspection results](#). For 2022, it shows nine of the top 20 driver violations are related to hours of service, plus 11 of the next 20 recorded violations.

Motor carriers understand that of the seven Behavior Analysis and Safety Improvement Categories (BASICS) used to measure a carrier's overall Compliance, Safety, Accountability (CSA) safety percentile ranking, FMCSA puts the most weight on three BASICS: "Unsafe Driving," "Hours of Service Compliance," and "Crash Indicator." Of those three, FMCSA pays the closest attention to HOS. So, in one sense, it may not be surprising to learn that roadside inspectors are watching for HOS violations. Enforcement places a priority on HOS compliance.

But the fact that enforcement so frequently discovers HOS violations raises two questions:

- Who is responsible for the violations?
- And what can be done to avoid them?

To be clear, the stakes are high. Repeated HOS violations can elevate a motor carrier's Inspection Selection System (ISS) score, denying the ability to qualify or remain qualified for weigh station bypass programs like PrePass. If a fleet is not participating in a bypass program, an elevated ISS score increases the likelihood of its trucks being pulled into weigh stations. Even during enforcement events, such as International Roadcheck, where every commercial motor vehicle is available for inspection, law enforcement will still choose to inspect motor carriers with higher ISS scores.

HOS violations themselves often warrant attention: the third most frequent of all driver violations is "False report of driver's record of duty status," where drivers are placed out of service (OOS) nearly 67% of the time. Fail to have an electronic logging device (ELD) when one is required? That violation, the sixth most frequent of all driver violations, has an OOS rate of over 95%. From a trucking standpoint, OOS means out of luck.

Who is Responsible for HOS Violations?

Hours of service compliance is, first and foremost, a management responsibility. Only management can provide the framework for safe and legal carrier operations and expect drivers to stay within that framework. Only management can:

- **hire drivers familiar with hours of service rules,**
- **provide the equipment – ELDs and record of duty status (RODS) sheets -- necessary to record and display HOS compliance,**
- **train drivers how to properly use the fleet's ELD model, plus the ELDs on any rented or leased tractors, which may have a different ELD, and**
- **conduct oversight of actual operations.**

Only management can ensure the open communication between all team members. Leadership must communicate customer updates, the time needed for vehicle repairs, road conditions, heavy traffic, and any adjustments to dispatch schedules to [help drivers operate safely, efficiently, and within HOS rules.](#)

These are steps management must take to remain HOS compliant. As we will see, though, the “root cause” of documented HOS violations may not begin with management’s approach to hours of service alone but in other aspects of the motor carrier’s safety program. More on that later.

But wait -- the FMCSA A&I Online website lists HOS among “driver” violations, so the responsibility for hours of service compliance must reside with drivers – right? No. FMCSA is simply categorizing types of violations. That same FMCSA website also offers summaries of “vehicle” and “hazmat” violations. These are just different violation categories.

Drivers, of course, do have a responsibility to operate within HOS limits and ensure that their time is properly recorded and annotated when necessary. A common driver failure, often unintentional, is forgetting to log on and log off an ELD at the beginning and end of each workday. The result can be time improperly carried over from a previous driver or attributed to a later driver. Or a mechanic’s “yard moves” may appear on the record of a driver failing to log off.

Still, drivers follow dispatch orders. Those orders represent commitments that management and its sales department have made to customers. Management must commit only to operations which drivers can conduct safely and legally, actually testing new runs for realistic speeds and available parking along a route. Management, dispatchers, and sales staff must resist customer requests to “make one more turn” or add another delivery to an already full driver schedule.

What Can Be Done to Avoid HOS Violations?

Let’s look at the most common HOS violations and comment on their causes. Here are the top 20.

The “Violation Code” shown first is the section of Federal Motor Carrier Safety Regulations (FMCSRs), followed by FMCSA’s verbatim “Violation Description.” Noted, with a #, is where a particular HOS violation ranks among all driver violations, closing with the resulting OOS percentage.

HOS Violation Ranking	FMCSR	Violation Description	HOS Violation Ranking Among All Driver Violations	Driver Out of Service Percentage
1	395.8E	False report of drivers record of duty status	#3 overall	66.74%
2	395.8AELD	ELD – No record of duty status (ELD Required)	#6 overall	95.12%
3	395.8	Record of Duty Status violation (general form and manner)	#8 overall	1.10%
4	395.24D	ELD cannot transfer ELD records electronically	#12 overall	0.20%
5	395.8F01	Drivers record of duty status not current	#13 overall	1.27%
6	395.22H4	Driver failed to maintain supply of blank drivers records of duty status graph-grids	#14 overall	0.01%
7	395.30B1	Driver failed to certify the accuracy of the information gathered by the ELD	#17 overall	0.08%
8	395.22G	Portable ELD not mounted in a fixed position and visible to driver	#19 overall	0.13%
9	395.22H2	Driver failing to maintain ELD instruction sheet	#20 overall	0.01%
10	395.8ANONELD	No record of duty status when one is required (ELD Not required)	#21 overall	93.49%
11	395.3A2PROP	Driving beyond 14 hour duty period (Property Carrying Vehicle)	#22 overall	22.53%
12	395.22H1	Driver failing to maintain ELD user's manual	#24 overall	0.05%
13	395.3A3PROP	Driving beyond 11 hour driving limit (Property Carrying Vehicle)	#25 overall	22.05%
14	395.26B	Motor carrier failed to ensure that the ELD automatically recorded the required data elements	#26 overall	0.11%
15	395.8K2	Driver failing to retain previous 7 days records of duty status	#27 overall	92.07%
16	395.32B	Driver failed to assume or decline unassigned driving time	#31 overall	0.11%
17	395.8E1PC	False Record of Duty Status – Improper use of Personal Conveyance Exception	#34 overall	60.60%
18	395.22H3	Driver failed to maintain instruction sheet for ELD malfunction reporting requirements	#35 overall	0.09%
19	395.3A311	Driving beyond 8 hour driving limit since the end of the last on duty, off duty, or sleeper period of at least 30 minutes	#36 overall	0.12%
20	392.2H	State/Local Hours of Service	#40 overall	43.62%

Some simple steps to avoid HOS violations jump out quickly:

ELD information packet

Drivers can easily avoid several of these top 20 violations if management ensures that all of its power units equipped with ELDs also have the federally required “ELD information packet,” containing:

- 1) the user’s manual on how to operate that ELD model;
- 2) an instruction sheet on data transfer and step-by-step instructions to transfer the driver’s HOS records to a safety official;
- 3) an instruction sheet with ELD malfunction reporting requirements and recordkeeping procedures; and
- 4) a supply of blank drivers Records of Duty Status (RODS) graph-grids for a minimum of 8 days.

Items 1, 2, and 3 can be in electronic form.

Drivers have a responsibility, too. They should check that the “ELD information packet” and sufficient RODS graph-grids are present before they begin operations.

If management and drivers together take this simple step, they can completely avoid HOS violations 6, 9, 12, and 18.

Properly installed ELDs

As stated earlier, management is responsible for providing the proper equipment for HOS compliance. That includes the “ELD information packet,” but it starts with installing and testing the ELDs themselves. They can avoid HOS violations 4, 8, and 14 when ELDs are properly installed, correctly positioned, and tested for functionality.

Training and refreshing on RODS and ELD annotations

The advent of ELDs in 2017 significantly reduced the frequency of many HOS “form and manner” (how HOS data is presented) violations – the ELD took over that function. Still, HOS violation 3 relates to “form and manner.” Why do “form and manner” violations continue? There are three reasons: ELDs do malfunction, ELDs are not required for every type of operation, and even with ELDs, drivers must make critical annotations.

Training and refreshing drivers on how to correctly utilize RODS is the key to reducing HOS “form and manner” violations. As mentioned, the “ELD information packet” contains instructions on proper recordkeeping during an ELD malfunction, and management and driver should assess the supply of RODS. Management should also alert drivers that an ELD malfunction may result in the driver maintaining the required seven-day records of duty as a combination of ELD records before the malfunction and RODS thereafter. That can help address HOS violation 15.

Management should also make drivers aware when specific operations do not require ELDs and, instead, they must use RODS. That can occur under some state and local laws – see HOS violation 20. Failure to maintain proper RODS in those situations may result in HOS violations 10 and 15, in addition to the “form and manner” category of HOS violation 3.

ELDs up and running? Great! But “form and manner” violations can still happen when drivers do not properly annotate their ELD records.

Drivers should annotate ELD records when they make edits to the driving record. For example, an edit showing time being switched from “off duty” to “on-duty not driving” could be annotated by the driver to note, “driver logged training time incorrectly as off duty.” Also, a driver can use annotations to indicate the beginning and end of a period of authorized personal commercial vehicle use, or yard moves, as well as other special driving categories, such as adverse driving conditions or oilfield operations.

It is especially important that drivers annotate their ELD records when going off-duty and utilizing the “personal conveyance” mode. Failure there can lead to HOS violation 17, as well as HOS violation 3. Commercial vehicle law enforcement is keeping track of “personal conveyance” misuse as an area of concern.

What at first may appear like yesterday’s “form and manner” violations remains high on the list at HOS violation 3. Properly meeting the “form and manner” challenge can also help reduce HOS violations 10, 15, 17, and 20. The key is training and refreshing drivers in the use of RODS and ELD annotations.

Log on and log off

Remember when we mentioned that drivers sometimes forget to log on and log off the ELD? That simple error can create gaps in driving records, which often show up as “unassigned driving time” under HOS violation 16. Any time a driver logs on or off at the beginning or end of a workday, they should quickly review what the ELD has recorded. That review will catch any “unassigned driving time” and allow the driver to entirely avoid HOS violation 7, the failure to certify the accuracy of the ELD records.



So, remember to take these few simple steps –

- **Ensure the “ELD information packet” and necessary RODS are present**
- **Properly install and test ELDs**
- **Train and refresh drivers in the use of RODS and ELD annotations**
- **Remind drivers to log on and log off the ELD**

Carriers taking these steps will eliminate or reduce many of the top 20 HOS violations. In numerical order, those simple steps will impact HOS violations 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18 and 20.

Some might argue that focusing on the “ELD information packet,” to take one example, will only affect minor HOS violations with minuscule OOS rates. But, as the poet Emily Dickinson once said, “If you take care of the small things, the big things take care of themselves.” Management must create a culture of safety, where all employees pay attention to detail.

For drivers, that attention to detail will remind them to log on and log off the ELD at the beginning and end of the workday and take the required 30-minute rest break after eight hours of driving. An attentive driver will also adhere to the 11-hour and 14-hour limits on driving and working. These HOS requirements make up the core components of HOS compliance for most interstate property-carrying vehicles.

Remember: Enforcement places a priority on HOS compliance. Law enforcement will check for all aspects of HOS compliance, big and small. All HOS violations go on a motor carrier’s record and will count heavily against the fleet by FMCSA.

At the same time, law enforcement does notice a driver’s attention to detail. In a busy weigh station, a clean truck, with no peeling decals on the outside and an alert driver inside offering well-organized paperwork, may get a friendly wave on through as law enforcement looks to the next truck in line.

What is the “Root Cause” of Documented HOS violations?

A strong fleet safety culture and attention to detail by all carrier employees will prevent most HOS violations from occurring. To become a documented “HOS violation,” though, one that goes against a carrier’s safety profile, law enforcement must first review the driver’s records of duty status – the ELD records or RODS.

For motor carriers with exemplary safety records who participate in electronic weigh station bypass programs like PrePass, those ELD records and RODS might only be examined in a random pull-in or during law enforcement events like International Roadcheck.

For all motor carriers, no matter their participation in a bypass program, HOS records receive scrutiny when enforcement engages with their trucks for two visible problems: Unsafe Driving and Vehicle Maintenance. When law enforcement witnesses an infraction or sees a safety problem, it begs for a thorough inspection. With HOS as an enforcement priority, ELD records and RODS will be part of that inspection.

For motor carriers, this means HOS violations are frequently clustered around Unsafe Driving and Vehicle Maintenance violations that lead enforcement to stop their trucks. So, the “root cause” of documented HOS violations may well be found in other aspects of the motor carrier’s safety program.

If only a motor carrier could find where its Unsafe Driving and Vehicle Maintenance issues originate and then “root out” the accompanying causes of its HOS violations! Well, with PrePass, motor carriers can do exactly that.

PrePass customers have access to [INFORM Safety](#) at no extra charge. INFORM Safety is easy-to-use data visualization software that helps fleet safety professionals quickly identify:

- Safety challenges identified through carrier BASICs scores
- Violations that are most frequent and where they happen
- Trucks or drivers that may need attention

With INFORM Safety, motor carriers can see violation “hot spots” and sort by any BASIC, including Unsafe Driving, Vehicle Maintenance, and Hours of Service Compliance. Then motor carriers can drill down to specifics and uncover a group of local drivers operating unsafely or a maintenance shop taking shortcuts – perhaps driven by a manager trying to post sales numbers at the expense of the fleet’s overall safety program.

Hours of service compliance is, first and foremost, a management responsibility. By pinpointing the source of Unsafe Driving and Vehicle Maintenance issues, INFORM Safety can reveal where management may also be failing on the Hours of Service Compliance front. Knowing the source of its problems, the motor carrier can avoid the most common HOS violations – and improve its overall safety program.

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