Part 395

Hours of Service Drivers

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Hours of Service of Drivers

General Rule

The hours of service rules apply to all motor carriers and drivers, with the exceptions found in paragraphs (b) through (x) of Section 395.1.

ELD Final Rule Summary

The third and final phase of the ELD Mandate went into effect on December 17, 2019. All drivers and carriers subject to the rule must use self-certified ELDs that are registered with FMCSA.

- Limited Exceptions: The final rule allows limited exceptions to the ELD mandate, including:
  - Drivers who use paper logs for not more than
  - 8 days during any 30 day period;
  - Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered;
  - Drivers of vehicles manufactured before model year 2000 (due to vehicle connectivity concerns; this is a change from the proposed rule);
  - Drivers who operate using the logbook time-card exception (i.e. short-haul 150-air mile drivers)
  - Livestock and insect haulers
- ELDs are required to record vehicle location at every change of duty status and at a minimum of 60-minute intervals.
- **Supporting Documents:** Because ELDs effectively negate the need for supporting documents to verify driving time, FMCSA has implemented new document retention requirements to verify on- duty, not driving time. The final rule requires fleets to retain up to eight supporting documents from several categories (see below) per driver for each 24-hour period
- ELDs must be able to transfer data electronically
- Manufacturers are required to test and certify to FMCSA that their devices meet the new standards
- The final rule includes several provisions to guard against harassment of drivers
- In the event that an ELD malfunctions, the driver is required to immediately begin completing a paper log and to reconstruct logs for each of the past 7 days, unless the driver already possesses the re- cords or the records are retrievable from the ELD.
- Authorized use of a commercial motor vehicle (CMV) for personal conveyance will not be recorded as on-duty driving, but rather off-duty time
- Drivers will be able to make edits and annotations to their electronic logs
- All ELDs must be capable of exporting data in a standard file format to facilitate importing by other systems

Supporting Document Categories

- Bills of lading, itineraries, schedules, or equivalent documents that show the starting and ending location for each trip;
- Dispatch records, trip records, or equivalent documents;
- Expense receipts (meals, lodging, fuel, etc.);
- Fleet management system communication records;
- Payroll records, settlement sheets, or equivalent documents showing payment to a driver.

Submitting/Retaining Duty Status Log

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of six months at the carrier's principal place of business, with all supporting documents.

Link to FMCSA's Q & A for this requirement:

https://www.fmcsa.dot.gov/hours-service/elds/faqs

On-Duty Time

All time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time shall include:

1. All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched unless the driver has been relieved from duty by the motor carrier.
2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All driving time as defined in the term driving time.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
7. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by Part 382 when directed by a motor carrier.
8. Performing any other work in the capacity, employ, or service of a motor carrier; and
9. Performing any compensated work for a person who is not a motor carrier.

On-duty time does not include:

1. Anytime resting in a parked vehicle (also applies to passenger carrying drivers).
2. Up to 3 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 7 consecutive hours in the sleeper berth;

Driving Time

All time spent at the driving controls of a commercial motor vehicle in operation.

10 Consecutive Hours Off-Duty

- At least 10 consecutive hours in off-duty status
- At least 10 consecutive hours in the sleeper berth
- A combination of consecutive off-duty and sleeper berth time totaling at least 10 hours
- A combination of sleeper berth time of at least 7 consecutive hours and up to 3 hours riding in the passenger seat of the vehicle while the vehicle is moving on the highway, either immediately before or after the sleeper berth time, amounting to at least 10 consecutive hours; or
- The equivalent of 10 consecutive hours utilizing the sleeper berth provision

Sleeper Berth Provision

Drivers are allowed to split the 10 hour-off duty period under the following criteria:

- One off-duty period is at least 2 consecutive hours
- The other off-duty period involves at least 7 consecutive hours in the sleeper berth
- The total off-duty periods combined totals at least 10 hours

When used together, neither off-duty period is included in the 14 hour driving window.

Property Carrying Vehicles

11-Hour Rule

Drivers are allowed to drive for 11 hours following 10 consecutive hours off-duty.

14-Hour Rule

A motor carrier cannot permit or require a driver to drive after 14 consecutive hours since the driver's last 10 consecutive hours off-duty. Hours applied towards a valid split sleeper berth period are not calculated in the 14 hours.

16-Hour Exemption

395.1(o) A Property carrying driver is exempt from the 14 hour rule, when:

- The driver returns and is released from his/her normal work reporting location for the previous five duty tours;
- The driver returns to his/her normal work reporting location and is released within 16 hours; and
- The driver has not used this exemption within the previous six consecutive days, except that the 16 hour provision may be used after any period of being off-duty for 34 or more consecutive hours.

30 Minute Rest Breaks

- Driving is not permitted if more than 8 hours of driving time have passed without at least a consecutive 30 minute interruption in driving status.
  - A consecutive 30 minute interruption in driving status may be satisfied either by off-duty, sleeper berth, or on-duty (not driving) time, or a combination of off-duty, sleeper berth, or on-duty (not driving) time.
- The 30 minute rest break does not apply to short haul operations.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days, or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind, that time must also be included as on duty time.

34 Hour Restart Provision

Any period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

Driver's Record of Duty Status

Every driver shall prepare a record of duty status driver's daily log in his/her own handwriting for each 24 hour period, unless operating under the short haul exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and or carrier liable to prosecution.

Passenger Carrying Vehicles

10-Hour Rule

Drivers are allowed to drive for 10 hours following eight consecutive hours off-duty.

15-Hour Rule

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following eight consecutive hours off-duty.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind that time must also be included as on duty time.

Driver's Record of Duty Status

Every driver shall prepare a record of duty status driver's daily log in his/her own handwriting for each 24 hour period, unless operating under the short haul exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and or carrier liable to prosecution.

Short Haul Operations

150 Air-Mile Radius Exemption

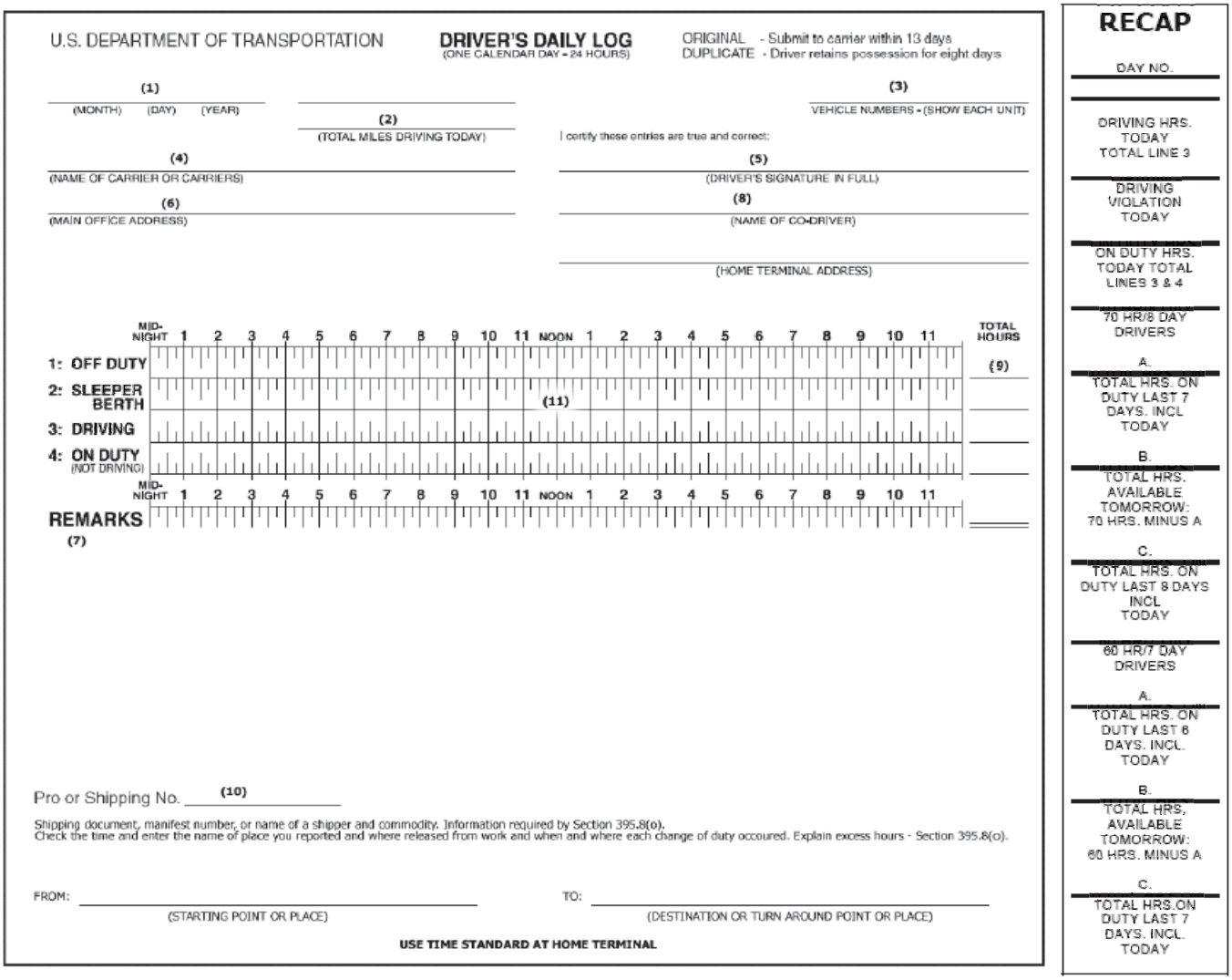
CDL property and passenger drivers are exempt from maintaining the driver's daily log requirements of Section 395.8 if all the following are true:

- The driver operates within a 150 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 14 consecutive hours.
- Each 14 hours on duty are separated by at least eight consecutive hours of off duty for passenger carriers and 10 consecutive hours off duty for property carriers.
- The driver does not exceed a maximum of 10 hours driving time following eight consecutive hours off-duty for passenger carriers and 11 hours driving time following ten consecutive hours of off-duty for property carriers.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
  - The total number of hours the driver is on duty each day.
  - The time the driver reports for duty each day.
  - The time the driver is released from duty each day.
  - The total time for the preceding seven days for first time or intermittent drivers.

Non-CDL 150 Air-Mile Radius Provision

Non-CDL property drivers are exempt from maintaining the driver's daily log requirements of Section 395.8 if all the following are true:

- The driver operates within a 150 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location at the end of their duty tour.
- The driver does not drive
  - After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days.
  - After the 16th hours after coming on duty on 2 days of any period of 7 consecutive days.
  - There is no requirement that the driver be released from duty at the end of the 14 or 16 hour duty periods. The driver may continue to perform non driving duties, which would be counted against the 60/70 hour weekly limitation.
- The 11 hours driving, minimum 10 hours off-duty, 60/70 hours in 7/8 days, and 34 hour restart all apply.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
  - The total number of hours the driver is on duty each day.
  - The time the driver reports for duty each day.
  - The time the driver is released from duty each day.
  - The total time for the preceding seven days for first time or intermittent drivers.



Each item, required to be entered, on the Driver's Record of Duty Status is listed below, followed by a cryptic explanation of when the information should be recorded.

(1) **Date** - Entered when the driver first comes on duty.

(2) **Total miles driving today** - Entered at the end of the driver's workday.

(3) **Truck or tractor and trailer number** - Entered just prior to operating the vehicle.

(4) **Name of carrier** - Entered when the driver first comes on duty. The name of the motor carrier may be preprinted.

(5) **Driver's signature/certification** - Entered at the end of the driver's workday.

(6) **Main office address** - Entered when the driver first comes on duty. The address of the motor carrier may be preprinted.

(7) **Remarks** - Entered whenever an event occurs that requires an entry in the remarks section. (Tire check - emergency condition)

(8) **Name of co-driver** - Entered when the co-driver is known (prior to the commencement of driving operations).

(9) **Total hours** - Computed and entered at the end of the driver's workday.

(10) **Shipping document number(s), or name of shipper and commodity** - Entered at the time the trip is assigned to the driver (when loaded).

(11) **24 hour period describing duty status**.

Note: All supporting documents including toll tickets, fuel receipts, scale tickets, etc. must be maintained with duty status records for six months in accordance with 395.8(k)(i).

Daily Hours Of Service

Employee Name/# _____ Month/Year _____

Each day provide the following information:

1. Time you report for work each day.
2. Time you are released from work each day.
3. The total hours worked each day.

Motor carriers are required to comply with the maximum driving and on-duty time.

(see title 49 CFR, section 395.1(e))

Hours of Service (395.1e)					COMMENTS
Date	Start	End	Total	Unit #	
1	:	:			
2	:	:			
3	:	:			
4	:	:			
5	:	:			
6	:	:			
7	:	:			
8	:	:			
9	:	:			
10	:	:			
11	:	:			
12	:	:			
13	:	:			
14	:	:			
15	:	:			
16	:	:			
17	:	:			
18	:	:			
19	:	:			
20	:	:			
21	:	:			
22	:	:			
23	:	:			
24	:	:			
25	:	:			
26	:	:			
27	:	:			
28	:	:			
29	:	:			
30	:	:			
31	:	:			

Daily Hours Of Service & Vehicle Condition Report

Employee Name/# _____

Each day provide the following information:

1. Time you report for work each day
2. Time you end work each day
3. The total hours worked each day

Motor carriers are required to comply with the maximum driving and on-duty time.

Month/Year _____

If vehicle is deficient show # in column below:

0 - NO DEFECTS FOUND

1 - Service Brakes

2 - Parking Brakes

3 - Steering Mechanisms

4 - Lighting Devices & Reflectors

5 - Tires

6 - Horn

7 - Windshield Wipers

8 - Rear Vision Mirrors

9 - Coupling Devices

10 - Wheels & Rims

11 - Emergency Equipment

	Hours of Service (395.1E)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
Date	Start	End	Total Hrs.	Unit #	Trailer #	Explanation of Defects	Driver's Signature	Repairman's Signature	Next Trip Driver's Signature
1	:	:							
2	:	:							
3	:	:							
4	:	:							
5	:	:							
6	:	:							
7	:	:							
8	:	:							
9	:	:							
10	:	:							
11	:	:							
12	:	:							
13	:	:							
14	:	:							

	Hours of Service (395.1e)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
Date	Start	End	Total Hrs.	Unit #	Trailer #	Explanation of Defects	Driver's Signature	Repairman's Signature	Next Trip Driver's Signature
15	:	:							
16	:	:							
17	:	:							
18	:	:							
19	:	:							
20	:	:							
21	:	:							
22	:	:							
23	:	:							
24	:	:							
25	:	:							
26	:	:							
27	:	:							
28	:	:							
29	:	:							
30	:	:							
31	:	:							

Hours-Of-Service Record For First Time Or Intermittent Drivers

Instructions
When using a driver for the first time or intermittently, a signed statement must be obtained, giving the total time on duty (driving and on duty) during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work

Name: (Print) _____
First Middle Last

DAY	TOTAL TIME ON DUTY
1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
TOTAL	_____

I hereby certify that the information contained herein is true to the best of my knowledge and belief, and that my last period of release from duty was from:

_____ to _____
(Hour/Date) (Hour/Date)

Signature _____ Date _____