

Hours of Service (Part 395)

Part 395 of the FMCSR outlines Hours of Service of interstate drivers and outlines the requirements and exceptions that apply. Several states also have hours of service requirements for intrastate operations. These requirements may match the federal requirements in whole or in part. It is important to keep current on the hours-of service regulations that apply to your company!

Who is regulated?

Federal Regulations concerning Hours of Service and the Record of Duty Status apply to carriers and drivers of property carrying commercial motor vehicles involved in interstate (or foreign) commerce that:

- 1) Have a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR), or have a gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 pounds or more; or
- 2) Transport hazardous materials which require placarding.

Federal Requirements

The federal requirements contain 3 maximum limits established to reduce highway accidents by keeping the fatigued driver off the road:

- 11 Hour Driving Rule
- 14 Consecutive Hours Duty Rule
- 60/70 Hours of Service Rule

It is important that all drivers understand these rules, as well as the application of the rules to ensure that you are operating legally and safely!

11 Hours Driving Rule

All time spent behind the wheel is considered driving time. After 11 hours of driving time on shift, you must have 10 consecutive hours off duty before you can drive again.

Driving 3 or more hours beyond this time limit is considered an egregious violation. Drivers who commit this violation are subject to civil penalties. Drivers may be fined up to \$2,750 for each violation and motor carriers may be fined up to \$11,000 for each violation.

14 Consecutive Hours Duty Rule

Driving is not allowed after 14 hours of coming on duty. Drivers may not drive again until after you have 10 consecutive hours of rest.

Lunch breaks or other off duty time DO NOT extend the 14-hour period.

*The only time that would not count toward the 14 hours is a qualifying sleeper-berth period. Sleeper berth provision is discussed later in this document.

Mandatory Break Provision

As of **July 1, 2013**: you cannot drive if more than 8 hours have passed since the end of your last off-duty or sleeper-berth period of at least 30 minutes. This break can be taken at any time during your first 8 hours on duty. Drivers may not perform any on-duty tasks during this break.

This 30 minute break is counted towards your 14 hour limit and does not extend your work day.

In order to be considered a break, you may not be performing any other on-duty tasks while in attendance on the vehicle. The break must be recorded as "on-duty" time on your log with remarks or notes indicating the specific on-duty periods used to meet the break requirement.

60/70 Hours of Service Rule

Drivers working for a company that does not operate motor vehicles every day of the week must not drive after accumulating 60 hours on duty during any consecutive 7 days. Companies that operate every day of the week must not drive after accumulating 70 hours on duty in any 8 consecutive days. However, you may continue to perform non-driving duties after reaching these limits and not be in violation.

On-duty time: is defined as all time from the time you begin your work shift until you are relieved from work and all responsibility for doing work.

On-duty time includes:

- Driving (at the controls of your vehicle)
- Inspecting, servicing, or conditioning a motor vehicle
- Waiting to be dispatched
- In or on your vehicle (except):
 - Time spent resting in a sleeper berth
 - Up to 2 hours riding in the passenger seat of a property carrying commercial motor vehicle moving on a highway immediately before or after a sleeper-berth period of at least 8 consecutive hours
- Loading or unloading your vehicle
- Performing any other work for a motor carrier
- Repairing, obtaining assistance or attending to a disabled vehicle
- Complying with drug or alcohol testing requirements

If you work on the 70 hour/8 day schedule, add the hours worked during the last 7 days. If it totals 70 or more, you have no driving hours available for the next day. Remember that you may perform non-driving activities after reaching the 70 hour limit and not be in violation. If you work on the 60 hour/7 day rule, the procedure is the same... Simply total your hours for the last 6 days and subtract from 60 to see how many hours available for the next day.

34-Hour restart

Notes:

*As of **June 30, 2013**, you are allowed to "restart your 60 or 70 hour clock after having at least 34 hours off duty.

****As of July 1, 2013, in order to use the 34-hour restart, your off duty period of 34 (or more) consecutive hours must include two periods of time between 1 am and 5 am***

****You may only restart once within a period of 168 consecutive hours (7 days)***

*As of **December 16, 2014** the above regulations (highlighted in red) were temporarily suspended until a study of the operational, safety, health and fatigue impact can be conducted and evaluated.

Record of Duty Status

Drivers must record their duty status by using a record of duty status (daily log) that meets the requirements of 395.8 or an onboard recording device that meets the requirements of 395.15.

The 4 categories that must be recorded on the log include:

- Off Duty
- Sleeper Berth
- Driving
- On Duty (Not Driving)

The total of the hours shown in all 4 categories must add up to 24 hours.

In the remarks section, record the location of your changes in duty status. If a change of duty status occurs at a location other than a city or town, the location can be recorded by entering the highway number and nearest milepost or nearest intersecting roadways.

Record Retention

It is required that you submit the original driver's record of duty status to your employer within 13 days following the completion of the form. The carrier must retain the record for 6 months from the date of receipt.

You must have the current day's record of duty status plus copies of the previous 7 days in your possession and available for inspection while on duty.

Record of Duty Status Exemptions

There are two provisions in the regulations that may exempt you from maintaining a logbook if specific criteria are met:

- 100 air-mile radius exception
- Short-haul exception (non-CDL)

100 Air-Mile Radius Exception

If you operate within a 100 air mile radius of your normal work reporting location you may be exempt from the logging requirement. To fall under this exception you must be back to your work reporting location within 12 hours and have at least 10 consecutive off-duty hours before working another 12 hours. You also cannot exceed the 11 hours maximum driving time.

Employers must maintain accurate records of the time you report for duty and are released from duty each day, your total hours on duty each day, and the total hours worked during the preceding 7 days if you are a new or intermittent driver.

Note: If you use this exception, you are still required to comply with the 60/70 hours-of-service rule, and as of **July 1, 2013**, must comply with the mandatory break provision.

Short Haul Exception (Non-CDL)

Short haul operations that are not required to hold a commercial driver's license (CDL), works within a 150 air-mile radius of your normal work reporting location, and returns to normal work reporting location each day can extend the 14 hour limit by 2 hours twice in a 7 day period.

Under this provision, you may not drive beyond the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week. Keep in mind that the 11 hour driving limit, 10 consecutive hour off-duty requirement, mandatory break requirement and 60/70 hours of service rules still apply.

Also, under this provision, you are exempt from keeping a logbook. Employers must maintain records and retain accurate time records showing when your duty period began and ended each day and your total hours on duty each day.

Adverse Driving Conditions Exception

If you encounter "adverse driving conditions" including snow, sleet, fog or unusual road or traffic conditions that could normally be completed in 11 hours, you are allowed 2 hours of driving time to complete the run. However, you must not have known or be able to foresee the situation at the time you began your run.

Short-Haul Exception (16 hour)

There is an exception to the 14-hour rule that you can use on a periodic basis if you regularly return to your normal work reporting location.

Under this exception, you are allowed to accumulate 11 hours of driving time within 16 consecutive hours on duty once every 7 days, provided you:

- Return to the work reporting location on that day, and were released from duty at that work reporting location for the previous 5 days
- Are released from duty within 16 hours after coming on duty (no additional on-duty time after 16 hours)
- Only use this exception once every 7 consecutive days

Sleeper Berth

Under the Sleeper Berth provision, you can accumulate the equivalent of 10 consecutive hours off duty in two rest periods.

One of your rest periods must be at least 8 consecutive hours (but no more than 10 consecutive hours) and must be spent in the sleeper berth.

The other, separate rest period, must be at least two consecutive hours (but no more than 10 consecutive hours) spent either in the sleeper berth, off duty, or any combination of the two.

You can extend the 14 hour consecutive hour period by using the split sleeper-berth option. Though the 8 consecutive hour period is not counted as part of the 14 hours, the separate 2 hour period is counted. Following the second period, the hours available under the 14 hour rule must be recalculated from the end of the first two rest periods. The sleeper berth can also be used when accumulating 10 consecutive hours off-duty time. Sleeper-berth time can be combined with any legitimate off-duty time as long as the periods are consecutive (not broken by any on-duty or driving activities) and add up to at least 10 hours.