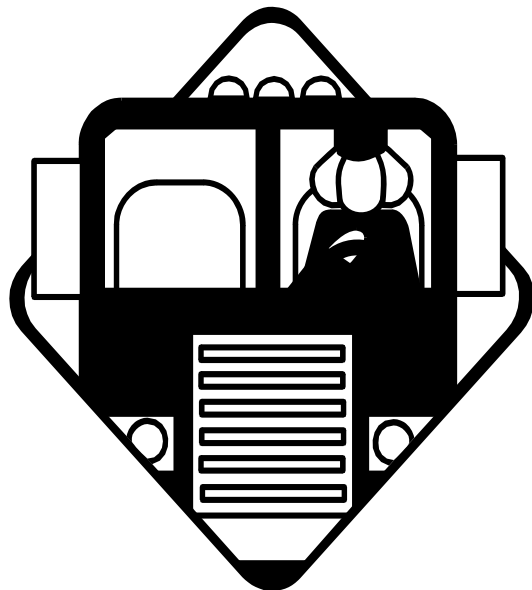


# **PART 395**

## **Hours of Service Drivers**



## **Part 395**

### **Hours of Service of Drivers**

#### **Hours of Service Final Rule Issued (Property Carrier)**

Final rule for property carriers issued November 18, 2008 by FMCSA. Drivers are limited to driving 11 hours and working no more than 14 hours each day with 10 hours resting between shifts. Drivers are also limited to 60 hours on duty in 7 consecutive days or 70 hours on duty in 8 consecutive days. The Final rule is available at: [www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/E7-27437-HOS-Final-Rule-11-19-08.pdf](http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/E7-27437-HOS-Final-Rule-11-19-08.pdf).

#### **General Rule**

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

#### **On Duty Time**

Means 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, supervision, 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.

#### **Driving Time**

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

# **PASSENGER CARRYING VEHICLES**

## **10-Hour Rule**

Drivers are allowed to drive for ten 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 8 consecutive hours off.

## **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 100 air-mile radius exemption.

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

## **100 Air-Mile Radius Exemption**

A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if all of the following are true:

- The driver operates within a 100 air-mile radius of the normal work reporting location
- The driver returns to the work reporting location and is released from work within 12 consecutive hours
- Each 12 hours on duty are separated by at least 8 consecutive hours of off duty
- The driver does not exceed a maximum of ten hours driving time following eight consecutive hours off duty
- 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

## **PROPERTY CARRYING VEHICLES**

Motor carriers and drivers must comply beginning on January 4, 2004 with the following:

### **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 hours are spent on duty following 10 consecutive hours off.

### **16 Hour Exemption**

395.1(o) A property-carrying driver is exempt from 395.3(a)(2), *the 14-hour rule*, when:

- The driver returns and is released from his normal work reporting location for the previous 5 duty tours;
- The driver returns to his normal work reporting location and is released within 16 hours; and
- The driver has not used this exemption within the previous 7 consecutive days, *except that the 16-hour provision may be used after any period of being off duty for 34 or more consecutive hours.*

### **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**

395.3(c)(1) & (2) allows the driver to restart the 60/70 hour period when:

- Any period of 7 or 8 consecutive days may end with the beginning of any 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 100 air-mile radius exemption.

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

## **100 Air-Mile Radius Exemption**

395.1(e) A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if all of the following are true:

- The driver operates within a 100 air-mile radius of the normal work reporting location
- The driver returns to the work reporting location and is released from duty within 12 consecutive hours
- Each 12 hours on duty are separated by at least 10 consecutive hours of off duty
- The driver does not exceed a maximum of 11 hours driving time following 10 consecutive hours off duty
- 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**

Operators of property-carrying commercial motor vehicles not requiring a CDL, as defined in Part 383, may be covered by the Non-CDL 150 air-mile radius provision. *Note that the applicability depends on the type of vehicle being driven, not whether the operator possesses a CDL.*

Drivers of Non-CDL vehicles who are operating within 150 air-mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by separate HOS provisions.

These drivers are required to comply with the following:

- The 11 hours driving, minimum 10 hours off-duty, 14 consecutive hour duty period, 60/70 hours in 7/8 days, 34-hour restart all applies.
- On any 2 days of every 7 consecutive days, the driver may extend the 14-hour duty period to 16 hours.
- 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.
- Time records may be used in lieu of records of duty status.

U.S. DEPARTMENT OF TRANSPORTATION **DRIVER'S DAILY LOG** (ONE CALENDAR DAY - 24 HOURS) ORIGINAL - Submit to carrier within 13 days  
DUPLICATE - Driver retains possession for eight days

(1) (MONTH) (DAY) (YEAR) (2) (TOTAL MILES DRIVING TODAY) (3) VEHICLE NUMBERS - (SHOW EACH UNIT)

(4) (NAME OF CARRIER OR CARRIERS) (5) (DRIVER'S SIGNATURE IN FULL) I certify these entries are true and correct:  
(6) (MAIN OFFICE ADDRESS) (8) (NAME OF CO-DRIVER)  
(HOME TERMINAL ADDRESS)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS	
1: OFF DUTY																									(9)	
2: SLEEPER BERTH													(11)													
3: DRIVING																										
4: ON DUTY (NOT DRIVING)																										
REMARKS (7)																										

Pro or Shipping No. (10)

Shipping document, manifest number, or name of a shipper and commodity. Information required by Section 395.8(o).  
Check the time and enter the name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours - Section 395.8(c).

FROM: (STARTING POINT OR PLACE) TO: (DESTINATION OR TURN AROUND POINT OR PLACE)

USE TIME STANDARD AT HOME TERMINAL

**RECAP**

DAY NO. \_\_\_\_\_

DRIVING HRS. TODAY  
TOTAL LINE 3 \_\_\_\_\_

DRIVING VIOLATION TODAY \_\_\_\_\_

ON DUTY HRS. TODAY TOTAL LINES 3 & 4 \_\_\_\_\_

70 HR/8 DAY DRIVERS

A. \_\_\_\_\_

TOTAL HRS. ON DUTY LAST 7 DAYS. INCL. TODAY \_\_\_\_\_

B. \_\_\_\_\_

TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A \_\_\_\_\_

C. \_\_\_\_\_

TOTAL HRS. ON DUTY LAST 8 DAYS INCL. TODAY \_\_\_\_\_

60 HR/7 DAY DRIVERS

A. \_\_\_\_\_

TOTAL HRS. ON DUTY LAST 6 DAYS. INCL. TODAY \_\_\_\_\_

B. \_\_\_\_\_

TOTAL HRS. AVAILABLE TOMORROW: 60 HRS. MINUS A \_\_\_\_\_

C. \_\_\_\_\_

TOTAL HRS. ON DUTY LAST 7 DAYS. INCL. TODAY \_\_\_\_\_

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.

(See Title 49 CFR, Part 395.1(e))

### PROPERTY CARRIER

- \*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
- \*DO NOT DRIVE MORE THAN 11 HOURS IN ONE DAY.
- \*MUST BE "OFF DUTY" AT LEAST 10 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

### PASSENGER CARRIER

- \*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
- \*DO NOT DRIVE MORE THAN 10 HOURS IN ONE DAY.
- \*MUST BE "OFF DUTY" AT LEAST 8 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

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/# \_\_\_\_\_

Month/Year \_\_\_\_\_

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

**PROPERTY CARRIER**

- \*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
- \*DO NOT DRIVE MORE THAN 11 HOURS IN ONE DAY.
- \*MUST BE "OFF DUTY" AT LEAST 10 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

**PASSENGER CARRIER**

- \*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
- \*DO NOT DRIVE MORE THAN 10 HOURS IN ONE DAY.
- \*MUST BE "OFF DUTY" AT LEAST 8 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

If vehicle is deficient show # in column below:

- |                                   |                          |
|-----------------------------------|--------------------------|
| 0 - NO DEFECTS FOUND              | 6 - Horn                 |
| 1 - Service Brakes                | 7 - Windshield Wipers    |
| 2 - Parking Brakes                | 8 - Rear Vision Mirrors  |
| 3 - Steering Mechanisms           | 9 - Coupling Devices     |
| 4 - Lighting Devices & Reflectors | 10 - Wheels & Rims       |
| 5 - Tires                         | 11 - Emergency Equipment |

Date	Hours of Service (395.1E)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
	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	:	:							

Date	Hours of Service (395.1e)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
	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	:	:							



## **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.

## **Electronic On-Board Recording Devices**

Alternatively, motor carriers may require a driver to use an *electronic on-board recording device (EOBR)* to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous seven consecutive days. The driver must sign all hard copies of the driver's record of duty status.

EOBR information requirements:

- Shall produce, upon demand, a driver's hours of service chart, electronic display, or printout showing the time and sequence of duty status changes including the drivers' starting time at the beginning of each day.
- Shall provide a means whereby authorized Federal, State, or local officials can immediately check the status of a driver's hours of service. This information may be used in conjunction with handwritten or printed records of duty status, for the previous 7 days.
- Support systems used in conjunction with on board recorders at a driver's home terminal or the motor carrier's principal place of business must be capable of providing authorized Federal, State or local officials with summaries of an individual driver's hours of service records, including the information specified in §395.8(d). The support systems must also provide information concerning on board system sensor failures and identification of edited data. Such support systems should meet the information interchange requirements of the American National Standard Code for Information Interchange (ANSII) (EIARS 232/CCITV.24 port (National Bureau of Standards "Code for Information Interchange," FIPS PUB 1 1)).
- The driver shall have in his/her possession records of duty status for the previous 7 consecutive days available for inspection while on duty. These records shall consist of information stored in and retrievable from the automatic on board recording device, handwritten records, computer generated records, or any combination thereof.
- All hard copies of the driver's record of duty status must be signed by the driver. The driver's signature certifies that the information contained thereon is true and correct.