

FMCSA

Hours-of-Service

Presentation

Hours of Service:

How Familiar Are You?

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SPEAKERS

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AGENDA

- Purpose of the Hours of Service Rules and Regulations
- Applicability
- Drivers' Responsibilities
- Carriers' Responsibilities
- Property Carrier Hours of Service Driving Time Limits
- Passenger Carrier Hours of Service Driving Time Limits
- Acceptable Recording Methods
- Important dates and deadlines for Electronic Logging Devices (ELDs)
- Limited Exceptions to the Hours of Service Rules and Regulations



PURPOSE OF THE HOURS OF SERVICE RULES AND REGULATIONS

The hours of service (HOS) rules are designed to help eliminate in CMV drivers the type of drowsiness that can lead to crashes. Although many drivers feel that they know when they are getting drowsy, various laboratory tests have shown that persons are not good at estimating their own drowsiness.

The HOS rules were first adopted in 1937, and in many ways are still quite similar to those first rules. They have been revised several times over the years as new research impacts our understanding of fatigue.



APPLICABILITY

In general, anyone driving a commercial motor vehicle --- a CMV—on a public roadway is subject to the FMCSRs or comparable State regulations. In addition, if you are subject to the FMCSRs, the HOS rules apply to you. But there are many exceptions to the HOS rules that we will discuss later



APPLICABILITY

Question: Are there any groups that are exempt from the Federal Hours of Service Regulations?

Answer: There are only a few categories of drivers that are completely exempt from the HOS rules at all times. This includes drivers for governmental agencies of any type, transporting your own personal property, and a few others.



APPLICABILITY

Question: Are intrastate HOS rules the same as the Federal rules?

Answer: Intrastate drivers should contact their State CMV enforcement authorities for that information.



APPLICABILITY

Question: If a driver operates a commercial motor vehicle on private property that is restricted from access to the public, do the hours-of-service rules apply?

Answer: No, if a person is driving a vehicle on private property that is restricted to the public, that is not a CMV by definition and therefore the HOS rules do not apply.



APPLICABILITY

Question: If a driver is allowed to use a CMV for strictly personal reasons, do the HOS rules apply to the driver?

Answer: If the use is unrelated to the job as a truck or bus driver, the HOS rules would not apply.



DRIVER RESPONSIBILITY

A driver has a personal responsibility in ensuring that he/she complies with the Federal Hours of Service Regulations. A violation of an HOS regulation that the driver knew about or should have known about will be held against the driver.



DRIVER RESPONSIBILITY

Question: What if a driver fails to comply with the Federal Hours of Service Regulations?

Answer: Violations of HOS regulations detected during roadside inspections may result in a traffic citation and the driver may be placed out-of-service for a specific period of time. Violations detected during an audit of the motor carrier could result in much higher civil fines issued by the Federal government.



CARRIER RESPONSIBILITY

Under the Federal regulations, the motor carrier is responsible for training and monitoring its drivers to ensure compliance with HOS rules. Any driver violation may also be held against the carrier.



CARRIER RESPONSIBILITY

QUESTION: What if a carrier fails to perform its duty in ensuring that its drivers comply with the Federal Hours of Service Regulations?

ANSWER: Failing to establish an effective HOS monitoring and compliance system can result in fines of thousands of dollars. In extreme cases, motor carrier officials have even received jail sentences.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

There are only 4 choices of duty status when a property-carrying driver records his or her time on a record of duty status, also referred to as a RODS. They are ***off duty, sleeper berth, driving, and on-duty/not driving.***



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: How would you summarize the basic HOS rules?

- 10 hours off-duty
- 14-hour duty period
- 11 hours driving
- 30 minute break
- 60 hours/7-day on-duty limit
- 70 hours/8-day on-duty limit

Answer: It's important to remember that the HOS rules are different for property-carrying drivers compared to passenger-carrying drivers. I'll summarize the property-carrying driver rules.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Answer cont.:

Rule 1: Once the duty period starts, it runs for 14 consecutive hours after which the driver may not drive a CMV again until having another 10 or more consecutive hours off-duty. Nothing stops the running of the 14 hour clock.

Rule 2: During the 14-hour duty period, which some people refer to as a “driving window,” you may drive a maximum of 11 hours.

Rule 3: When you reach a total of 60 on-duty hours in 7 days, you must have a period of at least 34 consecutive hours off duty. (There is an alternative available for carriers that operate every day of the week-- that is a maximum of 70 hours in 8 days.)

Rule 4: requires an off-duty break at some point during the duty period. The rule says that you may not drive a CMV if it has been 8 or more hours since your last off-duty period of at least 30 minutes.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: Are the interstate hours of service rules the same in every State – specifically Alaska and Hawaii?

Answer: There are differences in the interstate hours of service rules for Hawaii and Alaska. They are spelled-out in Section 395.1 of the Federal Motor Carrier Safety Regulations.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: What is the 16-hour rule?

Answer: There are actually two different references to a 16-hour duty period in the regulations. The first is for non-CDL light-weight vehicles that operate within a local 100 air-mile radius. The second is for CDL drivers-- for every 5 duty periods that they return to their starting point, they may choose one 16-hour duty period.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: May a property carrier driver remain on duty after the 14th hour?

Answer: A driver may remain on duty after the end of the 14-hour duty period, such as working in the warehouse, but may not drive a CMV. These hours do count toward the maximum or 60 or 70 hours on duty in 7 or 8 days.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: May a property carrier driver log roadside inspection time as his/her 30-minute break?

Answer: No. The minimum 30-minute break must be completely off duty, with a few exceptions stated in the rule.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: How does a driver restart his or her work week?

Answer: The counting of the maximum 60 or 70 hours on duty restarts anytime a driver has at least 34 consecutive hours off duty.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: May a property-carrying driver work “split shifts?”

Answer: *Because the 14-hour clock does not stop for anything, it may be difficult to schedule a split-shift.*



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: Is a driver required to include two periods of 1:00 a.m. to 5:00 a.m. in his/her 34-hour restart period?

Answer: No. That is an older provision that has been suspended in the regulations.



PROPERTY CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: When not driving a CMV, how can a driver determine what is on-duty time versus off-duty time?

Answer: That is a very common question that we receive, because there are so many different scenarios. The definition of on-duty time is spelled out in section 395.2. That definition should be consulted when a question arises. Beyond that, there are Regulatory Guidance questions and answers that have been published to answer some specific questions.



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

There are only 4 choices of duty status when a passenger-carrying driver records his or her time on a record of duty status, also referred to as a RODS. They are ***off duty, sleeper berth, driving,*** and ***on-duty/not driving.*** Each of these statuses is defined in the regulations and in Regulatory Guidance issued by FMCSA.



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: How would you summarize the basic HOS rules for passenger-carrying drivers?

Answer:

- 10 hours driving rule
- 15-hour on-duty rule
- 60 hours on-duty/7-day period rule
- 70 hours on-duty/8-day period rule



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: What are the different classifications for passenger-carriers?

Answer: Basically, a passenger carrier is one of four types

- For-hire required to have operating authority registration
- For-hire not required to have operating authority registration
- Private (business)
- Private (Non-business)



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: Are there any differences in the Hours-of-Service regulations amongst the different classifications?

Answer: There is only one difference for private motor carriers of passengers (non-business).



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: Can a driver log time spent sleeping in a reclined seat of commercial motor vehicle, that is designed to transport passengers, with no other passengers on-board as off-duty time?

Answer: The short answer is yes.



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: Are there any exceptions to the logging requirements for passenger-carrying commercial motor vehicle drivers?

Answer: The short answer is yes. There are two exceptions for certain passenger carriers and certain drivers.



PASSENGER CARRIER HOURS OF SERVICE DRIVING TIME LIMITS

Question: What conditions must be met for a passenger-carrying driver to record meal and other routine stops made during a work shift as off-duty time?

Answer:

1. The driver is relieved of all duty and responsibility for the care and custody of the vehicle and any passengers it may be carrying; and
2. during the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing.



ACCEPTABLE HOURS OF SERVICE RECORDING METHODS

A driver may use 4 different methods of recording his or her hours of service, depending what is allowed by the regulations for their circumstances. They are **time cards, paper log books, Automatic On-Board Recording Devices (AOBRDs), and Electronic Logging Devices (ELDs).**



ACCEPTABLE HOURS OF SERVICE RECORDING METHODS

Question: What determines which recording method may be used?

Answer: Time cards are only used for local drivers operating within the 100 air-mile radius (or 150 miles for non-CDL vehicles). Companies that are using AOBRDs may continue to do so until December 2019. Anyone else who is currently required to use paper logs will have to switch to an ELD by December 18, 2017 (this year), although there are exceptions in the ELD rule.



ACCEPTABLE HOURS OF SERVICE RECORDING METHODS

Question: When will paper RODS no longer be permitted?

Answer: Paper RODS, meaning logbooks, will continue to be required indefinitely under certain circumstances, such as when an AOBRD or ELD malfunctions.



ACCEPTABLE HOURS OF SERVICE RECORDING METHODS

Question: May a motor carrier or driver continue to use AOBDRDs?

Answer: Yes, until December 2019.



ACCEPTABLE HOURS OF SERVICE RECORDING METHODS

Question: What is the date when all non-exempt commercial motor vehicle drivers must be using a vehicle equipped with an Electronic Logging Device (ELD) system?

Answer: December 18 of this year.



IMPORTANT DATES AND DEADLINES FOR ELD COMPLIANCE

- Registration and voluntary use of ELDs began 60 days after the ELD rule was published (**February 16, 2016**)
- Compliance date is 2 years after the ELD Rule was published (**December 18, 2017**)
- AOBRDs installed before the compliance date (**December 18, 2017**), must be upgraded or replaced with ELDs within 4 years of the publication of the Final Rule (**December 16, 2019**)



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

- Driving conditions
- Emergency conditions
- Driver-salesperson
- Oil-field operations
- Short-haul operations
- Retail store deliveries
- Sleeper-berths
- State of Alaska
- State of Hawaii
- Travel time
- Agricultural operations
- Ground water well drilling operations
- Construction material and equipment
- Property carrying driver
- Commercial motor vehicle transportation to or from a motion picture production site
- Attendance on commercial motor vehicles containing Division 1.1, 1.2, or 1.3 explosives
- Railroad signal employees
- Ready-mixed concrete delivery vehicle
- Transport of commercial bees
- Transport of livestock
- High rail vehicles
- Pipeline welding trucks
- Utility Service vehicles



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: Are farm vehicles exempt from the HOS rules?

Answer: The agriculture-related exceptions are complicated. None are based on something called a “farm vehicle.” We only have time to briefly summarize here: In short, anyone transporting agricultural commodities such as grain or livestock, or supplies such as seed or fertilizer, within a 150 air-mile radius is exempt from the HOS rules.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: If a driver encounters adverse driving conditions that were not apparent based on the information known to the person dispatching the run at the time it was begun and the driver cannot complete the run in the maximum driving time permitted, may the driver be permitted or required to drive additional hours beyond the maximum time allowed?

Answer: Under the adverse driving exception in section 395.1, a driver may have up to 2 extra hours of driving time; however, it's very important to note that for property-carrying drivers, the 14-hour duty period is not extended. This exception does not cover situations like rush-hour traffic or blizzard conditions that had been forecast.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: If a driver operates a vehicle that is used exclusively in the transportation of oilfield equipment or servicing of oil and gas field operations, is that driver subject to the 34-hour restart provision?

Answer: These drivers have a 24-hour restart provision instead of the normal 34 hours. There are two oilfield exceptions. This one is broad in nature and covers most operations involving oil and gas field operations.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: How is the waiting time spent at a natural gas or well site annotated for specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells?

Answer: For those included in the exception, when they are waiting at the well site and not performing any duties, that waiting time is off duty and it does extend the 14-hour duty period.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: If a property-carrying commercial motor vehicle driver operates a vehicle that requires a commercial driver's license within a 100-air mile radius of his/her worksite, will he/she be exempt from recording his/her daily driver's record of duty status?

Answer: This is the most common exception for short-haul drivers of vehicles requiring a CDL. It is only an exception from using a logbook; instead time cards at the terminal are used



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: If a property-carrying commercial motor vehicle driver operates a non-CDL vehicle within a 150-air mile radius of his/her worksite, will he/she be exempt from recording his/her daily driver's record of duty status?

Answer: This is the short-haul exception for lighter-weight CMVs that do not require a CDL. These drivers operate under the normal HOS time limits, use time cards instead of logbooks, plus they can extend their 14-hour day to 16 hours twice per week.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: Is a property-carrying commercial motor vehicle driver, who is qualified for either short-haul exception, permitted to drive if more than 8 hours have passed since the end of the driver's last off duty or sleeper-berth period of at least 30 minutes?

Answer: The 30-minute break requirement does not apply to drivers who use either of the two short-haul exceptions. If a driver starts the day under a short-haul exception and then finds it necessary to go outside the radius, the 30 minute break requirement applies.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: If a driver interrupts his or her sleeper berth time by checking into a hotel, will he or she meet the regulatory requirements for the required off-duty rest period?

Answer: A driver may combine consecutive off-duty and sleeper-berth time to reach the required 8 or 10 hours off duty. An interruption could occur during the sleeper time, during the off duty time, or when transitioning from one to the other. The issue is whether the interruption is of such magnitude that it requires a restart of counting the required consecutive hours. The guidance is that any brief and necessary interruptions do not require a restart.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: How must a commercial vehicle driver travelling at the direction of a motor carrier, but not driving or assuming any other responsibility to the carrier, record his or her travel time?

Answer: This is the “travel time” exception that is listed in section 395.1. It is intended for situations in which the driver is being relocated by the carrier but is not doing the driving. In these instances, if the driver receives 10 hours off duty (8 for passenger carriers) after arriving at the destination, all of the travel time can be logged as off duty.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: When a utility service vehicle is being used exclusively for new construction activity, will the utility service operator qualify for the utility service vehicle hours of service exception?

Answer: No. The HOS exception for utility service vehicles as described in the regulations, does not apply to those engaged in new construction activities. However, it does allow complete exemption from the HOS rules when the vehicle is being used for the repair or maintenance of public utility services, whether routine or emergency.



LIMITED EXCEPTIONS TO THE HOURS OF SERVICE RULES AND REGULATIONS

Question: Do the HOS rules still apply when a disaster occurs?

Answer: There are special regulations that apply to motor carriers providing disaster relief types of assistance when an emergency has been declared by a government official. If that situation arises, be sure to consult section 390.23 and our website for details.



CONCLUSION

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- Applicability
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- Property Carrier Hours of Service Driving Time Limits
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RESOURCES

- <https://www.fmcsa.dot.gov/hos>
- <https://www.fmcsa.dot.gov/hours-service/elds/faqs>
- <https://www.fmcsa.dot.gov/hours-service/elds/training-and-events>

