

## Drivers of Commercial Motor Vehicles: Hours of Service Rules

### **Description:**

Except during designated periods in an emergency declared by the applicable regional office of the Federal Motor Carrier Safety Administration or state emergency officials, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive in excess of the hours of service rules set out in 49 CFR Part 395. Violations designated as “critical” directly affect the motor carrier’s safety rating.

### **Regulatory Reference**

49 CFR § 395.1	Scope of rules in this part
49 CFR § 395.2	Definitions
49 CFR § 395.3	Maximum driving time for property-carrying vehicles
49 CFR § 395.8	Driver's record of duty status
49 CFR § 395.13	Drivers declared out of service
49 CFR § 395.15	Automatic on-board recording devices

### **Applies to:**

The hours of service regulations apply to drivers of commercial motor vehicles and to motor carriers.

### **General Requirements:**

Hours of service rules apply to all motor carriers and drivers, with exceptions and exemptions (including short-haul exemption for driver hours-of-service logs) found in 49 CFR § 395.1.

Maximum driving times for interstate drivers and drivers transporting hazardous materials are found in 49 CFR § 395.3 as follows:

- (a) No motor carrier shall permit or require any driver used by it to drive a property-carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle:
  - (1) More than 11 cumulative hours following 10 consecutive hours off-duty;
  - (2) For any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty, except when a property-carrying driver complies with the provisions of §395.1(o) or §395.1(e)(2).
- (b) No motor carrier shall permit or require a driver of a property-carrying commercial motor vehicle to drive, nor shall any driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after—
  - (1) Having been on duty 60 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
  - (2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

- (c)(1) Any period of 7 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours; or
- (2) Any period of 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

§395.1(o) *Property-carrying driver*. A property-carrying driver is exempt from the requirements of §395.3(a)(2) if:

- (1) The driver has returned to the driver's normal work reporting location and the carrier released the driver from duty at that location for the previous five duty tours the driver has worked;
- (2) The driver has returned to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty following 10 consecutive hours off duty; and
- (3) The driver has not taken this exemption within the previous 6 consecutive days, except when the driver has begun a new 7- or 8-consecutive day period with the beginning of any off-duty period of 34 or more consecutive hours as allowed by §395.3(c).

§395.1(e) Short-haul operations—(1) *100 air-mile radius driver*. A driver is exempt from the requirements of §395.8 [hours of service logging requirements] if:

- (i) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (ii) The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- (iii) (A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- (B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
- (iv) (A) A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off-duty; or
- (B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and
- (v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
- (A) The time the driver reports for duty each day;
- (B) The total number of hours the driver is on duty each day;
- (C) The time the driver is released from duty each day; and
- (D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

§395.1 (b) *Adverse driving conditions* and §395.2 *Emergency conditions* provide for up to 2 additional driving hours to complete a driving run or to find a safe place to park provided that:

- Additional driving time must not exceed the 14 hour on-duty time permitted, and
- The adverse driving conditions must not be known at the start of the on-duty period

§395.1 (g) *Sleeper berths*, provides that drivers may split on-duty time by using sleeper berth periods, but must comply with hour-of-service rules. These drivers may accumulate the equivalent of 10 consecutive hours off-duty by taking a combination of at least 10 consecutive hours off-duty and sleeper berth time; or by taking 2 periods of rest in the sleeper berth, provided:

- (a) Neither period is less than 2 hours;
- (b) Driving time in the period immediately before and after each rest period when added together does not exceed 11 hours; and
- (c) The driver does not drive after the 14<sup>th</sup> hour after coming on duty following 10 hours off-duty, where the 14<sup>th</sup> hour is calculated by:
  - Excluding any sleeper berth period of at least 2 hours which, when added to a subsequent sleeper berth period, totals at least 10 hours; and
  - Including all on-duty time, all off-duty time not spent in the sleeper berth, all sleeper berth periods of less than 2 hours, and any sleeper berth period not described in the previous bullet point.

§395.8 *Driver's record of duty status* requires that every driver must 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. Motor carriers may require a driver to use an automated on-board recording device to record duty status. The driver must have in his/her possession records of duty status in written or automated form for the previous seven consecutive days. The driver must sign all hard copies of the driver's record of duty status.

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, the 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.

Record keeping. Records of duty status (driver hours of service logs) must be maintained for a minimum of 6 months at the motor carrier's principal place of business, with all supporting documents.

### **Training Requirements:**

Although there are no explicit training requirements given in the hours of service regulations, due to the potential consequences of violations, both in terms of enforcement actions and litigation that might arise out of motor vehicle accidents involving drivers who may be alleged to be fatigued and in violation of limits on driving or on duty time, it is common for motor carriers to provide initial and periodic refresher training to drivers, supervisors and managers.

### **Maintenance and Review**

Most operating companies find it necessary to designate a responsible person to monitor driver hours, logs, and payroll records on an on going basis to ensure compliance.

### **Additional Information and Resources**

Hours of Service Regulations, as well as brochures and pocket-guides that explain the rules can be found on the Federal Motor Carrier Safety Administration Internet website at:  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)