

Title 49 CFR, Part 395

Property Carrying Hours-of-Service

Definitions:

“On duty time” is all time a driver spends performing work, or being ready to work, until being relieved by the carrier of all responsibility. “On duty” time also includes any compensated work performed by the driver for a non-motor carrier entity.

On duty time does not include time spent resting in or on a parked vehicle; any time spent resting in a sleeper berth; or up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after 8 consecutive hours in sleeper-berth.

“Driving time” is all time spent at the driving controls of a commercial motor vehicle in operation.

“Off duty” means the driver has been relieved of all responsibilities and is not ready for work.

“Time record” is a time card or other record showing the time the driver reports for duty each day, total hours the driver is on duty each day, time the driver is released from duty each day, and total time for preceding days if the driver is used for first time or intermittently.

A motor carrier may not permit or require a driver to drive after:

11 hours driving time following 10 consecutive hours off duty; the 14th hour of coming on duty following 10 consecutive hours off duty; being on duty 60 hours in a 7 day period; being on duty 70 hours in any period of 8 consecutive days if the carrier operates every day of the week. Any 7 or 8-day period may restart after 34 consecutive hours off duty.

Time spent by a driver in a compensated non-motor carrier position is considered on duty time and must be included in the 14 and 60/70 hour rules. (Example: a part time position at a retail store.)

Calculation of the 14-hour limit includes all time except any off duty time of at least 10 consecutive hours or longer or any sleeper-berth time of at least 8 consecutive hours or longer.

Meaningful system:

A meaningful system must be in place to track and verify accuracy of driver’s records of duty status/time records. This shall include records with dates, times, locations and vehicle driven.

What must be on the log?

A record of duty status must:

- Be on specific grid or automatic on-board recorder;
- Be current to the last change of duty status;
- Have legible entries in driver's own handwriting;
- Show month, day, and year with total miles driven and
- Total hours in each duty status for each 24 hours of record;
- Show vehicle number, or state and license number of each vehicle operated during that 24-hour period;
- Have carrier(s) name, for whom work was performed, and beginning and finishing times for each carrier.

What does the driver need to have with them?

A driver is required to have in possession a record of duty status for the previous 7 consecutive days unless an exception from regulation is granted (395.1(e)).

Retention of logs:

Record of duty status, supporting documents and time cards must be maintained and retained by the carrier for a period of six months.

Automatic on-board recording devices:

Automatic on-board recording devices must provide immediate status verification of time and sequence of duty, status changes, current hours of service and previous 7-day status. Electronic devices must follow the rules under Section 395.15.

Short haul operations:

Drivers are exempt from keeping logbooks if all of the following requirements are met:

- Operates within 100 air-mile radius (115.08 miles) of the normal work reporting location;
- Returns to the same work reporting location and is relieved of duties within 12 hours;
- Does not exceed 11 hours driving;
- Ten consecutive hours off duty separate each 12 hours on duty; and
- Carrier maintains for a period of six months, true and accurate time records showing; start, end and total hours worked. Total time for preceding seven days if driver is used for the first time or intermittently.

A driver may extend the 14 hour rule to 16 hours once in every 7/8 day period, provided he has returned to his normal work reporting location and is released from duty at that location for the prior five duty tours and keeps a log for that day.

150 air-mile provision for non-CDL drivers:

A Non-CDL driver is exempt from the requirements of 395.3(a)(2) and 395.8 and ineligible to use the provisions of 395.1(e)(1), (g), and (o) if:

- Operates within 150 air-mile radius (172.06 miles) of the normal work reporting location;
- The driver returns to the normal work reporting location at the end of each duty tour; and
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and
- Does not drive after the 14th hour after coming on duty 5 days of any period of 7 consecutive days; and

- Does not drive after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days; and
- Carrier maintains for a period of six months, true and accurate time records showing; start and ending times, total hours worked, total time for preceding seven days if driver is used for the first time or intermittently.

Over hours and/or false logs:

Drivers found driving in excess of maximum hours or failing to keep a proper record of duty status for current day and 7 prior consecutive days shall be put out of service. A driver that is out of service (OOS) shall not be required or permitted to drive and a driver may not drive a commercial motor vehicle until the driver has hours available.

Rest period options:

The driver may meet the rest requirements using one of the four options described in the table below:

Option 1	Off Duty Time 395.1(g)(1)(i)(A)(1)	At least 10 <u>consecutive</u> and <u>uninterrupted</u> hours off duty.
Option 2	Continuous Sleeper Berth Provision 395.1(g)(1)(i)(A)(1)	At least 10 <u>consecutive</u> and <u>uninterrupted</u> hours in the sleeper berth.
Option 3	Continuous Off Duty and sleeper Berth Provision 395.1(g)(1)(i)(A)(3)	At least 10 consecutive hours sleeper berth and off duty time combined and <u>uninterrupted</u> .
Option 4	Sleeper Berth Provision 395.1(g)(1)(i)(A)(4) and 395.1 (g)(1)(ii)	The equivalent of at least 10 consecutive hours off duty (equivalent means at least 8 hours but less than 10 consecutive hours in a sleeper berth <u>and</u> a separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination of both).

34-hour restart:

The 34-hour restart must include two periods between 1 a.m. – 5 a.m., home terminal time, and may only be used once per week (168 hours).

30-minute rest break:

Drivers are required to take a 30-minute break during the first eight hours of a shift and must be released of all duties. The HM 397.5 mandatory “in attendance” time may be included in the break if no other duties are performed.

Agricultural Provisions:

The provisions of Part 395 do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes if such transportation is limited to an area within 150 air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Ground water well drilling operations and construction materials and equipment:

1. In the instance of driver of a commercial motor vehicle used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operation of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.
2. In the case of specially trained drivers of commercial motor vehicles which are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site; provided that all such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of the Federal Motor Carrier Safety Administration.
3. "Waiting time" for certain drivers at oil fields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to the grid.

Note: Water trucks, vacuum trucks and those vehicles which can be utilized in other areas of transportation are not allowed to use the exception relating to waiting time at the well site.

Utility service vehicles:

The provisions of Part 395 do not apply to a driver of a utility service vehicle as defined in 395.2:

1. Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone and television cable or community antenna service;
2. While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and
3. Except for an occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

DRIVER'S DAILY LOG

One calendar day - 24 hours

ORIGINAL - File each day at home terminal

DUPLICATE - Driver retains possession for one month

(Month)

(Day)

(Year)

(Total miles driving today)

(Vehicle numbers - (Show each unit))

I certify these entries are true and correct:

(Driver's signature in full)

(Name of Carrier or Carriers)

(Name of co-driver)

(Main Office 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																									
2. SLEEPER BERTH																									
3. DRIVING																									
4. ON DUTY (Not Driving)																									
REMARKS																									

Pro or Shipping No. _____

DRIVERS TIME RECORD FOR A PROPERTY CARRYING COMMERCIAL DRIVER

Driver's Name (print) _____ Employee No. _____ Month _____ Year _____

Driver's may prepare this report instead of the "drivers daily log" if the following applies:

- The driver operates within a 100 air-mile radius of the normal work reporting location; and
- The driver returns to the work reporting location and is released from work within 12 consecutive hours; and
- The driver has at least 10 consecutive hours off duty separating each 12 hours on duty; and
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and
- The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - The time the driver reports for duty each day;
 - The total number of hours the driver is on duty each day;
 - The time the driver is released from duty each day; and
 - The total time for the proceeding 7 days in accordance with Part 395.8(j)(2) for drivers used for the first time or intermittently.

The driver may extend the 14 hour rule to 16 hours one day in every 7/8 day period provided he has returned to his normal work reporting location and is released from duty at that location for the prior five duty tours and makes a log for that day.

Date	Start Time All Duty	End Time All Duty	Total Hours	Truck #	Driving CMV Yes/No	DVIR Yes/No	Comments
1							
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DRIVERS TIME RECORD FOR A PROPERTY CARRYING NON-CDL COMMERCIAL DRIVER

Driver's Name (print) _____ Employee No. _____ Month _____ Year _____

Driver's may prepare this report instead of the "drivers daily log" if the following applies:

- The driver operates within a 150 air-mile radius of the normal work reporting location; and
- The driver returns to the normal work reporting location at the end of each duty tour; and
- The driver has at least 10 consecutive hours off duty separating each duty tour; and
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and
- The driver does not drive after the 14th hour of coming on duty 5 days of any period of 7 consecutive days; and
- The driver does not drive after the 16th hour of coming on duty 2 days of any period of 7 consecutive days; and
- The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - The time the driver reports for duty each day;
 - The total number of hours the driver is on duty each day;
 - The time the driver is released from duty each day; and
 - The total time for the proceeding 7 days in accordance with Part 395.8(j)(2) for drivers used for the first time or intermittently.

Date	Start Time All Duty	End Time All Duty	Total Hours	Truck #	Driving CMV Yes/No	DVIR Yes/No	Comments
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2							
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DRIVER STATEMENT OF ON-DUTY HOURS

INSTRUCTIONS: Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which the driver was last relieved from duty prior to beginning work for the motor carrier as per Part 395.8(j)(2) Federal Motor Carrier Safety Regulations (FMCSR). **NOTE:** Hours for any compensated work during the preceding 7 days, including work for a non-motor carrier entity, must be recorded on this form.

Driver Name (Print): _____

Driver's License Number: _____ Class: _____ Endorsement(s): _____ Restriction(s): _____

Type of License: _____ Issuing State: _____

DAY	1 (Yesterday)	2	3	4	5	6	7	
DATE								
HOURS WORKED								TOTAL HOURS

I hereby certify that the information given above is correct to the best of my knowledge and belief and that I was last relieved from work at:

_____ On _____
 Time Day Month Year

_____ Date
 Driver's Signature

INSTRUCTIONS: When employed by a motor carrier, a driver must report to the carrier all on duty time including time working for other employers. The definition of on duty time found in Section 395.2(8)(9) of the FMCSR's includes time performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier, also performing any compensated work for any non-motor carrier entity.

Are you currently working for another employer? € Yes € No

At this time do you intend to work for another employer while still employed by this company? € Yes € No

I hereby certify that the information given above is true and I understand that once I become employed with this company, if I begin working for any additional employer's for compensation that I must inform this company immediately of such employment activity.

 Drivers Signature

 Date