

CHAPTER 7 – PART 395

PART 395 — HOURS OF SERVICE

General Requirements

With certain specific exceptions, Hours of Service rules apply to all motor carriers and drivers. Drivers should be made aware that the DOT has boosted enforcement efforts (and citations) against individual drivers found to be in violation of hours of service rules.

Hour Limitations *[§395.3]*

Hours of Service Comparison

As of January 4, 2004, all drivers of **property-carrying** vehicles will be required to follow the revised hours-of-service regulations. The chart below is a breakdown of the changes and how they compare to the requirements that are currently in effect.

	Old Requirement (in place through 1/3/04)	New Requirement (as of 1/4/04)
Off-Duty Time	8 consecutive hours	10 consecutive hours
Driving Time	10 hours	11 hours
On-Duty Time	15 hours (may be non-consecutive)	14 consecutive hours after coming on duty
Cumulative On-Duty	60 hours/7 days 70 hours/8 days	60 hours/7 days 70 hours/8 days
Cumulative "Restart"	None	A driver may "restart" the 60 or 70 hour clock after having at least 34 consecutive hours off duty. (Use of "restart" is optional.)
Short Haul Exception/Exemption	None	This exception may be used by drivers who regularly return to their normal work reporting location. It allows a driver to accumulate 11 hours of driving time within 16 consecutive hours on duty once every 7 days if certain conditions are met.
Sleeper Berth	May be split into two periods totaling at least 8 hours. Neither period may be less than 2 hours.	May be split into two periods totaling at least 10 hours. Neither period may be less than 2 hours.
100 Air Mile Radius Exemption	12 hours on duty 10 hours driving time 8 consecutive hours off duty	12 hours on duty 11 hours driving time 10 consecutive hours off duty

Definitions [§395.2]

- **Adverse driving conditions** means snow, sleet, fog, other adverse weather conditions, unusual road and traffic conditions, etc, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.
- **Driver salesperson** means any employee who is employed *solely as such* by a private carrier of property by commercial motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering the goods sold or provided, who does so entirely within a radius of 100 miles of the point at which he/she reports for duty, who devotes not more than 50% of his/her hours on duty to driving time.
- **Driving time** means all time spent at the driving controls of a commercial motor vehicle in operation.
- **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 s/he is relieved from work and all responsibility for performing work. “On duty” time includes:
 - All time waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
 - All time inspecting equipment as required by the regulations;
 - All driving time;
 - All time in or upon a CMV except time spent resting in a sleeper berth;
 - All time loading or unloading a vehicle, supervising, 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;
 - All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
 - 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 when directed by a motor carrier;
 - Performing any other work in the capacity of an employee.

Driver’s Record of Duty Status (logs) [§395.8]

Drivers 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 exemption.

100 Air-Mile Radius Exemption [§395.1(e)]

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

- The driver operates within a 100 air-mile (115 statute-mile) radius of the normal work reporting location.
- The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
- A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or
- A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 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 that show:
 - 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 preceding 7 days for drivers used for the first time or intermittently.

Submitting Duty Status Logs [§395.8(i)]

The driver must submit the original log sheet to the employer 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 s/he was last relieved of duty.

Supporting Documents

Documents, which support duty status records, must be maintained. Supporting documents are the records of the motor carrier, which are maintained in the ordinary course of business and used by the motor carrier to verify the information, recorded on

the driver's record of duty status. Examples are: Bills of lading, dispatch records, driver call-in records, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, cash advance receipts, delivery receipts, accident reports, telephone billing statements, credit card receipts, driver fax reports, traffic citations. Supporting documents may include other documents, which the motor carrier maintains and can be used to verify information on the driver's records of duty status.

Record Retention [*§395.8(k)*]

Records of duty status and supporting documents must be retained for 6 months. They may be retained at branch stores provided they could be forwarded to your principal place of business, when requested, within 48 hours.