



Federal Motor Carrier Safety Administration



Interstate Truck Driver's Guide to Hours of Service

March 2015

<http://cdlcollege.com>



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What Are the Hours-of-Service Regulations?



As the driver of a large, heavy truck, you have a lot of responsibility as you drive down the road. The biggest concern is safety. That brings us to the main reason for the hours-of-service regulations – to keep fatigued drivers off the public roadways. These regulations put limits in place for when and how long you may drive, to ensure that you stay awake and alert while driving, and on a continuing basis to help reduce the possibility of driver fatigue.

The hours-of-service regulations are found in Part 395 of the Federal Motor Carrier Safety Regulations. These regulations are developed and enforced by the Federal Motor Carrier Safety Administration, which is part of the United States Department of Transportation. (States may have identical or similar regulations, as we will explain later.)

Who Must Comply With the Hours-of-Service Regulations?

You must follow the hours-of-service regulations if you drive a commercial motor vehicle. Just what is a commercial motor vehicle?

In general it is a truck, or truck-tractor with a trailer, that is involved in interstate commerce and:

- Weighs (including any load) 10,001 pounds (4,536 kg) or more, or
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds (4,536 kg) or more, or
- Is transporting hazardous materials in a quantity requiring placards.

We will describe these terms in greater detail in the next sections of this document.

****NOTE**** There are exceptions to certain hours-of-service requirements for some operations. These will be covered later in this section.

****NOTE**** Be aware that we are only talking here about the hours-of-service regulations. For other areas of Federal regulation, the definition of commercial motor vehicle will vary, for example drug and alcohol regulations and commercial driver's license (CDL) requirements.

Interstate/Intrastate Commerce

To help you understand the definition of a commercial motor vehicle, let's talk about the meanings of interstate commerce and intrastate commerce. Commerce deals with buying and selling goods and services. It also deals with moving those goods from place to place or going somewhere to perform the service. Basically any work done in support of a business is considered to be commerce.



Interstate commerce occurs when the shipper intends to have cargo transported to another State or country. That cargo is in interstate commerce from the moment it leaves that shipper until it arrives at its destination. If your truck hauls that cargo, even within a single State, that transportation is considered to be in interstate commerce.

If you operate in interstate commerce once in a while, you are not required to comply with the Federal hours-of-service regulations all of the time. You must follow the Federal hours-of-service regulations while you are operating in interstate commerce. At the point you start driving in interstate commerce you must have logs with you for your last 7 days (unless you were not required to log).

You must also follow the Federal hours-of-service regulations for a short period of time after you finish operating in interstate commerce. If you were using the 60-hour/7-day schedule, you must follow the Federal hours-of-service regulations for the next 7 days after you finish operating in interstate commerce. If you were using the 70-hour/8-day schedule, you must follow the Federal hours-of-service regulations for the next 8 days after you finish operating in interstate commerce.

Intrastate commerce means transportation not covered by the definition of interstate commerce. Usually (but not always) that means the cargo stays, or the services occur, within a single State.

If you are operating in intrastate commerce only, the Federal hours-of-service regulations do not apply to you. However, most States have regulations that are similar or identical to the Federal regulations. To determine what State safety requirements you must follow, you should contact the appropriate State agency. This is usually the State police, highway patrol, or an office within the State's department of transportation.

Sometimes your truck may be empty. In these cases your truck is still considered to be in commerce because it is being used to support a business. Even if it is empty, you are considered to be operating in interstate commerce if you go outside of your State or remain within your State but recently carried cargo that was being transported in interstate commerce. If the truck is empty and you are operating inside your State, you are operating in intrastate commerce, provided you did not recently carry cargo that was being transported in interstate commerce.

Personal Use of a Commercial Motor Vehicle

It is possible that occasionally you may not use a truck in commerce at all. You may be moving your personal belongings to a new house or, as a hobby, you may be taking your horses to a horse show. As long as the activity is not in support of a business, the Federal hours-of-service regulations do not apply to you.

If you are not operating your truck in commerce, you are not subject to the hours-of-service regulations.

Weight Ratings

A vehicle can be a commercial motor vehicle based on what it actually weighs or on what its weight rating is, whichever is greater.

To find the **gross vehicle weight rating** of a truck or tractor, open the driver's door and look for a plate on the door frame. In some models, the plate might be inside the glove box. To find the gross weight rating of a towed unit, look for a plate on the front of the trailer. If the trailer has a tongue, the plate might be on the tongue of the trailer.

MONTH AND YEAR OF MANUFACTURE		MARCH		1999	
GROSS VEHICLE WEIGHT RATING (LBS/KG)		50,000 / 22,680			
GROSS AXLE WEIGHT RATING					
	LBS/KG	TIRES		RIMS/WHEELS	
FRONT-	12,000 / 5,442	with 275-BU832-56		22.5X8.25	
FIRST INTERMEDIATE-	19,000 / 8,618	with			
SECOND INTERMEDIATE-	19,000 / 8,618	with 275-BU832-56		22.5X8.25	
REAR-	19,000 / 8,618	with 275-BU832-56		22.5X8.25	
TAG-		with			

Your truck may have a **gross combination weight rating** (GCWR) posted in the same manner as the gross vehicle weight rating. If it does not, to figure the GCWR, add the gross vehicle weight ratings (GVWR) or gross vehicle weights, of the power unit and towed unit, that provides the highest value. NOTE: The GCWR of a power unit is only applicable when it is towing another unit.

Air Miles and Statute Miles

In the short-haul exceptions to the hours-of-service regulations, you will see the term “air miles.” This is a different measurement of a mile than what is used for statute miles on a roadmap.

An air mile is longer than a statute mile. There are 6,076 feet in an air mile and 5,280 feet in a statute mile. One-hundred air miles is equal to 115.08 statute miles.

Therefore, a 100 air-mile radius from your work reporting location can be figured as 115.08 statute, or “roadmap,” miles (185.2 km) from your work reporting location. A 150 air-mile radius from your work reporting location can be figured as 172.6 statute miles (277.8 km).

What Are the Hours-of-Service Limits?

The hours-of-service regulations focus on when and how long you are allowed to drive by placing specific limits on the amount of time you drive your truck and how many total hours you can work before you are no longer permitted to drive a commercial motor vehicle. You must follow three maximum duty limits at all times. They are the 14-hour “driving window” limit, 11-hour driving limit, and 60-hour/7-day and 70-hour/8-day duty limits.

14-Hour Driving Window

This window is usually thought of as a “daily” limit even though it is not based on a 24-hour period. You are allowed a period of 14 consecutive hours in which to drive up to 11 hours after being off duty for 10 or more consecutive hours. The 14-consecutive-hour driving window begins when you start any kind of work. Once you have reached the end of this 14-consecutive-hour period, you cannot drive again until you have been off duty for another 10 consecutive hours, or the equivalent of at least 10 consecutive hours off duty.

Your driving is limited to the 14-consecutive-hour period even if you take some off-duty time, such as a lunch break or a nap, during those 14 hours.

****NOTE**** If you have a sleeper berth in your vehicle, you may be able to use it to get the required rest and to extend the 14-hour limit. Sleeper-berth provisions will be discussed later in this section.

Example: You have had 10 continuous hours off and you come to work at 6:00 a.m. You must not drive your truck after 8:00 p.m. that evening, which is 14 hours later. You may do other work after 8:00 p.m., but you cannot do any more driving until you have taken another 10 consecutive hours off, or the equivalent of at least 10 consecutive hours off duty.

This regulation is found in Section 395.3(a)(2).

11-Hour Driving Limit



During the 14-consecutive-hour period explained above, you are only allowed to drive your truck for up to 11 total hours. A driver may drive a total of 11 hours during the 14-hour period, however, driving is not permitted 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. Once you have driven a total of 11 hours, you have reached the driving limit and must be off duty for another 10 consecutive hours (or equivalent) before driving your truck again.

Example: You have had 10 consecutive hours off. You come to work at 6:00 a.m. and drive from 7:00 a.m. until 2:00 p.m. (7 hours driving). You take a 30-minute break as required, and then can drive for another 4 hours until 6:30 p.m. You must not drive again until you have at least 10 consecutive hours off duty. You may do other work after 6:30 p.m., but you cannot do any more driving of a commercial motor vehicle on a public road.

This regulation is found in Section 395.3(a)(3).

Thirty-Minute Rest Break

The hours-of-service regulations require that if more than 8 consecutive hours have passed since the last off-duty (or sleeper-berth) period of at least half an hour, a driver must take an off-duty break of at least 30 minutes before driving. For example, if the driver started driving immediately after coming on duty, he or she could drive for 8 consecutive hours, take a half-hour break, and then drive another 3 hours for a total of 11 hours. In another example, this driver could drive for 3 hours, take a half-hour break, and then drive another 8 hours, for a total of 11 hours. Because of this short break provision, drivers are able to work 13.5 hours in the 14-hour period (if they are driving after the 8th hour on duty). The driver must be off duty for at least a half hour. Meal breaks or any other off-duty time of at least 30 minutes qualifies as a break. This time does count against the 14-hour driving window, as allowing off-duty time to extend the work day would allow drivers to drive long past the time when fatigue becomes extreme. In addition, FMCSA has also added an exception for drivers of commercial motor vehicles carrying Division 1.1, 1.2, or 1.3 explosives to allow them to count on-duty time spent attending the commercial motor vehicle, but doing no other on-duty work, towards the break. This 30-minute break is further explained in greater detail throughout this document, particularly as it relates to the 11-hour driving rule.

FMCSA does not enforce the 30-minute rest break provision [49 CFR 395.3(a)(3)(ii)] against any driver that qualifies for either of the "short haul operations" exceptions outlined in 49 CFR 395.1(e) (1) or (2). Specifically, the following drivers are not subject to the 30-minute break requirement:

All drivers (CDL and non-CDL) that operate within 100 air-miles of their normal work reporting location and satisfy the time limitations and recordkeeping requirements of 395.1(e)(1).

This exception (395.1(e)(1)) applies for any day in which a driver:

- Drives within a 100 air-mile radius of his/her normal work reporting location;
- Returns to his/her work reporting location and is released within 12 consecutive hours; and
- Follows the 10-hour off-duty and 11-hour driving requirements for property-carrying CMVs.

Non-CDL drivers that operate within a 150 air-mile radius of the location where the driver reports for duty and satisfy the time limitations and recordkeeping requirements of 395.1(e)(2) are also exempt from the 30-minute rest break.

60/70-Hour Duty Limit

An addition to the limits that are explained above is the 60/70-hour limit. This limit is based on a 7 or 8-day period, starting at the time specified by your motor carrier for the start of a 24-hour period.

This limit is sometimes thought of as a “weekly” limit. However, this limit is not based on a “set” week, such as Sunday through Saturday. The limit is based on a “rolling” or “floating” 7-day or 8-day period. The oldest day’s hours drop off at the end of each day when you calculate the total on-duty time for the past 7 or 8 days. For example, if you operate on a 70-hour/8-day schedule, the current day would be the newest day of your 8-day period and the hours you worked nine days ago would drop out of the calculation.

DAY	HOURS
1. Sunday	0
2. Monday	10
3. Tuesday	8.5
4. Wednesday	12.5
5. Thursday	9
6. Friday	10
7. Saturday	12
8. Sunday	5
TOTAL	67 hours

As an example, in the table shown above, the driver has accumulated a total of 67 on-duty (driving and on-duty) hours in an 8-day period. If this driver is operating on the 70-hour/8-day rule, he/she would be in compliance with the HOS rules in this example. Once the driver reaches the 70-hour mark, the driver cannot drive the commercial motor vehicle until he/she has taken enough off-duty hours to operate again. In this particular example, when the driver reaches the 9th day of the cycle (the second Monday), the hours from Day 1 of the cycle (the first Sunday) would drop off, and the driver would then be calculating his or her hours for Days 2 through 9 (Monday–Monday). These same principles apply for the 60-hours in 7-day HOS rule as well.

You are required to follow one of these two limits:

- If your company does not operate vehicles every day of the week, you are not allowed to drive a commercial motor vehicle after you’ve been on duty **60 hours** during any 7 consecutive days. Once you reach the 60-hour limit, you will not be able to drive a commercial motor vehicle again until you have dropped below 60 hours for a 7-consecutive-day period. You may do other work, but you cannot do any more driving until you are off duty enough days to get below the limit. Any other hours you work, whether they are for a motor carrier or someone else, must be added to the total.
- If your company does operate vehicles every day of the week, your employer may assign you to the 70-hour/8-day schedule. This means that you are not allowed to drive a commercial motor vehicle after you’ve been on duty **70 hours** in any **8** consecutive days. Once you reach the 70-hour limit, you will not be able to drive again until you have dropped below 70 hours for an 8-consecutive-day period. You may do other work, but you cannot do any more driving until you get below the limit. Any other hours you work, whether they are for a motor carrier or someone else, must be added to the total.

34-Hour Restart

The hours-of-service regulations allow you to “restart” your 60- or 70-hour clock calculations by taking 34 or more consecutive hours off duty (or in the sleeper berth) or some combination of both. These regulations are found in Sections 395.3(c)(1) and (c)(2). After you have taken at least 34 consecutive hours off duty, you have the full 60 or 70 hours available again. The use of a “valid” 34-hour restart resets a driver’s “weekly” hours back to zero. In addition, an individual may perform other on-duty tasks, such as loading or unloading and paperwork, after reaching the 60/7 or 70/8 hour limits. They simply may not legally drive a commercial motor vehicle (CMV) on a public road when the limit has been reached. The 34-hour restart is an optional, not a mandatory regulatory provision.

Example: If you follow the 70-hour/8-day limit and work 14 hours per day for 5 days in a row, you will have been on duty for 70 hours. You would not be able to drive again until you drop below 70 hours worked in an 8-day period. However, if your company allows you to use the 34-hour restart provision, you would have driving time available immediately after 34 consecutive hours off duty. You would then begin a new period of 8 consecutive days and have 70 hours available.

What Is On-Duty Time?

The 60-hour/7-day limit and 70-hour/8-day limit are based on how many hours you work over a period of days. Just what kind of work is included in on-duty time? It includes all time you are working or are required to be ready to work, for any employer. It includes the following activities:



- 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 you have been relieved from duty by the motor carrier;
- All time inspecting, servicing, or conditioning any truck, including fueling it and washing it at any time;
- All driving time, as defined in the term driving time;
- All other time in or on a commercial motor vehicle other than: (i) Time spent resting in or on a parked vehicle, except as otherwise provided in Section 397.5 of the Federal Motor Carrier Safety Regulations; (ii) Time spent resting in a sleeper berth; (iii) Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth;
- All time loading, unloading, supervising, or attending your truck; or handling paperwork for shipments;
- All time taking care of your truck when it is broken down;
- All time spent providing a breath, saliva, or urine sample for drug/alcohol testing, including travel to and from the collection site;



- All time spent doing any other work for a motor carrier, including giving or receiving training and driving a company car; and
- All time spent doing paid work for anyone who is not a motor carrier, such as a part-time job at a local restaurant.

The bottom line is that on-duty time includes all time you are working for a motor carrier, whether paid or not, and all time you are doing paid work for anyone else.

The definition of on-duty time is found in Section 395.2.

On-Duty Time In a Commercial Motor Vehicle

The Federal Motor Carrier Safety Administration (FMCSA) excludes from the definition of on-duty time any time resting in a parked commercial motor vehicle, with the driver relieved of all responsibility for the vehicle. Also excluded is up to 2 hours in the passenger seat of a moving commercial motor vehicle, immediately before or after 8 consecutive hours in the sleeper berth. This rule continues to require drivers to take 8 consecutive hours in the sleeper berth, and allows them to take an additional 2 hours in the passenger seat when the vehicle is moving, without artificially confining them to the sleeper berth for the entire 10-hour period. This provides team drivers an opportunity to “keep the truck moving” by having driver A drive for 10 hours (not consecutively with a 30-minute break required at the 8th hour) while driver B obtains a full daily rest period without having to stay in the sleeper berth for 10 straight hours. Driver B can take 8 hours in the sleeper berth and 2 hours in the passenger seat to accomplish the required off-duty period. Then the drivers may change positions and keep the truck moving. This reversal pattern could continue until either driver reaches the maximum limit of 60 or 70 hours on duty in any 7 or 8 day period. It bears noting that only the first 2 hours in the passenger seat of the commercial motor vehicle can be combined with the 8 hours in the sleeper berth to get the required 10 consecutive hours off-duty. Any hours spent in the passenger seat after these 2 hours count – and are properly logged as – on-duty (not driving) time.

Travel Time

“Travel time” refers to the time you are being transported to a new location as part of your job, while not performing any driving on the trip. Any travel time you do at the direction of your motor carrier is considered on-duty time. However, if you take at least 10 consecutive hours off duty once you get to your destination, you may count all of the time, including the travel time, as off-duty.

Example: Your company sends you on a bus for 8 hours to pick up a truck and drive it back. You are simply riding the bus and not doing any other work for your company. Before driving the truck you take 10 consecutive hours off duty. In this case you may count all of the travel time as off duty as well.

The regulation on travel time is found in Section 395.1(j).

What Is Off-Duty Time?

By understanding the definition of on-duty time, you will get a good idea of what is considered off-duty time. In order for time to be considered off-duty, you must be relieved of all duty and responsibility for performing work. You must be free to pursue activities of your own choosing and be able to leave the place where your vehicle is parked.

If you are not doing any work (paid or unpaid) for a motor carrier, and you are not doing any paid work for anyone else, you may record the time as off-duty time.



What Is the Adverse Driving Conditions Exception?

If unexpected adverse driving conditions slow you down, you may drive up to 2 extra hours to complete what could have been driven in normal conditions. This means you could drive for up to 13 hours, which is 2 hours more than allowed under normal conditions. Adverse driving conditions mean things that you did not know about when you started your run, like snow, fog, or a shut-down of traffic due to a crash. Adverse driving conditions do not include situations that you should have known about, such as congested traffic during typical “rush hour” periods.



Even though you may drive 2 extra hours under this exception, you must not drive after the 14th consecutive hour after coming on duty, and you must comply with the minimum 30-minute rest break provisions.

This regulation is found in Section 395.1(b).

What Is the Non-CDL Short-Haul Exception?

If you drive short distances in a truck that does not require a commercial driver's license (CDL), you might be able to use the non-CDL short-haul exception. This short-haul exception allows you to extend the 14-hour driving window to 16 hours on 2 days in a 7-consecutive-day period or after any 34-hour restart and does not require you to keep a logbook. FMCSA does not enforce the 30-minute rest break provision [49 CFR 395.3 (a)(3)(ii)] against any driver who qualifies for this short-haul exception.

You can only use this exception if you:

- Drive a truck that is a “commercial motor vehicle” but does not require a CDL, and
- Work within a 150 air-mile radius (see p. 3 for explanation of “air miles”) of your normal work reporting location and return there each day.

If you meet the criteria for using the non-CDL short-haul exception:

- You must not drive for more than 11 hours following 10 consecutive hours off duty;
- You must not drive past the 14th hour after coming on duty 5 days in any period of 7 consecutive days; and
- You must not drive past the 16th hour after coming on duty 2 days in any period of 7 consecutive days.
- You must not drive after being on duty 60 hours in any 7 consecutive days or 70 hours in any 8 consecutive days (unless you took 34 consecutive hours off to restart a 7/8-day period that meets the conditions listed above).

Under this exception you are not required to keep a log book, but your company must keep accurate and true time records for 6 months showing: 1) the time the driver reports for duty each day; 2) the total number of hours the driver is on duty each day; 3) the time the driver is released from duty each day; and 4) the total time for the preceding 7 days in accordance with Section 395.8(j)(2) for drivers used for the first time or intermittently.

If you come under this exception you are not eligible for the 100 air-mile radius exception, 16-hour short-haul exception, or the split sleeper-berth provision. This regulation is found in Section 395.1(e)(2).

What Is the 16-Hour Short-Haul Exception?

If you usually come back to your work-reporting location and go home at the end of your workday, you might be able to use the 16-hour short-haul exception. This exception allows you to extend the 14-consecutive-hour driving window to 16 hours once every 7 consecutive days. In order to use this exception, you must do the following:

- You must return to your work reporting location that day, as well as for your last 5 duty tours. A duty tour is the period of time from when you come to work to when you leave work. It is your “workday,” the time between your off-duty periods of at least 10 consecutive hours.
- You must be released from duty within 16 hours after coming on duty.
- You must only use this exception once every 7 consecutive days (unless you took 34 consecutive hours off to restart a 7/8-day period).

You may not use this exception if you qualify for the “Non-CDL Short Haul Exception” explained earlier.

This regulation is found in Section 395.1(o).

Exceptions From the Hours-of-Service Regulations

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
100 air-mile radius driver (Also see driver salesperson)	<ul style="list-style-type: none"> Logbook not required 	<ul style="list-style-type: none"> Report and return to work reporting location within 12 consecutive hours Stay within 100 air-mile radius of work reporting location Keep time records showing time in, time out, and total number of hours 	§395.1(e)(1)
150 air-mile radius driver	<ul style="list-style-type: none"> 16-hour driving windows allowed twice per 7-day period, or after any 34-hour restart Logbook not required 	<ul style="list-style-type: none"> Vehicle does not require CDL Report and return to normal work reporting location every day Stay within 150 air-mile radius of work reporting location Keep time records showing time in, time out, and total number of hours 	§395.1(e)(2)
Adverse driving conditions	<ul style="list-style-type: none"> Up to 2 additional hours of driving time 	<ul style="list-style-type: none"> Additional driving time must fall within 14-hour driving window Weather or traffic condition must be unknown at start of run 	§395.1(b)(1) §395.2
Agricultural operations	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Transporting agricultural commodities or farm supplies Within 150 air-miles of farm supplies or commodities origin During a State's declared planting and harvesting season 	§395.1(k) §395.2
Agricultural [Farm Vehicle Operations; 10,001 through 26,000 lbs. GVW/GVWR]	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> Driven by the owner or operator of a farm or ranch (or by a family member or employee of that person) Transporting agricultural commodities, livestock, machinery or supplies to or from the farm or ranch License plate or some other means of identifying it as a farm vehicle to enforcement personnel Not for-hire Not transporting hazardous materials requiring placarding No limitation on distance for these lighter vehicles (see next row in table) 	§390.5 §390.39(a)(3)

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
Agricultural [Farm Vehicle Operations; 26,001 lbs. or GREATER GVW/GVWR]	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> Driven by the owner or operator of a farm or ranch (or by a family member or employee of that person) Transporting agricultural commodities, livestock, machinery or supplies to or from the farm or ranch License plate or some other means of identifying it as a farm vehicle to enforcement personnel Not for-hire Not transporting hazardous materials requiring placarding Anywhere in the vehicle's home State or extending into another State within a 150 air-mile radius (172.6 land miles) of the operator's farm or ranch 	§390.5 §390.39(a)(3)
Alaska	<ul style="list-style-type: none"> 15 hours of driving time 20 hours of duty time 70 hours/7 days or 80 hours/8 days 	<ul style="list-style-type: none"> Driving a commercial motor vehicle in Alaska 	§395.1(h)
Construction materials and equipment	<ul style="list-style-type: none"> 24 consecutive hours off duty restarts 60-hour/7-day or 70-hour/8-day limit 	<ul style="list-style-type: none"> Vehicle used to transport construction and pavement materials, construction equipment, and construction maintenance vehicles To or from active construction site Stay within 50 air-miles of normal work reporting location Does not apply to vehicles placarded for hazardous materials 	§395.1(m)
Driver-salesperson	<ul style="list-style-type: none"> 60-hour/7-day limit 70-hour/8-day limit Modified 100 air-mile radius logbook provision 	<ul style="list-style-type: none"> Sell goods or services Stay within 100 miles of work reporting location No more than half of all working time spent driving Driving time does not exceed 40 hours in any 7 consecutive days 	§395.1(c) §395.2
Emergency relief	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> Declared national, regional, State, or local emergency 	§390.23
Emergency driving conditions	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Legal run could have been completed if there wasn't an emergency 	§395.1(b)(2)
Federal government operated	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> None 	§390.3(f)(2)

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
Fire and rescue, emergency operation (non government)	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> None 	§390.3(f)(5)
Ground water well drilling	<ul style="list-style-type: none"> 24 consecutive hours off duty restarts 60-hour/7-day or 70-hour/8-day limit 	<ul style="list-style-type: none"> Vehicle used primarily in transportation and operations of a groundwater well drilling rig 	§395.1(l)
Hawaii	<ul style="list-style-type: none"> Logbook not required 	<ul style="list-style-type: none"> Keep time records showing time in, time out, and total number of hours 	§395.1(i)
Local government operated	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> None* *Intrastate exceptions may be different. Check with State enforcement for details. 	§390.3(f)(2)
Movie and television production	<ul style="list-style-type: none"> 10 hours driving time 15-hours extendable driving window 8 consecutive hours off duty 	<ul style="list-style-type: none"> Transportation of property or passengers to or from a theatrical or television or motion picture production site Stay within 100 air-miles of normal work reporting location 	§395.1(p)
Oilfield operations	<ul style="list-style-type: none"> 24-hour "restart" of 70 hours in 8 days calculations 	<ul style="list-style-type: none"> CMVs used exclusively in transportation of oilfield equipment and servicing field operations gas and oil industry Accurate time records must be available for inspection 	§395.1(d)(1)
Oilfield operations	<ul style="list-style-type: none"> Waiting time at natural gas or oil well site not counted as on-duty time 	<ul style="list-style-type: none"> Specially trained drivers operating specially constructed vehicles used to service gas or oil wells Waiting time must be shown separately on log 	§395.1(d)(2)
Personal property occasional transportation	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Transportation unrelated to any commercial activity 	§390.3(f)(3)
Propane winter heating fuel; pipeline emergencies	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Emergency conditions as defined in §390.5 	§390.3(f)(7)
Railroad signal employees	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Provisions do not apply to a signal employee, as defined in §395.2, who operates a commercial motor vehicle, is engaged in installing, repairing, or maintaining signal systems, is employed by a railroad carrier or a contractor or subcontractor to a railroad carrier, while regulated by the Federal Railroad Administration. 	§395.1(r)

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
Retail store deliveries	<ul style="list-style-type: none"> All time limits on driving, duty periods, breaks, time off 	<ul style="list-style-type: none"> Local deliveries from retail stores and/or catalog businesses to the ultimate consumer Stay within 100 air-miles of normal work reporting location Only December 10 through December 25 	§395.1(f)
School bus – contractor-operated	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Transportation of school children and/or school personnel from home to school and from school to home 	§390.3(f)(1)
School bus government-operated	<ul style="list-style-type: none"> See “Local government operated” entry above 		
Short-haul exception (16-hour) Also see the “100 air-mile radius driver” and “150 air-mile radius driver” entries at beginning of this Table.	<ul style="list-style-type: none"> 16-hour duty period allowed once per 7-day period, or after any 34-hour restart 	<ul style="list-style-type: none"> Return to work reporting location that day and for last 5 duty tours Be released from duty within 16 consecutive hours Use once every 7 consecutive days or after a 34-hour restart Does not apply if driver is eligible for 150 air-mile radius exception (see above) 	§395.1(o)
State government operated	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> None* <p>*Intrastate exceptions may be different. Check with State enforcement for details.</p>	§390.3(f)(2)
Tow truck responding to emergency	<ul style="list-style-type: none"> All hours-of-service regulations, among others 	<ul style="list-style-type: none"> When responding to government request for wrecked/disabled vehicles 	§390.3(f)(2)
Utility service vehicles	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Vehicle being used to repair, maintain, deliver public utility services including electric, gas, water, sanitary sewer, telephone, television cable, or community antenna service Includes travel to and from activity sites Operates primarily within service area of utility's subscribers or consumers Does not include new construction activity 	§395.1(n)

How Does the Sleeper-Berth Provision Work?



If you drive a truck that has a sleeper berth that meets the requirements of the safety regulations, you may use it to get the required off-duty time in three ways:

1. You may spend time in your sleeper berth to get some, or all, of the 10 consecutive hours of off-duty time. When getting your 10 consecutive hours of off-duty time, what is most important is that you do not go on duty or drive during those 10 hours. At the end of the 10 consecutive hours of combined sleeper and/or off-duty time, your 11-hour driving and 14-hour duty-period limits would completely restart.
2. You may also use the sleeper berth to extend the 14-hour limit. Any period in the sleeper berth of at least 8 consecutive hours does not count as part of the 14 hours, and, therefore, allows you to extend the time during which you could use your maximum 11 hours of driving.
3. You may also use the sleeper berth in a different way to get the “equivalent of at least 10 consecutive hours off duty.” To do this, you must spend at least 8 consecutive hours (but less than 10 consecutive hours) in the sleeper berth. This rest period will not count as part of the 14 hours. A second, separate rest period must be at least 2 (but less than 10) consecutive hours long. This period may be spent in the sleeper berth, off duty, or sleeper berth and off duty combined. It does count as part of the 14 hours. It does not matter which rest period you take first. After you complete your second required rest period, you will have a new point on the clock from which to calculate your hours available. This new “calculation point” will be at the time you completed your first required rest period.

Example: You come to work at 7:00 a.m. You begin driving at 10:00 a.m. and at 2:00 p.m. you spend 8 hours in your sleeper berth. At 10:00 p.m. you resume driving. Those 8 hours in the sleeper berth do not count as part of the 14 hours.

This means that you only used 7 of your 14 hours so far, and your 14-hour limit gets extended to 5:00 a.m. the next morning (original 9:00 p.m. limit plus 8 hours). Your driving limit is still 11 hours and so far you have only driven 4 hours. That means you have 7 hours of driving time still available, allowing you to drive from 10:00 p.m. until 5:00 a.m.

At 5:00 a.m. you take your second rest period, going off duty for 2 hours. That brings you to 7:00 a.m.

Let's recap the trip so far:

Start Time	End Time	Activity	Hours Used
7:00 a.m.	10:00 a.m.	On duty/not driving	3
10:00 a.m.	2:00 p.m.	Driving	4
2:00 p.m.	10:00 p.m.	Sleeper berth	8
10:00 p.m.	5:00 a.m.	Driving	7
5:00 a.m.	7:00 a.m.	Off duty	2

How much time do you have available now under the 14-hour rule?

Since you met the requirement of getting the equivalent of 10 hours off duty in two periods (2:00 p.m. to 10:00 p.m. and 5:00 a.m. to 7:00 a.m.), you now have a new calculation point for figuring your 11 and 14 hours. Your new calculation point is at the end of the first rest period, which was at 10:00 p.m. Your new 14-hour period begins at 10:00 p.m. and ends 14 hours later, at noon the following day. During that new 14-hour period you are allowed 11 hours of driving.

From 10:00 p.m. to 7:00 a.m. you used 9 of the 14 "new" driving window hours and 7 of the 11 hours of driving time. Therefore you now have 5 hours of driving-window time available during which you are allowed to drive 4 hours.

Because your 14-hour driving window ends at 12:00 noon that day, before you can drive a commercial motor vehicle again after 12:00 noon, you must have another rest period in the sleeper berth of at least 8 consecutive hours (if you are using the sleeper-berth exception). After that you must again recalculate how many hours you will have available. Your new calculation point will be the end of the 2-hour off-duty period you took earlier (7:00 a.m.).

Remember that you are allowed to do non-driving work after the 14-hour limit is reached, just no more truck driving (but the additional on-duty time would count toward your weekly 60- or 70-hour limit).

Each time you take one of the two required rest periods, you will need to recalculate the on-duty and driving hours available. You could continue using the sleeper-berth regulation and recalculating your hours available until you have 10 consecutive hours off duty. After 10 consecutive hours off duty, you have 11 hours of driving time and a 14 consecutive-hour driving window available again.

This regulation is found in Section 395.1(g).

What Is a “Driver’s Daily Log”?

Now that we have finished talking about the hours-of-service limits, it’s time to talk about what you must do to keep track of your time. This is done in written form, unless your time is being recorded electronically using an automatic on-board recording device (AOBRD), or other electronic logging device (ELD) system, which we will explain later.

The written form you must fill out as you do your work is called the “record of duty status.” Common names for this form are the driver’s daily log, log, or logbook. You do not have to fill out a log if you come under an exception. Logbook exceptions will be discussed later.



Everything you write on the log must be true and correct. You must make all of your own entries (unless something has been preprinted on the log). You must fill out an original and one copy of your log.

You must account for every day on your log, even days off, unless you are covered by a logbook exception on any of the days. The log must cover all 24 hours of every day. (Each 24-hour page of your logbook does not have to have a grid starting at midnight; there are provisions for your employer to designate a different starting time for each 24-hour period.)

Authorized government inspectors may check your logs at any time. You must have a log for each day of the last 8 days that you were required to log (you might have been under an exception on some of those days). The current day’s log must be current to your last change of duty status. Inspectors check your logs to see if you have violated the hours-of-service regulations. Violations of the hours-of-service regulations can result in being fined and/or placed out of service.

This regulation is found in Section 395.8.

Who Must Complete a Log?

Any person who is subject to the safety regulations and drives a commercial motor vehicle as defined in Section 390.5 of the Federal regulations must complete a logbook page for any day that includes commercial motor vehicle driving and for the prior 7 days (unless under an exception on some of those days). There are two general exceptions, as described below.

What Are the Primary Exceptions From the Logging Requirements?

100 Air-Mile Radius

You are not required to fill out a log with a graph grid if you come under the 100 air-mile radius exception (see p. 3 for explanation of “air miles”). The 100 air-mile radius exception applies for any day in which you:

- Drive within a 100 air-mile radius of your normal work reporting location,
- Return to your work reporting location and are released within 12 consecutive hours, and
- Follow all other basic hours-of-service rules including the 10-hour off-duty and 11-hour driving requirements.

Your motor carrier must keep time records of the times you report for and are released from work each day, and the total hours on duty each day. You do not have to have these records in your truck.

This exception is optional. For example, you and your employer may choose to use a logbook even though you are within the 100 air-mile radius, so that you do not have to be released from work within 12 hours that day.

The motor carrier that employs the driver and utilizes this exception must maintain and retain for a period of 6 months accurate and true time records showing: 1) the time the driver reports for duty each day; 2) the total number of hours the driver is on duty each day; 3) the time the driver is released from duty each day; and 4) the total time for the preceding 7 days in accordance with Section 395.8(j)(2) for drivers used for the first time or intermittently.

This regulation is found in Section 395.1(e)(1).

Non-CDL Short-Haul

You are not required to fill out a log with a graph grid if you come under the non-CDL short-haul exception. The non-CDL short-haul exception applies on days when you:

- Drive a truck that does not require a CDL,
- Work within a 150 air-mile radius (see p. 3 for explanation of “air miles”) of your normal work reporting location and return there each day.
- Follow the 10-hour off duty and 11-hour driving requirements,
- Do not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, and
- Do not drive after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days.

Your motor carrier must keep time records of the times you report for and are released from work each day, and the total hours on duty each day.

This regulation is found in Section 395.1(e)(2).

What Must the Log Include?

The regulations do not say what the log form must look like. However, it must include a 24-hour graph grid, which is shown in the regulations, and the following information on each page:

The diagram shows a 'DRIVER'S DAILY LOG' form with the following components:

- Header:** U.S. DEPARTMENT OF TRANSPORTATION, DRIVER'S DAILY LOG, ORIGINAL - Submit to carrier within 13 days, DUPLICATES - Driver retains possession for eight days.
- Fields:** Date (MONTH, DAY, YEAR), Name of carrier, Main office address (MAIN OFFICE ADDRESS), Driver's signature/certification, Name of co-driver, Truck or tractor and trailer number, Total miles driving today, VEHICLE NUMBERS - (SHOW EACH UNIT).
- Grid:** A 24-hour grid with columns for hours (1-11 AM, 1-11 PM) and rows for duty status: 1: OFF DUTY, 2: SLEEPER/BERTH, 3: DRIVING, 4: ON DUTY. A 'TOTAL HOURS' column is on the right.
- Remarks:** A section for 'REMARKS' at the bottom of the grid.
- Shipping:** 'Pro or Shipping No.' and 'Shipping document number(s), or name of shipper and commodity'.

- **Date.** You must write down the month, day, and year for the beginning of each 24-hour period. (Multiple consecutive days off duty may be combined on one log page, with an explanation in the "Remarks.")
- **Total miles driving today.** You must write down the total number of miles you drove during the 24-hour period.

- **Truck or tractor and trailer number.** You must write down either the vehicle number(s) assigned by your company, or the license number and licensing State for each truck (and trailer, if any) you drove during the 24-hour period.
- **Name of carrier.** You must write down the name of the motor carrier(s) you are working for. If you work for more than one carrier in a 24-hour period, you must list the times you started and finished work for each carrier.
- **Main office address.** You must write down your carrier's main office address. The city and State are sufficient.
- **Your signature.** You must certify that all of your entries are true and correct by signing your log with your legal name or name of record.
- **Name of co-driver.** You must write down the name of your co-driver, if you have one.
- **Time base to be used.** You must use the time zone in effect at your home terminal. Even if you cross other time zones, record time as it is at your terminal. All drivers operating out of your home terminal must use the same starting time for the 24-hour period, as designated by your employer.
- **Remarks.** This is the area where you must list the city, town, or village, and State abbreviation when a change of duty status occurs. You should also explain any unusual circumstances or log entries that may be unclear when reviewed later, such as encountering adverse driving conditions.
- **Total hours.** You must add and write down the total hours for each duty status at the right side of the grid. The total of the entries must equal 24 hours (unless you are using one page to reflect several consecutive days off duty).
- **Shipping document number(s), or name of shipper and commodity.** For each shipment, you must write down a shipping document number (such as a shipping manifest number) or the name of the shipper and what you are hauling.

The Graph Grid

Here is what your graph grid must look like. The other required information may be placed anywhere on the page outside the grid.

1: OFF DUTY	
2: SLEEPER BERTH	
3: DRIVING	
4: ON DUTY (NOT DRIVING)	
REMARKS	

You must keep the grid on your log current to your last change of duty status. For example, if you are driving and an inspector stops you and asks to see your logbook, the final entry should show the time and place that you last started driving.

The grid will have the starting time and the hours marked above it. You must draw lines on the grid as follows:

Off Duty. Draw a solid line between the appropriate time markers to show the periods of time you are off duty.

Sleeper Berth. Draw a solid line between the appropriate time markers to show the periods of time you are resting in a sleeper berth.

Driving. Draw a solid line between the appropriate time markers to show the periods of time you are behind the wheel of a commercial motor vehicle in operation.

On Duty (Not Driving). Draw a solid line between the appropriate time markers to show the periods of time when you are on duty, but not driving a commercial motor vehicle. Time spent driving a non-CMV for a carrier would be included here.

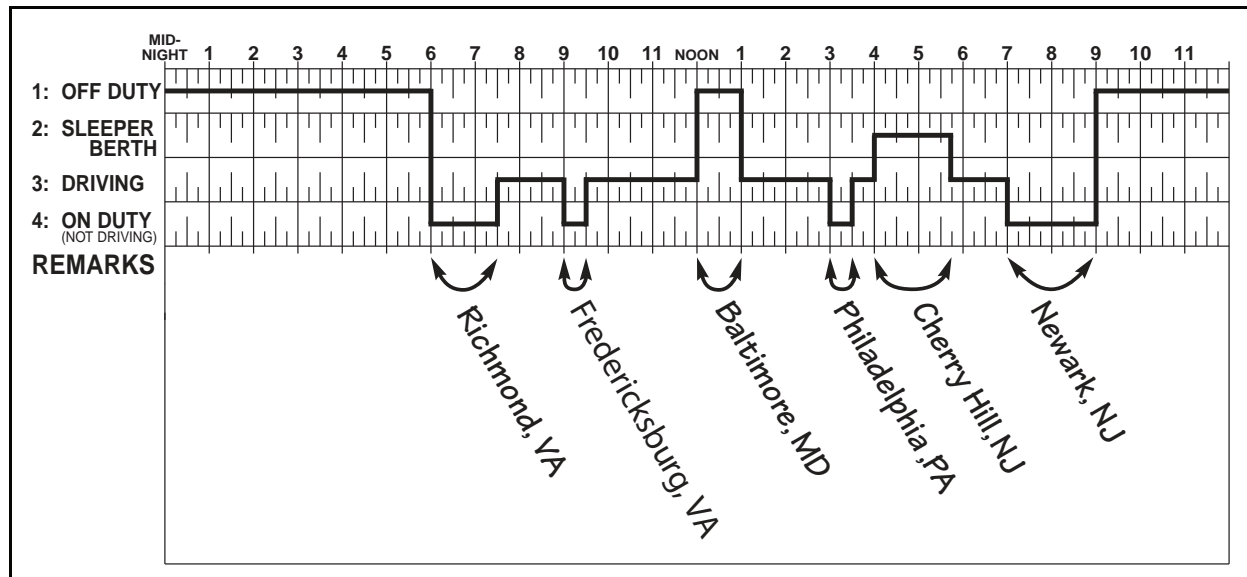
The "Remarks"

Each time you change your duty status, you must write down the name of the city, town, or village, and State abbreviation, in the Remarks section. If the change of duty status takes place at a location other than a city, town, or village, you must show one of the following:

- The highway number and the nearest milepost followed by the name of the nearest city, town, or village and State abbreviation,
- The highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or
- The highway numbers of the two nearest intersecting roadways followed by the name of the nearest city, town, or village, and State abbreviation.

You may write other things in the Remarks section, such as shipping information, a note about adverse driving conditions, or when you cross a State line.

A Completed Grid



In this sample log grid, a driver we'll call John Doe went from Richmond, Virginia, to Newark, New Jersey. The driver's day went like this:

- John Doe reported for work at 6:00 a.m. He helped load, checked with dispatch, and did a pretrip inspection. This is on-duty time. John marked midnight to 6:00 a.m. as **off duty**, then drew a line straight down to **on duty** and drew a horizontal line from 6:00 a.m. to 7:30 a.m.
- After driving 1½ hours, John stopped to fuel his truck. John marked the driving time on the **driving line**. The time at the truck stop (½ hour) is marked **on duty, not driving**.
- John then drove for 2½ hours to the Baltimore terminal where he had lunch. He again recorded his **driving time**. After lunch he recorded his lunch time as **off duty** since he had instructions from his carrier to log his lunch time as off duty and did not have any work responsibilities during this time.
- After lunch John drove for 2 more hours and stopped to make a delivery. He recorded his time again. Following the half-hour delivery stop, which he recorded as **on duty, not driving**, he started driving again.
- After ½ hour of driving, John stopped, recorded his **driving time**, and went into the sleeper berth from 4:00 p.m. to 5:45 p.m.
- At 5:45 p.m. John recorded his **sleeper-berth** time and began driving again. He reached the Newark terminal at 7:00 p.m., did a post-trip inspection, and finished his log and other paperwork.
- He went off duty at 9:00 p.m.

Notice that John was on duty past the 14th hour since he started this driving window at 6:00 a.m. There is no problem with being on duty longer than 14 hours as long as there is no commercial motor vehicle driving time after the 14th hour.

In the **Remarks** Section, John wrote down the locations of duty status changes as follows:

- He reported for work at Richmond, VA.
- He stopped and fueled his truck in Fredericksburg, VA.
- He had lunch in Baltimore, MD.
- He made a delivery stop in Philadelphia, PA.
- He went into the sleeper berth at Cherry Hill, NJ.
- He drove to Newark, NJ, checked out, and went off duty.

A Completed Log

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																					
<u>04</u>	<u>09</u>	<u>08</u>	<u>350</u>	<u>123, 20544</u>																					
(MONTH)	(DAY)	(YEAR)	(TOTAL MILES DRIVING TODAY)	VEHICLE NUMBERS - (SHOW EACH UNIT)																					
I certify these entries are true and correct:																									
<u>John Doe's Transportation</u>			<u>John E. Doe</u>																						
(NAME OF CARRIER OR CARRIERS)			(DRIVER'S SIGNATURE IN FULL)																						
<u>Washington, D.C.</u>			—																						
(MAIN OFFICE ADDRESS)			(NAME OF CO-DRIVER)																						
	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	[Graph showing 10 hours off duty]																							10	
2: SLEEPER BERTH	[Graph showing 1.75 hours in sleeper berth]																							1.75	
3: DRIVING	[Graph showing 7.75 hours driving]																							7.75	
4: ON DUTY (NOT DRIVING)	[Graph showing 4.5 hours on duty not driving]																							4.5	
REMARKS	[Graph showing 24 hours total]																							24	
Pro or Shipping No. <u>101601</u>	Richmond, VA Fredericksburg, VA Baltimore, MD Philadelphia, PA Cherry Hill, NJ Newark, NJ																								

After you have completed your log, the regulations allow you 13 days to get the original copy to your carrier. Your carrier may require you to turn it in sooner.

You must keep a copy of your completed log for the next 7 consecutive days. The copies must be available for inspection by law enforcement officers.

Any time you work for more than one motor carrier during a 24-hour period, you must make extra copies and give a copy of your log to each motor carrier. The log must include:

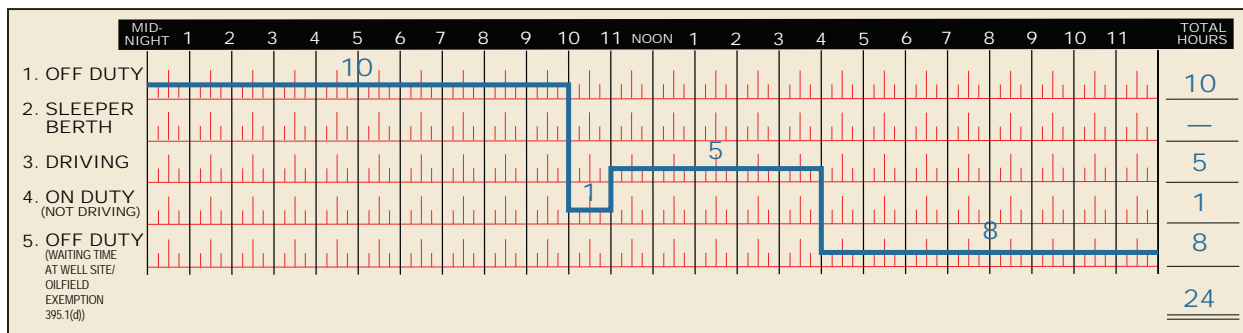
- All duty time for the entire 24-hour period,
- The name of each motor carrier you worked for during the 24-hour period, and
- The beginning and finishing time, including a.m. or p.m., worked for each motor carrier.

Oilfield Operations Logging

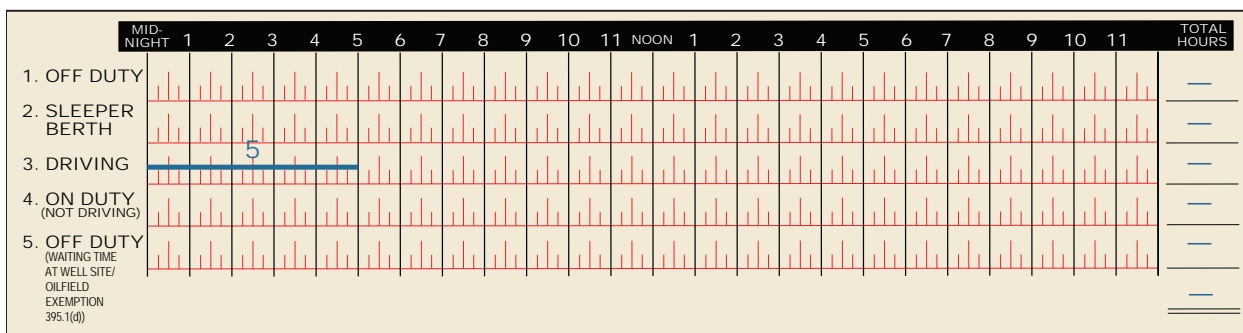
The current exception in Section 395.1(d)(2), provides that specially trained drivers of vehicles that are specially constructed to service oil wells are not required to log time waiting at a natural gas or oil well site as “on-duty not driving” time. This specific group of drivers is allowed to extend, by the amount of their waiting time, the 14-hour period after coming on duty during which driving is allowed. This “waiting time” must be shown on the paper log or electronic equivalent as off-duty and identified by annotations in the remarks section of the log or a separate line added to the log grid. In the following example, the “waiting time” is shown on a 5th line added to the log grid. The regulation does not require that the 5th line be in a specific location. It may be inside or outside the log grid.

“Waiting Time” at Well Site

Day 1



Day 2



Violations: There are no violations in this example.

Explanation: This is an example of “waiting time” for certain drivers at oil or gas well sites [See 395.1(d)(2)]. This time – which is off-duty and does extend the 14-hour period – is denoted from 4:00 p.m. to Midnight on Day 1 in this example. This “waiting time” must be shown on the paper log or electronic equivalent as off-duty and identified by annotations in the remarks section of the log or a separate line added to the log grid. In this example, the “waiting time” is shown on a 5th line added to the log grid.

What Is an Automatic On-Board Recording Device (AOBRD)?

Many motor carriers have installed electronic devices in their trucks to help accurately record hours-of-service information. If such a device meets the requirements of Section 395.15 of the safety regulations, it is called an Automatic On-Board Recording Device (AOBRD), and may be used in place of a paper logbook.

Manufacturers of AOBRDs must certify that their devices meet the Section 395.15 requirements. This includes a requirement that an AOBRD must be mechanically or electronically connected to the truck to automatically record, at a minimum, engine use, road speed, miles driven, the date, and time of day. Drivers enter other information required to complete the hours-of-service records. You should discuss with your carrier whether any device on your truck used to record hours-of-service information has been certified to meet Section 395.15 requirements.

The AOBRD device must be capable of displaying or printing for enforcement officers the times of duty status changes and other required information. It must also store this information for the prior 7 days. You may review Section 395.15 for additional AOBRD requirements.

An AOBRD may be used without creating any paper copies of logs by transmitting the data electronically to the carrier, or it may be used to print copies of the logs that would be signed by the driver and mailed to the carrier.

You may have heard about Electronic On-Board Recorders (EOBRs). The use of EOBRs to record hours-of-service information is not yet authorized by the safety regulations, but it has been formally proposed. An EOBR is more complex than an AOBRD and, if approved, may use new technologies such as Global Positioning Systems to automatically record additional hours-of-service information.

Electronic Logging Devices (ELDs)

The FMCSA allows for the use of electronic logging devices (ELDs) for tracking hours-of-service compliance by the motor carrier industry and CMV drivers. These devices are not AOBRDs, and do not automatically obtain information from a CMV. The Agency currently does not mandate the use of ELDs – their use is strictly voluntary. The CMV driver makes the predominance of entries on the ELD. The ELD must be able to print out copies of the logs to present to enforcement officers in the event of a roadside inspection.