



Hours of Service & Records of Duty Status

A reference guide assembled to help your company know the hours of service that apply to your company, requirements, and get truckin'.

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Hours of Service & Records of Duty Status

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Preface/Disclaimer

Hours of Service & Records of Duty Status

This document contains resources provided by Jay Johnson & Associates, LLC. It is not designed as a standalone compliance manual on the topic of Hours of Service and Records of Duty Status but as a reference resource.

It is not a legal or official document. The information contained herein provides a basis from which a carrier can reference and use as an informational guide for setting up internal processes and programs. For questions or more information, consult the official agency with jurisdiction, or contact the Jay Johnson & Associates, LLC team.

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JAY JOHNSON & ASSOCIATES, LLC

COMMERCIAL VEHICLE SAFETY

Welcome to our Hours of Service & Records of Duty Status Resource Guide for motor carriers created and organized by Jay Johnson & Associates, LLC. In it, we cover Hours of Service requirements for interstate and intrastate drivers.

We created this resource for management teams responsible for overseeing and helping your company understand the Hours of Service requirements. It provides information on the applicability and use of Electronic Logging Devices (ELD), Driver Record of Duty status (RODS), and exemptions. As well as auditing these records and supporting documentation.


This resource guide contains current information and forms from the FMCSA and CHP to ensure you have everything you need.

Safety in service, excellence in compliance—your company's best ally is Jay Johnson & Associates, LLC.

JAY JOHNSON & ASSOCIATES, LLC

COMMERCIAL VEHICLE SAFETY

Helpful Resource Links

<p>Compliance</p> <p>https://jjassociates.us/</p>	<p>Have all the details of compliance left you lost? Safety compliance is what we do. Contact us today so we can lead you to be a compliant carrier.</p> 
<p>DOT/ INTERSTATE</p>	
<p>FMCSA Unified Registration System (URS)</p>	 <p>Motor carriers use the FMCSA Unified Registration System to register their businesses for interstate commerce in the U.S legally.</p>
<p>Updating Your Registration or Authority</p>	<p>You are required to update your authority information when changes within your company occur, and at minimum biennially. This site will explain how to do the update.</p> 
<p>Request a PIN Number</p>	 <p>Lost your DOT PIN? Use this link to request your DOT PIN be emailed or mailed to you.</p>
<p>The FMCSA Motor Carrier Safety Planner FMCSA Safety Planner Forms Library</p>	<p>This online guide provides explanations and templates to help understand and comply with federal safety regulations. The Safety Planner provides forms and templates that can/should be used by a carrier.</p> 
<p>Resources for Passenger Carrier Companies</p>	 <p>Information for Passenger Carrying companies. Resources include safety information, registration requirements, and regulation information.</p>
<p>FMCSA Drug and Alcohol Clearinghouse</p>	<p>The Clearinghouse checks are required for all CDL drivers. Here are the instructions. See the dropdown menu on the site for informational resources.</p> 
<p>DOT Safety and Fitness Electronic Records (SAFER) System</p>	 <p>The Safety and Fitness Electronic Records (SAFER) System offers company safety data to the public. The “Company Snapshot” is a comprehensive overview of the information the FMCSA has for the company.</p>
<p>Unified Carrier Registration Plan (UCR)</p>	<p>Companies involved in interstate travel must pay an annual registration fee based on the total number of vehicles in their fleet. This is the site to register and pay your annual dues.</p> 
<p>International Fuel Tax Association Inc. (IFTA)</p>	 <p>Companies involved in interstate travel must pay annual fees based on the redistribution of fuel taxes paid by interstate commercial carriers.</p>

International Registration Plan, Inc. (IRP)	 <p>As an interstate carrier there are fees that are based on the distance traveled within each state. This is the registration site.</p>
Department of Motor Vehicles	
DMV Motor Carrier Permit Application	<p>Operate in California? You need a Motor Carrier of Property Permit. This application can be done on paper or online at the DMV website.</p> 
DMV Employer Pull Notice Program	 <p>In California, an MVR is not enough. You must be registered in the Employer Pull Notice Program. A pull notice is generated annually and when there is activity.</p>
CHP/ California - Intrastate	
CHP Commercial Vehicle Section	<p>Guide to helpful information, division contact information, and resources provided by the CHP.</p> 
CHP Carrier Inspections Results	 <p>This site offers company safety data to the public regarding CHP BIT inspections.</p>
California Vehicle Code	
California Vehicle Code	<p>This link to the California Vehicle code contains information about traffic laws in California.</p> 
Title 13 California Code of Regulations	
Title 13 California Code of Regulations	 <p>This link to the Title 13 California Code of Regulations contains information about motor vehicle regulations in California.</p>
Title 49 Code of Federal Regulations	
Title 49 Code of Federal Regulations	<p>This link to the Title 49 Code of Federal Regulations contains information about federal motor vehicle regulations.</p> 
PHMSA	
Pipeline and Hazardous Materials Safety Administration	 <p>The PHMSA website will provide information regarding your placarding, education, and permit requirements for hazmat.</p>

California Hours of Service

REGULAR HOURS OF SERVICE

12 Hours - Driving

16 Hours - Total On Duty Non-Driving (defined as any work other than driving a regulated vehicle during a work day, including but not limited to driving a water truck, maintenance shop etc...)

10 Hours - Off Duty

80 Hours in 8 Days, 34 Restart

FARM PRODUCTS

(From field to first point of processing ONLY. This does not include any packed items.)

12 Hours - Driving

16 Hours - On Duty Non-Driving

8 Hours - Off Duty

112 Hours in 8 Days, 34 Restart

Special Situation Farm Products

Fruit, Tomatoes, Sugar Beets, Grains, Wine Grapes, Grape Concentrate, Cotton, or Nuts

(from field to first point of processing ONLY)

12 Hours – Driving

16 Hours – On Duty Non-Driving

8 Hours – Off Duty

One period of not more than 28 days or 2 periods combined of not more than 28 days.

Allowed to exceed the 112 Hours in 8 days.

Remember:

No matter what hours you are operating under, your time sheets and your logbooks must always match.

INFORMATION BULLETIN



January 16, 2024

ELECTRONIC LOGGING DEVICES FOR INTRASTATE MOTOR CARRIERS AND DRIVERS

Since December 18, 2017, Federal Motor Carrier Safety Regulations have required *interstate* motor carriers operating commercial motor vehicles (CMV) to install, and require each of their drivers to use, an Electronic Logging Device (ELD) to record the driver's record-of-duty status (RODS) in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 395, Subpart B, unless otherwise exempted. As of January 1, 2024, Title 13 of the California Code of Regulations (CCR), Section 1213, is amended, and Title 13, CCR, Section 1213.3, is added, to align California state ELD regulations with federal ELD regulations.

Effective January 1, 2024, Title 13, CCR, Section 1213(a)(1), requires motor carriers to install, and each driver to use, an ELD to record the driver's RODS, unless specifically exempted by regulations.

Title 13, CCR, Section 1213.3, requires both *interstate* and *intrastate* motor carriers and drivers to comply with the federal ELD regulations adopted under Title 49, CFR, Part 395, Subpart B, as those regulations now exist or are hereafter amended, and requires the ELD utilized to meet the technical specifications contained in these same federal regulations. Both CFR and CCR regulations require motor carriers to ensure drivers are trained regarding the proper operation of the ELD.

NOTE: California maximum *intrastate* driving and on-duty hours, contained in Title 13, CCR, Sections 1212 and 1212.5 have not changed as a result of the amendments to RODS and ELD regulations.

Pursuant to Title 13, CCR, Section 1213(a)(3), drivers meeting any one of the following conditions are not required to use ELDs, but shall instead record their RODS in accordance with Title 13, CCR, Section 1213(a)(2):

- The driver is operating a CMV in a manner requiring completion of RODS no more than eight days within any 30-day period.



- The driver is in a driveway-towaway operation (transporting empty vehicles for sale, lease, or repair), provided the vehicle driven is part of the shipment being delivered.
- The vehicle being driven was manufactured before model year 2000, as reflected in the vehicle identification number and as shown on the vehicle's registration.
- The motor carrier, driver, or vehicle is subject to federal regulatory guidance, a waiver, or an exemption issued by the Federal Motor Carrier Safety Administration pursuant to Title 49, CFR, Part 395, which specifically exempts the use of an ELD.

The regulations requiring *intrastate* motor carriers and drivers to use an ELD do not change current HOS rules, requirements, or exceptions. *Intrastate* motor carriers and drivers are still required to keep RODS, even when the use of an ELD is not required, unless an exception for the requirement to keep RODS, as set forth in Title 13, CCR, Section 1213(b), is met.

NOTE: *Intrastate* drivers shall be required to use an ELD for RODS when they do not comply with "Short Haul" exemptions contained in Title 49, CFR, Section 395.1. Additionally, *Intrastate* drivers shall continue to keep RODS, when an ELD is not required, pursuant to Title 13, CCR, Section 1213(a)(2) unless they comply with the exemption contained in Title 13, CCR, Section 1212(e).

When the use of an ELD is not required pursuant to the conditions of Title 13, CCR, Section 1213(a)(3), a driver's RODS may be documented in one of the following ways:

- Manually recorded using a paper logbook, as prescribed in Title 13, CCR, Section 1213(a)(2)(A).
- Using an automatic on-board recording device (AOBRD) or electronic logging software meeting the requirements of Title 13, CCR, Section 1213.2 (AOBRD), or Title 13, CCR, Section 1213.3 (ELD), respectively, as prescribed in Title 13, CCR, Section 1213(a)(2)(B).

Pursuant to Title 13, CCR, Section 1213(b), drivers of the following vehicles are not required to maintain RODS, provided documentation of their total days worked, and time of reporting on and off duty each day is maintained by the motor carrier for six months:

- Vehicles owned and operated by any forestry or fire department.



- Vehicles owned and operated by local law enforcement agencies, engaged in the transportation of inmates or prisoners.
- Vehicles designated as Authorized Emergency Vehicles.
- Vehicles operated by a driver who is operating pursuant to Title 13, CCR, Section 1212(e).

If a driver is found to be in violation of the ELD requirements, enforcement personnel should take the appropriate enforcement action beginning January 1, 2024.

Questions regarding this Information Bulletin should be directed to the Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

OPI: 062



This document provides information on the applicability and use of electronic logging devices and/or driver record of duty status for the following:

- Interstate and Intrastate Drivers – 150 Air-Mile Radius
- Intrastate Drivers – Federal Regulatory Guidance, Waiver, or Exemption
- Intrastate Farm Products – Field to First Point of Processing or Packing
- Intrastate – General Agricultural Operations
- Intrastate – Livestock Transportation Exemption

INTERSTATE AND INTRASTATE DRIVERS – 150 AIR-MILE RADIUS

Motor carriers and drivers operating within a 150 air-mile radius of their normal work reporting location would not be required to utilize an electronic logging device (ELD). However, **intrastate** drivers operating within a 150 air-mile radius of their normal work location are required to maintain a record of duty status (RODS) pursuant to Section 1213(a)(2) of Title 13 of the California Code of Regulations (CCR) **and** comply all other provisions in Section 395.1(e) of Title 49 of the Code of Federal Regulations (CFR).

To utilize this exemption from an ELD:

1. The driver must operate within a 150 air-mile radius of the normal work reporting location.
2. The driver must return to the work reporting location and is released from work within 14 consecutive hours.
3. A property-carrying commercial motor vehicle (CMV) driver must have at least ten consecutive hours off-duty separating each 14 hours on-duty.
4. A passenger-carrying CMV driver must have at least 8 consecutive hours off-duty separating each 14 hours on-duty.

Drivers utilizing this ELD exemption may use one of the following options to document their RODS:

1. A paper logbook pursuant to Title 13, CCR, Section 1213(a)(2)(A).
2. An automatic on-board recording device pursuant to Title 13, CCR, Section 1213(a)(2)(B).
3. Electronic logging software pursuant to Title 13, CCR, Section 1213(a)(2)(B).



INTRASTATE DRIVERS – FEDERAL REGULATORY GUIDANCE, WAIVER, OR EXEMPTION

Intrastate motor carriers and drivers who are not required to utilize an ELD as of the result of federal regulatory guidance, a waiver, or an exemption issued by the FMCSA pursuant to Title 49, CFR, Part 395, are required to maintain RODS pursuant to Title 13, CCR, 1213(a)(2). Additionally, they shall comply with all provisions of the applicable federal regulatory guidance, waiver, or exemption issued by the FMCSA.

Intrastate drivers utilizing this ELD exemption may use one of the following options to document their RODS:

1. A paper logbook pursuant to Title 13, CCR, Section 1213(a)(2)(A).
2. An automatic on-board recording device pursuant to Title 13, CCR, Section 1213(a)(2)(B).
3. Electronic logging software pursuant to Title 13, CCR, Section 1213(a)(2)(B).

A list of active ELD exemptions granted by FMCSA can be found on the following the Commercial Vehicle Safety Alliance’s Exemptions webpage:
<https://www.cvsa.org/inspections/exemptions/>.

INTRASTATE FARM PRODUCTS – FIELD TO FIRST POINT OF PROCESSING OR PACKING

Title 13, CCR, Section 1212(k) states drivers transporting farm products from the field to the first point of process or packing, shall not drive:

1. More than 12 hours following eight-consecutive hours off duty.
2. For any period after having been on duty 16 hours or more following eight consecutive hours off duty.
3. For any period after having been on duty 112 hours in any consecutive eight-day period.

A driver transporting special situation farm products from the field to the first point of processing or packing, or transporting livestock from pasture to pasture, may be exempted from the eight-day cumulative limit, specified in Sections 1212(k)(1)(C) and 1212.5(a)(4), during one period of not more than 28 consecutive days or a combination of two periods totaling not more than 28 days in a calendar year. Additionally, a driver who utilizes the



driving time limits in Title 13, CCR, Section 1212(k) and 1212.5(a)(4) shall maintain RODS utilizing an ELD pursuant to Title 13, CCR, Section 1213.

NOTE: California defines livestock in Section 18663 of the California Food and Agricultural Code as “cattle, sheep, swine, goat, or any horse, mule or other equine, whether live or dead.”

For purposes of Title 13, CCR, Section 1212(k), the following terms have the following meanings:

1. “Farm Products” means every agricultural, horticultural, viticultural, or vegetable product of the soil, honey and beeswax, oilseeds, poultry, livestock, milk, or timber.
2. “First point of processing or packing” means a location where farm products are dried, canned, extracted, fermented, distilled, frozen, ginned, eviscerated, pasteurized, packed, packaged, bottled, conditioned, or otherwise manufactured, processed, or preserved for distribution in wholesale or resale markets.
3. “Special situation farm products” means fruit, tomatoes, sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts.

INTRASTATE – GENERAL AGRICULTURAL OPERATIONS

Intrastate motor carriers and drivers transporting agricultural commodities utilizing the exemption contained in 395.1(k) would not be required to utilize an ELD pursuant to Title 13, CCR, 1213(a)(3)(D), but would be required to maintain RODS pursuant to Title 13, CCR, 1213(a)(2). Additionally, all other provision of Title 49, CFR, Section 395.1(k) would apply. Drivers would be required to utilize an ELD to record their RODS for any portion of their trip which is beyond the 150 air-mile radius from the source.

When operating within a 150 air-mile radius from the source, drivers may use one of the following options to document their RODS:

1. A paper logbook pursuant to Title 13, CCR, Section 1213(a)(2)(A).
2. An automatic on-board recording device pursuant to Title 13, CCR, Section 1213(a)(2)(B).
3. Electronic logging software pursuant to Title 13, CCR, Section 1213(a)(2)(B).

This exemption would apply to the following:

1. Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source.
2. Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point.
3. Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.
4. Livestock within a 150 air-mile radius from the final destination of the livestock.

INTRASTATE – LIVESTOCK TRANSPORTATION EXEMPTION

Intrastate motor carriers and drivers transporting livestock would not be required to utilize an ELD pursuant to Title 13, CCR, 1213(a)(3)(D) and the exemption issued by the FMCSA, however, would be required to maintain RODS pursuant to Title 13, CCR, 1213(a)(2). Additionally, **Intrastate** motor carriers and drivers transporting livestock shall comply with hours-of-service regulations contained in Title 13, CCR, Sections 1212 and 1212.5.

NOTE: The FMCSA defines livestock as insects (e.g. honeybees and lady bugs), cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), llamas, alpacas, live fish, crawfish, and other animals that are part of a foundation herd (including dairy-producing cattle) or offspring; or are purchased as part of a normal operation and not to obtain additional benefits under the Emergency Livestock Feed Assistance Act of 1988, as amended, and all other living animals cultivated, grown, or raised for commercial purposes, including aquatic animals.

Drivers transporting livestock may use one of the following options to document their RODS:

1. A paper logbook pursuant to Title 13, CCR, Section 1213(a)(2)(A).
2. An automatic on-board recording device pursuant to Title 13, CCR, Section 1213(a)(2)(B).
3. Electronic logging software pursuant to Title 13, CCR, Section 1213(a)(2)(B).

Additional information related to the FMCSA's livestock exemption can be found on the following webpage: <https://www.fmcsa.dot.gov/hours-service/elds/livestock-and-insect-haulers>.

Hours of Service (HOS) Final Rule

On June 1, 2020, FMCSA published a revised HOS final rule that updated the following four provisions to provide greater flexibility for drivers while maintaining the highest safety standards on our Nation's roads. Drivers must comply with these revised provisions starting on September 29, 2020, but not before.

ZZZ

SLEEPER BERTH PROVISION

Modifies the sleeper berth requirements for property carriers to allow drivers to take their required 10 hours off-duty in two periods, provided one off-duty period (whether in or out of the sleeper berth) is **at least 2 hours long** and the other involves **at least 7 consecutive hours spent in the sleeper berth**. Neither time period counts against the maximum 14-hour driving window as long as both periods are used together. **All sleeper berth pairings MUST add up to at least 10 hours.**



ADVERSE DRIVING CONDITIONS EXCEPTION

A driver who encounters adverse driving conditions is allowed to extend the driving limit and on-duty limit by up to two hours, so:

- **Property carriers** have a 16-hour driving window within which to complete up to 13 hours of driving, and
- **Passenger carriers** have a 17-hour duty period within which to complete up to 12 hours of driving.

The revised definition of "adverse driving conditions," clarifies the role of the driver in determining when such conditions are identified.

Definition:

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions that were not known, or could not have reasonably been known, to a driver immediately prior to beginning the duty day, or immediately before beginning driving after a qualifying rest break or sleeper berth period, or to a motor carrier immediately prior to dispatching the driver.



SHORT-HAUL EXCEPTION

Modifies the maximum allowable duty period and distance for drivers operating under the short-haul exception.

Passenger and property carriers qualifying for the short-haul exception are not required to use a RODS or ELD, or take a 30-minute break (§395.1(e)(1)).

- Extends the maximum duty period allowed under the short-haul exception from 12 hours to 14 hours.
- Extends the maximum radius of the short-haul exception from a 100 air-mile radius to a 150 air-mile radius.



30-MINUTE BREAK

Requires a 30-minute break for property carriers only when a driver has **driven** for a period of 8 cumulative hours without at least a 30-minute interruption. When required, the break may be satisfied by any non-driving period of 30 consecutive minutes (on-duty not driving, off-duty, sleeper berth, or any combination as long as it is consecutive).

Passenger-Carrier Drivers

10-HOUR DRIVING LIMIT

May drive a maximum of 10 hours after 8 consecutive hours off-duty.

15-HOUR LIMIT

May not drive after having been on-duty for 15 hours, following 8 consecutive hours off-duty. Off-duty time is not included in the 15-hour period.

60/70-HOUR LIMIT

May not drive after 60/70 hours on-duty in 7/8 consecutive days.

SLEEPER BERTH PROVISION

Drivers using a sleeper berth must spend at least 8 hours in the sleeper berth, and may split the sleeper berth time into two periods provided neither is less than 2 hours. **All sleeper berth pairings MUST add up to at least 10 hours.**

ADVERSE DRIVING CONDITIONS

Drivers are allowed to extend the 10-hour maximum driving time and 15-hour on-duty limit by up to 2 hours when adverse driving conditions are encountered.

SHORT-HAUL EXCEPTION

A driver is exempt from the requirements of §395.8 and §395.11 if: the driver operates within a 150 air-mile radius of the normal work reporting location, and the driver does not exceed a maximum duty period of 14 hours. Drivers using the short-haul exception in §395.1(e)(1) must report and return to the normal work reporting location within 14 consecutive hours, and stay within a 150 air-mile radius of the work reporting location.

Property-Carrying Drivers

11-HOUR DRIVING LIMIT

May drive a maximum of 11 hours after 10 consecutive hours off-duty.

14-HOUR DRIVING WINDOW

May not drive beyond the 14th consecutive hour after coming on-duty, following 10 consecutive hours off-duty. Off-duty time does not extend the 14-hour period.

30-MINUTE DRIVING BREAK

Drivers must take a 30-minute break when they have driven for a period of 8 cumulative hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 consecutive minutes (i.e., on-duty not driving, off-duty, sleeper berth, or any combination of these taken consecutively).

60/70-HOUR LIMIT

May not drive after 60/70 hours on-duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.

SLEEPER BERTH PROVISION

Drivers may split their required 10-hour off-duty period, as long as one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long and the other involves at least 7 consecutive hours spent in the sleeper berth. **All sleeper berth pairings MUST add up to at least 10 hours.** When used together, neither time period counts against the maximum 14-hour driving window.

ADVERSE DRIVING CONDITIONS

Drivers are allowed to extend the 11-hour maximum driving limit and 14-hour driving window by up to 2 hours when adverse driving conditions are encountered.

SHORT-HAUL EXCEPTION

A driver is exempt from the requirements of §395.8 and §395.11 if: the driver operates within a 150 air-mile radius of the normal work reporting location, and the driver does not exceed a maximum duty period of 14 hours. Drivers using the short-haul exception in §395.1(e)(1) must report and return to the normal work reporting location within 14 consecutive hours, and stay within a 150 air-mile radius of the work reporting location.



HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to **offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads**, and was developed based on extensive public and industry input.

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov

What's Changing?



Short-Haul Exception

The short-haul exception maximum allowable workday is changing from 12 to 14 hours, and the distance the driver may operate is extending from a 100 air-mile radius to a 150 air-mile radius.



Adverse Driving Conditions Exception

The adverse driving conditions exception is extending the duty day by up to two hours when adverse driving conditions are encountered. This is in addition to the extra two hours of driving time already allowed.

This change applies for both property (14-hour driving window) and passenger (15-hour on-duty limit) motor carriers.



30-Minute Break Requirement

The 30-minute break requirement can now be satisfied by an on-duty, not driving break (in addition to an off-duty break). The requirement for property-carrying drivers is applicable in situations where a driver has driven for a period of 8 hours without at least a 30-minute interruption.



Sleeper Berth Provision

The sleeper berth provision allows drivers to split their 10-hour off-duty period in different ways (e.g., 7/3, 8/2, 7.5/2.5), provided one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and the other involves at least 7 consecutive hours spent in the sleeper berth. The periods must add up to 10 hours, and when used together, neither time period counts against the maximum 14-hour driving window.

Frequently Asked Questions

When do the changes take effect?

Drivers and carriers must operate under the hours of service (HOS) final rule starting on September 29, 2020, and not before.

Why are the regulations changing?

The revised HOS regulations will provide greater flexibility for drivers without adversely affecting safety, and are based on thousands of comments FMCSA received from industry, safety advocacy groups, Congress, and the American public.

In addition, FMCSA's rule modernizing hours of service regulations is estimated to provide nearly \$274 million in annualized cost savings for the U.S. economy.

Will the changes affect my Electronic Logging Device?

The minimum requirements in the Electronic Logging Device (ELD) final rule do not require ELDs to identify hours of service violations; however, some ELD providers have elected to offer this as an add-on feature. If an ELD provider offers this add-on feature, but does not update their device to reflect the new hours of service rules, the ELD may inaccurately identify hours of service violations. Motor carriers should contact their ELD provider with specific questions about what information their ELD displays.



HOURS OF SERVICE (HOS) FACT SHEET INTERSTATE SHORT-HAUL EXCEPTION

HOS Changes

- 1** Short-Haul Exception
- 2** Adverse Driving Conditions Exception
- 3** 30-Minute Break
- 4** Sleeper Berth Provision

HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to **offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads,** and was developed based on extensive public and industry input.

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov

Changes to the Short-Haul Exception

This factsheet explains the differences between the short-haul exception under the previous HOS rule and the new rule that takes effect on September 29, 2020.

Property and passenger carriers using the short-haul exception in [§395.1\(e\)\(1\)](#) are not required to take a 30-minute break from driving, and are permitted to record hours in a time record, rather than a graph grid log or electronic logging device (ELD). Short-haul operators can drive within a larger air-mile radius and have a longer duty-period under the new rule.

Previous	New
<ul style="list-style-type: none"> ✓ Drive within a 100 air-mile radius ✓ Do not exceed a maximum on-duty period of 12 hours ✓ Start and end shift in the same location ✓ Have at least 8 hours off (passenger carrier) or 10 hours off (property carrier) between duty periods 	<ul style="list-style-type: none"> ✓ Drive within a 150 air-mile radius ✓ Do not exceed a maximum on-duty period of 14 hours ✓ Start and end shift in the same location ✓ Have at least 8 hours off (passenger carrier) or 10 hours off (property carrier) between duty periods

No other provisions of the [§395.1\(e\)\(1\)](#) short-haul exception have changed, nor has the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#) (property-carrying).

Short-Haul Exception and Electronic Logging Devices/Logbooks

While operating under the short-haul exception, drivers are permitted to keep a time record instead of recording time in a graph grid or with an ELD.

<p>When using the short-haul exception, the motor carrier must record the driver's time in, time out, and total number of hours per day</p> <ul style="list-style-type: none"> • Time must include the total time for the 7 preceding days for new hires or drivers used intermittently (§395.8(j)(2)) • Records must be maintained for 6 months 	<p>When a driver no longer meets the short-haul exception (drives too far/ works too many hours), the driver must complete a regular log or use an ELD for the day (§395.8)</p> <p>If a driver is required to complete a log for:</p> <ul style="list-style-type: none"> • 8 or fewer days within the last 30 days, a driver can use a paper log with a graph grid or an ELD • More than 8 days within the last 30 days, a driver generally must use an ELD to record time for that day
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HOS Changes

- 1** Short-Haul Exception
- 2** Adverse Driving Conditions Exception
- 3** 30-Minute Break
- 4** Sleeper Berth Provision

Example

No Violation In this example, the property-carrying driver has taken 10 consecutive hours off-duty before coming on-duty at midnight and being released from duty at 2 p.m. During that time, the driver drove for 9 hours, and spent the remaining time on breaks or on-duty, not driving. The driver returned to the normal work reporting location at 2 p.m., was released within 14 consecutive hours, and stayed within a 150 air-mile radius.

Date	Start Time (All)	End Time (All)	Total Hours	Driving Hours	Truck Number	Start Location	End Location
5/7/20	12:00 am	2:00 p.m.	14	9	123456789	123 Main St Burbank, CA	123 Main St Burbank, CA

Violation In this example, the property-carrying driver has taken 10 consecutive hours off-duty before coming on-duty at midnight. The driver drove for 10 hours, and spent the remaining hours on breaks or on-duty, not driving. The driver was released at 3:00 p.m. from a location that was different from the normal work reporting location where the shift began. Since the driver drove 1 hour past the 14-hour limit, and did not return to the reporting location within that time, the motor carrier is in violation.

Date	Start Time (All)	End Time (All)	Total Hours	Driving Hours	Truck Number	Start Location	End Location
5/7/20	12:00 am	3:00 p.m.	15	10	123456789	123 Main St Burbank, CA	900 Smith St Pasadena, CA

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov



HOURS OF SERVICE (HOS) FACT SHEET INTERSTATE ADVERSE DRIVING CONDITIONS

HOS Changes

- 1** Short-Haul Exception
- 2** Adverse Driving Conditions Exception
- 3** 30-Minute Break
- 4** Sleeper Berth Provision

HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service (HOS) final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to **offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads**, and was developed based on extensive public and industry input.

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov

Adverse Driving Conditions Exception Changes

This fact sheet explains the differences between the adverse driving conditions exception under the previous HOS rule and the new rule that takes effect on September 29, 2020.

When unforeseen adverse driving conditions affect their route, drivers can:

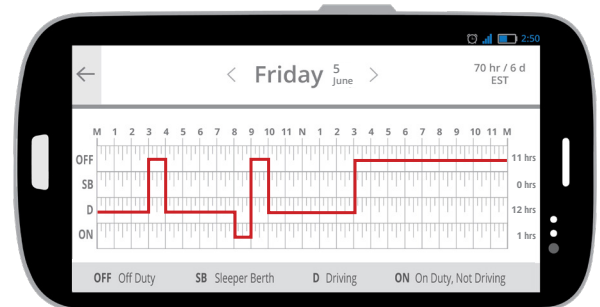
Previous	New
<p>Drive for up to 2 hours beyond the driving limits</p> <ul style="list-style-type: none"> ✓ Property carrier 11-hour driving limit ✓ Passenger carrier 10-hour driving limit 	<p>2-hour extension applies to both driving limit and on-duty limit</p> <ul style="list-style-type: none"> ✓ Property carrier 11-hour driving limit and 14-hour driving window §395.3(a)(2) ✓ Passenger carrier 10-hour driving limit and 15-hour on-duty limit §395.5(a)(2)
	<p>When using adverse driving conditions exception, drivers can drive up to:</p> <ul style="list-style-type: none"> ✓ Property: 13 hours within a 16-hour driving window ✓ Passenger: 12 hours within a 17-hour on-duty period

The definition of adverse driving conditions now considers the role of the driver:

Previous	New
<p>Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.</p>	<p>Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to:</p> <ul style="list-style-type: none"> ✓ a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or ✓ a motor carrier immediately prior to dispatching the driver.

Example

No Violation Calculation of the 11- and 14-hour limits for this property carrier begin at midnight after the driver has taken 10 consecutive hours off-duty on the prior day. The driver drives for 3 hours, is off-duty for 1 hour, drives for 4 hours, and is on-duty for 1 hour. The driver then hears that a bridge on the route ahead is closed due to a gravel spill, and the bridge is the only way to get to the destination. The driver takes 1-hour off-duty from 9 a.m. to 10 a.m. to wait at a rest area while the bridge is cleared, then drives for 5 more hours to the destination. This results in the driver driving for 12 hours, and also operating beyond the 14-hour driving window by 1 hour between 2 p.m. and 3 p.m. There is no violation of either the 11- or 14-hour limits under the new HOS final rule when using the adverse driving conditions exception.





HOURS OF SERVICE (HOS) FACT SHEET INTERSTATE 30-MINUTE BREAK

HOS Changes

- 1 Short-Haul Exception
- 2 Adverse Driving Conditions Exception
- 3 30-Minute Break
- 4 Sleeper Berth Provision

HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service (HOS) final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads, and was developed based on extensive public and industry input.

Web:
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Email:
hoursofservice@dot.gov

30-Minute Break Changes

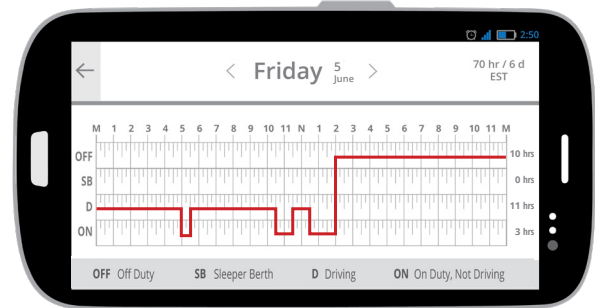
This fact sheet explains the difference between how the 30-minute break requirement is satisfied under the previous HOS rule and the new rule that takes effect on September 29, 2020.

Per **§395.3(a)(3)(ii)**, property-carrying CMV drivers are required to take a 30-minute break after:

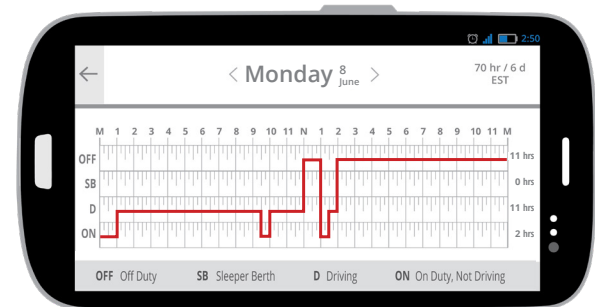
Previous	New
8 hours on-duty	8 hours of driving without at least a 30-minute break
30-minute break is satisfied by time: <ul style="list-style-type: none"> ✔ Off-duty ✔ In sleeper berth 	30-minute break is satisfied by time: <ul style="list-style-type: none"> ✔ Off-duty ✔ In sleeper berth ✔ On-duty, not driving
	30 minutes must be consecutive, but can be satisfied by any combination of the above activities

Examples

No Violation After 10 hours off-duty the driver comes on-duty at midnight and drives for 5 hours, goes on-duty (not driving) for a ½ hour, drives for 5 more hours, goes on-duty (not driving) for 1 hour, drives for 1 hour, goes on-duty (not driving) for 1 ½ hours, and then takes 10 consecutive hours off-duty. Under the new HOS rule, the 30-minute on-duty break taken between 5 and 5:30 a.m. will suffice for the mandatory 30-minute break, and the property-carrying driver is allowed to drive up to the maximum of 11 hours (6 more hours in this example), before needing 10 consecutive hours off-duty.



Violation There is a violation between 9 and 9:30 a.m. After 10 hours off-duty, the driver comes on-duty (not driving) at midnight for 1 hour, drives for 8 ½ hours, goes on-duty (not driving) for a ½ hour, drives for 2 hours, goes off-duty for 1 hour, goes on-duty (not driving) for a ½ hour, drives for a ½ hour, and then takes 10 consecutive hours off-duty. The violation occurs at 9 a.m., as the driver drives for more than 8 consecutive hours without at least a 30-minute rest break. A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth, or on-duty (not driving) time; or by a combination of off-duty, sleeper berth, and on-duty (not driving) time. That did not happen in this example, which led to the violation.





HOURS OF SERVICE (HOS) FACT SHEET INTERSTATE SLEEPER BERTH

HOS Changes

- 1 Short-Haul Exception
- 2 Adverse Driving Conditions Exception
- 3 30-Minute Break
- 4 **Sleeper Berth Provision**

HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service (HOS) final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to **offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads**, and was developed based on extensive public and industry input.

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov

Sleeper Berth Provision Changes

This fact sheet explains the differences between the sleeper berth provision under the previous HOS rule and the new rule that takes effect on September 29, 2020.

The sleeper berth provision (§395.1(g)(1)) allows property-carrying* drivers to split their 10-hour off-duty period when the following requirements are met:

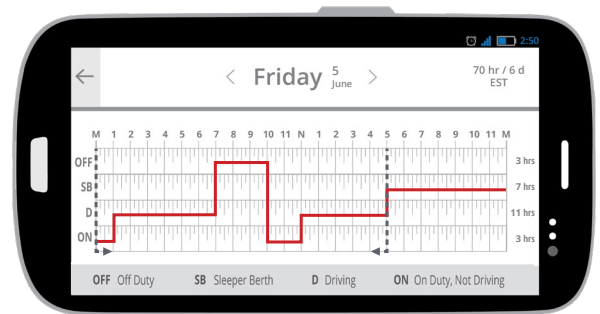
Previous	New
<ul style="list-style-type: none"> ✓ Minimum of 8 hours are in the sleeper berth, and this period is excluded from the calculation of the 14-hour driving window ✓ The other rest period of 2 or more hours is included in the 14-hour driving window 	<ul style="list-style-type: none"> ✓ One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and ✓ The other involves at least 7 consecutive hours in the sleeper berth ✓ Both periods added together must equal at least 10 hours ✓ When paired, neither time period counts against the 14-hour driving window ✗ 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window

*The new rule does not change sleeper berth provisions unique to the drivers of CMVs transporting passengers found in [§395.1\(g\)\(3\)](#).

Example

No Violation In this example, we are going to look at how the sleeper berth provision affects both the 11-hour driving limit and the 14-hour driving window for a property-carrying CMV. There are no violations in this example.

The driver comes on-duty at midnight after having 10 consecutive hours off-duty, which means he or she can drive for up to 11 hours within a 14-hour window (indicated by the arrows). The driver used those 11 hours by 5 p.m. then entered the sleeper berth for 7 consecutive hours. Because the driver accumulated at least 10 hours of rest using a combination of 3 consecutive hours off-duty (7-10 a.m.) and 7 consecutive hours in the sleeper berth (5 p.m. to midnight), the driver has not violated the 11-hour driving limit. Because both periods are qualifying rest breaks, when used together, they can both be excluded from the 14-hour driving window, so there is no 14-hour violation.



NOTE: When using the sleeper berth provision, the order of the qualifying breaks does not matter—the break of “at least 2 hours” can fall before or after the sleeper berth period of “at least 7 hours.”

List of Proper Use of Personal Conveyance and Non-qualifying Uses of a Commercial Motor Vehicle for Personal Use

The following are examples of when operating a CMV is considered off-duty:

1. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
2. Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
3. Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.
4. Moving a CMV at the request of a safety official during the driver's off-duty time
5. Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. In this scenario, the driver of the motorcoach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
6. Time spent transporting personal property while off-duty.
7. Authorized use of a CMV to travel home after working at an offsite location.

The following are examples of uses of a CMV that would not qualify as personal conveyance and therefore be required to be recorded as driver time:

1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
3. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
4. Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
5. Time spent transporting a CMV to a facility to have vehicle maintenance performed.
6. After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
7. Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
8. Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.



Personal Conveyance Frequently Asked Questions

1. May a driver, who drops his or her last load at a receiver's facility use personal conveyance to return to their normal work location (i.e. home or terminal)?

No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.

2. The guidance allows for "authorized use of a CMV to travel home after working at an offsite location." What is meant by the term "offsite" when used in this context?

The term refers to a location, other than a carrier's terminal or a shipper's or receiver's facility, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. These remote locations are considered "offsite" locations. Therefore, travel between home and that offsite location is considered commuting time, and qualifies as personal conveyance.

3. Is personal conveyance treated any differently when the driver is hauling hazardous materials?

No. There is no restriction on personal conveyance regarding hazardous materials transportation, provided that the driver complies with provisions of 49 CFR parts 177 and 397.

4. Can a driver who claims the short haul exception use personal conveyance?

Yes, there is no connection between personal conveyance and the short-haul exception. As always, off duty time does not extend the 12-hour duty time limitation.

5. How is personal conveyance time calculated in the hours-of-service rules?

Time spent under personal conveyance is off duty time.

6. May a driver use personal conveyance when they run out of available (driving/on-duty) hours?

No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.

7. Are there maximum distance time or distance limits for the use of personal conveyance?

No. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while fatigued, continues to apply. Therefore, a driver must get adequate rest before returning to driving.



8. If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?

No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on duty time.

9. Can a loaded vehicle be used as personal conveyance?

Yes. Determining personal conveyance is based on the nature of the movement, not whether the vehicle is laden.

10. Can personal conveyance time be combined with other off-duty time to complete a 10 or 34-hour break?

Yes, since PC is off-duty time. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while ill or fatigued continues to apply.

11. Can a driver be inspected during personal conveyance? If so, what is the driver's duty status during the inspection?

Yes. Since the driver is still subject to the FMCSRs, the driver or vehicle can be inspected. The driver's duty status would be "on-duty, not driving" during the inspection.



REVIEWING LOGBOOKS FOR THE AVERAGE MANAGER

This is a basic overview of how to review the drivers' records of duty status (RODS) and compare them to supporting documents. This is to help companies with compliance and liability concerns. The first step is to collect original copies of all drivers RODS every 13 days. This can happen when they are back from a trip, or if they are out on extended trips; they will need to be mailed back along with all supporting documents. Supporting documents include but are not limited to fuel receipts, toll and scale receipts, shipping papers, and even GPS records. Take some time to match up the individual log pages with the supporting documents for easier review. The RODS can be paper log pages or Electronic Logging Device (ELD) data. Some good to know information about ELD's, they are not infallible and are subject to review just like any other RODS. If a driver places themselves on Personal Conveyance, as defined, when they should indicate "driving", the ELD will not show a violation. If it is determined that the driver is using Personal Conveyance clause incorrectly, it will be considered a false log and the carrier will be help accountable.

As you get started you must make sure that you know the rules being used. Ask yourself, is this an Interstate or Intrastate trip? This is determined by the shipping papers for the product transported. For it to be Interstate, the load must start in this state and end in another state or country and vice versa. For Intrastate, the load (per the shipping papers) must start and stop within this state. If it is a passenger carrier operation in the state of California, the rules are the same if they are Intrastate and Interstate, with one exception. The Federal Motor Carrier Safety Administration (FMCSA) has determined that if you are picking up or dropping off passengers at either an airport or ship, the trip is to be considered Interstate. Know the rules, based on the load. See attached Hours of Service sheet for the basic rules.

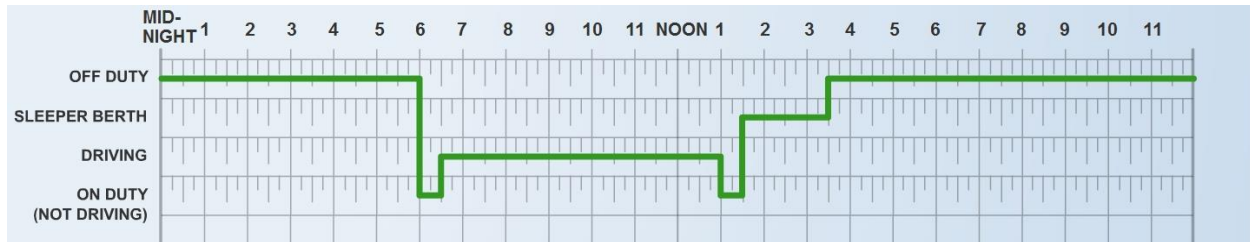
Once you know which rules are going to apply and your log pages are organized, start with your first driver and mark all of the 10-hour re-qualification periods for all 13 days. Make sure you are only marking valid re-qualification periods. Please note, if the driver only took 9.75 hours "off-duty" it is not a valid re-qualification. The marking shouldn't be considered a modification of the log page just something simply to remind you where they are. Something to remember as you go through this, it is considered illegal to modify a drivers log page in an attempt to falsify or visually bring the log page into compliance. Once the driver has signed the page, consider it a finished product.

Now that you know where the re-qualification periods are (imagine they took a full 10-hours off-duty) then you simply add up the hours between each re-qualification period. Making notes to the following effects:

- "drive-time" is line 3 only (on a standard log page).
- "on-duty" time is all hours between each 10 hour re-qualification. The exception to this rule is 8 hours consecutive in the "sleeper berth" for intrastate and any qualified re-qualification period per FMCSA. (See Attached)

Violations occur when a driver drives after the appropriate time limit. If you are using Interstate rules, then the driver will be allowed 11 hours driving between each re-qualification and within 14 hours "on-duty". Note, if a driver starts his day at 5 am, by 7 pm

the driver will not be allowed to continue driving until they have re-qualified. Even if the driver didn't drive his 11 hours allowed, once he or she has reached that 14-hour threshold they are no longer allowed to drive. If the carrier needs a driver to work in the warehouse or drive a non-regulated vehicle and continue to work, there is no violation until the driver resumes operation of a regulated vehicle or has achieved 10 hours off-duty or equivalent re-qualification period.



Looking at the attached Hours-of-Service sheet, please note the “split-sleeper berth” option for re-qualifying. This option should only be used by expert drivers who have a complete understanding of the rules. Simply because this option can cause a carrier more violations with simple math errors and lack of concentration on the drivers’ part than any of the other re-qualification options available.

Now that you have gone through all 13 days of RODS submitted for the daily Hours-of-Service rules, you need to focus on the eight-day requirements (or seven-day requirements, whichever applies). Look through all the submitted logs, mark/note the 34-hour re-qualification periods. Note: the 34-hour rule is a moving eight-day period of time, examples are 1st through 8th, 2nd through 9th and the 3rd through the 10th. Imagine an eight-day window floating between 34-hour breaks. Then add up all of the hours of the “driving” and “on-duty non-driving” rows, between each break (on a standard log page this is lines 3 and 4). Once these two rows have reached the maximum limit, a violation occurs once a driver has resumed driving on that 8th day. If the driver never resumes driving that day, then the window moves one more day and you repeat the math. This repeats until the 34-hour re-qualification, as allowed per regulation.

Moving forward with the supporting documentation. You will be looking to compare dates, times, and locations, taking notes of any discrepancies. With any discrepancy, the RODS page should be considered false and a violation, because a DOT inspector will. Note: you may need to verify dates and times on supporting documents. Fuel receipts have a tendency for hour issues because of mechanical clocks. Credit card receipts have a lot of problems due to batching techniques used when the accounts are uploaded. The least likely supporting document to have problems is your GPS equipment (if installed).

Once all hour violations and false log violations have been checked, you will need to review the basic 11 form and manner requirements (as described in the attachment). Make sure all boxes are properly filled out and logs are legible and in English. When violations are found, you are required to have a driver policy in place to rectify the problems in the future. This can include education, retraining, penalizing and eventually removing problem drivers who risk your company’s viability and raise your liability due to poor ratings. Finish by organizing logs per driver on a month-to-month basis and retain logs and supporting documents at a minimum of 6 months per Federal and State regulations.

Driver's record of duty status – General Directions on Filling Out A Log Page

The driver's record of duty status, commonly known as the driver's log, is the document used by the driver to record his/her time. Both the carrier and the driver must know what items are required on a driver's duty status record and how they are to be recorded.

The Record and Its Contents

First, careful consideration must be given to the actual form to be used by the driver on which to record his or her duty status. No longer do the regulations mandate the use of a specific format, but rather, specify only that certain items be incorporated into whatever form the carrier decides to use. The carrier has the option to select that format which best suits his/her operation. However, the format chosen must include:


1. the Graph Grid with the remarks section, which can be used either vertically or horizontally,
2. the date,
3. the total miles driving today,
4. truck or tractor and trailer numbers, or motorcoach number,
5. the name of the carrier,
6. the carrier's main office address,
7. a place for the driver's signature/certification,
8. the 24-hour period starting time whether it be midnight, 9:00 a.m., noon, 3:00 p.m., or any other time selected by the carrier for a terminal,
9. name of co-driver,
10. total hours (at the end of the grid), and
11. shipping document number or name of shipper and commodity, or charter order number/schedule number.

Although no specific format for the driver's duty status record is mandated by the regulations, the rules do indicate that drivers can continue to use the previously required forms MCS-59 "Driver's Daily Log," or MCS-139 and MCS-139A "Driver's Multi-Day Log."

A driver may also record his/her duty status by using an automatic on-board recording device (AOBRD) that meets the requirements of §395.15.

In its simplest form, the driver's duty status record would be similar to that shown below, containing only the graph grid and the 11 items of information that must be included on the form in addition to the graph grid.

Driver Duty Status Record



DRIVER'S DAILY LOG
(24 HOURS)

____/____/____
(Month) (Day) (Year)

Original - File at home terminal.
Duplicate - Driver retains in his/her possession for eight days.

Name of Carrier or Carriers

Main Office Address

Total Miles Driving Today

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)


	MID-NIGHT											NOON	MID-NIGHT											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11		1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																								
2. SLEEPER BERTH																								
3. DRIVING																								
4. ON DUTY (NOT DRIVING)																								

REMARKS

SHIPPING DOCUMENTS:

B/L or Manifest No. or

Shipper & Commodity

611-L 

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Days Off And Vacation

The regulations require a driver to record his or her duty status for "...each 24-hour period." It is permissible, however, to record more than one consecutive day off on the same duty status record. For example, if a driver is off duty for a weekend, a holiday period of several days, or even a two-week vacation, one duty status record can be used by entering the inclusive dates and showing "off duty" on the graph grid. In those instances where a carrier clears duty status records on a monthly basis, the carrier may not want drivers to show days in two months on a single duty status record sheet.

Filling Out the Record

The next step is the actual filling out of the driver's duty status record, which is to be filled out in duplicate. All entries "relating to driver's duty status" must be legible and in the driver's own handwriting. However, it is permissible to preprint some of the other information that is required, such as the carrier's name and main office address.

The driver can record six items at the start: the date (1), the full company name (2), the company's main office address (3), the truck or tractor and trailer numbers or motorcoach numbers (4), the name of the co-driver, if any (5), and the shipping document numbers or the name of the shipper and commodity (for motorcoaches the charter order number/schedule number) (6). The company name and address may have been preprinted.

Filled in (Top) Driver Duty Status Record

DRIVER'S DAILY LOG
(24 HOURS)

4 / 1 / 08 ← (Month) (Day) (Year) Original - File at home terminal Duplicate - Driver retains in his/her possession for eight days

WASHINGTON TRANSPORTATION ← Name of Carrier or Carriers

123 MASON ST., WASHINGTON, DC, 55555 ← Main Office Address

270 Total Miles Driving Today

TT#12, TR#21 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:

John E. Doe Driver's Full Signature *W. R. Smith* Co-Driver's Name

	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																									10.5
2. SLEEPER BERTH																									4.5

The Graph

A few simple rules for drivers can make the graph grid readable and understandable. Keep it current to the last change of duty status. If possible, use a ruler to draw the lines. They will be straight and give a neat appearance to the duty status record. Draw the lines in the middle of the space provided for each of the categories and no one can doubt the meaning.

Filled in (Bottom) Driver Duty Status Record

	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																									10.5
2. SLEEPER BERTH																									4.5
3. DRIVING																									5
4. ON DUTY (NOT DRIVING)																									4
REMARKS																									24

Richmond, VA. Fredericksburg, VA. Baltimore, MD. Newark, N.J. Franklin, N.J.

SHIPPING DOCUMENTS: 1673, 1674
B/L or Manifest No. or Shipper & Commodity

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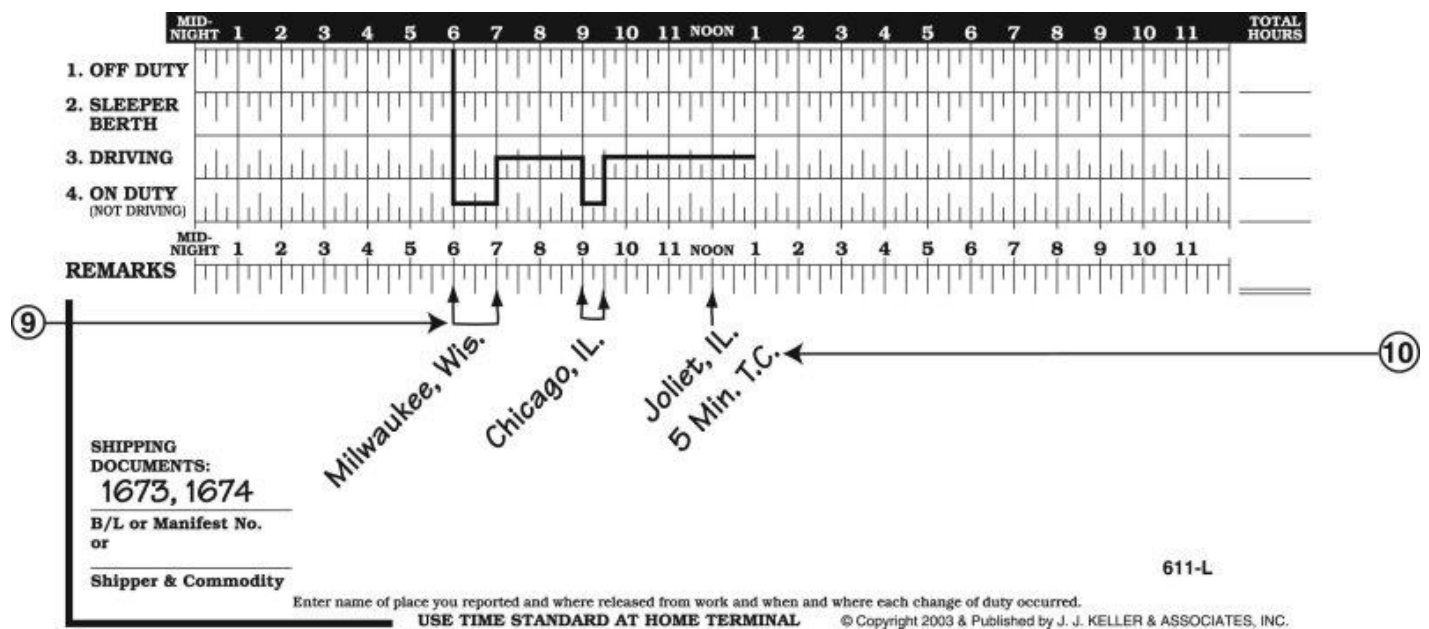
There are four categories (7) on the grid to be used for recording time. The total of hours shown in all four categories must add up to 24 hours (8); if they don't, there's been a mistake.

The Remarks

The "Remarks" section is used to record the location of changes in duty status and other information relating to the driver's daily activities. Since the graph grid is divided into 15 minute increments, changes in duty status of 15 minutes or more can readily be shown directly on the graph with the locations shown in the "Remarks" section (9). Be sure to note city and state abbreviation in the "Remarks" section for each change of duty status. Use of brackets, as shown in the example above, is acceptable.

In the case of short stops of less than 15 minutes for such things as tire checks or checking load binders, there is insufficient space to accurately record such stops directly on the graph grid. Therefore, drivers are permitted to show such stops by simply drawing a line from the appropriate time marker into the "Remarks" section and noting the location and length of time stopped. Although it is not required, it is a good idea (and many carriers require it) to indicate the reason for short stops, i.e., "TC" for tire checks, or "check binders," etc. (10).

Filled in (Bottom 2) Driver Duty Status Record



If a change of duty status occurs at a location other than a city, town, or village, the location can be recorded in one of the following ways:

1. The highway number or nearest milepost, followed by the name of the nearest city, town, or village, and the state abbreviation;
2. The highway number and the name of the service plaza, followed by the name of the nearest city, town or village, and the state abbreviation; or
3. The highway numbers of the nearest two intersecting roadways, followed by the name of the nearest city, town, or village, and the state abbreviation.

The final entries drivers are required to make on the duty status record are the total miles driven today (11) and the driver's signature/certification (12). The driver is certifying by his/her signature that "...all entries required by this section made by the driver are true and correct."

A Completed Record

DRIVER'S DAILY LOG (24 HOURS) 4 / 1 / 08
(Month) (Day) (Year) Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

WASHINGTON TRANSPORTATION
Name of Carrier or Carriers
123 MASON ST., WASHINGTON, DC, 55555
Main Office Address

⑪ 270 Total Miles Driving Today

TT#12, TR#21 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:
John E. Doe ← Driver's Full Signature
W. R. Smith ← Co-Driver's Name

	MID-NIGHT												TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	NOON	
1. OFF DUTY	[Graph: Off Duty from 6:00 to 7:00, 8:00 to 9:00, 11:00 to 12:00, 6:00 to 7:00, 9:00 to 10:00]												10.5
2. SLEEPER BERTH	[Graph: Sleeper BERTH from 7:00 to 8:00, 9:00 to 10:00, 12:00 to 1:00, 7:00 to 8:00, 10:00 to 11:00]												4.5
3. DRIVING	[Graph: Driving from 7:00 to 8:00, 8:00 to 9:00, 9:00 to 10:00, 10:00 to 11:00, 11:00 to 12:00, 1:00 to 2:00, 2:00 to 3:00, 3:00 to 4:00, 4:00 to 5:00, 5:00 to 6:00, 7:00 to 8:00, 8:00 to 9:00]												5
4. ON DUTY (NOT DRIVING)	[Graph: On Duty (Not Driving) from 6:00 to 7:00, 7:00 to 8:00, 8:00 to 9:00, 9:00 to 10:00, 10:00 to 11:00, 11:00 to 12:00, 12:00 to 1:00, 1:00 to 2:00, 2:00 to 3:00, 3:00 to 4:00, 4:00 to 5:00, 5:00 to 6:00, 6:00 to 7:00, 7:00 to 8:00, 8:00 to 9:00, 9:00 to 10:00, 10:00 to 11:00, 11:00 to 12:00]												4
REMARKS	<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p>SHIPPING DOCUMENTS: 1673, 1674</p> <p>B/L or Manifest No. or</p> <p>Shipper & Commodity</p> </div> <div style="width: 80%;"> <p>Richmond, VA.</p> <p>Frederickeburg, VA</p> <p>Baltimore, MD.</p> <p>Newark, N.J.</p> <p>Franklin, N.J.</p> </div> </div>												24

Enter name of place you reported and where released from work and when and where each change of duty occurred.
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611-L

The preceding illustration is a completed "driver duty status record" containing all information currently required to be shown.

Keep It Neat And Current

Remember, the driver's duty status record is the record of the driver's daily activities and is the basic source of information used to determine both carrier and driver compliance or noncompliance with the hours of service regulations. Keep it neat and keep it current! The latter is required:

Drivers shall keep their record of duty status current to the time shown for the last change of duty status. (§395.8(f)(1)) and, a neatly prepared log makes a good impression. As always, a good first impression can be important if a DOT inspection occurs.

Duty Status Record Retention

Finally, what is to be done with the completed duty status record? The driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.

The carrier is required to maintain drivers' records of duty status, along with all supporting documents, for 6 months.

Drivers' records of duty status may be maintained at any of the company's locations. They must be made available at the principal place of business or other designated location within 48 hours of a request by an authorized official.

The second copy or duplicate must be retained by the driver for a period of 8 days, and shall be in his/her possession while on duty.

Drivers Name:

Date:

	Start Time:	Stop Time:	Total Hours:	Comments
1				
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These resources were assembled by Jay Johnson & Associates, LLC and represent the most current regulations at the time of assembly. The information contained in this resource guide is updated regularly by the governmental agencies. Please reference the "Helpful Resource Links" document within this packet for links and QR codes to the FMCSA, DMV, CHP, and PHMSA websites to stay up to date on any regulation changes and updates to their requirements.

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