



Part 395 - Hours of Service of Drivers

GENERAL RULE - Property Carriers - Interstate (395.3)

The following regulations only apply to **property carriers** and drivers operating in **interstate commerce**.

11 Hour Rule (395.3(a)(1))

Drivers are allowed to drive for 11 hours following 10 consecutive hours off duty.

14 Hour Rule (395.3(a)(2))

A motor carrier cannot permit or require a driver to drive beyond the 14th hour after coming on duty, except when a property-carrying driver complies with the provisions of 395.1(o) or 395.1(e)(2).

- The 14-hour duty period may not be extended with off-duty time for meal stops, fuel stops, and the like.
- For 395.1(o), see 16 Hour Exception below.
- For 395.1(e)(2) see Non-CDL Driver Exception below.

60 and 70 Hour Rules (395.3(b))

A motor carrier must not permit or require a driver to drive after having been on duty

- 60 total duty hours in any period of seven consecutive days if the carrier does not operate every day of the week, or
- 70 total duty hours in any period of consecutive eight days if the carrier does operate every day of the week.
- A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.

16 Hour Exception to the 14 hour rule (395.1(o))

Drivers may extend the 14 hour on-duty period by 2 additional hours if they:

- Are released from duty at the normal work reporting location for the previous 5 tours the driver has worked,
- Return to the normal work reporting location and are released from duty within 16 hours after coming on duty following 10 consecutive hours of rest, and
- Have not used this exception in the previous 6 consecutive days, except following a 34 -hour restart of a 7/8 day period.

Non-CDL Driver Exception 395.1(e)(2)

Drivers who drive commercial motor vehicles which do not require a Commercial Driver's License may be exempted from §395.3 and §395.8 and ineligible to use the provisions of §395.1(e)(1), (g) and (o) if:

- (e)(2)(i) The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;
- (e)(2)(ii) The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work, i.e., the normal work reporting location;
- (e)(2)(iii) The driver returns to the normal work reporting location at the end of each duty tour;

- (e)(2)(iv) The driver has at least 10 consecutive hours off duty separating each on-duty period;
- (e)(2)(v) The driver does not drive more than 11 hours following at least 10 consecutive hours off duty;
- (e)(2)(vi) The driver does not drive:
 - (e)(2)(vi)(A) After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and
 - (e)(2)(vi)(B) After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days;
- (e)(2)(vii) The driver does not drive:
 - (e)(2)(vii)(A) After having been on duty for 60 hours in 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week;
 - (e)(2)(vii)(B) After having been on duty for 70 hours in 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week;
- (e)(2)(viii) Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.
- (e)(2)(ix) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (e)(2)(ix)(A) The time the driver reports for duty each day;
 - (e)(2)(ix)(B) The total number of hours the driver is on duty each day;
 - (e)(2)(ix)(C) The time the driver is released from duty each day;
 - (e)(2)(ix)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently. The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;

Sleeper Berth Exception (395.1(g))

Drivers may split on-duty time by using a sleeper berth period, but must comply with the hours-of-service rules. These drivers may accumulate the equivalent of 10 consecutive hours off-duty by taking two periods of rest, provided:

- (g)(1)(i)(A) Must, before driving, accumulate
 - (1) At least 10 consecutive hours off duty;
 - (2) At least 10 consecutive hours of sleeper-berth time;
 - (3) A combination of consecutive sleeper-berth and off-duty time amounting to at least 10 hours;
 or
 - (4) The equivalent of at least 10 consecutive hours off duty if the driver does not comply with paragraph (g)(1)(i)(A)(1), (2), or (3) of this section;
- (g)(1)(i)(B) May not drive more than 11 hours following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and
- (g)(1)(i)(C) May not drive after the 14th hour after coming on duty following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and
- (g)(1)(i)(D) Must exclude from the calculation of the 14-hour limit any sleeper berth period of at least 8 but less than 10 consecutive hours.
- (g)(1)(ii) Specific requirements. – The following rules apply in determining compliance with paragraph (g)(1)(i) of this section:
 - (g)(1)(ii)(A) The term “equivalent of at least 10 consecutive hours off duty” means a period of
 - (1) At least 8 but less than 10 consecutive hours in a sleeper berth, and
 - (2) A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.
 - (g)(1)(ii)(B) Calculation of the 11-hour driving limit includes all driving time; compliance must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(1)(ii)(A) of this section.

(g)(1)(ii)(C) Calculation of the 14-hour limit includes all time except any sleeper-berth period of at least 8 but less than 10 consecutive hours; compliance must be re-calculated from the end of the first of the two periods used to comply with the requirements of paragraph (g)(1)(ii)(A) of this section.

Industry Exceptions [395.1(l), (m) and (n) and 49 U.S.C. 31136 Notes - Exemptions From Requirements Relating to Commercial Motor Vehicles and Their Operators]

The regulation and the note to the federal statute list various industries which are exempt from some or all of the hours of service regulations. Please consult with the FMCSA if one of the following applies to you:

- Transportation of agricultural commodities and farm supplies.
- Transportation and operation of ground water well drilling rigs
- Transportation of construction materials and equipment
- Snow and ice removal
- Operators providing transportation to movie production sites

Note: Effective August 10, 2005, utility service vehicles are exempt from hours of service regulations by federal statute, which preempts state and local law

GENERAL RULE - Passenger Carriers - Interstate (395.5)

The following regulations only apply to **passenger carriers** and drivers operating in **interstate commerce**.

10 Hour Rule

Drivers are allowed to drive for 10 hours following 8 consecutive hours off duty.

15 Hour Rule

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off-duty.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after having been on duty

- 60 total duty hours in seven days
- 70 total duty hours in eight days

GENERAL RULE - All Carriers - Intrastate In Texas (37 TAC 4.12)

12 Hour Rule (37 TAC 4.12(a)(2))

Drivers are allowed to drive for 12 hours following 8 consecutive hours off duty.

15 Hour Rule (37 TAC 4.12(a)(2))

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off-duty.

NOTE: Drivers in intrastate commerce violating the 12 or 15 hour limits shall be placed out-of-service for eight consecutive hours.

70 Hour Rule (37 TAC 4.12(b)(2))

A motor carrier must not permit or require a driver to drive after having been on duty

- 70 total duty hours in seven days
- A driver may restart a 7 consecutive day period after taking 34 or more consecutive hours off-duty.

Hours of Service Documentation

Driver's Record of Duty Status (395.8)

Every driver shall prepare a record of duty status (Driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 150 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

Submitting/Retaining Duty Status Log (395.8(i))

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty for the preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of 6 months at the carrier's principal place of business, with all supporting documents.

Automatic On-Board Recording Devices (395.15)

Alternatively, motor carriers may require a driver to use an automatic on-board recording device to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous 7 consecutive days. The driver must sign all hard copies of the driver's record of duty status.

Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with inspection or maintenance of CMVs must comply and be conversant with these rules.

100 Air-mile Radius Exemption - Interstate (395.1(e)(1))

A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if **all** of the following requirements are met:

- (e)(1)(i) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (e)(1)(ii) The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- (e)(1)(iii)(A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iii)(B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iv)(A) A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or
- (e)(1)(iv)(B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and
- (e)(1)(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (e)(1)(v)(A) The time the driver reports for duty each day;

- (e)(1)(v)(B) The total number of hours the driver is on duty each day;
- (e)(1)(v)(C) The time the driver is released from duty each day; and
- (e)(1)(v)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

150 Air-mile Radius Exception - Intrastate Texas (37 TAC 4.12(a)(4) & (b)(3))

- A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if **all** of the
- following requirements are met:
 - The driver operates within a 150 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive
- hours.
 - Each 12 hours on duty are separated by at least 8 consecutive hours off duty.
- The driver does not exceed a maximum of 12 hours driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate
- and true time records that show:
 - The total number of hours the driver is on duty each day.
 - The time the driver reports for duty each day.
 - The time the driver is released from duty each day.
 - The total time for the preceding seven days for first-time or intermittent drivers.

In developing these hours-of-service regulations, the Federal Motor Carrier Safety Administration (FMCSA) systematically and extensively researched both United States and international health and fatigue studies and consulted with Federal safety and health experts. Our roads are better designed, constructed, and maintained in a nationwide network to provide greater mobility, accessibility, and safety for all highway users. Vehicles have been dramatically improved in terms of design, construction, safety, comfort, efficiency, emissions, technology, and ergonomics. These factors, combined with years of driver fatigue and sleep disorder research, led to a revision of the hours-of-service regulations for drivers.



FMCSA will continue working with its partners and stakeholders to assure a smooth transition to the new regulations.

Please join us in working together to implement these new regulations for the continuing improvement of motor carrier safety.

For more information or additional outreach materials, visit the FMCSA's Web site at www.fmcsa.dot.gov.



FMCSA-E-05-009 Revised August 2005



THE NEW HOURS-OF-SERVICE REGULATIONS

Effective October 1, 2005, the Federal Motor Carrier Safety Regulations 49 CFR, Part 395 Hours-of-Service change.

These new rules provide an increased opportunity for drivers to obtain necessary rest and restorative sleep, while recognizing the business needs of drivers and motor carriers.



THE NEW HOURS-OF-SERVICE REGULATIONS

These regulations only apply to property carriers and commercial motor vehicle drivers. Passenger carriers and their drivers will continue operating under the pre-2003 rules while fatigue issues specific to the passenger carrier industry are assessed.

2003 Rule	2005 Rule
Property-Carrying CMV Drivers Compliance Through 09/30/05	Property-Carrying CMV Drivers Compliance On & After 10/01/05
May drive a maximum of 11 hours after 10 consecutive hours off duty.	No Change
May not drive beyond the 14th hour after coming on duty, following 10 consecutive hours off duty.	No Change
May not drive after 60/70 hours on duty in 7/8 consecutive days.	No Change
▶ A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	
Commercial motor vehicle (CMV) drivers using a sleeper berth must take 10 hours off duty, but may split sleeper-berth time into two periods provided neither is less than 2 hours.	CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Short-Haul Provision

Drivers of property-carrying CMVs which do not require a Commercial Driver's License for operation and who operate within a 150 air-mile radius of their normal work reporting location:

- May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty.
- Are not required to keep records-of-duty status (RODS).
- May not drive after the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week.

Employers must:

- Maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of RODS.

Simply stated the new rule means:

- Drivers may drive up to 11 hours in the 14-hour on-duty window after they come on duty following 10 or more consecutive hours off duty.
- The 14-hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc.
- The prohibition on driving after being on duty 60 hours in 7 consecutive days, or 70 hours in 8 consecutive days, remains the same, but drivers can "restart" the 7/8 day period anytime a driver has 34 consecutive hours off duty.
- CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.



Hours of Service Record for First Time or Intermittent Drivers

Instructions: When using a driver for the first time, or intermittently, a signed statement must be obtained, giving the total time on duty (driving, and on-duty not driving) during the immediate preceding seven days, and that time at which the driver was last relieved from the previous employer prior to beginning work

Name (Print)			
	First	Middle	Last
	DAY	TIME ON DUTY	
	1	_____	
	2	_____	
	3	_____	
	4	_____	
	5	_____	
	6	_____	
	7	_____	
	TOTAL	_____	
I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that the time I was last released from being on duty was at _____ on _____.			
Signature: _____		Date: _____	

Note: This form is provided as a suggested format for a documenting the new or intermittent driver's on-duty time for the previous 7 days, as required by 49 C.F.R. 395.8(j)(2). Use of this form is not required, but obtaining documentation and the signature of the driver is required.

Hours of Service Record for First Time or Intermittent Drivers

SUMMARY OF HOURS WORKED AND HOURS AVAILABLE

This summary page may be used either alone or in conjunction with the "Weekly Recap" or "Redi Recap" section on the face of many Record of Duty Status (RODS) forms to assist the driver in computing his or her time. Entries should be made each day, even if the driver does not work on that particular day. The record of "Total On Duty Hours" under the heading "PREVIOUS MONTH'S REFERENCE" may be used to assist in computing the hours available at the beginning of the month, and is a reminder that the last several days of the prior month do affect the hours available for the first several days of this month.

PREVIOUS MONTH'S REFERENCE			Day (4)	Date (5)	Hours Worked Today (6)	Total Hours Last 6 Days (7)	Total Hours Last 7 Days (8)	Hours Eligible to Work/Drive Tomorrow (9)	
Date (1)	Ref. # (2)	Hours Worked (3)							
			1						
			2						
			3						
			4						
			5						
			6						
			7						
	Total		8						
<p style="text-align: center;">Instructions:</p> <p>- <u>Columns 1 & 5</u> - enter appropriate date.</p> <p>- <u>Column 2</u> - if necessary, a number to located time record for the relevant date.</p> <p>- <u>Column 3 & 6</u> - add together all Driving Time (status 3 on a RODS) and On-Duty Not Driving Time (Status 4 On a RODS) for each day.</p> <p>- <u>Column 7 OR 8</u> - Add up the Time Worked (Columns 3 & 6) for the appropriate number of days:</p> <p style="padding-left: 20px;">= Use column (7) if you are under the following rules:</p> <p style="padding-left: 40px;">+ 60 hours in 7 days under 49 C.F.R. 395.3(b)(1) or 49 C.F.R. 395.5(b)(1).</p> <p style="padding-left: 40px;">+ 70 hours in 7 days under 37 Tex. ADMIN. CODE § 4.12(b)(2)</p> <p style="padding-left: 20px;">= Use column (8) if you are under the following rules:</p> <p style="padding-left: 40px;">+ 70 hours in 8 days under 49 C.F.R. 395.3(b)(2) or 49 C.F.R. 395.5(b)(2).</p> <p>- <u>Column 9</u> - Subtract Column 6 and Column 7 or 8 from either 60 or 70 hours, as appropriate, and enter here. This is the amount of time available for work/driving on the following day.</p>			9						
			10						
			11						
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			31						

On the day before a driver completes a proper 34 hour restart under 49 C.F.R. 395.3(c) or under 37 TEX. ADMIN. CODE § 4.12(b)(3), the driver may line through the blocks and write "34 hour restart." After a proper restart, the driver's hours available will revert to 60 or 70 hours, as appropriate.

Note: This form is provided as a suggested format for ensuring a driver complies with the appropriate "weekly" rule. A driver or a motor carrier is not required to use any format, but is required to comply with the applicable rule cited in the "Instructions:" block above.

DRIVER'S TIME RECORD

Driver's Name _____ Employee No. _____ Month _____ Year _____

CRITERIA: DRIVERS MAY PREPARE THIS REPORT INSTEAD OF THE "RECORD OF DUTY STATUS" (RODS) OR "DRIVER'S DAILY LOG" IF THE FOLLOWING APPLIES:

Interstate Property

- Operate within the 100 statute miles of headquarters.
- Returns to headquarters and is released from work within 12 consecutive hours.
- At least 10 consecutive hours on duty separate each 12 hours on duty.
- Drives no more than 10 hours after each 6 hours on duty.

Interstate Passenger

- Operate within the 100 statute miles of headquarters.
- Returns to headquarters and is released from work within 12 consecutive hours.
- At least 8 consecutive hours on duty separate each 12 hours on duty.
- Drives no more than 11 hours after each 10 hours on duty.

Interstate (Texas)

- Operate within the 150 statute miles of headquarters.
- Returns to headquarters and is released from work within 12 consecutive hours.
- At least 8 consecutive hours on duty separate each 12 hours on duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. If driving is performed in the first seven days of this month, the appropriate number of days from the previous month shall also be recorded.

Date	Start Time 'All Duty'	End Time 'All Duty'	Total Hours Worked	Total Hours Driving	Truck/Unit Number	Headquarters Location
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
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31						

Check this box if the driver performed no driving duties during this month or the first seven days of the following month.

This form must be prepared monthly by each DOT certified driver unless time records are exclusively kept on a RODS. Indicate "days off."

NOTE: This form is provided as a suggested format for a driver's time record under 49 C.F.R. 395.1(e) and 37 Tex. Admin. Code §4.12(a)(4) and (b)(3). Use of this or a similar form is not required. Any day in which a driver does not meet the "CRITERIA" listed above, the driver must record time on a Record of Duty Status/Driver's Daily Log form.

Driver's Time Record (100 or 150 mile exemption)

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