

Hours-of-Service Regulations

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Who Must Comply

Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle, or CMV.

In general, a CMV is a vehicle that is used as part of a business and is involved in interstate commerce and fits *any* of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- A vehicle that is involved in interstate *or* intrastate commerce and is transporting hazardous materials in a quantity requiring placards is *also* considered a CMV

Interstate Commerce

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

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Interstate Truck Driver's Guide to Hours of Service

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

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

Intrastate Commerce

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

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

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

Air Miles and Statute Miles

Air Miles and Statute Miles

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

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

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

“On-Duty Time”

What Is On-Duty Time?

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



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

“On-Duty Time”



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

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

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

“Travel Time”

Travel Time

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

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

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

Hours of Service Limits

What Are the Hours-of-Service Limits?

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

14-Hour Driving Window

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

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

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

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

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

Hours of Service Limits

11-Hour Driving Limit



During the 14-consecutive-hour period explained above, you are only allowed to drive your truck for up to 11 total hours. A driver may drive a total of 11 hours during the 14-hour period, however, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes. Once you have driven a total of 11 hours, you have reached the driving limit and must be off duty for another 10 consecutive hours (or equivalent) before driving your truck again.

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

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

Hours of Service Limits

Thirty-Minute Rest Break

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

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

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

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Interstate Truck Driver's Guide to Hours of Service

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

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

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

Hours of Service Limits

60/70-Hour Duty Limit

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

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

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

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

You are required to follow one of these two limits:

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

Hours of Service Limits

34-Hour Restart

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

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

“Off Duty Time”

What Is Off-Duty Time?

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

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



“Adverse Driving Conditions”

What Is the Adverse Driving Conditions Exception?

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



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

This regulation is found in Section 395.1(b).

“Non-CDL Short Haul Exception”

What Is the Non-CDL Short-Haul Exception?

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

You can only use this exception if you:

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

“Non-CDL Short Haul Exception”

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

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

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

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

“16-Hour Short-Haul Exception”

What Is the 16-Hour Short-Haul Exception?

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

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

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

This regulation is found in Section 395.1(o).

Sleeper-Berth Provision

How Does the Sleeper-Berth Provision Work?



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

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

Driver's Daily Log

What Is a "Driver's Daily Log"?

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

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



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

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

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

This regulation is found in Section 395.8.

Who Must Complete a Log?

Who Must Complete a Log?

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

Exceptions From Logging Requirements?

What Are the Primary Exceptions From the Logging Requirements?

100 Air-Mile Radius

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

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

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

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

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

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

Exceptions From Logging Requirements?

Non-CDL Short-Haul

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

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

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

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

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What Must the Log Include?

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

The diagram shows a 'DRIVER'S DAY LOG' form from the U.S. Department of Transportation. Labels with arrows point to the following fields:

- Date:** Points to the 'DATE' field at the top left.
- Total miles driving today:** Points to the 'TOTAL MILES DRIVEN TODAY' field at the top center.
- Truck or tractor and trailer number:** Points to the 'TRUCK OR TRACTOR AND TRAILER NUMBER' field at the top right.
- Driver's signature/ certification:** Points to the 'DRIVER'S SIGNATURE' field on the right side.
- Name of co-driver:** Points to the 'NAME OF CO-DRIVER' field on the right side.
- Total hours:** Points to the 'TOTAL HOURS' field on the right side.
- Shipping document number(s), or name of shipper and commodity:** Points to the 'SHIPPER'S NAME' field at the bottom left.
- Remarks:** Points to the 'REMARKS' field at the bottom center.

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

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

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

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

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

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

The “Remarks”

The “Remarks”

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

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

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

Who must use an electronic logging device (ELD)?

The ELD rule applies to motor carriers and drivers who are currently required to keep records of duty service (RODS) on paper or with an Automatic Onboard Recording Device (AOBRD) under the hours-of-service (HOS) regulations.

Drivers who use the timecard exception, and don't keep paper RODs, will not be required to use ELDs.

The following drivers may keep paper RODS:

- Drivers who keep RODS no more than 8 days during any 30-day period.
- Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair), provided the vehicle driven is part of the shipment.
- Drivers of vehicles manufactured before model year 2000.

However, a carrier can choose to use an ELD, even if it is not required.

What is an electronic logging device?

What is an electronic logging device (ELD)?

An ELD is technology that automatically records a driver's driving time and other aspects of the hours-of-service (HOS) records. This allows easier, more accurate HOS recordkeeping. An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours). ELD manufacturers must certify that ELDs meet technical standards in the ELD rule.

Is an ELD required to collect vehicle performance data?

Is an electronic logging device (ELD) required to collect data about vehicle performance?

No, ELDs are not required to collect data on vehicle speed, braking action, steering function, or other vehicle performance parameters. ELDs are only required to collect data to determine compliance with HOS regulations.

What is a grandfathered AOB RD?

What is a “grandfathered” automatic onboard recording device (AOBRD)?

An AOB RD installed before the ELD compliance date is considered “grandfathered.” Drivers and carriers may continue to use an AOB RD instead of an ELD for a period of four years from the publication of the final rule.

Note that an AOB RD that has been updated and meets the standards for an ELD, including certification registration on FMCSA’s website, is not considered a grandfathered AOB RD. It is considered an ELD.

What user documentation must be onboard a CMV?

What electronic logging device (ELD) user documentation must be onboard a driver's commercial motor vehicle?

A driver must have the following items onboard:

1. A user's manual for operating the ELD;
2. An instruction sheet with step-by-steps instructions for transferring hours-of-service records to an authorized safety official;
3. An instruction sheet on reporting ELD malfunctions and recordkeeping procedures during ELD malfunctions; and
4. A supply of paper grid graphs to record driver duty status and related information for at least 8 days, in case of ELD malfunction.

Phased Implementation Timeline

Implementation Timeline

The ELD rule is being implemented in several phases:

The **Effective Date** February 16, 2016 is the date 60 days after the rule's publication in the Federal Register.

The **Compliance Date** December 18, 2017 is two years from the publication date.

Implementation Phase Compliance Table

	ELD	AOBRD	Logging Software	Paper
Phase 1	■	■	■	■
Phase 2	■	■		
Phase 3	■			

ELD Compliance Requirements

ELD Compliance Requirements

To be included on FMCSA's list of compliant ELDs, each ELD must:

- Conform to the [technical specifications](#);
- Be certified as compliant by the provider; and
- Be registered with FMCSA.

An ELD can include portable ELDs and mobile devices – so long as it fully meets the technical specifications, and is certified and registered.

If FMCSA finds that an ELD listed on its website does not comply with the technical specifications, FMCSA may initiate removal of an ELD model or version from its list by providing written notice to the ELD provider stating:

- The reasons that FMCSA proposes to remove the model or version from the FMCSA list; and
- Any corrective action that the provider must take for the ELD model or version to remain on the list.

If an ELD is removed from the list, FMCSA will alert industry through announcements on its website and other communications.

Hours of Service/FMCSA Compliance Review

Targeted Drivers

- Drivers involved in FMCSA reportable crashes (CSA/Compass Portal) in past 24 months
- Drivers having out-of-service HOS violations from roadside inspections
- Driver having multiple non out-of-service HOS violations from roadside inspections
- Any driver employed within past 365 days (whether still employed or not)
- Top wage earners
- Top mileage “runners”

Hours of Service/FMCSA Compliance Review

Retention of Drivers' Logs

- 6 months
- Missing logs are a problem
- Drivers must return logs to motor carrier within 13 days

Hours of Service/FMCSA Compliance Review

Question 10: What regulation, interpretation, and/or administrative ruling requires a motor carrier to retain supporting documents and what are those documents?

Guidance: Section 395.8(k)(1) requires motor carriers to retain all supporting documents at their principal places of business for a period of 6 months from date of receipt.

Supporting documents are the records of the motor carrier which are maintained in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's record of duty status. Examples are: bills of lading, carrier pros, freight bills, dispatch records, electronic mobile communication/tracking records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, toll billing statements, port of entry receipts, cash advance receipts, delivery receipts, lumber receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, driver and vehicle examination reports, crash reports, telephone billing statements, credit card receipts, border crossing reports, custom declarations, traffic citations, and overweight/oversize permits and traffic citations. Supporting documents may include other documents which the motor carrier maintains and can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded to the principal place of business upon a request by an authorized representative of the Federal Highway Administration (FHWA) or State official within 2 business days.

Hours of Service/FMCSA Compliance Review

Paper Logs' Process

- Compliance Officer will choose drivers' logs to review
- All drivers employed within past 6 months are available for review even if no longer employed
- Compliance Officer will review logs for 11/14/60 or 70-hour rule violations and falsifications
- 10% threshold is utilized meaning if a driver has on average 30 logs for one month, no more than 3 logs can be erroneous in any of the areas noted above.
- Fleets with satellites generally pay 3-5 times more \$ in fines

Hours of Service/FMCSA Compliance Review

Electronic Logs' Process

- Majority of fleets with E-Logs will receive “Satisfactory” rating
- Review is focused on 11/14 and 60-70 hour rule violations as these violations can still be incurred
- No form and manner violations generally discovered
- Compare satellite locations to e-logs to look for any CMV movement and ensure e-log shows “driving”
- Another focus is placed on “unassigned driving” and “miles without hours”
 - Officer will ask fleet to assign miles as driving and if exceed any hour rules will hold fleet accountable for these violations
- Personal Conveyance
 - Cannot be used to improve position
 - Cannot be laden
 - If driver takes CMV home and is called by employing carrier for load, driver would be on-duty from the time they leave home.

Disciplinary/Accountability Program

- Must be documented (in-house HOS violations and roadside inspection HOS violations)
- Must be followed in all instances (no exceptions)
- Not having a program could be negatively viewed by the compliance officer
- Just terminating drivers is not viewed as discipline/accountability if underlying issues are not corrected within the fleet.

Indicators of Log Falsification

- Information cross-checked with fleet records, fuel purchase, tolls, [GPS data](#), etc.
- Mileage figures always neatly rounded
- Exact legal pattern, e.g. off, 11 driving, etc.
- Too many miles in a given day
- Too short a time distance between two points

Violation of HOS

- FMCSA may levy civil penalties on drivers and carriers, ranging from \$550 to \$11,000 per violation
- Carrier's safety rating can be downgraded for a pattern of violations
- Federal criminal penalties can be brought against carriers who knowingly and willfully allow or require HOS violations

QUESTIONS? (will be answered via email after webinar)



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