



Hours of Service Compliance: BASIC Regulations

Scope

The Title 49 Code of Federal Regulations sections below are not presented in their entirety nor do they represent a complete list of sections applicable to the Hours of Service (HOS) BASIC. In particular, this material does not include sections or provisions of sections that are applicable only to passenger-carrying CMVs.

Who Must Comply

Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle (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
- Is transporting hazardous materials in a quantity requiring placards

HOS BASIC Violations

1. **Fatigued Operator**: A driver should not drive while his or her ability or alertness is impaired or likely to become impaired because of fatigue, illness or other causes. (392.3: Ill or fatigued operator)
2. **Adverse Driving Conditions**: A driver who encounters adverse driving conditions and cannot complete the run within the maximum permitted driving time, may drive for an additional 2 hours to complete the run or to reach a safe place. (395.1(b)(1): Scope of rules in this in part; General; Adverse driving conditions)
3. **Emergency Conditions**: In case of any emergency, a driver may complete the run without violating HOS requirements if such run could have been completed absent the emergency. (395.1(b)(2): Scope of rules in this in part; General; Emergency conditions)

Short Haul Operations

4. A driver is exempt from Section 395.8: Driver's record of duty status if –
- The driver operates within a 100 air-mile radius of the normal work reporting location
 - The driver returns to the work reporting location and is off work within 12 consecutive hours
 - The driver has at least 10 consecutive hours off duty separating each 12 hours on duty
 - The driver does not exceed the maximum applicable driving time specified in Section 395.3(a)(3) following 10 consecutive hours off duty
 - The motor carrier maintains for a period of 6 months records showing the total hours on duty per day

(395.1(e)(1): Scope of rules in this part; Short-haul operations; 100 air-mile radius driver)

Short Haul When No CDL Is Required

5. A driver is exempt from Section 395.3(a)(2) and Section 395.8 (and ineligible to use the provisions of §395.1(e)(1), (g), and (o)) if –
- The CMV does not require a commercial drivers license per Section 383
 - The driver operates within a 150 mile-radius of the location where the driver reports to and is released from work
 - The driver returns to this location at the end of each duty tour
 - The driver does not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days and after the 16 hour after coming on duty 2 days of any 7 consecutive days
 - The motor carrier maintains for a period of 6 months records showing the total hours on duty per day

(395.1(e)(2): Scope of rules in this part; Short-haul operations; Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license)

Hours of Service

6. A CMV driver must comply with the following –
- Start of Work Shift: A driver may not drive without first taking 10 consecutive hours off duty. (395.3(a)(1) Start of work shift)

- 14-Hour Period: A driver may only drive during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. (395.3(a)(2) 14-hour period)
 - 14-Hour Period: A driver may not drive after the end of the 14-consecutive-hour period without first taking 10 consecutive hours off duty. (395.3(a)(2) 14-hour period)
 - Driving Time: A driver may drive a total of 11 hours during the 14-hour period. (395.3(a)(3)(i) Driving time)
 - Rest Breaks: Except for a driver who qualifies for a short haul exception, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty period of at least 30 minutes. (395.3(a)(3)(ii) Rest Breaks)
7. No driver may operate a CMV for any period –
- Having been on duty 60 hours in any period of 7 consecutive days if the motor carrier does not operate CMVs every day of the week (395.3(b)(1))
 - Having been on duty 70 hours in any period of 8 consecutive days if the motor carrier does not operate CMVs every day of the week (395.3(b)(2))

See Summary of Hours of Service Driver Requirements below.

Driver's Record of Duty Status

A motor carrier must require each CMV driver to record his or her duty status for each 24-hour period using one of the following methods –

8. **Until December 18, 2017**, a motor carrier operating commercial motor vehicles shall require each of its drivers to record the driver's record of duty status:
- Using an ELD that meets the requirements of the ELD rule of December 16, 2015;
 - Using an automatic on-board recording device that meets the requirements of Section 395.15; or
 - Manually, recorded on a specified grid as shown in Section 395.8(g). (The grid and the requirements of Section 395.8(d) may be combined with any company form. The record of duty status must be recorded in duplicate for each 24-hour period for which recording is required.)

(395.8(a)(iv): Driver's record of duty status)

9. A motor carrier operating CMVs must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with the December 2015 EDL rule **no later than December 18, 2017**. (395.8(a)(1)(i): Driver's record of duty status)
10. A motor carrier that installs and requires a driver to use an automatic on-board recording device in accordance with Section 395.15 before December 18, 2017 may continue to use the compliant automatic on-board recording device **no later than December 16, 2019**. (395.8(a)(1)(ii): Driver's record of duty status)

Electronic Logging Devices

The ELD rule applies to most motor carriers and drivers who are currently required to maintain records of duty status (RODS) per Part 395, 49 CFR 395.8(a). The rule applies to commercial buses as well as trucks, and to Canada- and Mexico-domiciled drivers.

Limited Exemptions

11. The ELD rule allows limited exceptions to the ELD mandate, including:
 - Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs.
 - Drivers who use paper RODS for not more than 8 days out of every 30-day period.
 - Drivers of vehicles manufactured before 2000. (395.8(a)(1)(iii)(A): Driver's record of duty status)

See ELD Rule Key Dates and Implementation Phases below.

Penalties for Violating Hours-of-Service Rules

12. Drivers or carriers who violate the hours-of-service rules face serious penalties:
 - Drivers may be placed out of service (shut down) at roadside until the driver has accumulated enough off-duty time to be back in compliance
 - State and local enforcement officials may assess fines
 - The driver's and carrier's scores under the [Compliance, Safety, Accountability \(CSA\) enforcement program](#) can take a hit, which could result in a variety of enforcement actions
 - The Federal Motor Carrier Safety Administration may levy civil penalties on the driver or carrier, ranging from \$1,000 to \$11,000 per violation depending on the severity

- The 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 hours-of-service violations

The ELD Rule Key Dates and Implementation 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	■			

Phase 1: Awareness and Transition Phase: The two-year period following publication of the ELD rule February 16, 2016 to December 18, 2017.

During this time, carriers and drivers subject to the rule should prepare to comply, and may voluntarily use ELDs.

Carriers and drivers subject to the rule can use any of the following for records of duty status (RODS):

- Paper logs
- Logging software
- AOBRDS (Automatic On Board Recording Devices)
- ELDs that are registered and listed on the FMCSA website

Phase 2: Phased-In Compliance Phase: The two-year period from the Compliance Date to the Full Compliance Phase (four years following ELD rule publication) December 18, 2017 to December 16, 2019.

Carriers and drivers subject to the rule can use:

- AOBRDS that were installed prior to December 18, 2017.
- Certified, registered ELDs following rule publication December 16, 2015.

Phase 3: Full Compliance Phase: After December 16, 2019 all drivers and carriers subject to the rule must use certified, registered ELDs that comply with requirements of the ELD regulations.

Summary of Hours of Service Driver Requirements for Property-Carrying Drivers

HOURS-OF-SERVICE RULES
<p><u>11-Hour Driving Limit</u> May drive a maximum of 11 hours after 10 consecutive hours off duty.</p>
<p><u>14-Hour Limit</u> 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.</p>
<p><u>Rest Breaks</u> May drive only if 8 hours or less have passed since end of driver's last off-duty or sleeper berth period of at least 30 minutes. Does not apply to drivers using either of the short-haul exceptions in 395.1(e). [49 CFR 397.5 mandatory "in attendance" time may be included in break if no other duties performed]</p>
<p><u>60/70-Hour Limit</u> 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. Must include two periods from 1 a.m. to 5 a.m. home terminal time, and may only be used once per week of 148 hours, measured from the beginning of the previous restart.</p> <p><u>NOTICE:</u> The Consolidated and Further Continuing Appropriations Act of 2015 was enacted on December 16, 2014, suspending enforcement of new requirements for use of the 34-hour restart, pending a study. Based on the findings from the study, the 34-hour restart rule in operational effect on June 30, 2013, is restored to full force and effect. The requirement for two off-duty periods of 1:00 a.m. to 5:00 a.m. in section 395.3(c) of the Agency's hours-of-service rules will not be enforced, nor will the once-per-week limit on use of the restart in 395.3(d). For more information, see FMCSA's Hours of Service webpage at https://www.fmcsa.dot.gov/regulations/hours-of-service.</p>