

## DOT Driver Hours of Service Regulations

### On Duty Time

On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

- (1) 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 the driver has been relieved from duty by the motor carrier;
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time;
- (4) All time in or on a commercial motor vehicle, other than:
  - (i) Time spent resting in a sleeper berth (at least 8 consecutive hour period); or
  - (ii) 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;
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- (7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing;
- (8) Performing any other work in the capacity, employ, or service of, a motor carrier; and
- (9) Performing any compensated work for a person who is not a motor carrier.

### 70-Hour Rule

- A driver cannot drive after driving or working 70 hours in the last 8 consecutive days.
  - A driver can work “on duty not driving” past 70 hours.
- Once a driver reaches the 70 hour or 8 day limit a driver cannot drive again until a 34 hour restart has been completed.

### 34-Hour Restart

Having been on duty 70 hours in any period of 8 consecutive days can be “restarted” back to zero by taking 34 consecutive hours off duty.

- Can be off-duty, sleeper berth, or a combination of the two.
- Cannot be interrupted by any period of driving or on-duty not driving.

- Phone calls regarding when a driver needs to report to work does not violate the 34 hour restart rule.
- Can be started at any time. Any period of 34 consecutive hours off-duty will restart the 70 hour calculation.

### **11-Hour Rule**

A driver may drive a maximum of 11 hours after 10 consecutive hours off duty.

### **10-Hour Break**

- 10 hour break is required when the 11 hour, 14 hour and/or 16 hour rule is met.
- A driver can get the required 10 consecutive hour break by:
  - 10 consecutive hours off duty.
  - 10 consecutive hours in Sleeper Birth.
  - Or a combination of the two totaling 10 consecutive hours.
    - When leaving the sleeper berth during the 10 consecutive hour break, the driver must switch his/her duty status to “off duty” status when leaving the sleeper berth and then switch back to “sleeper berth” once when the driver returns to the sleeper berth.
- 10 consecutive hour break cannot be interrupted by any driving or on duty not driving periods.
  - Phone calls regarding when a driver needs to report to work does not violate the 10 hour break.

### **14-Hour Rule**

- A driver may not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty, except when a property-carrying driver complies with the 16-hour rule.
- A driver may remain on duty for more than 14 hours for non-driving work.
  - On duty time will be counted toward the 70 hours.
- Once a driver is on-duty the only way to stop and reset the 14 hour clock is to take at least 10 consecutive hours off.
  - Time spent taking 10 consecutive hour break does not count towards the 14 hour total.
- A sleeper-berth period of at least 8 consecutive hours is excluded from calculation of the 14-hour limitation. All other sleeper berth periods are included in the 14-hour calculation (unless part of a sleeper-berth/off-duty combination of 10 or more consecutive hours).

### **16-Hour Exception**

The 16-hour exemption is designed for one-day “duty tours.”

- The duty tour is the interval between the time a driver comes on-duty and is released from duty on a daily basis.
  - A 34 hour restart period and other days off is not considered a duty tour.

- If the driver works past the 14<sup>th</sup> hour but does not drive (on duty not driving), this does not count as a 16 hour duty tour.
  - The driver must drive after the 14<sup>th</sup> hour in order to have used the 16 hour duty tour.
- A driver is exempt from the requirements of the 14-Hour Rule if:
  - The driver has returned to the driver's normal work reporting location and the carrier released the driver from duty at that location for the previous five duty tours the driver has worked;
  - The driver has returned to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty following 10 consecutive hours off duty; and
  - The driver is allowed one 16 hour duty tour per every 34 hour restart as long as the other provisions are met (first two bullet points).

### **Adverse Driving Conditions Exception**

Driver who encounter adverse driving conditions such as, snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions and cannot, because of those conditions, safely complete the run within the maximum driving time permitted may drive not more than 2 additional hours in order to complete that run or to reach a place offering safety for the driver, vehicle and load.

For the adverse driving conditions to apply the following must be met:

- The trip must have been able to be completed within the 11 hour rule absent the conditions.
- The unforeseen event occurred after the driver began the trip.
  - Drivers who are dispatched after the motor carrier has been notified or should have known of adverse driving conditions are not eligible for the two hours of additional driving time permitted under this exception.

The driver may not drive or be permitted to:

- Drive for more than 13 hours following 10 consecutive hours off duty.
- Drive after the end of the 14<sup>th</sup> hour since coming on duty following 10 consecutive hours off duty.
  - The adverse driving condition does not extend the 14 hour rule.
- (May not) Use the adverse driving condition exception while also using the 16-hour exception.

### **Emergency Conditions Exception**

- In case of any emergency, a driver may complete his/her run without being in violation of the DOT Hours of Service of Drivers Regulations, if such run reasonably could have been completed absent the emergency.
- In order to utilize the emergency condition exception, the driver and dispatch could not have known of the conditions at the time of dispatch.

- The term “in an emergency” shall not be construed as encompassing such situations as:
  - A driver’s desire to get home,
  - Shippers demands,
  - Market declines,
  - Shortage of drivers,
  - Mechanical failures, or
  - Loading and unloading delays.

### **Personal Conveyance Exception (Personal Reasons)**

FMCSA Question: If a driver is permitted to use a Commercial Motor Vehicle (CMV) for personal reasons, how must the driving time be recorded?

- *Guidance:*
- When a driver is relieved from work and all responsibility for performing work, time spent traveling from a driver’s home to his/her terminal (normal work reporting location), or from a driver’s terminal to his/her home, may be considered off-duty time.
- The driver who uses a motor carrier’s Commercial Motor Vehicle (CMV) for transportation home, and is subsequently called by the employing carrier and is then dispatched from home, would be on-duty from the time the driver leaves home.
- Time spent traveling short distances from a driver’s en route lodgings (such as en route terminals or motels) to restaurants in the vicinity of such lodgings may be considered off-duty time.
  - The type of conveyance used from the terminal to the driver’s home, from the driver’s home to the terminal, or to restaurants in the vicinity of en route lodgings would not alter the situation unless the vehicle is laden (carrying a load).
    - A driver may not operate a laden CMV as a personal conveyance.
- A driver placed out of service for exceeding the requirements of the hours of service regulations may not drive a CMV to any location to obtain rest.

### **Sleeper Birth Provision**

- The first qualification is to have a sleeper birth.
  - Day cab units cannot split up the 10 hours, and must always get 10 consecutive hours off-duty.
- Drivers with sleeper births can split the 10 hours into 2 periods.
  - One period must be in the sleeper birth for at least 8 consecutive hours but less than 10 consecutive hours; and
  - A separate period of at least 2 consecutive hours but less than 10 consecutive hours can be in the sleeper berth, off-duty, or any combination of both.
    - If the driver gets more than 2 hours in the smaller rest period, the driver must still get at least 8 hours in the other sleeper period.