

= Hours of service =

Hours of Service ( HOS ) regulations are issued by the Federal Motor Carrier Safety Administration ( FMCSA ) and govern the working hours of anyone operating a commercial motor vehicle ( CMV ) in the United States . These regulations apply to truck drivers , commercial and city bus drivers , and school bus drivers who operate CMVs . These rules limit the number of daily and weekly hours spent driving and working , and regulate the minimum amount of time drivers must spend resting between driving shifts . For intrastate commerce , the respective state 's regulations apply .

The FMCSA is a division of the United States Department of Transportation ( DOT ) , which is generally responsible for enforcement of FMCSA regulations . The driver of a CMV is required to keep a record of working hours using a log book , outlining the total number of hours spent driving and resting , as well as the time at which the change of duty status occurred . In lieu of a log book , a motor carrier may keep track of a driver 's hours using an electronic on @-@ board recorder ( EOBR ) , which automatically records the amount of time spent driving the vehicle .

The HOS 's main purpose is to prevent accidents caused by driver fatigue . This is accomplished by limiting the number of driving hours per day , and the number of driving and working hours per week . Fatigue is also prevented by keeping drivers on a 21- to 24 @-@ hour schedule , maintaining a natural sleep / wake cycle ( or circadian rhythm ) . Drivers are required to take a daily minimum period of rest , and are allowed longer " weekend " rest periods to combat cumulative fatigue effects that accrue on a weekly basis .

Enforcement of the HOS is generally handled by DOT officers of each state , and are sometimes checked when CMVs pass through weigh stations . Drivers found to be in violation of the HOS can be forced to stop driving for a certain period of time , which may negatively affect the motor carrier 's safety rating . Requests to change the HOS are a source of contentious debate , and many surveys indicate some drivers get away with routinely violating the HOS . These facts have started another debate on whether motor carriers should be required to use EOBRs in their vehicles , instead of relying on paper @-@ based log books .

= = Purpose = =

Drivers subject to the HOS include any driver of a vehicle which has a gross vehicle weight of 10 @, @ 001 pounds ( 4 @, @ 536 kg ) or more ; which is designed or used to transport more than 8 passengers ( including the driver ) for compensation ; which is designed or used to transport more than 15 passengers ( including the driver ) and is not used to transport passengers for compensation ; or which is used to transport hazardous materials in quantities requiring the vehicle to be marked or placarded under the hazardous materials regulations .

The purpose of the HOS is to reduce accidents caused by driver fatigue . As the graph to the right illustrates , the number of hours spent driving has a strong correlation to the number of fatigue @-@ related accidents . According to numerous studies , the risk of fatigue is also greatest between the hours of midnight and six in the morning , and increases with the total length of the driver 's trip .

The FMCSA identifies three main factors in driver fatigue : Circadian rhythm effects , sleep deprivation and cumulative fatigue effects , and industrial or " time @-@ on @-@ task " fatigue .

Circadian rhythm effects describe the tendency for humans to experience a normal cycle in attentiveness and sleepiness through the 24 @-@ hour day . Those with a conventional sleep pattern ( sleeping for seven or eight hours at night ) experience periods of maximum fatigue in the early hours of the morning and a lesser period in the early afternoon . During the low points of this cycle , one experiences reduced attentiveness . During the high points , it is difficult to sleep soundly . The cycle is anchored in part by ambient lighting ( darkness causes a person 's body to release the hormone melatonin , which induces sleep ) , and by a person 's imposed pattern of regular sleeping and waking times . The influence of the day @-@ night cycle is never fully displaced ( standard artificial lighting is not strong enough to inhibit the release of melatonin ) , and the performance of night shift workers usually suffers . Circadian rhythms are persistent , and can only be shifted by one to two hours forward or backward per day . Changing the starting time of a work shift by more than

these amounts will reduce attentiveness , which is common after the first night shift following a " weekend " break during which conventional sleep times were followed .

Sleep deprivation and cumulative fatigue effects describe how individuals who fail to have an adequate period of sleep ( 7 ? 8 hours in 24 hours ) or who have been awake longer than the conventional 16 ? 17 hours will suffer sleep deprivation . A sleep deficit accumulates with successive sleep @-@ deprived days , and additional fatigue may be caused by breaking daily sleep into two shorter periods in place of a single unbroken period of sleep . A sleep deficit is not instantly reduced by one night 's sleep ; it may take two or three conventional sleep cycles for an individual to return to unimpaired performance .

Industrial or " time @-@ on @-@ task " fatigue describes fatigue that is accumulated during the working period , and affects performance at different times during the shift . Performance declines the longer a person is engaged in a task , gradually during the first few hours and more steeply toward the end of a long period at work . Reduced performance has also been observed in the first hour of work as an individual adjusts to the working environment .

= = Definition of terms = =

Parts of a driver 's work day are defined in four terms : On @-@ duty time , off @-@ duty time , driving time , and sleeper berth time .

FMCSA regulation § 395 @. @ 2 states :

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

On @-@ duty time includes :

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 .

All time inspecting , servicing , or conditioning any CMV at any time .

Crossing a border

All driving time as defined in the term " driving time " .

All time , other than driving time , in or upon any CMV except time spent resting in a sleeper berth .

All time loading or unloading a CMV , supervising , or assisting in the loading or unloading , attending a CMV being loaded or unloaded , remaining in readiness to operate the CMV , or in giving or receiving receipts for shipments loaded or unloaded .

All time repairing , obtaining assistance , or remaining in attendance upon a disabled CMV .

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 @-@ accident , or follow @-@ up drug testing .

Performing any other work in the capacity , employ , or service of a motor carrier .

Performing any compensated work for a person who is not a motor carrier . ( This rule does not explicitly forbid a driver from obtaining a second or part @-@ time job . It simply prevents a driver switching from a non @-@ driving job to a driving job without the required 10 hours of rest . )

Driving time is all time spent at the driving controls of a CMV .

Sleeper berth time is any amount of time spent inside the sleeper berth ( e.g. , resting or sleeping ) . FMCSA regulation § 393 @. @ 76 gives the minimum requirements for a space to be defined as a sleeper berth . The simple definition is an area separate from ( usually immediately behind ) the driving controls that includes a bed . The rules do not explicitly require that a driver must sleep , only that a driver must take a period of " rest " within the sleeper berth or off @-@ duty ( i.e. , home ) . A statement made by the ICC in 1937 gives the reason : " We have no control over the manner in which a driver may spend his time off @-@ duty , although some of his spare time activities may tire him as much as any work would do . We can only emphasize , by this comment , the responsibility which is the driver 's own to assure himself of adequate rest and sleep , in the time available for this purpose , to ensure safety of his driving , and likewise the employer 's responsibility to see that his drivers report for work in fit condition . "

Off @-@ duty time is any time not spent on @-@ duty , driving , or in the sleeper berth .

= = History = =

In 1938 , the now @-@ abolished Interstate Commerce Commission ( ICC ) enforced the first HOS rules . Drivers were limited to 12 hours of work within a 15 @-@ hour period . Work was defined as loading , unloading , driving , handling freight , preparing reports , preparing vehicles for service , or performing any other duty pertaining to the transportation of passengers or property . The ICC intended the 3 @-@ hour difference between 15 hours on @-@ duty and 12 hours of work to be used for meals and rest breaks . The weekly maximum was limited to 60 hours over 7 days ( non @-@ daily drivers ) , or 70 hours over 8 days ( daily drivers ) . These rules allowed for 12 hours of work within a 15 @-@ hour period , 9 hours of rest , with 3 hours for breaks within a 24 @-@ hour day .

Within a short time , however , representatives of organized labor ( including the American Federation of Labor , the Teamsters , and the International Association of Machinists ) petitioned for a stay of the original regulations . A few motor carriers made a similar request . The ICC agreed , and oral arguments were heard again . Labor wanted HOS limits of 8 hours per day and 48 hours per week . The ICC commented " there was no statistical or other information which would enable [ them ] to say definitely how long a driver can safely work . "

Within six months of the original ruling , the ICC ultimately decided to change the 12 @-@ hour work limit in 24 hours to a 10 @-@ hour driving limit in 24 hours , and the 15 @-@ hour on @-@ duty limit was rescinded . Motor carriers were required to give drivers 8 , rather than 9 , consecutive hours off @-@ duty each day . These rules allowed for 10 hours of driving and 8 hours of rest within a 24 @-@ hour day .

In 1962 , for reasons it never clearly explained , the ICC eliminated the 24 @-@ hour cycle rule , and reinstated the 15 @-@ hour on @-@ duty limit . With 10 hours of driving and 8 hours of sleep , drivers were allowed to maintain an 18 @-@ hour cycle , disrupting the driver 's natural 24 @-@ hour circadian rhythm . This change allowed up to 16 hours of driving per day , allowing the driver to exhaust their weekly limits in as little as five days . Later , an added exception for trucks equipped with sleeper berths meant drivers were allowed to " split " their 8 @-@ hour off @-@ duty time into two parts . With the new splitting provision , a driver could take two 4 @-@ hour periods of rest . Using one of these short rest periods would effectively " stop the on @-@ duty clock " , allowing the driver to split the 15 @-@ hour on @-@ duty time limit into two parts as well . These rules allowed for 10 hours of work within a 15 @-@ hour time limit , and 8 hours of rest within an 18 @-@ hour day .

Between 1962 and 2003 , there were numerous proposals to change the HOS again , but none were ever finalized . By this time , the ICC had been abolished , and regulations were now issued by the FMCSA . The 2003 changes applied only to property @-@ carrying drivers ( i.e. , truck drivers ) . These rules allowed 11 hours of driving within a 14 @-@ hour period , and required 10 hours of rest . These changes would allow drivers ( using the entire 14 @-@ hour on @-@ duty period ) to maintain a natural 24 @-@ hour cycle , with a bare minimum 21 @-@ hour cycle ( 11 hours driving , 10 hours rest ) . However , the retention of the split sleeper berth provision would allow drivers to maintain irregular , short @-@ burst sleeping schedules .

The most notable change of 2003 was the introduction of the " 34 @-@ hour restart . " Before the change , drivers could only gain more weekly driving hours with the passing of each day ( which reduced their 70 @-@ hour total by the number of hours driven on the earliest day of the weekly cycle ) . After the change , drivers were allowed to " reset " their weekly 70 @-@ hour limit to zero , by taking 34 consecutive hours off @-@ duty . This provision was introduced to combat the cumulative fatigue effects that accrue on a weekly basis , and to allow for two full nights of rest ( e.g. , during a weekend break ) .

In 2005 , the FMCSA changed the rules again , practically eliminating the split sleeper berth provision . Drivers are now required to take a full 8 hours of rest , with 2 hours allowed for off @-@ duty periods , for a total of 10 hours off @-@ duty . This provision forced drivers to take one longer

uninterrupted period of rest , but eliminated the flexibility of allowing drivers to take naps during the day without jeopardizing their driving time . Today 's rule still allows them to " split " the sleeper berth period , but one of the splits must be 8 hours long and the remaining 2 hours do not stop the 14 @-@ hour on @-@ duty period . This rule is confusing and impractical for most drivers , resulting in the majority of drivers taking the full 10 @-@ hour break .

In the years since 2005 , groups such as Public Citizen Litigation Group , Parents Against Tired Truckers ( PATT ) , Owner @-@ Operator Independent Drivers Association ( OOIDA ) , Citizens for Reliable and Safe Highways ( CRASH , which has merged with PATT ) , and the American Trucking Associations ( ATA ) , have been working to change the HOS again . Each group has their own ideas about what should be changed , and different agendas on why the rules should be changed .

= = Property @-@ carrying vehicles = =

FMCSA rules prohibit driving a property @-@ carrying CMV ( e.g. , trucks ) more than 11 hours or to drive after having been on @-@ duty for 14 hours . The 3 @-@ hour difference between the 11 @-@ hour driving limit and the 14 @-@ hour on @-@ duty limit gives drivers the opportunity to take care of non @-@ driving working duties such as loading and unloading cargo , fueling the vehicle , and required vehicle inspections , as well as non @-@ working duties such as meal and rest breaks . After completing an 11- to 14 @-@ hour on @-@ duty period , the driver must be allowed 10 hours off @-@ duty .

FMCSA rules prohibit drivers from operating a CMV after having been on @-@ duty 60 hours in 7 consecutive days ( if the motor carrier does not operate CMVs every day of the week ) , or after having been on @-@ duty 70 hours in 8 consecutive days ( if the motor carrier operates CMVs every day of the week ) .

After accumulating , for example , 70 hours of driving and on @-@ duty time within a period of 8 days , a driver 's daily driving limit may be reduced (  $70 / 8 = 8$  @-@ 75 driving hours per day ) . A driver may be allowed ( but not required ) to take 34 hours off @-@ duty to reset the weekly total back to zero ( also known as a " 34 @-@ hour restart " ) .

= = Passenger @-@ carrying vehicles = =

FMCSA rules prohibit driving a passenger @-@ carrying CMV ( e.g. , commercial and city buses , passenger vans , and school buses ) for more than 10 hours , or to drive after having been on @-@ duty for 15 hours . The 5 @-@ hour difference between the 10 @-@ hour driving limit and the 15 @-@ hour on @-@ duty limit gives drivers the opportunity to take care of non @-@ driving work @-@ related duties such as loading and unloading of passengers and luggage , and fueling the vehicle , as well as non @-@ working duties such as meal and rest breaks . After completing a 10 to 15 @-@ hour on @-@ duty period , the driver must be allowed 8 hours off @-@ duty .

The FMCSA weekly hours limitations for passenger @-@ carrying vehicles are identical to those for property @-@ carrying vehicles .

After accumulating , for example , 60 hours of driving and on @-@ duty time within a period of 7 days , a driver 's daily driving limit may be reduced (  $60 / 7 = 8$  @-@ 57 driving hours per day ) . The driver of a passenger @-@ carrying vehicle may not use the 34 @-@ hour restart provision .

= = Log book = =

Every driver of a CMV is required to keep track of his / her time with a log book or an EOBR . A log book is simply a notebook with a grid pattern on every page , dividing the 24 @-@ hour day into 15 @-@ minute (  $1 / 4$  @-@ hour ) segments . Drivers are required to make carbon copies of each page , so one page may be kept with the driver ( to be produced upon inspection by DOT officers ) , and so the other copy may be sent to the driver 's employer .

An electronic on @-@ board recorder can be thought of as an automated electronic log book . An EOBR records the same information as a manual paper log book , and requires less input from the

driver . The EOBR automatically records driving time and location , leaving the driver responsible only for reporting on @-@ duty and off @-@ duty time . In these respects , the EOBR is less susceptible to forgery than a paper log book .

FMCSA rules require that a log book ( or EOBR ) must record for each change of duty status ( e.g. , the place of reporting for work , or starting to drive ) , the name of the city , town or village , with state abbreviation . If a change of duty status occurs at a location other than a city , the highway number and nearest milepost or the nearest two intersecting roadways followed by the name of the nearest city must be recorded . In addition to the time grid , a log book must record the date , total miles driven for the day , truck and trailer number , name of carrier , bill of lading number , and the driver 's signature . The driver is required to retain a copy of each log page for the previous seven consecutive days which must be in his / her possession and available for inspection while on @-@ duty .

= = Exceptions = =

There are numerous exceptions to these rules , some of these include but are not limited to :

During adverse weather or emergency driving conditions , drivers are permitted to exceed the 11 hour maximum daily driving time . However , drivers may not extend the 14 hour on duty time .

Drivers who venture less than a 150 air @-@ mile radius from the work reporting location are not required to maintain log books ( but are not exempt from limits on driving time ) , provided their employers maintain accurate records of their driving time .

Drivers who start and stop their work day at the same location for at least the previous 5 work days may drive past the 14 hour mark , for an extra 2 hours , if 11 driving hours are not exceeded . The 16 @-@ hour rule extends the work day by two hours , but does not extend the allowable driving hours . The 16 @-@ hour rule may be invoked once per 34 hour reset , if the 5 day pattern has been established . The driver must be relieved from work after the 16th hour .

Drivers for oilfield operations in the petroleum industry , groundwater drilling operations , construction materials , and utility service vehicles are permitted to take a 24 @-@ hour restart .

Retail store drivers who venture less than a 100 air @-@ mile radius are allowed to exceed daily driving limits to make store deliveries from December 10 to December 25 , due to the demands of the Christmas shopping season .

Drivers in Alaska can drive up to 15 hours within a 20 @-@ hour period .

Drivers in Hawaii are not required to maintain log books , provided their employer keeps an accurate record of their driving time .

Drivers in California are allowed up to 12 driving hours and 16 on duty hours .

Drivers for theatrical or television motion picture productions are exempt if the driver operates within a 100 air @-@ mile radius of the location where the driver reports to and is released from work . These drivers may take an 8 @-@ hour break , and are allowed 15 hours on duty .

= = Enforcement = =

The HOS are issued , among other industry @-@ related regulations , by the FMCSA . In this instance , federal regulations apply only to interstate commerce . Commerce which does not involve the crossing of state lines is considered intrastate , and is under the jurisdiction of the respective state 's laws . However , most states have adopted intrastate regulations which are identical or very similar to the federal HOS regulations .

Enforcement of the HOS rules is generally handled by DOT officers of their respective states , although any ordinary police officer may inspect a driver 's log book . States are responsible for maintaining weigh stations commonly located at the borders between states , where drivers are pulled in for random vehicle inspections ( although some of the inspections are based on the motor carrier 's safety rating ) . Otherwise , a driver may be pulled over for random checks by police officers or DOT officials at any time . Drivers are required to maintain their log books to current status , and if inspections reveal any sort of discrepancy , drivers may be put " out of service " until

the driver has accumulated enough off @-@ duty time to be back in compliance . Being put out of service means a driver may not drive his / her truck during the prescribed limit under risk of further penalty . Repeated violations can result in fines from \$ 1 @,@ 000 to \$ 11 @,@ 000 and a downgrade in the motor carrier 's safety rating .

Long @-@ haul drivers are normally paid by the mile , not by the hour . Legally , truck drivers are not required to receive overtime pay for hours worked in excess of the standard 40 @-@ hour work week . Some drivers may choose to violate the HOS to earn more money . Being paid by the mile , any work performed that is not actual driving is of no value to the driver , providing incentive to falsify the amount of time spent performing non @-@ driving duties . Drivers who falsify their log books often under @-@ report their non @-@ driving duties ( such as waiting to be loaded and unloaded ) which they are not paid for , and under @-@ report their driving time or total miles . Many drivers who receive mileage pay are not paid by logged miles or actual miles , instead , motor carriers use computer mapping software ( such as PC Miler ) or published mileage guides ( such as the Rand McNally Household Goods Carriers ' Bureau Mileage Guide ) . PATT suggests that paying all drivers by the hour would reduce HOS violations by removing the incentive to " cheat the system " by driving more miles than are being logged . Surveys by OOIDA report 80 % of drivers are not paid for waiting times while loading and unloading , and the majority of those drivers log these times as off @-@ duty ( while regulations require they be logged as on @-@ duty ) . These same drivers reported they would log these times as on @-@ duty if they were paid reasonably for such delays .

Drivers can get away with this rule @-@ breaking due to their paper @-@ based log books . As a driver records their time spent behind the wheel , there is very little to stop them from forging their log books . There is very superficial oversight and some drivers take advantage of this fact . Surveys indicate that between 25 % and 75 % of drivers violate the HOS . Other drivers maintain more than one log book , showing falsified versions to enforcement officers .

Trucking companies ( motor carriers ) can also play a role in HOS violations . Certain carriers may choose to knowingly ignore HOS violations made by their drivers , or even encourage their drivers to do so . Allowing drivers to violate the HOS is an effective cost @-@ cutting measure used mostly by non @-@ union , long haul carriers . Permitting HOS violations allows a carrier to hire fewer drivers , and run on fewer trucks than a company which follows the rules . To comply with the HOS , these companies would have to hire more drivers ( possibly driving up wages ) and purchase additional trucks and trailers . Making a change to comply with the law is complicated by competition with carriers that already comply with HOS regulations . Due to this competition , carriers who choose to switch from non @-@ compliance could not pass on all of their increased costs associated with HOS compliance to their customers .

In 1999 , two trucking company officials were sentenced to federal prison for violating hours of service regulations . Charles Georgoulakos Jr. and his brother , James Georgoulakos were sentenced to four months in prison , eight months in home confinement , and one year of supervised release . Their company , C & J Trucking Company of Londonderry , New Hampshire , was placed on two years probation and fined \$ 25 @,@ 000 ( the maximum amount ) . The sentences were the result of an investigation which began when one of the trucking company 's drivers was involved in a collision on Interstate 93 in Londonderry on Aug. 2 , 1995 , in which four individuals were killed .

Several private and public motor carriers such as Frito @-@ Lay , United Parcel Service , and Werner Enterprises , have voluntarily implemented electronic on @-@ board recorders to ensure drivers are in compliance with the federal regulations , to reduce the errors and hassles associated with paper log books , and to improve driver retention and recruitment . EOBRs automatically record the driving time and cannot be easily forged . Any violation of the HOS will automatically be recorded and reported to the company . The FMCSA is considering making EOBRs mandatory for all motor carriers .

= = Rewriting the Hours of Service = =

Whereas the 11 and 14 hour rules are still in effect , drivers will also be required to take a 30 @-@ minute break after 8 hours of on duty time . The 34 hour restart provision will still be in effect .

However , drivers will only be allowed 1 restart per week ( 168 hours ) . Up to 2 hours either side of a sleeper @-@ berth period while in the passenger seat will count as off @-@ duty . Drivers inside a parked CMV who are not in the sleeper berth must log it as on @-@ duty .

This regulation has been codified into the Final Rule , and will come into force on the 27th February 2013 ( for the additional Off Duty allowances ) and 1 July 2013 ( for the break rules , and restart limits ) .

HOS Final Rule On December 27 , 2011 ( 76 FR 81133 ) , FMCSA published a final rule amending its hours @-@ of @-@ service ( HOS ) regulations for drivers of property @-@ carrying commercial motor vehicles ( CMVs ) . The final rule adopted several changes to the HOS regulations , including a new provision requiring drivers to take a rest break during the work day under certain circumstances . Drivers may drive a CMV only if 8 hours or less have passed since the end of the driver ' s last off @-@ duty or sleeper @-@ berth period of at least 30 minutes . FMCSA did not specify when drivers must take the 30 @-@ minute break , but the rule requires that they wait no longer than 8 hours after the last off @-@ duty or sleeper @-@ berth period of that length or longer to take the break . Drivers who already take shorter breaks during the work day could comply with the rule by taking one of the shorter breaks and extending it to 30 minutes . The new requirement took effect on July 1 , 2013 .

On August 2 , 2013 , the U.S. Court of Appeals for the District of Columbia Circuit issued its ruling on the Hours of Service litigation brought by the American Trucking Associations and Public Citizen . The Court upheld the 2011 Hours of Service regulations in all aspects except for the 30 @-@ minute break provision as it applies to short haul drivers . While the decision does not officially take effect until the mandate is issued 52 days after the decision ( unless a party files a petition for rehearing , either by the panel or en banc , or moves to stay the mandate pending the filing of a petition for certiorari in the Supreme Court ) , FMCSA announces the Agency will immediately cease enforcement of the 30 @-@ minute rest break provision of the HOS rule against short @-@ haul operations . The Agency requests that its State enforcement partners also cease enforcement of this provision . States that do so will not be found in violation of the Motor Carrier Safety Assistance Program ( MCSAP ) . ENFORCEMENT POLICY Effective August 2 , 2013 , FMCSA will no longer enforce 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 ) . The Agency requests that State and local enforcement agencies also refrain from enforcing the 30 @-@ minute rest break against these drivers . Specifically , the following drivers would not be subject to the 30 @-@ minute break requirement : ? All drivers ( CDL and non @-@ CDL ) that operate within 150 air @-@ miles of their normal work reporting location and satisfy the time limitations and recordkeeping requirements of 395 @. 1 ( e ) ( 1 ) .

? 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