

Hours of Service **LOGBOOK** Examples



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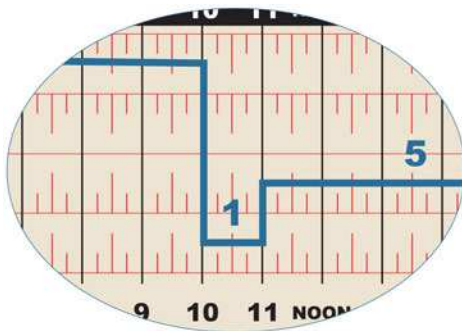


INTRODUCTION

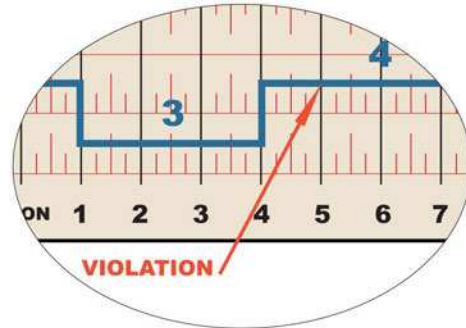
Listed below are 34 examples of the Federal hours-of-service (HOS) rules for property-carrying commercial motor vehicles (CMVs). Most, but not all of the examples focus on the changes to the hours-of-service rules in the December 27, 2011 Final Rule (76 FR 81134). Four examples of the HOS rules for passenger-carrying vehicles and a 60/70 hour rule example is also included. Each example includes:

- One or more completed grids from a driver’s daily Record of Duty Status (RODS) or log (where there are consecutive logs, the labels “Day 1”, “Day 2”, “Day 3”, etc. are used to tell the respective days apart);
- A brief description of any violations that may exist; and
- An in-depth explanation of the HOS rules as they apply to the sample RODS.

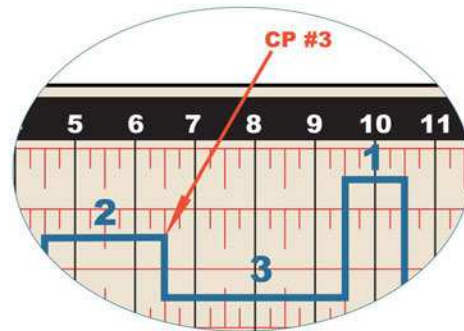
Each blue horizontal line drawn within each log grid is labeled with the number of consecutive hours the driver spent in that duty status:



A red “violation arrow,” is used to indicate the point at which the driver went into violation of the 11,14, 60/70 hour rule, for example.



Finally, on some examples an arrow labeled “CP” is used to indicate various “Calculation Points,” such as “CP#1,” “CP#2,” etc. A calculation point is the time of day at which a driver of a property-carrying CMV would begin to count his/her driving and/or on-duty time so as to calculate compliance with the driving and/or on-duty limits. A calculation point would normally appear after a 10-hour break or equivalent:



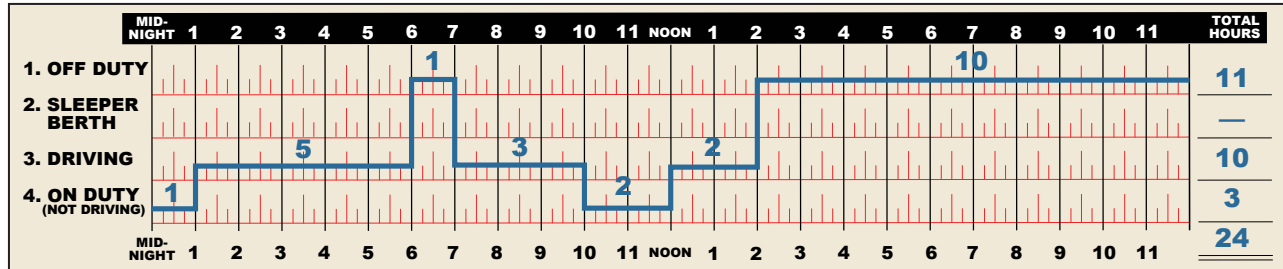
When reviewing the following examples, unless otherwise indicated, you can assume that the driver had at least **10 consecutive hours off duty** before the start of each “Day 1” or standalone log.



EXAMPLE 1: 14-Hour “Driving Window”

Drivers’s Available 14-Hour Period

Day 1



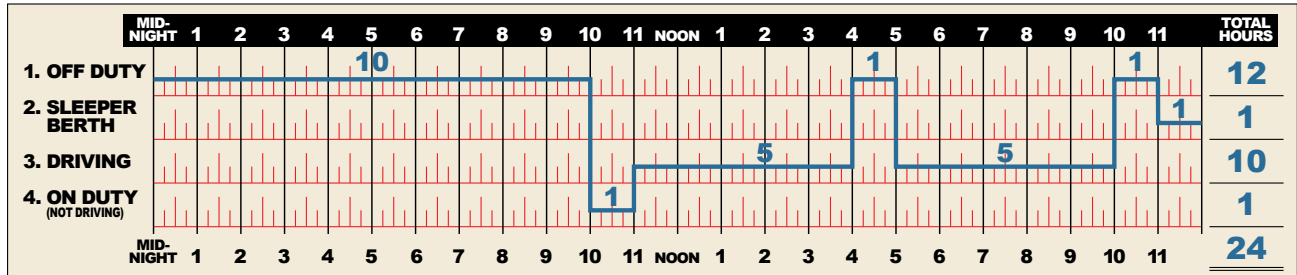
Violations: There are no violations.

Explanation: This is an example of the 14 consecutive-hour “driving window.” After 10 consecutive hours off duty, the driver had 14 hours available and started his/her “driving window” at Midnight on Day 1. At 2:00 p.m., the driver had reached the end of the 14-hour “driving window” (10 hours driving; 3 hours on duty; 1 hour off duty). The driver may not drive a commercial motor vehicle once he or she has reached the end of the 14 consecutive-hour period (unless a 16-hour day is available [Section 395.1(o)]), and in this example the driver goes off duty for the required 10 consecutive hours starting at 2:00 p.m. on Day 1.

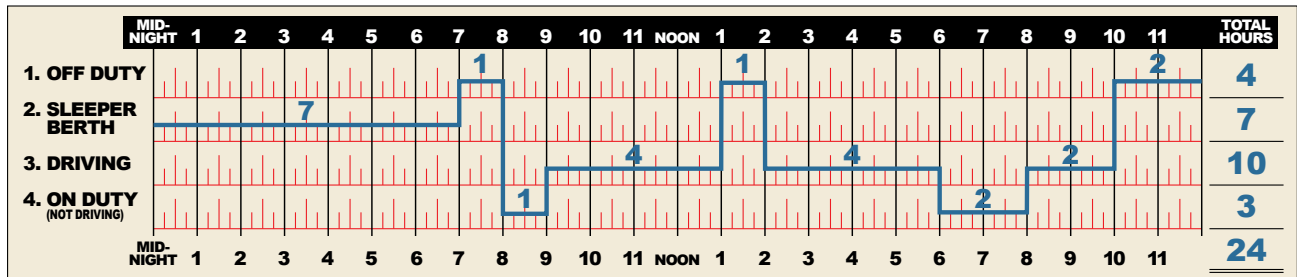


EXAMPLE 2: 10 Consecutive Hour Off-Duty Break Use of Sleeper-Berth Time in 10 Consecutive Hour Break

Day 1



Day 2



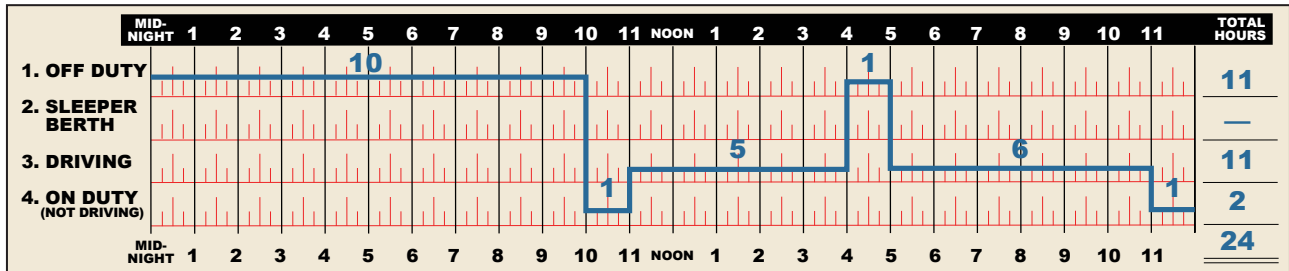
Violations: There are no violations.

Explanation: This is an example of the 10 consecutive hour off-duty period. After 10 consecutive hours off duty on Day 1, the driver was on duty for 1 hour, drove for 5 hours, off duty for 1 hour, and drove for another 5 hours. While not having used all available hours in the 14-hour “driving window” at this point, the driver decides to take his/her 10 consecutive hour break. The driver goes off duty for 1 hour, followed by 8 hours in the sleeper-berth (S/B), followed by 1 more hour off duty. This constitutes a legal 10 consecutive hour break, and at 8:00 a.m. on Day 2, he/she has 11 hours of driving and 14 on-duty hours available.

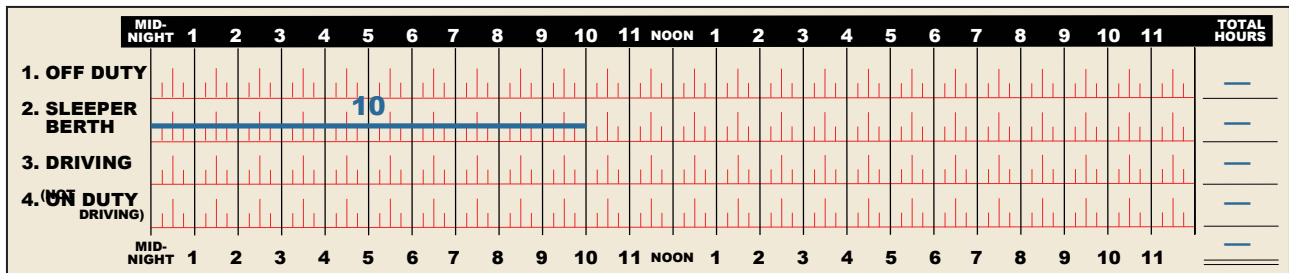


EXAMPLE 3: Driving Limit 11 Hours Driving Within 14-Hour “Driving Window”

Day 1



Day 2



Violations: There are no violations.

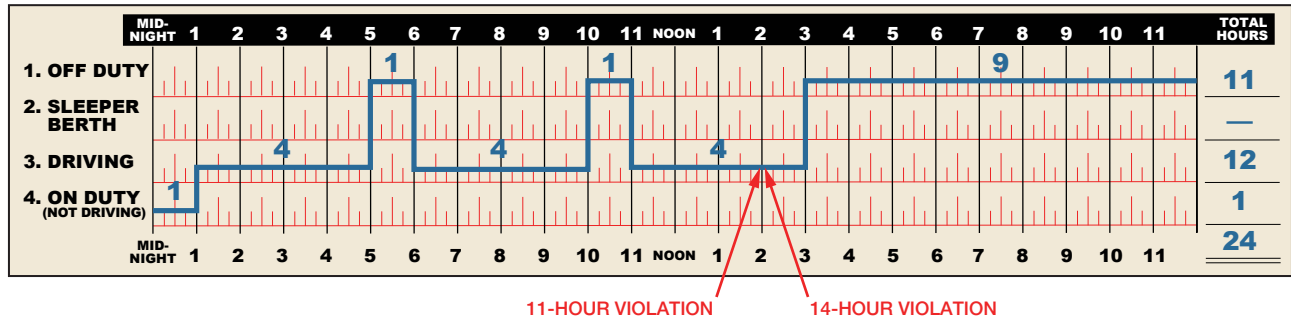
Explanation: This is an example of the maximum of 11 hours of driving within the 14-hour “driving window.” After 10 consecutive hours off duty, the driver had 14 hours available (and 11 hours driving) starting at 10:00 a.m. on Day 1. The driver was on duty for 1 hour, drove for 5 hours, went off duty for 1 hour, drove for another 6 hours between 5:00 p.m. and 11:00 p.m., and was on duty for 1 hour. The driver drove the maximum 11 hours within the 14-hour “driving window” and is therefore in compliance with the rule. Starting at Midnight on Day 2, the driver may not drive a CMV until he/she goes off duty for a minimum of 10 consecutive hours, which is indicated on the log (10 sleeper-berth (S/B) hours). In addition, the 1 hour (1/2 hour minimum) off-duty break between 4:00 p.m. and 5:00 p.m. on Day 1 is necessary as the driver may drive only if 8 hours or less have passed since the end of the driver’s last off-duty period of at least 30 minutes.



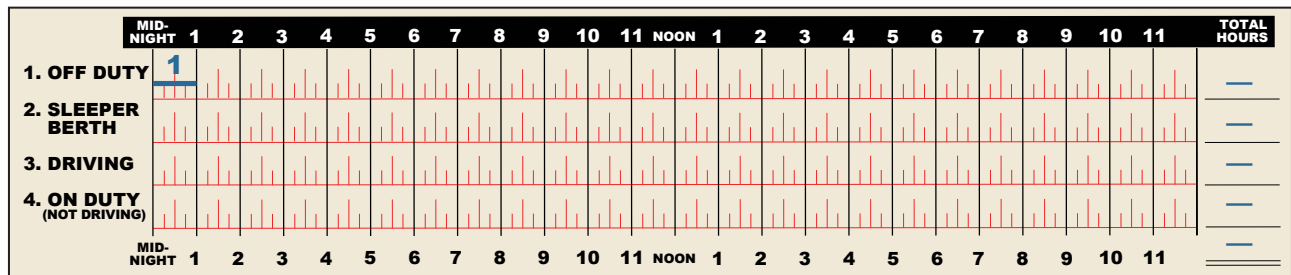
EXAMPLE 4: Driving Limit

11 Hours Driving Within 14-Hour “Driving Window” (With Violations)

Day 1



Day 2



Violations: There is a violation of the 11 and 14-hour rules at 2:00 p.m. on Day 1.

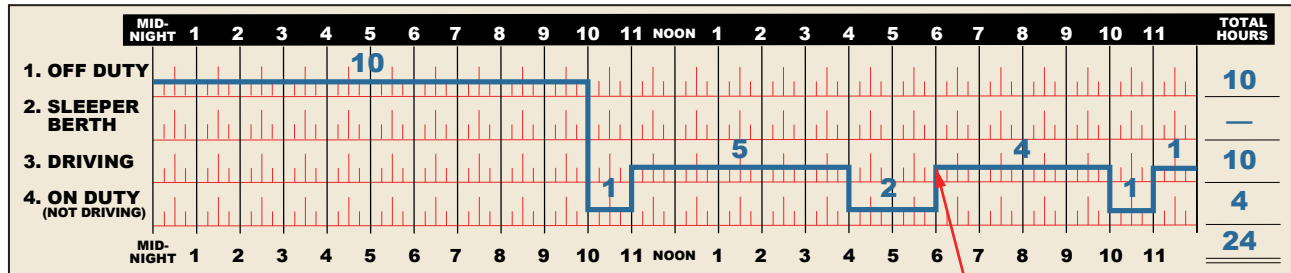
Explanation: This is an example of the maximum of 11 hours of driving within the 14-hour “driving window.” After 10 consecutive hours off duty prior to the start of Day 1, the driver had 14 hours available (and 11 hours driving) starting at Midnight. The driver was on duty for 1 hour, drove for 4 hours, went off duty for 1 hour, drove for another 4 hours, went off duty for 1 hour, and drove for another 4 hours between 11:00 a.m. and 3:00 p.m. Therefore, between 2:00 p.m. and 3:00 p.m. on Day 1, the driver drove for 1 hour over the maximum 11 hour limit, and also drove for 1 hour over the legal 14-hour “driving window” limit and is in violation of these two rules. At 2:00 p.m. on Day 1, the driver must stop driving. He/she could remain on duty (not driving), and must go off duty for a minimum of 10 consecutive hours before driving again. The driver started his/her off-duty period at 3:00 p.m. on Day 1 and is therefore in violation.



EXAMPLE 5: Rest Breaks

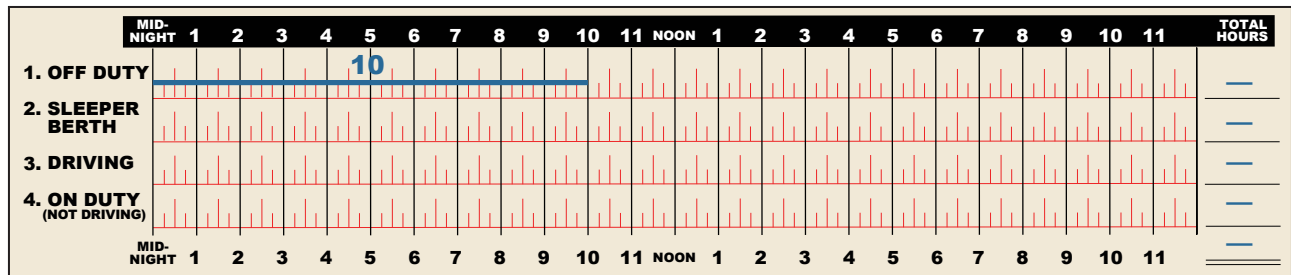
30-Minute Break/Driving Past 8-Hour Mark With No Break

Day 1



VIOLATION
30-minute break provision

Day 2



Violations: There is a violation at 6:00 p.m. on Day 1.

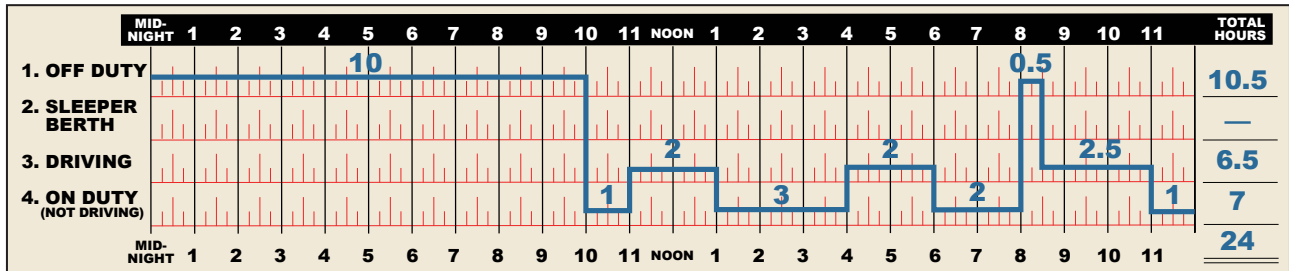
Explanation: This is an example of the limit on consecutive hours of driving and necessary rest breaks. After 10 consecutive hours off duty, the driver had 14 hours available (and 11 hours driving) starting at 10:00 a.m. on Day 1. A driver may drive only if 8 hours or less have passed since the end of the driver’s last off-duty period of at least 30 minutes. Therefore, after 1 hour on duty, 5 hours of driving, and another 2 hours on duty, the driver must take his/her necessary 30-minute break at 6:00 p.m. before driving again. As the driver drove the CMV at this point he/she is in violation of the 30-minute break provision at 6:00 p.m. on Day 1. Starting at Midnight on Day 2, the driver must go off duty for a minimum of 10 consecutive hours before he/she may drive again, which is indicated on the log.



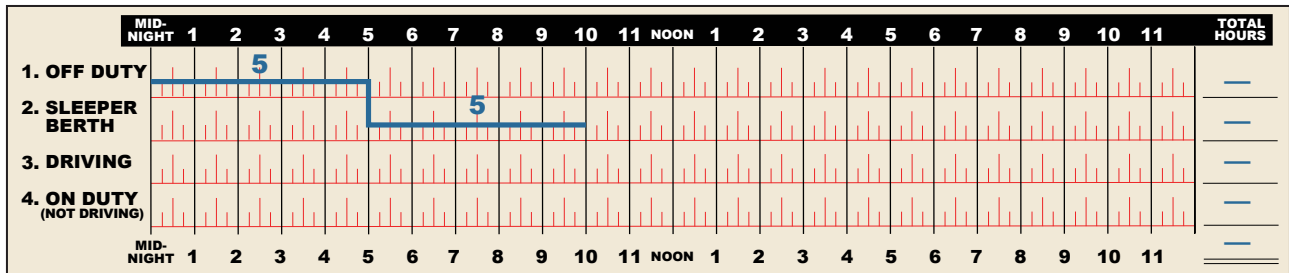
EXAMPLE 6: Rest Breaks

30-Minute Break/On-Duty Hours Past 8-Hour Mark With No Break

Day 1



Day 2



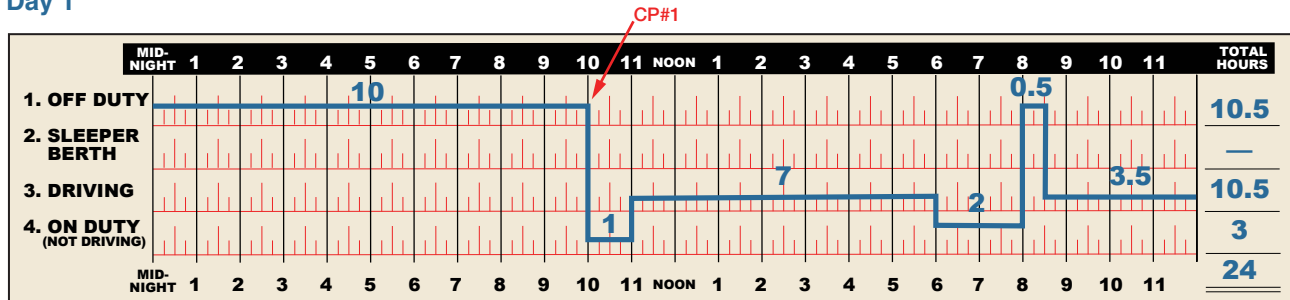
Violations: There are no violations.

Explanation: This is another example of the limit on consecutive hours of driving and necessary rest breaks. A driver may drive only if 8 hours or less have passed since the end of the driver’s last off-duty period of at least 30 minutes. However, this example demonstrates that a driver can work past the 8th hour without taking the 30-minute break, as long as they do not drive a CMV on a public highway before taking the mandatory break. Beginning with the start of the 14-hour “driving window” at 10:00 a.m. on Day 1, the driver was on duty for 1 hour, drove 2 hours, on duty 3 hours, drove 2 hours, and then was on duty for 2 more hours – totaling 10 hours (combined driving and on-duty time). At 8:00 p.m. on Day 1, the driver then takes the required minimum 30-minute off-duty break, then goes back and drives for another 2.5 hours, followed by 1 hour on duty – thereby completing the 14-hour “driving window”. While going past the 8-hour mark without taking the mandatory 30-minute break at 6:00 p.m. on Day 1, this is not a violation as the driver did not drive the CMV past the 8-hour mark without taking the break. Subsequently, starting at midnight on Day 2, the driver must go off-duty for a minimum of 10 consecutive hours which is indicated on the log (5 hours off duty, followed consecutively by 5 hours in the S/B).



EXAMPLE 7: Rest Breaks**30-Minute Break/On-Duty Hours Past 8-Hour Mark With No Break**

Day 1



Violations: There are no violations.

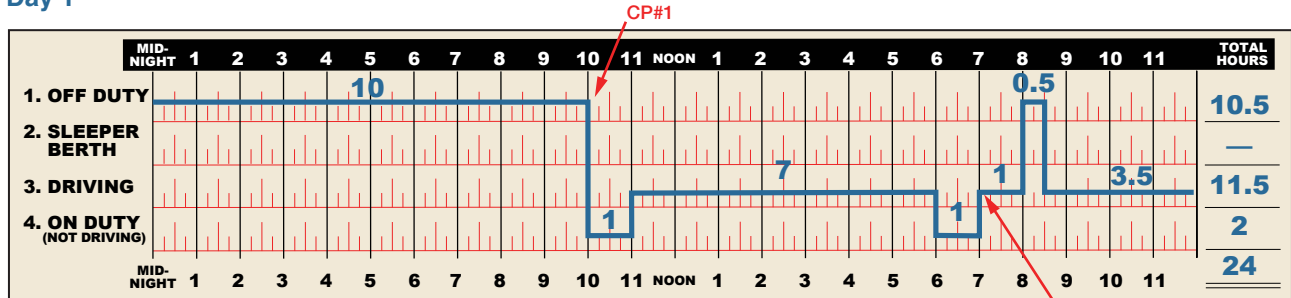
Explanation: After 10 hours off duty on Day 1, the driver goes on duty at 10:00 a.m. (CP#1). The customer is 8 driving hours away, and the driver arrives right at the 8-hour “mark” since coming on duty. This is after one hour on duty from 10:00 to 11:00 a.m. followed by 7 hours of driving. At this juncture, the driver has not yet taken his/her mandatory 30-minute rest break (§395.3(a)(3)(2)). This rule specifies that CMV driving is not permitted if more than 8 hours have passed since the end of the driver’s last off duty or S/B period of at least 30 minutes. After arriving at the customer at the 8-hour mark, the driver spends 2 hours unloading the vehicle, and then breaks for 30 minutes, before driving another 3.5 hours within the 14-hour “driving window”. In this particular scenario the driver has not violated the 30-minute mandatory rest break provision. This is because a driver can work past the 8th hour, as long as he/she did not drive the CMV on a public highway. The driver did not drive the CMV until the mandatory 30-minute break was taken, after the 8th hour, and is therefore not in violation of this provision.



EXAMPLE 8: Rest Breaks

30-Minute Break/Driving Hours Past 8-Hour Mark With Violations

Day 1



VIOLATION OF 30-MINUTE BREAK RULE

Violations: There is a violation at 7:00 p.m. on Day 1 of not taking the mandatory 30-minute rest break.

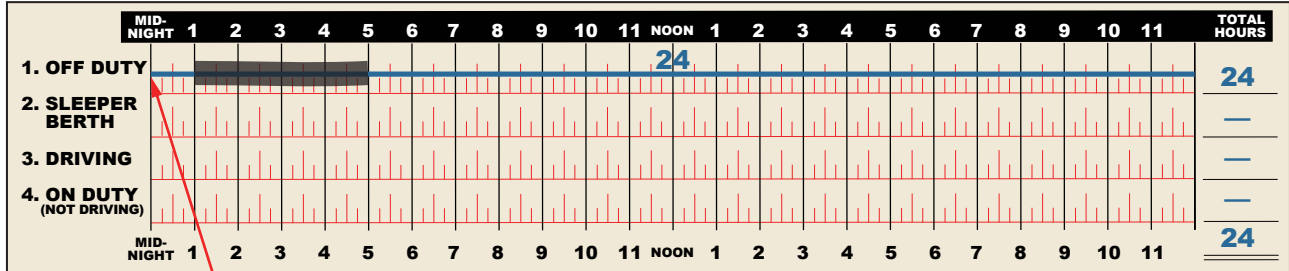
Explanation: After 10 hours off duty on Day 1, the driver goes on duty at 10:00 a.m. (CP#1). The customer is 8 driving hours away, and the driver arrives right at the 8th hour since coming on duty. This is after one hour on duty from 10:00 to 11:00 a.m., followed by 7 hours of driving. At this juncture, the driver has not yet taken their mandatory 30-minute rest break (§395.3(a)(3)(2)). This rule specifies that CMV driving is not permitted if more than 8 hours have passed since the end of the driver’s last off duty or sleeper-berth (S/B) period of at least 30 minutes. The driver has not yet taken the mandatory 30-minute rest break within the first 8 hours on duty. After arriving at the customer at the 8-hour mark, the driver spends 1 hour unloading the CMV, and then drives the CMV on a public highway for 1 hour before taking the mandatory 30-minute rest break. Therefore, in this case the driver has violated the 30-minute mandatory rest break provision at 7:00 a.m. on Day 1, as he/she has driven the CMV past the 8-hour mark of coming on duty, without taking the required 30-minute break.



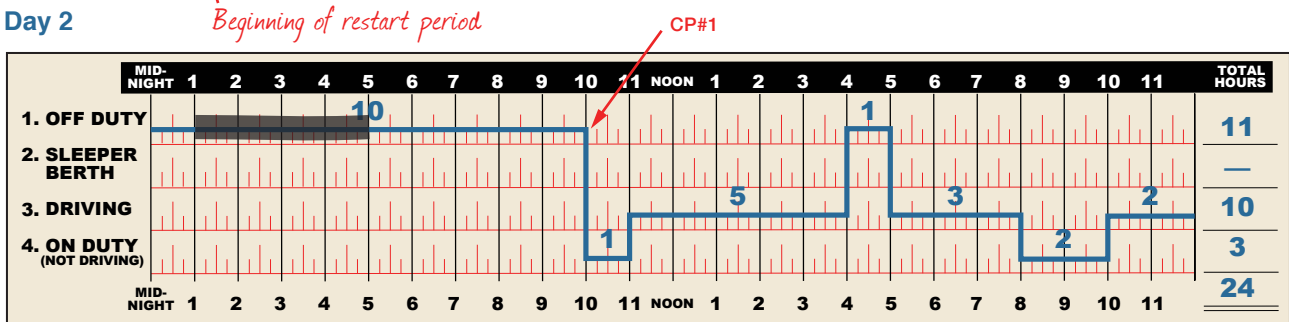
EXAMPLE 9: Restart Provision

Highlighting Two 1:00 a.m. to 5:00 a.m. Rest Periods in 34-Hour Restart

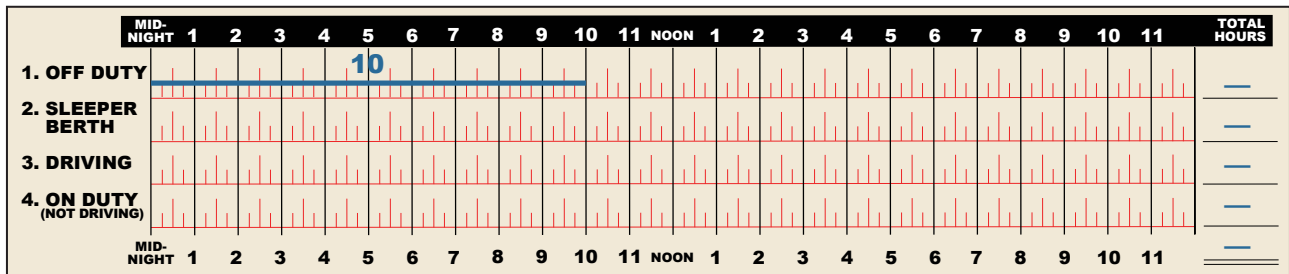
Day 1



Day 2



Day 3



Violations: There are no violations.

Explanation: This is an example of the restart provision relating to the 60-hour/7 day or 70-hour/8 day calculation(s), which may only be used once per week. On Day 1 the driver chooses to begin use of the restart. The restart must include two periods between 1:00 a.m. and 5:00 a.m. [home terminal time]. There are two periods highlighted between 1:00 a.m. and 5:00 a.m. (one on Day 1 and one on Day 2), so at 10:00 a.m. on Day 2 the driver has taken a legitimate restart break. At this time, the calculation of the driver's 60/7 and 70/8 hours/days has been reset to zero (0) (CP#1). The driver is then driving/on duty for 14 more consecutive hours and before driving again must go off duty for 10 consecutive hours starting at Midnight on Day 3 as is indicated. The driver must note the period used to restart his/her hours in the remarks on the log. The remark indicating the restart period is required if more than one 34-hour restart occurs within a 168-hour period, otherwise, the remark is optional [Section 395.3(d)].

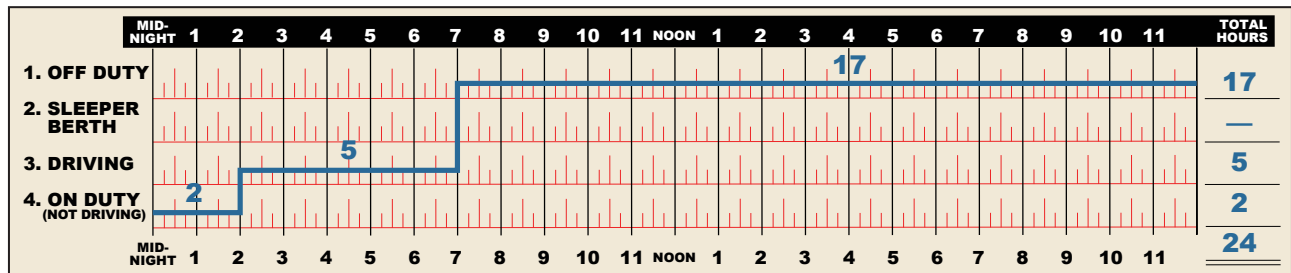
[NOTE: Highlighting is shown only for explanatory purposes, and would not be required on the actual log.]



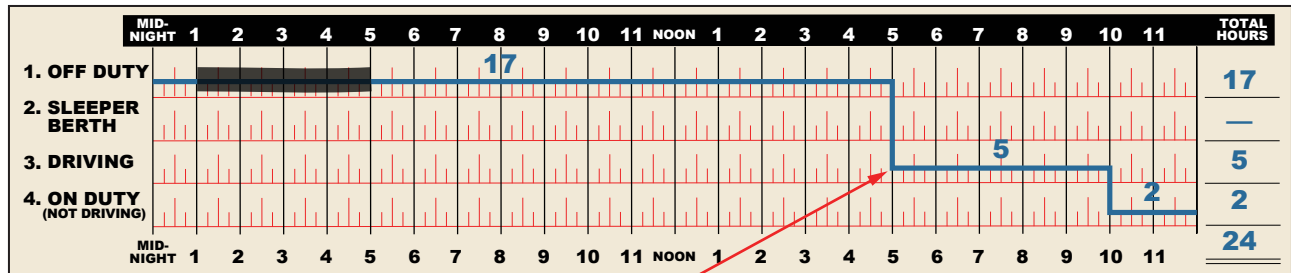
EXAMPLE 10: Restart Provision

Restart Does Not Meet Rule Conditions (Two 1:00 a.m. to 5:00 a.m. Periods)

Day 1



Day 2



VIOLATION
(if exceeds 60-hour/7 day or 70-hour/8-day Federal limits)

Violations: There may be a violation at 5:00 p.m. on Day 2 if the driver did not have available hours (34-hour restart does not meet rule conditions).

Explanation: This is an example of the restart provision relating to the 60-hour/7 day or 70-hour/8 day calculation(s), which may only be used once per week. The restart must include two periods between 1:00 a.m. and 5:00 a.m. The driver begins his/her restart at 7:00 a.m. on Day 1. There are not two periods between 1:00 a.m. and 5:00 a.m., therefore there is no authorized restart allowing the 60/70 hour rule to reset the driver's hours to zero. Consequently, at 5:00 p.m. on Day 2, the driver would be in violation if he/she exceeds the 60-hour/7 day or 70-hour/8 day limits by driving a CMV at that point.

[NOTE: Highlighting is shown only for explanatory purposes, and would not be required on the actual log.]



EXAMPLE 11: Restart Provision

Proper Use of 168-Hour Rule Related to 34-Hour Restart

1/1 SAT	1/2 SUN	1/3 MON	1/4 TUE	1/5 WED	1/6 THU	1/7 FRI	1/8 SAT	1/9 SUN
Driver begins restart at 12:00 Midnight on Saturday (1/1) and takes 48 hours consecutive off duty.		From Monday (1/3) through Friday (1/7), driver accumulates a total of 60 hours (on duty and driving) for that period.					Driver starts new 34-hour restart period <u>beginning</u> at 12:00 Midnight on Saturday (1/8).	

Violations: There are no violations.

Explanation: This is an example of the 34-hour restart provision. A driver may not take an off-duty period to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period. The driver reaches his or her maximum 60 hours (total on duty and driving hours) in 7 days on Friday (1/7) and therefore can begin a new 34-hour restart starting at 12:00 Midnight on Saturday (1/8). This is because the 168-hour period is counted from the beginning of the last prior restart, which began at 12:00 Midnight on Saturday (1/1). The restart must also include two periods between 1:00 a.m. and 5:00 a.m.



EXAMPLE 12: Restart Provision

Improper Use of 168-Hour Rule Related to 34-Hour Restart

1/1 SAT	1/2 SUN	1/3 MON	1/4 TUE	1/5 WED	1/6 THU	1/7 FRI	1/8 SAT	1/9 SUN
Driver begins restart at 12:00 Midnight on Saturday (1/1) and takes 48 hours consecutive off duty.		From Monday (1/3) through Thursday (1/6), driver accumulates a total of 60 hours (on duty and driving) for that period.					Driver "claims" new 34-hour restart period beginning at 12:00 Midnight on Friday (1/7).	Driver begins driving CMV at 12:00 Midnight on Sunday (1/9).

VIOLATION
34-hour restart did not meet HOS rule conditions

Violations: There is a violation beginning at 12:00 Midnight on Sunday (1/9).

Explanation: This is another example of the 34-hour restart provision. A driver may not take an off-duty period to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period. The driver reaches his/her maximum 60 hours (total on duty and driving hours) in 7 days on Thursday (1/6). The driver begins his/her next "claimed" 34-hour restart at 12:00 Midnight on Friday (1/7), which extends through Saturday (1/8) (48 consecutive total off-duty hours). The driver then begins to drive the CMV at 12:00 Midnight on Sunday (1/9), and is in violation at this point, as the "claimed" restart beginning on Friday (1/7) did not meet the rule conditions. This is because the 168-hour period is counted from the beginning of the last prior restart, which was 12:00 Midnight on Saturday (1/1), and the next restart cannot begin until 12:00 Midnight on Saturday (1/8) at the earliest. The restart must also include two periods between 1:00 a.m. and 5:00 a.m.

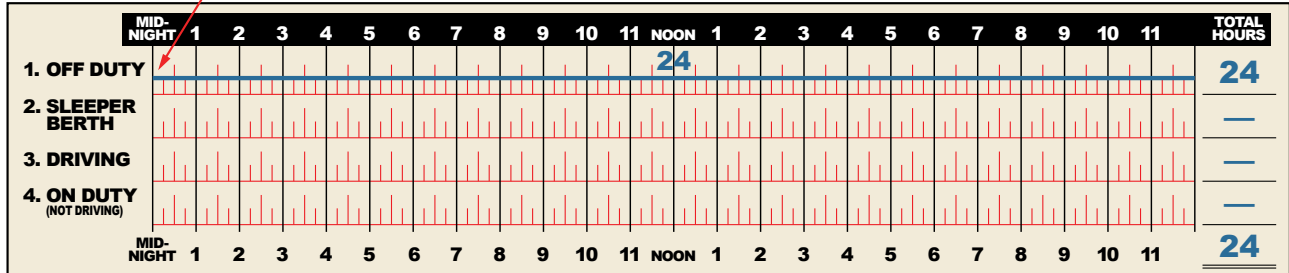


EXAMPLE 13: Restart Provision

Proper Use of 168-Hour Rule Related to 34-Hour Restart (No Violations)

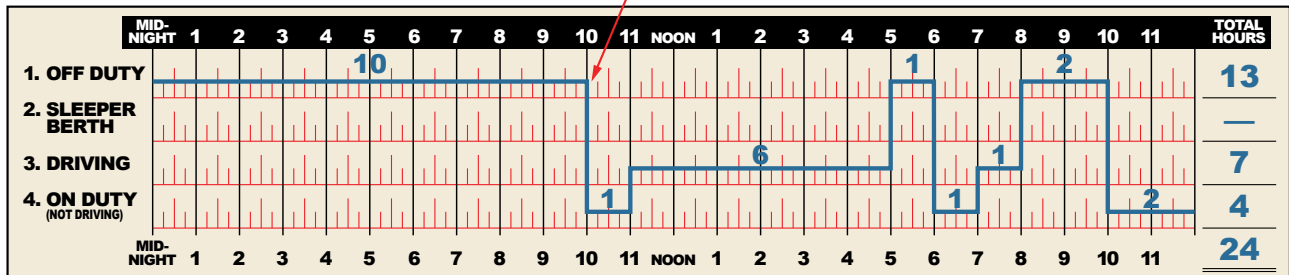
Day 1

FIRST 34-HOUR RESTART BEGINS HERE

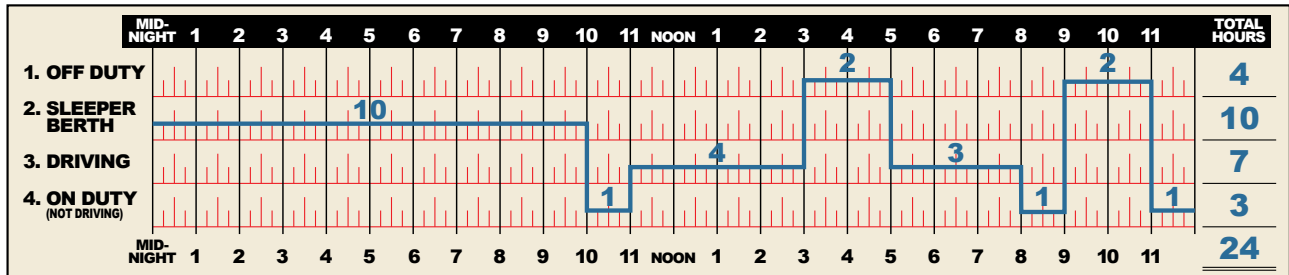


Day 2

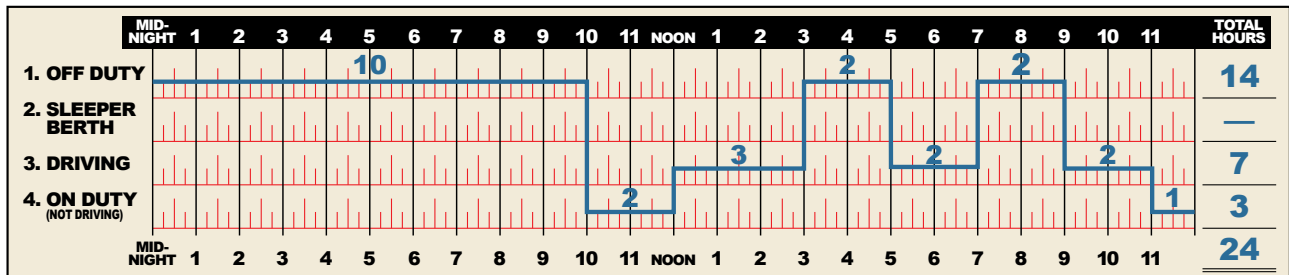
CP#1



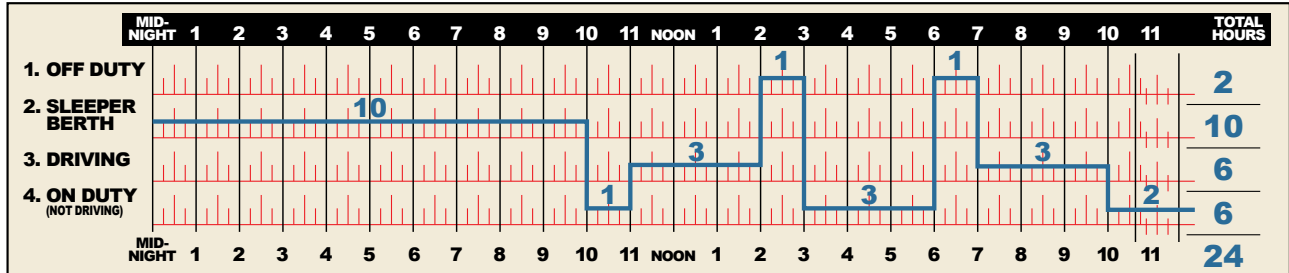
Day 3



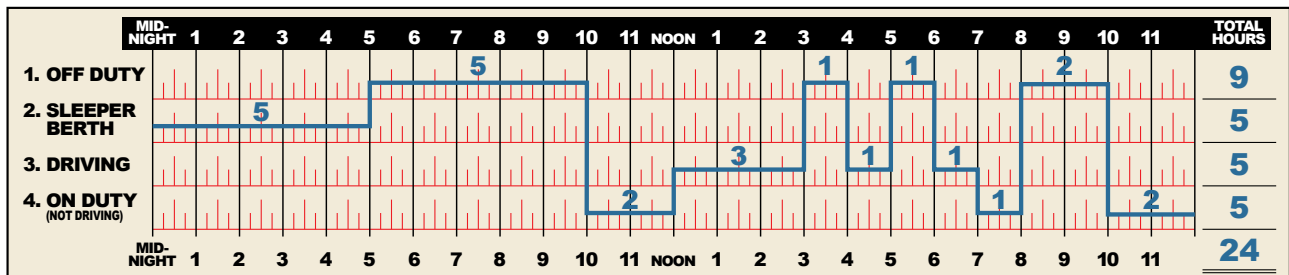
Day 4



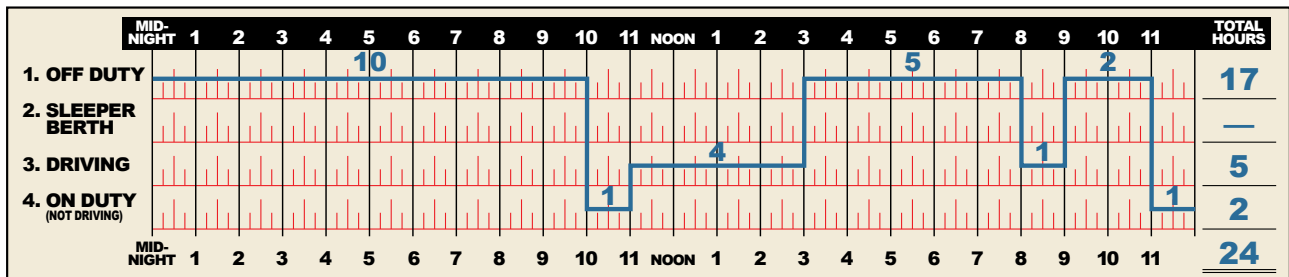
Day 5



Day 6

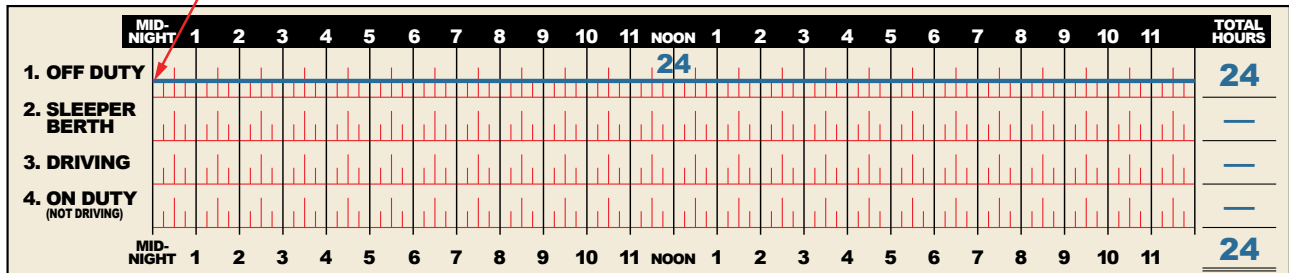


Day 7

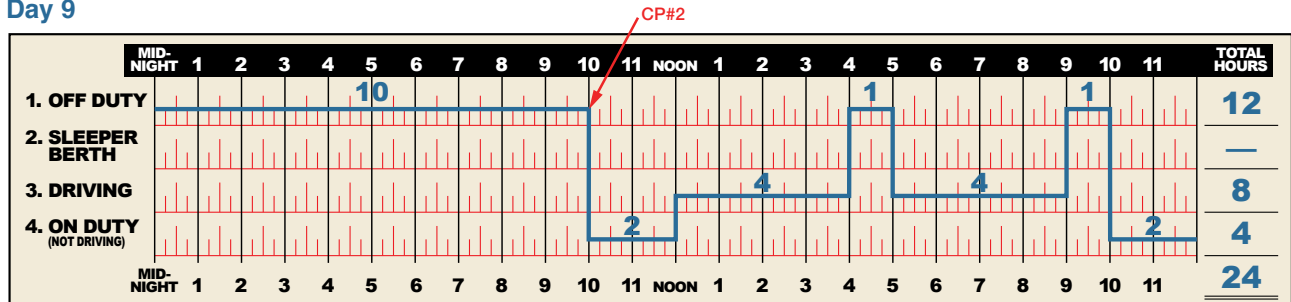


Day 8

SECOND 34-HOUR RESTART BEGINS HERE
(DRIVER BEGAN COUNT 168 HOURS FROM BEGINNING OF 1st RESTART [MIDNIGHT - DAY 1])



Day 9



Violations: There are no violations.

Explanation: This is an example of the 34-hour restart provision. The restart provision may only be used once per week (once every 168 hours). The driver starts a first off-duty restart period at 12:00 Midnight on Day 1. The restart provision must also include two periods between 1:00 a.m. and 5:00 a.m. which this first restart clearly does. A second legal 34-hour restart period begins at Midnight on Day 8. This second restart does not begin until 168 hours have passed since the beginning of the first restart, and does include the two mandatory periods between 1:00 a.m. and 5:00 a.m.

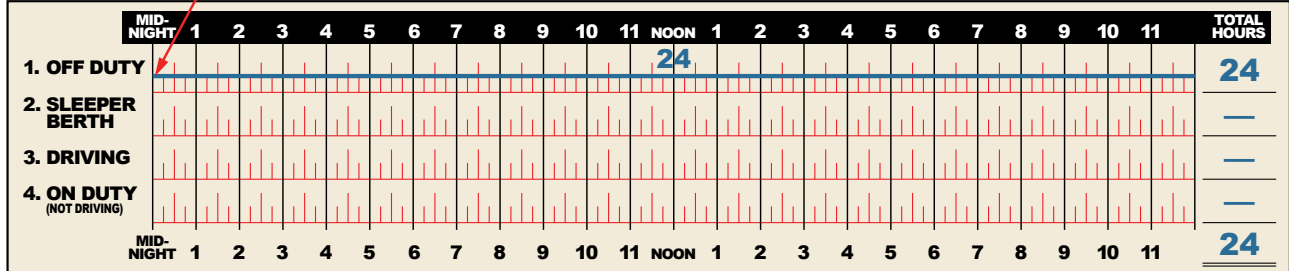
The calculation point #1 (CP#1) for the 60-hour/7-day rule begins at 10:00 a.m. on Day 2, as the driver has taken a valid restart under the rule provisions. In the following 6 days (Days 2 through 7), the driver accumulates a total of 60 on duty and driving hours, and thus begins their second 34-hour restart at Midnight on Day 8. Calculation point #2 (CP#2) for the driver’s next available 60 hours in 7 days begins at 10:00 a.m. on Day 9, after the second 34-hour restart is complete.



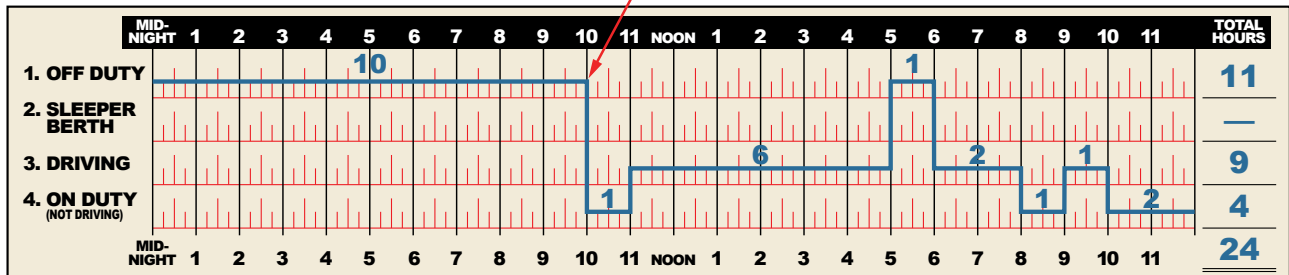
EXAMPLE 14: Restart Provision

Proper Use of 168-Hour Rule Related to 34-Hour Restart (With Violations)

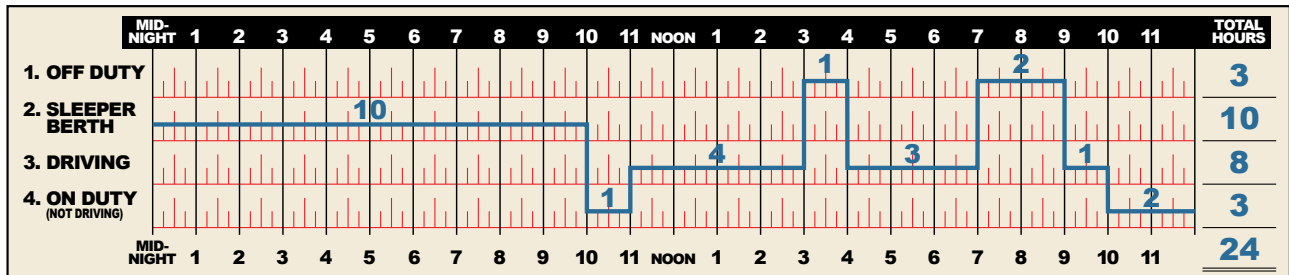
Day 1



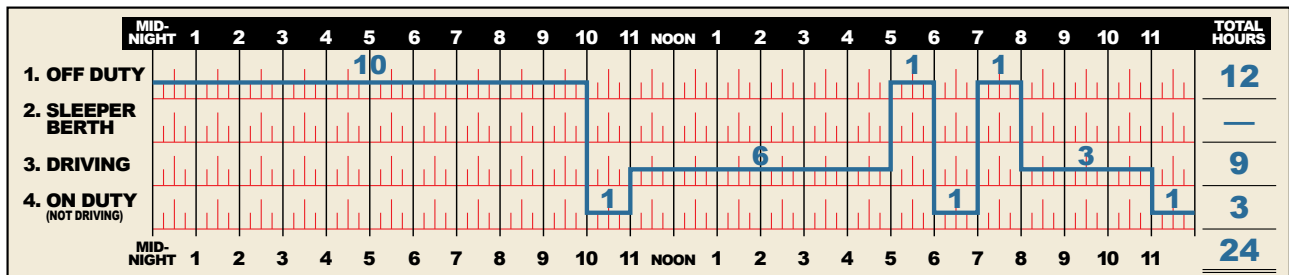
Day 2



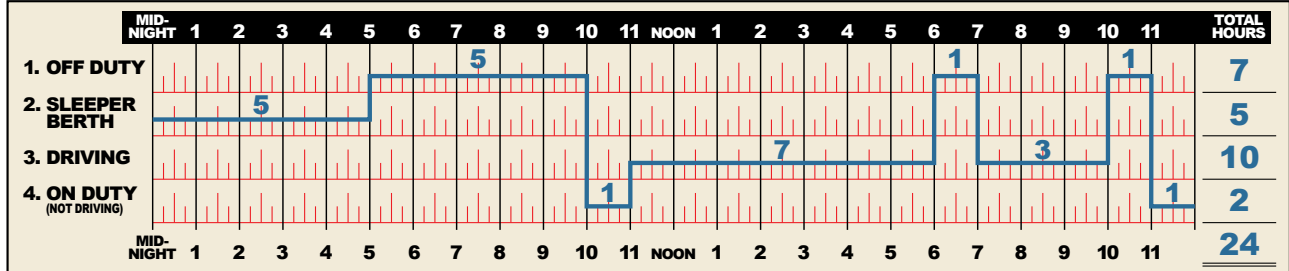
Day 3



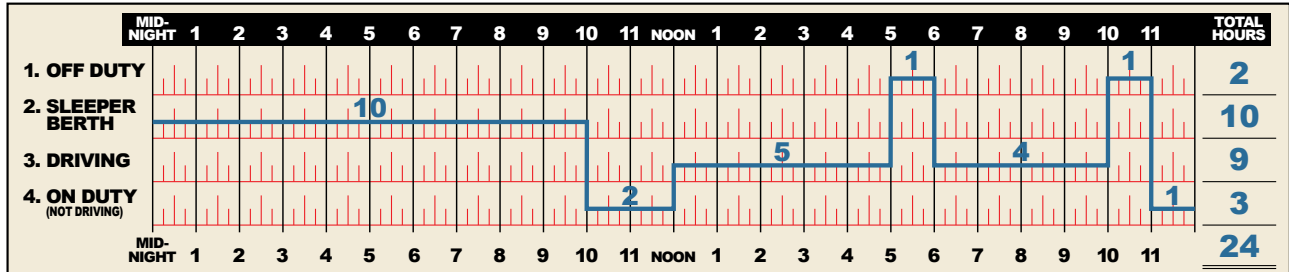
Day 4



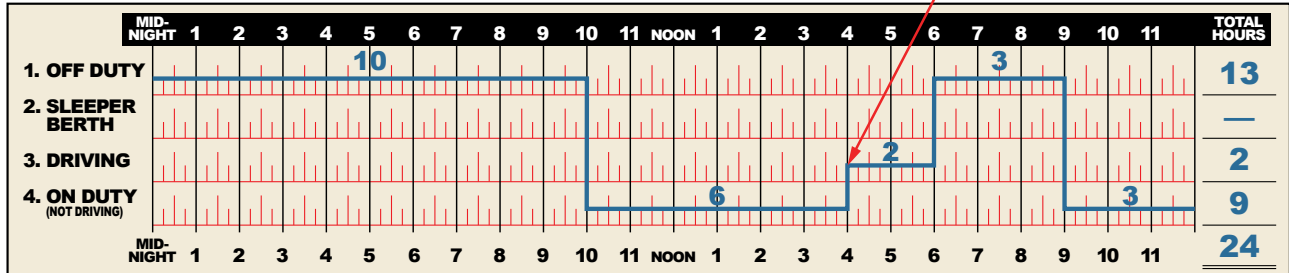
Day 5



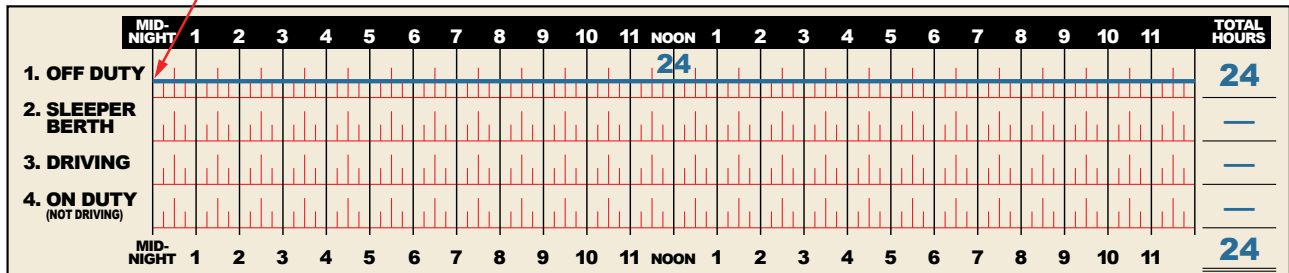
Day 6



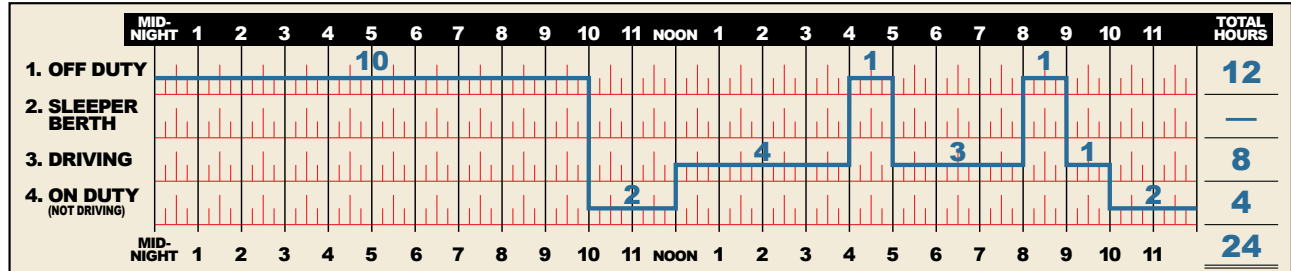
Day 7



Day 8



Day 9



Violations: There is a violation of the 60-hour/7-day rule at 4:00 p.m. on Day 7.

Explanation: This is another example of the 34-hour restart provision. The restart provision must include two periods between 1:00 a.m. and 5:00 a.m. The driver starts a first off-duty restart period at 12:00 Midnight on Day 1. The restart provision must also include two periods between 1:00 a.m. and 5:00 a.m. which this restart clearly does. A second legal 34-hour restart period begins at Midnight on Day 8. This second restart does not begin until 168 hours have passed since the beginning of the first restart, and also includes the two mandatory periods between 1:00 a.m. and 5:00 a.m.

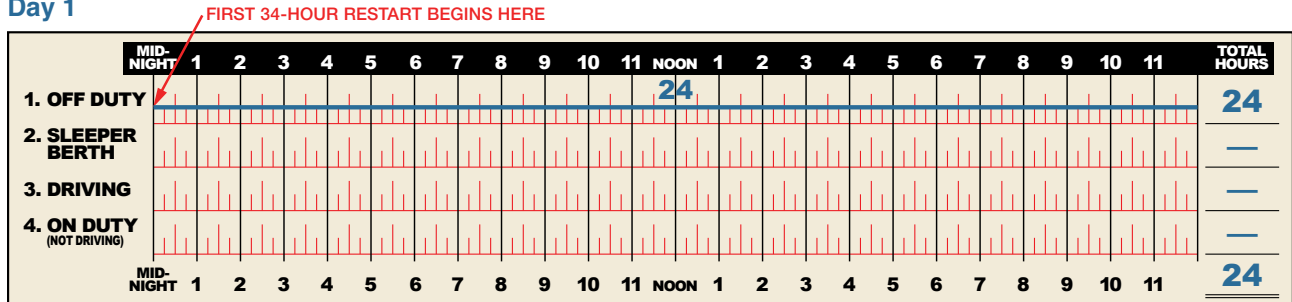
There is, however, a 60-hour/7-day rule violation. In between the two 34-hour restart periods, the driver accumulates the following on duty and driving hours (total in parentheses) starting on Day 2 (13); Day 3 (11); Day 4 (12); Day 5 (12); and Day 6 (12). Therefore, beginning on Day 7, the driver has already accumulated 60 total on-duty (and driving) hours for the prior 5 days. On Day 7, after a 10 consecutive hour break, he/she is on duty for 6 hours, and then drives for 2 hours, which results in a 60-hour/7-day rule violation at 4:00 p.m. on Day 7, as the driver had already used up all 60 of the available hours (driving and on duty) in the 7-day period. The driver drives a CMV 2 hours over the 60-hour/7-day limit on Day 7 (between 4:00 p.m. and 6:00 p.m.). This violation occurs prior to the driver reaching the second restart period on Day 8, which resets the “weekly” hours of service calculation back to zero (0).



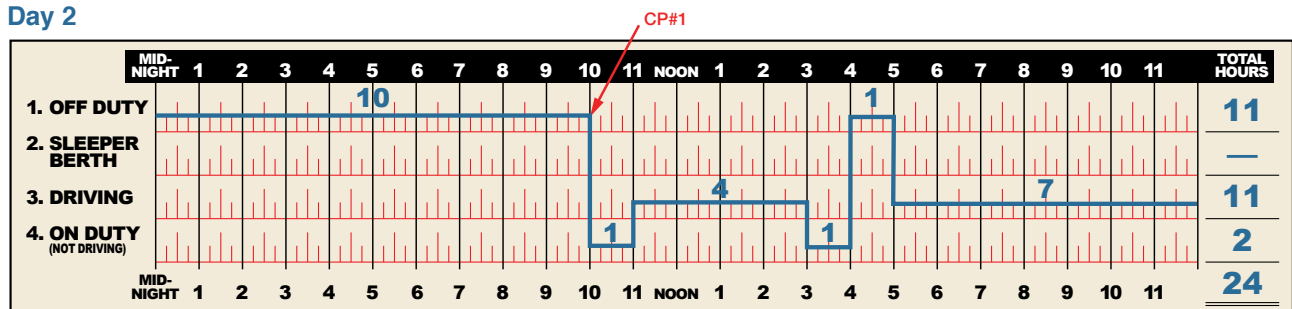
EXAMPLE 15: Restart Provision

Improper Use of 168-Hour Rule Related to 34-Hour Restart (With Violations)

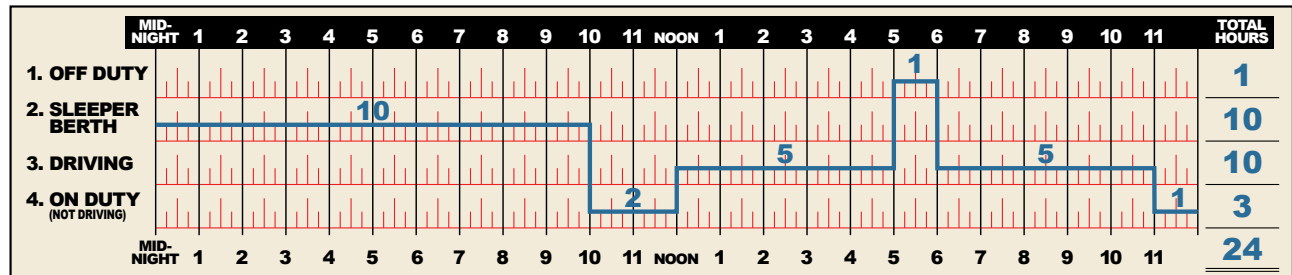
Day 1



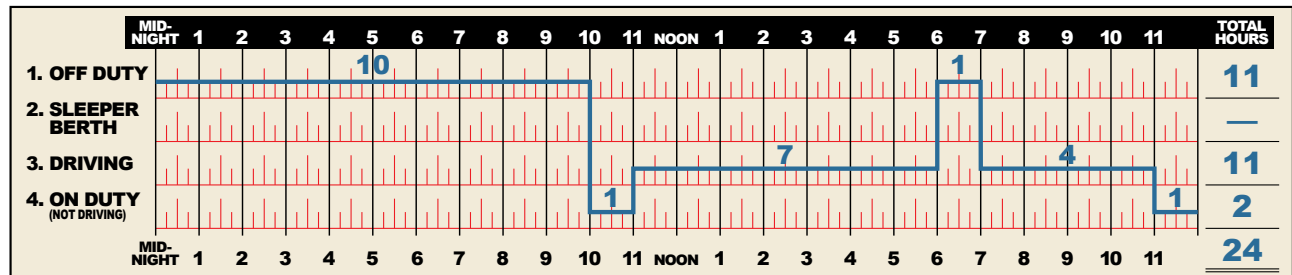
Day 2



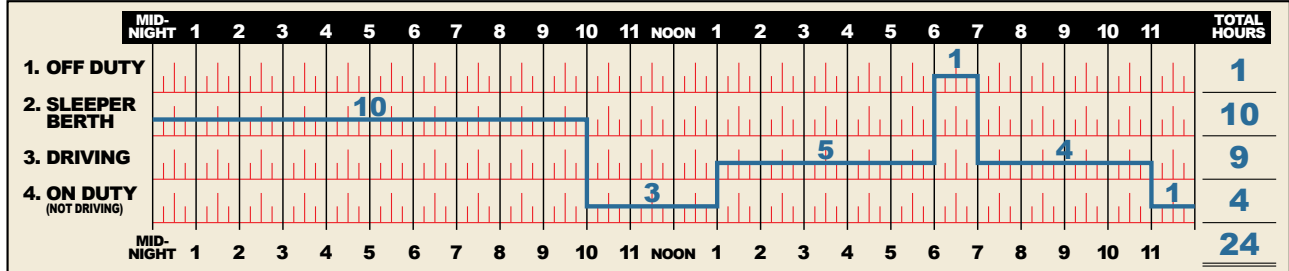
Day 3



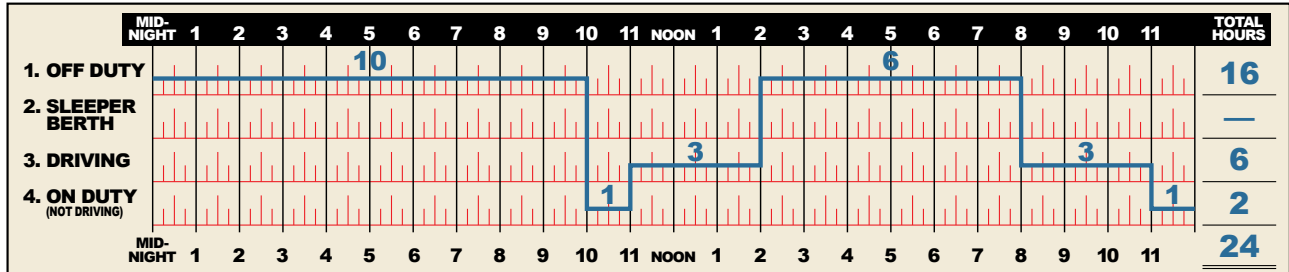
Day 4



Day 5

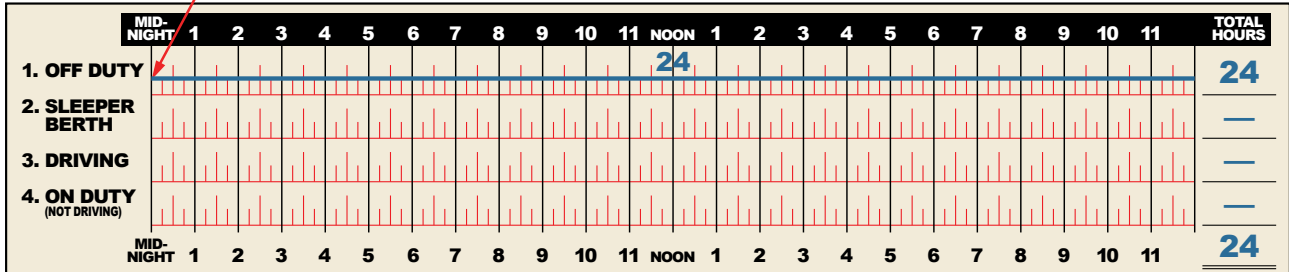


Day 6



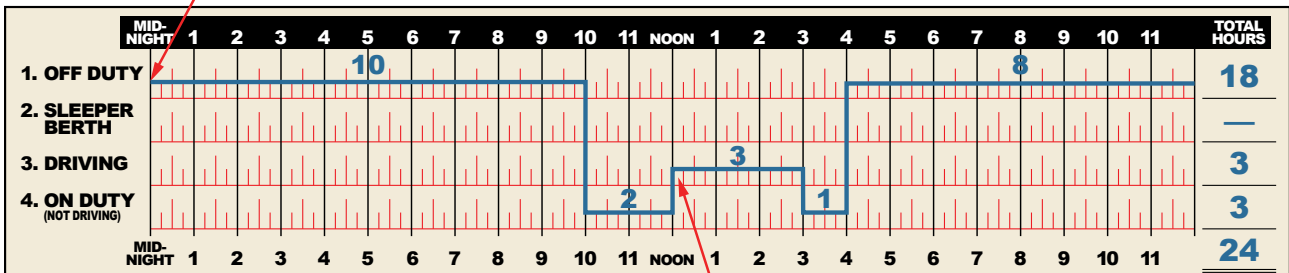
Day 7

SECOND 34-HOUR RESTART BEGINS HERE (ACCORDING TO DRIVER)



Day 8

168-HOUR MARK - EARLIEST POINT RESTART COULD HAVE STARTED



VIOLATION (3 HOURS DRIVING)



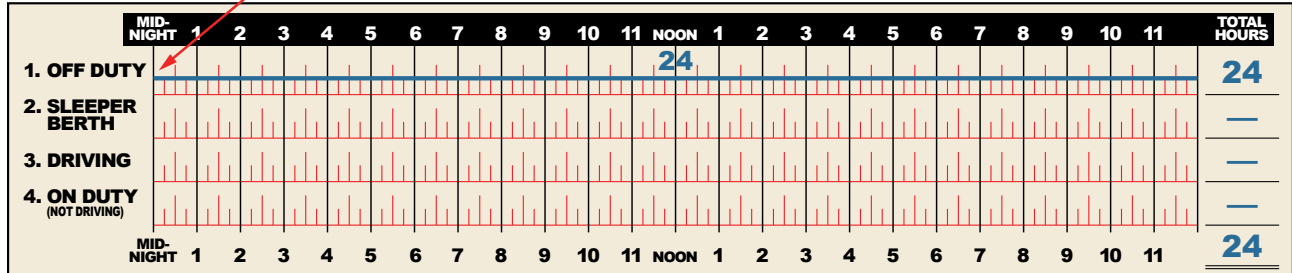
Violations: There is a violation of the 60-hour/7-day rule at Noon on Day 8.

Explanation: This is another example of the 34-hour restart provision. Per Section 395.3(d) of the Federal Motor Carrier Safety Regulations: "...a driver may not take an off-duty period allowed by paragraph (c) of this section to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period." The driver takes two separate 34-hour restarts – one beginning at Midnight on Day 1, and another beginning at Midnight on Day 7. However, the driver has not waited the necessary 168 hours to begin the second restart (Day 7). Therefore, all of the on duty and driving time hours from the prior 6 days must be counted. By the end of Day 6, the driver has accumulated a total of 60 hours of driving and on-duty time and can no longer drive until taking the necessary hours off duty. As the restart on Day 7 is not valid (driver did not wait 168 hours from last restart to begin) when he/she starts driving on Day 8 at Noon, the driver is in violation of the 60-hour/7-day rule by 3 hours (driving).

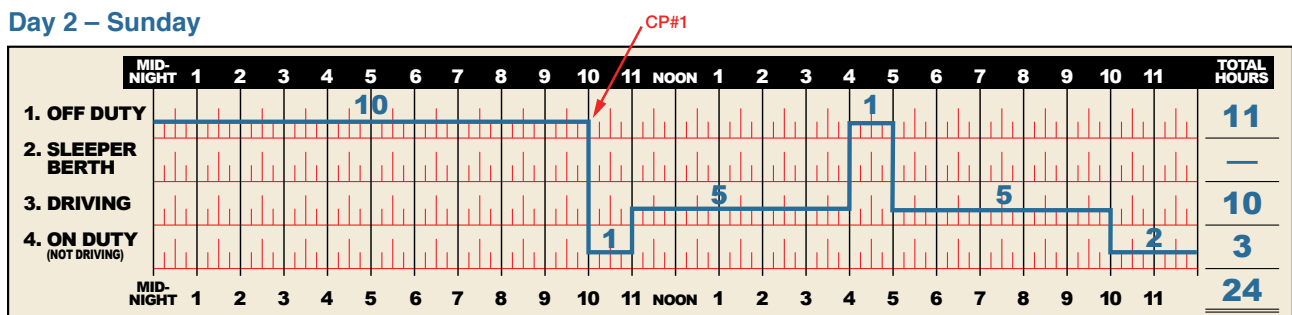


EXAMPLE 16: 34-Hour Restart 168-Hour Rule Related To Restart (165 Hour/168 Hour "Mark")

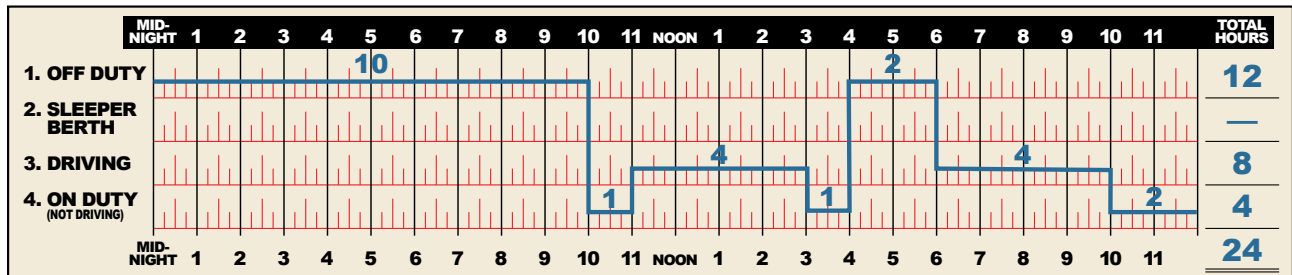
Day 1 – Saturday FIRST 34-HOUR RESTART BEGINS HERE



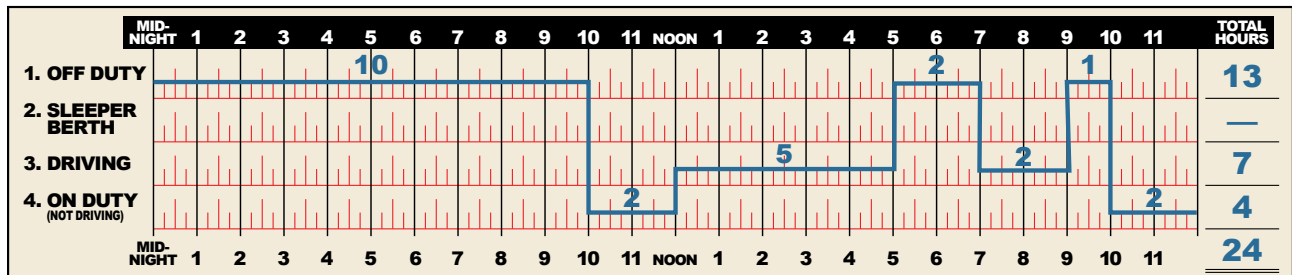
Day 2 – Sunday



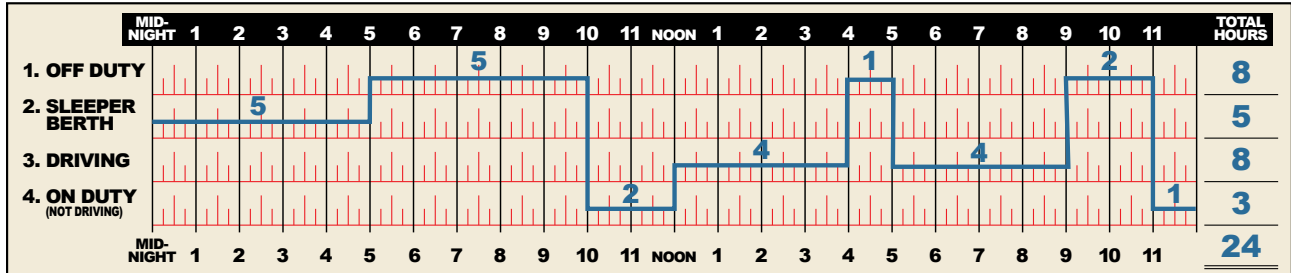
Day 3 – Monday



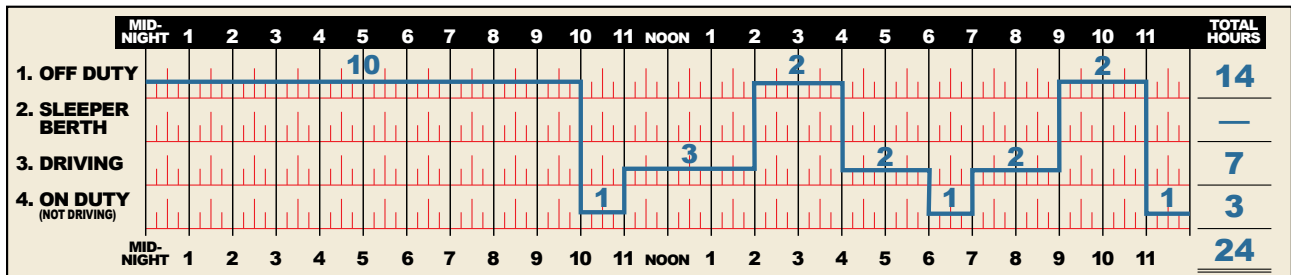
Day 4 – Tuesday



Day 5 – Wednesday

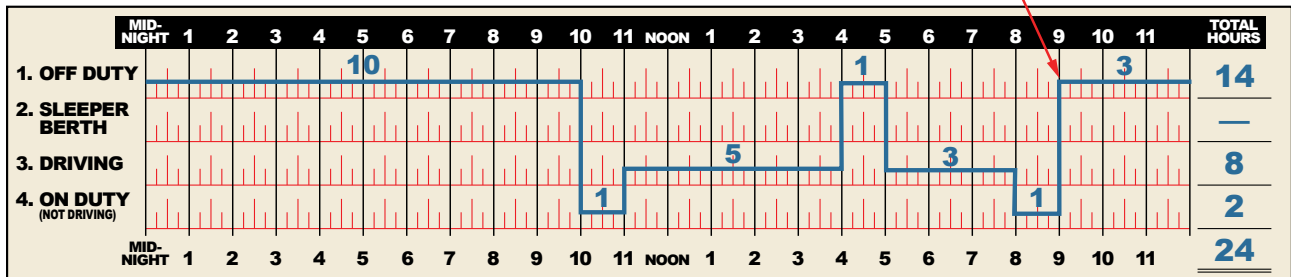


Day 6 – Thursday

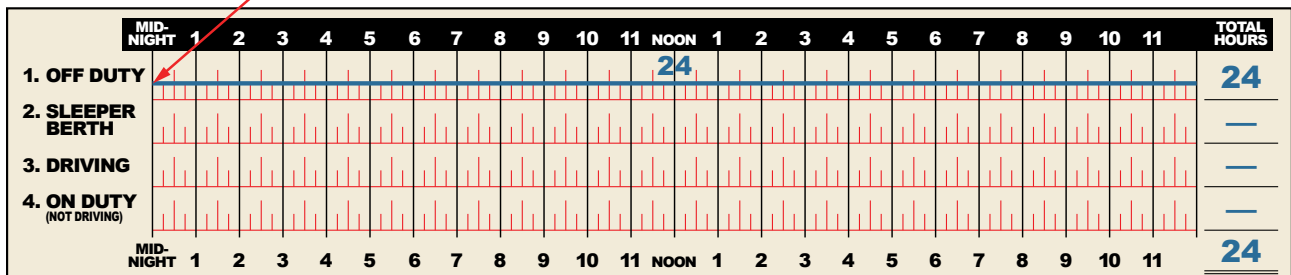


Day 7 – Friday

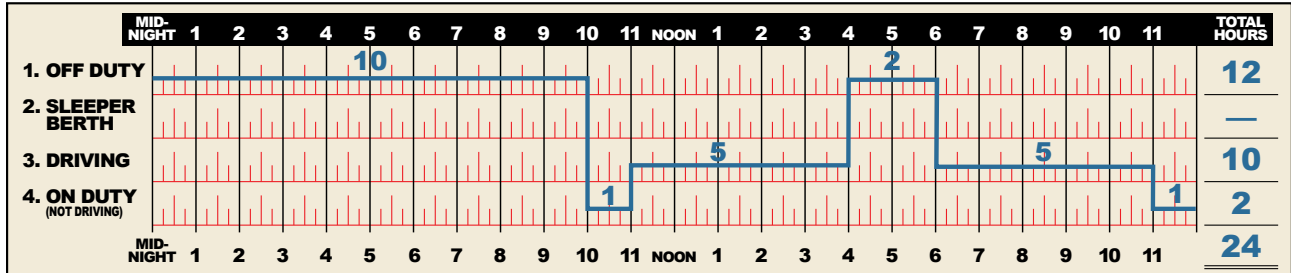
DRIVER GOES OFF DUTY 3 HOURS PRIOR TO BEING ELIGIBLE TO BEGIN A RESTART (165-HOUR MARK)



Day 8 – Saturday



Day 9 – Sunday



Violations: There are no violations.

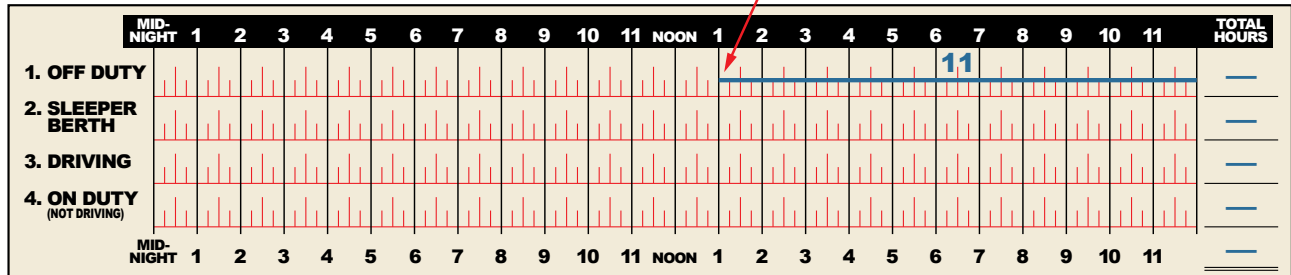
Explanation: This example demonstrates the use of the 34-hour restart provision. The restart provision may only be used once per week (once every 168 hours), and must also include two periods between 1:00 a.m. and 5:00 a.m. The first restart clearly meets these specified provisions. Therefore, calculation point #1 (CP#1) for the 70-hour/8-day rule (in this particular example) begins at 10:00 a.m. on Day 2, as the driver has taken a valid restart under the rule provisions. In the following 6 days (Days 2 through 7), the driver accumulates a total of 67 on duty and driving hours, and attempts to begin a second 34-hour restart at 9:00 p.m. on Day 8 (Friday). However, in this case, the calculation point for counting the 168 hours until the next restart – it would be at 12:00 Midnight on Day 8 (CP#2) – not at 9:00 p.m. on Day 7. This is while a driver can go off duty before 168 hours have elapsed, the restart “count” of hours does not begin until reaching hour 168. The driver claimed to begin a 2nd restart at 9:00 p.m. on Day 7, however, this was 3 hours earlier than he/she was eligible to begin the restart. These 3 hours of time – between 9:00 p.m. and 12:00 p.m. on Day 7 are properly counted as off-duty time.



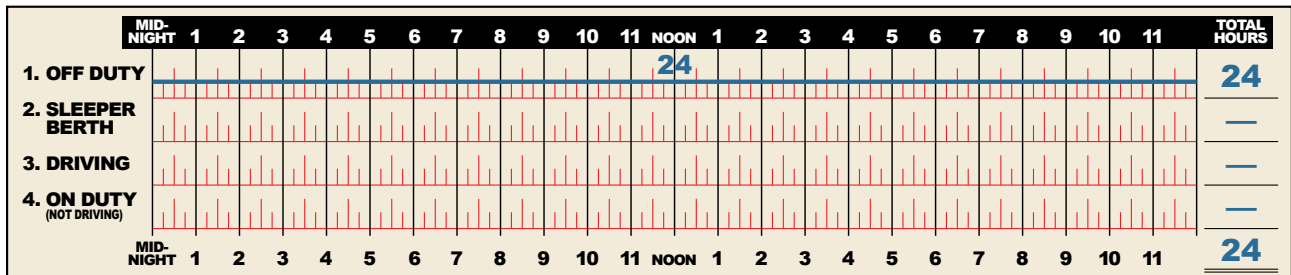
EXAMPLE 17: 34-Hour Restart

168-Hour Rule Related to Restart (Exact 168 Hour Count)

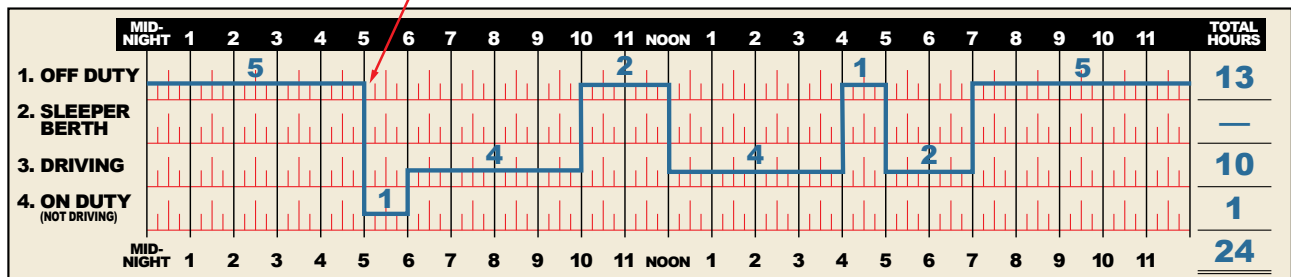
Day 1 – Saturday



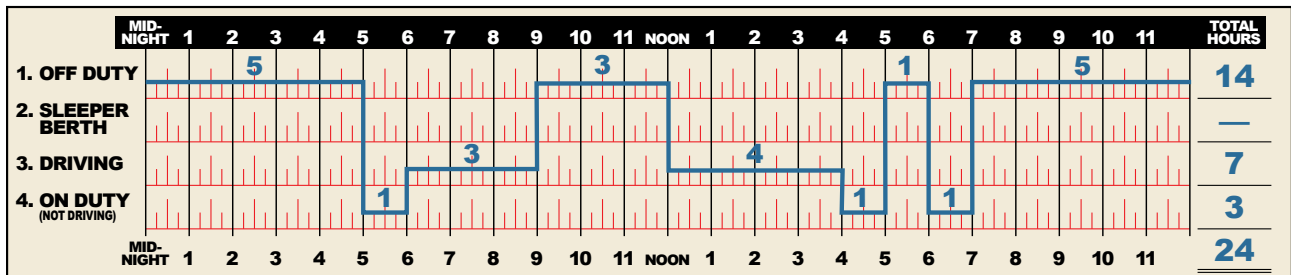
Day 2 – Sunday



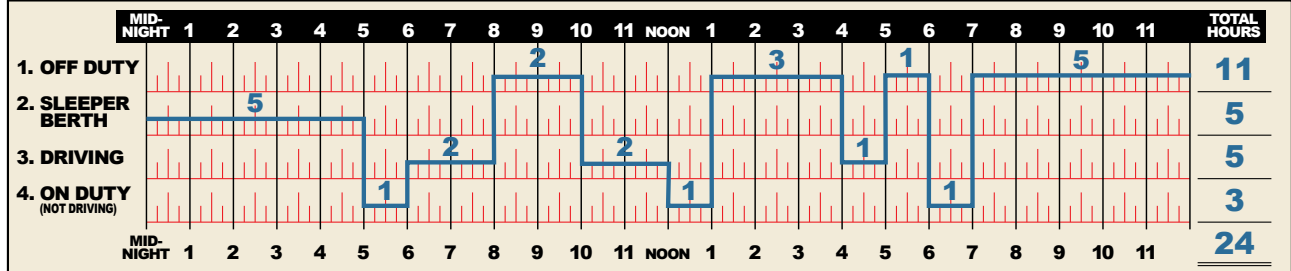
Day 3 – Monday



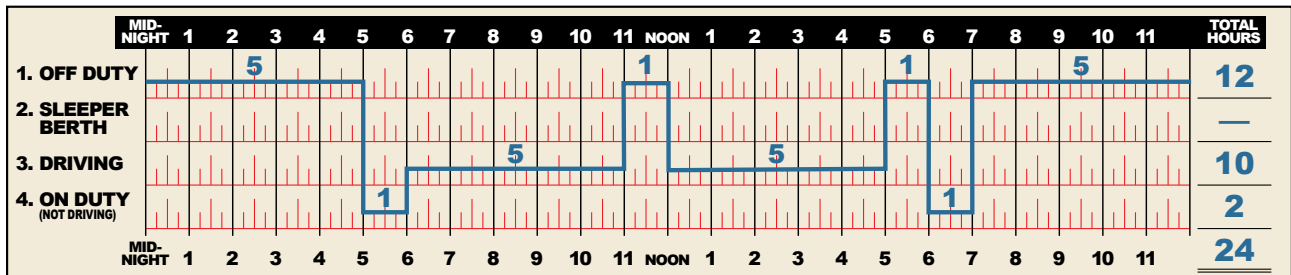
Day 4 – Tuesday



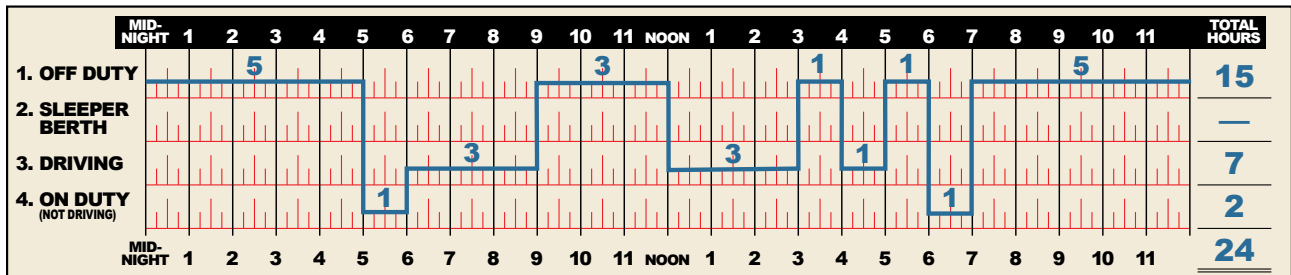
Day 5 – Wednesday



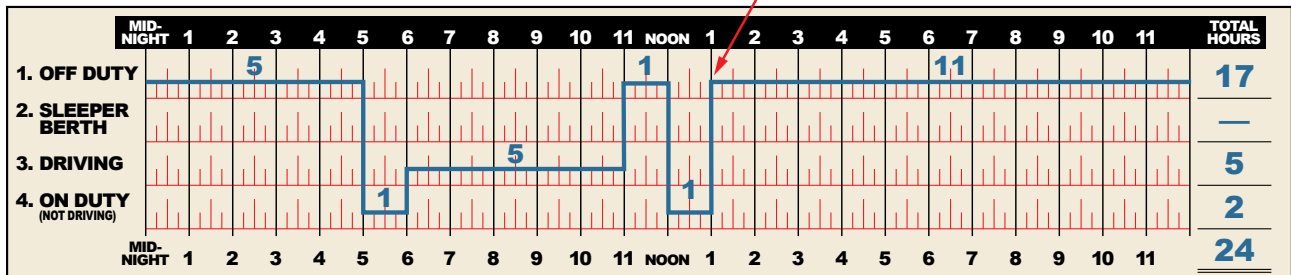
Day 6 – Thursday



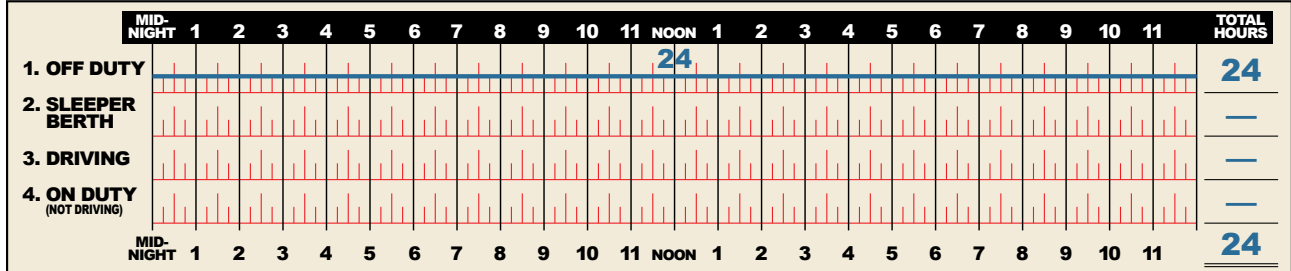
Day 7 – Friday



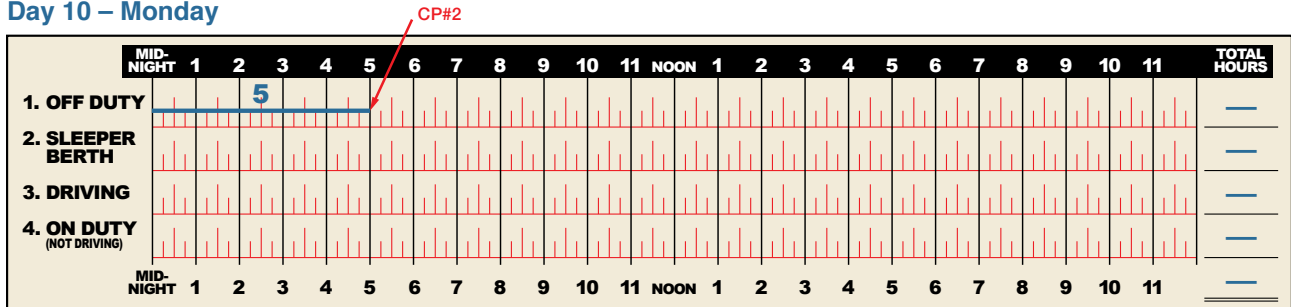
Day 8 – Saturday



Day 9 – Sunday



Day 10 – Monday



Violations: There are no violations.

Explanation: This is another example of the 34-hour restart provision. The 34-hour restart provision may only be used once per week (once every 168 hours), and must also include two periods between 1:00 a.m. and 5:00 a.m. The first restart clearly meets these specified provisions. Therefore, calculation point #1 (CP#1) for the 60-hour/7-day rule (in this particular example) begins at 5:00 a.m. on Day 3, as the driver has taken a valid restart under the rule provisions. In the subsequent 6 days (Days 3 through 8), the driver accumulates a total of 57 on duty and driving hours, and then begins a second 34-hour restart at 1:00 p.m. on Day 8 (Saturday). In this case, the driver starts the restart exactly 168 hours from when the first restart began, which in essence becomes the driver’s “starting point” for future restarts (in this example at 1:00 p.m.). Use of the 34-hour restart is an optional, not a mandatory regulatory provision.

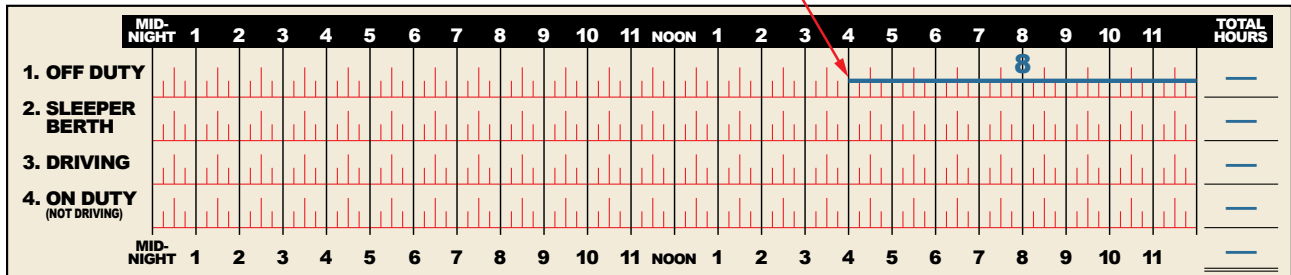


EXAMPLE 18: 34-Hour Restart

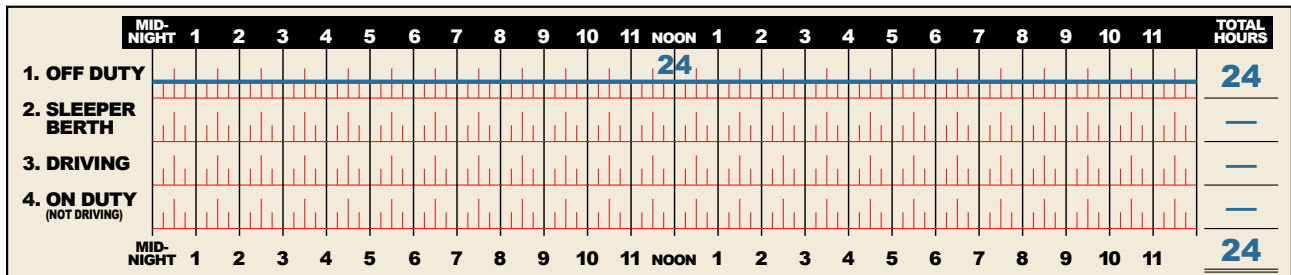
Restart Calculation Point With Use of Multiple Restarts

Day 1 – Saturday

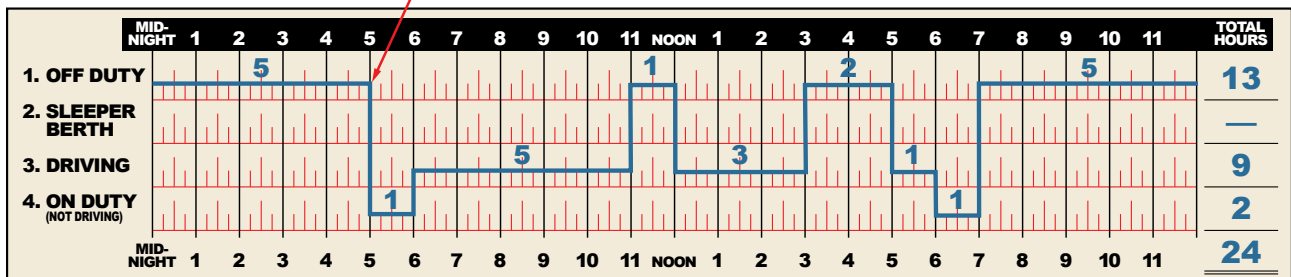
DRIVER'S "NORMAL" 34-HOUR RESTART TIME BEGINS HERE (DAY 1 AT 4:00 P.M.)



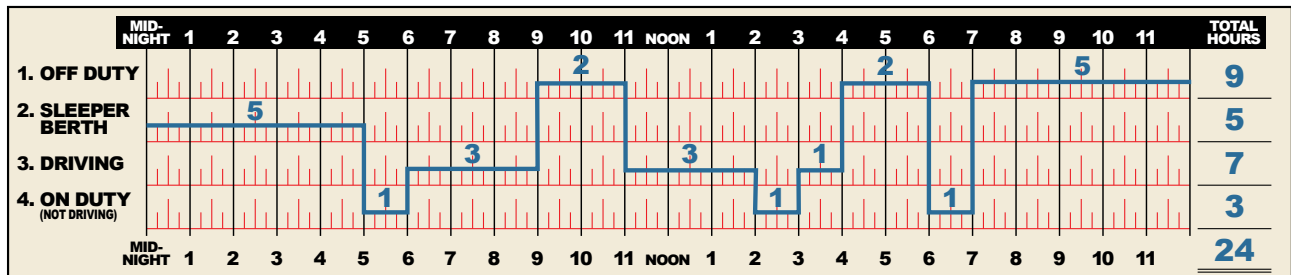
Day 2 – Sunday



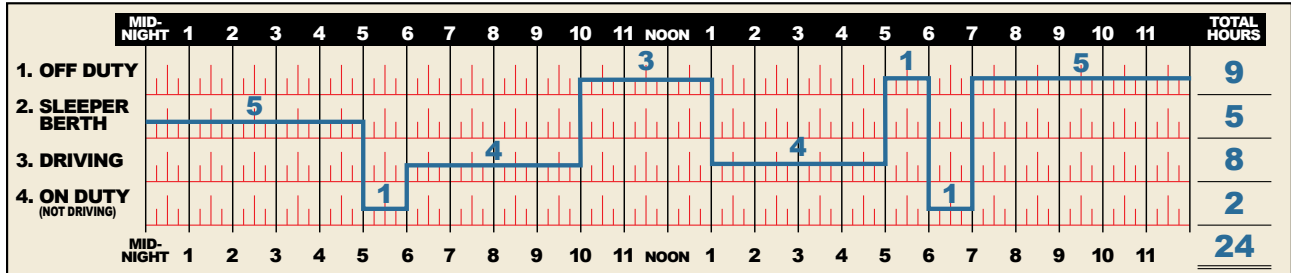
Day 3 – Monday



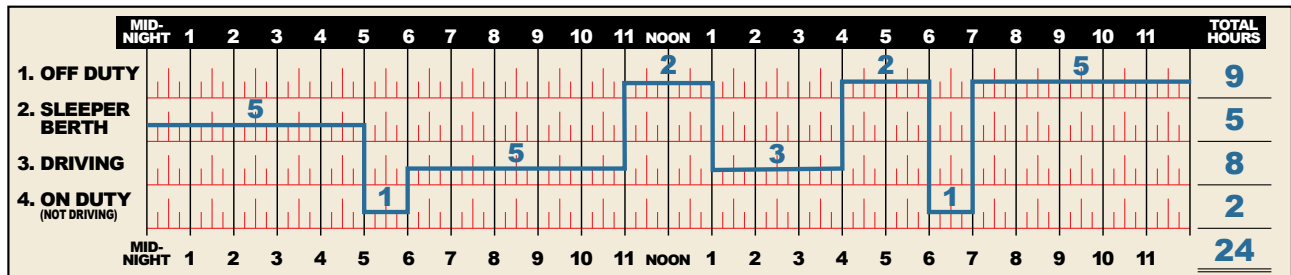
Day 4 – Tuesday



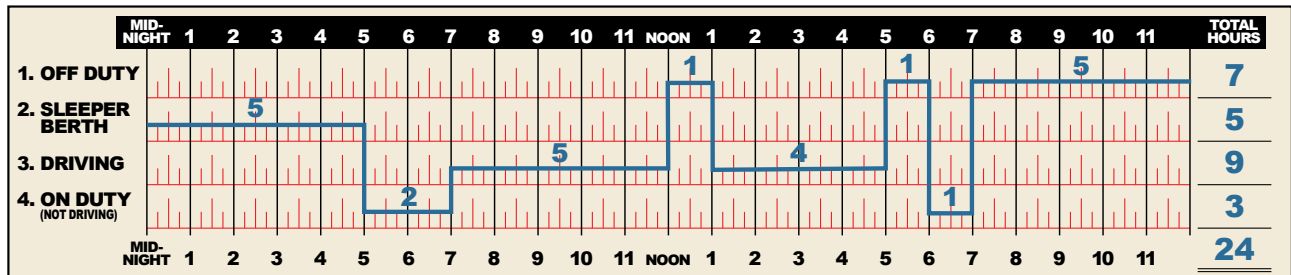
Day 5 – Wednesday



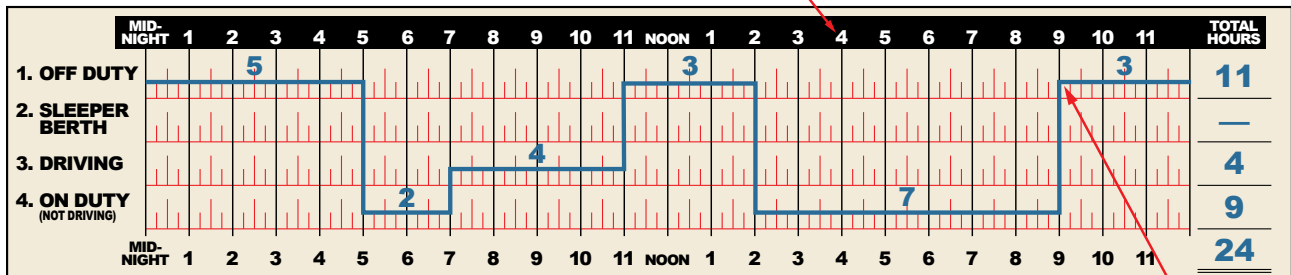
Day 6 – Thursday



Day 7 – Friday



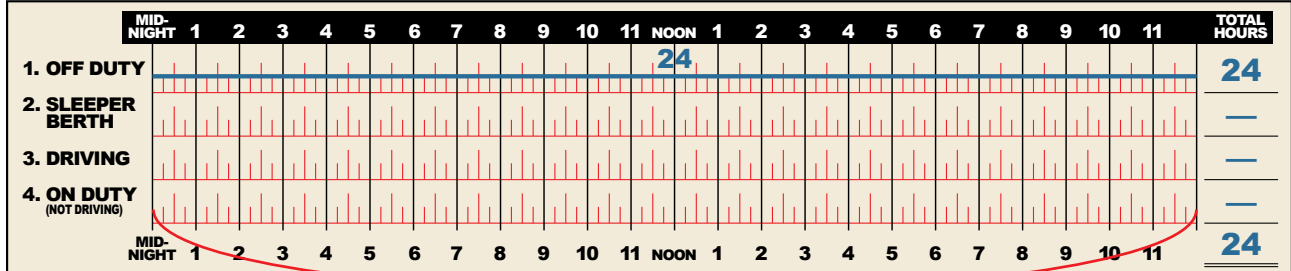
Day 8 – Saturday



DRIVER WORKED PAST MINIMUM RCP OF 4:00 P.M. (SEE DAY 1) AND INDICATES BELOW THEY ARE NOT USING THIS PERIOD AS A RESTART.

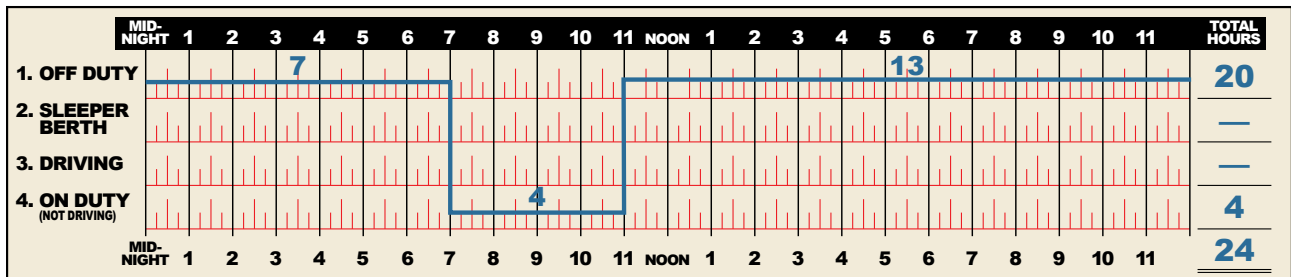


Day 9 – Sunday

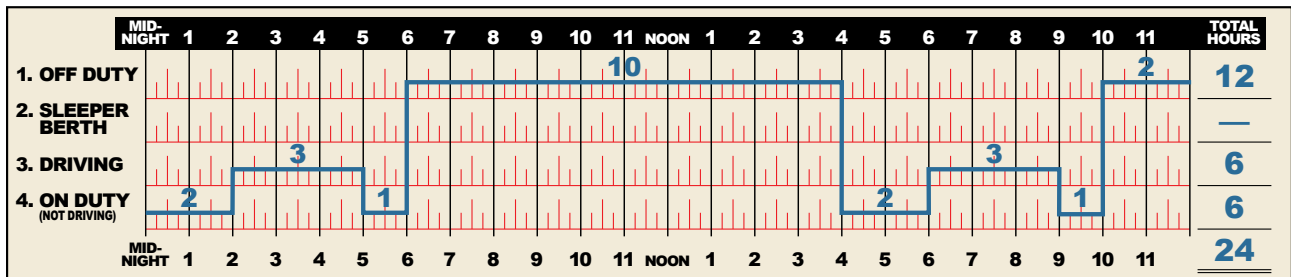


Not being used as a 34-hour restart

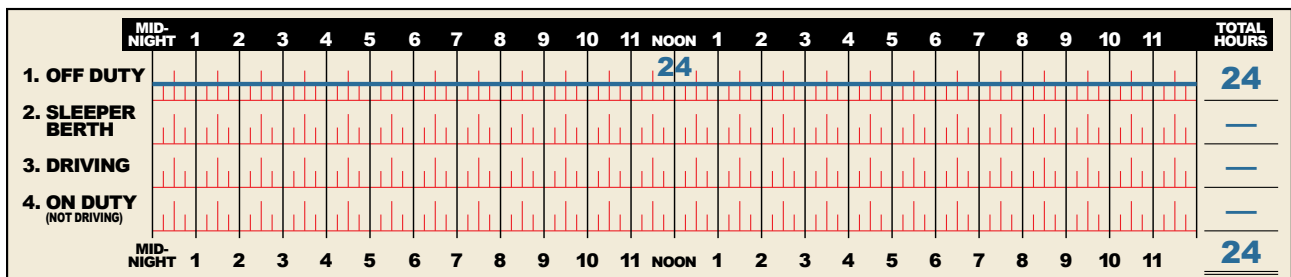
Day 10 – Monday



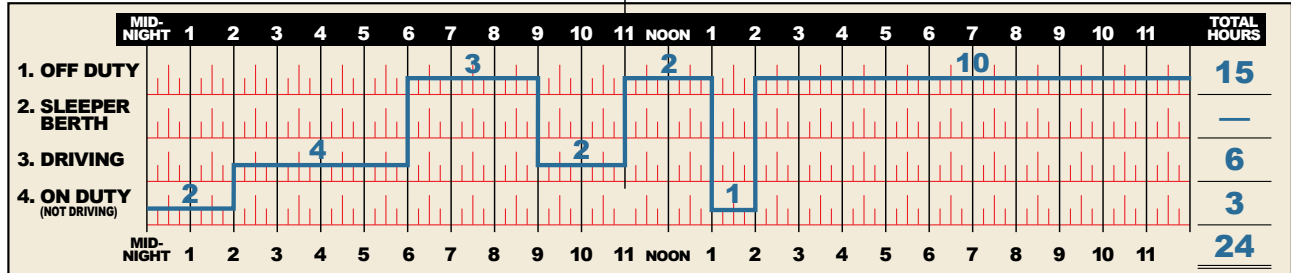
Day 11 – Tuesday



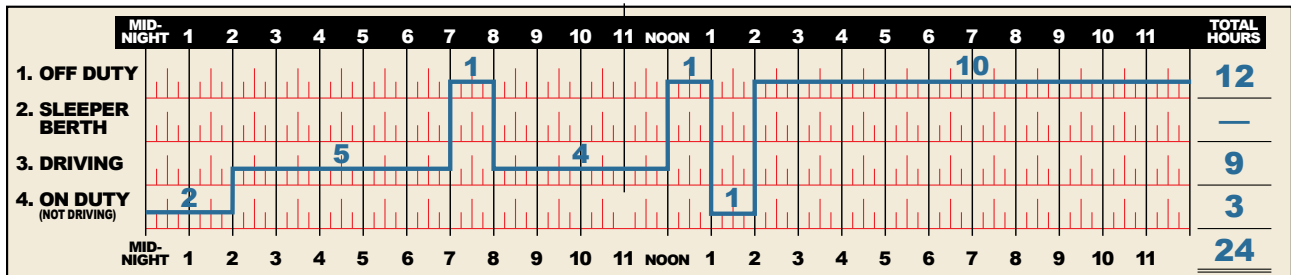
Day 12 – Wednesday



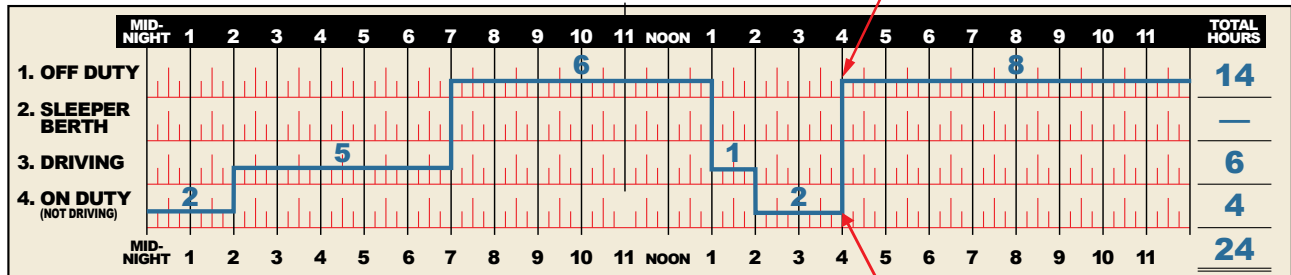
Day 13 – Thursday



Day 14 – Friday



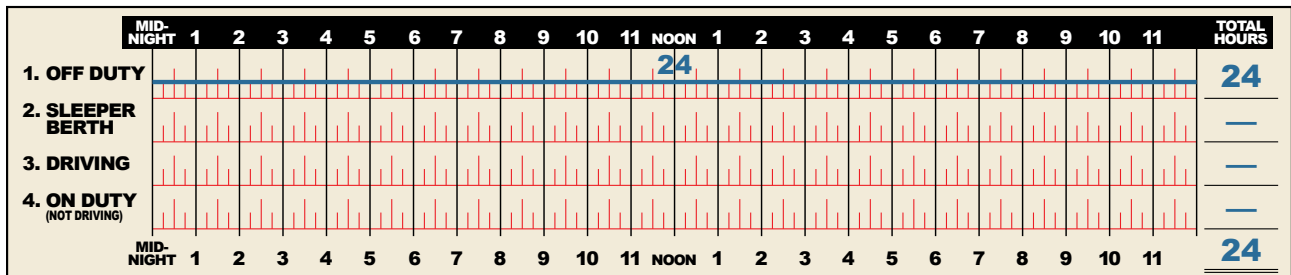
Day 15 – Saturday



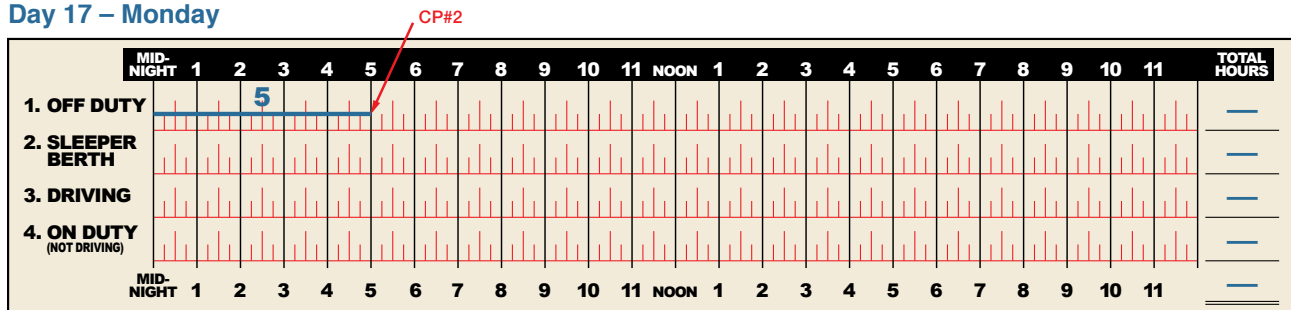
DRIVER BEGINS NEXT 34-HOUR RESTART
HERE AT "NORMAL" RCP OF 4:00 P.M.

Begin 34-hour restart period

Day 16 – Sunday



Day 17 – Monday



Violations: There are no violations.

Explanation: This example is only relevant to a driver who works beyond the minimum 168-hour point at which time he/she could legally start a second 34-hour restart. This will establish a new earliest starting point for each future 168-hour restart calculation point (RCP). Each restart can impact future restarts, which may interfere with a driver’s “normal” schedule. The example explained here is: “If a driver normally starts his/her 34-hour restart at 4:00 p.m. on a Saturday—which lasts until 5:00 a.m. on Day 3 (Monday) – but then has to work on the following Saturday until 9:00 p.m., does he/she have to continue the start of the next 34-hour restart at 9:00 p.m. on subsequent Saturdays, or how can the driver change back to his/her “normal” 34-hour restart time of 4:00 p.m.?”

The way for the driver to return to his/her “normal” schedule – or to change the RCP for future restarts -- is to not use or “skip” his/her 2nd restart (which starts at 9:00 p.m. on Day 8 (Saturday)) and continue to use the 60-hour/7-day rule until the subsequent restart that begins at 4:00 p.m. on Day 15 (Saturday)—his/her “normal” RCP. Use of the 34-hour restart is optional – not mandatory – and the driver indicates in the “Remarks” section of the log (on Day 9 in this example), that he/she does NOT wish to use the 2nd restart beginning at 9:00 p.m. on Day 8. This time is still properly counted as off-duty time for hours of service calculation purposes even though not being used as a restart.

The driver would then continue to operate on the 60/7 rule (or 70/8 rule if applicable) and begin a new restart at 4:00 p.m. on Day 15 (Saturday). The driver continues his/her normal calculation of the 60/7 (or 70/8) rule by adding up total on-duty and driving hours for the prior 7 days. The driver cannot drive a CMV past the 60 hours on-duty mark in this consecutive 7-day period. The driver continues in this pattern for the rest of the week, and takes two full days off duty (Day 9 (Sunday) and Day 12 (Wednesday)) to ensure that the total on-duty and driving hours remain within the respective limits. This pattern continues until Day 15 (Saturday) when the driver chooses to begin a “new” 34-hour restart at 4:00 p.m. on that day (RCP). Notice that the RCP has returned to the original 4:00 p.m. restart starting time on Day 1.

Although not required, it would be very helpful to note in the Remarks section of the log when a new 34-hour restart beginning is being claimed.

[NOTE: See Example 16 for a scenario in which the driver ends his/her work week and goes off duty before the minimum 168 hours have passed in-between restarts.]

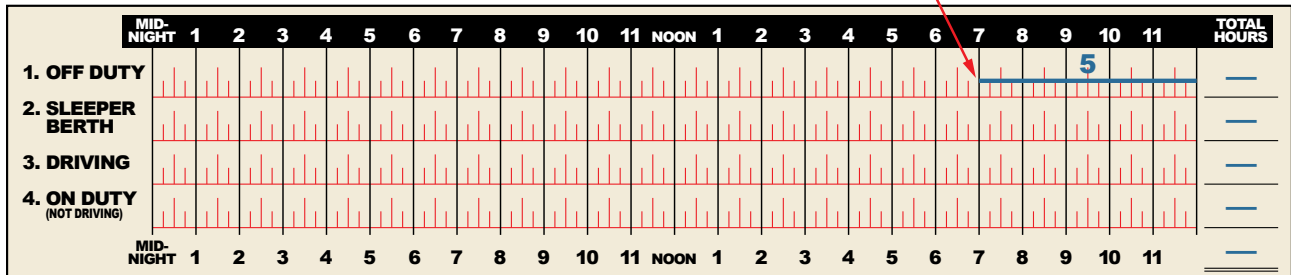


EXAMPLE 19: 34-Hour Restart

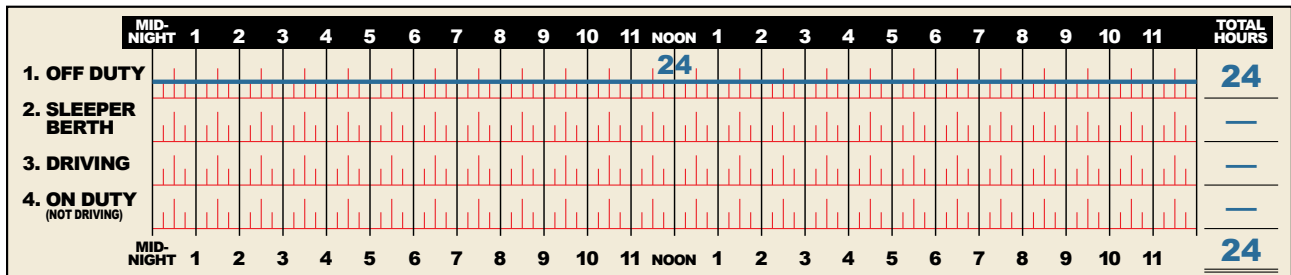
Driver Attempt to Change 168-Hour Rule Mark With Invalid Restart

Day 1 – Friday

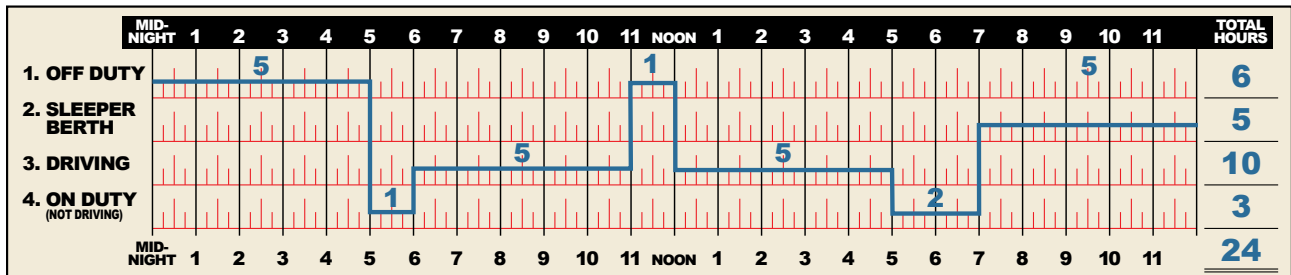
DRIVER'S FIRST CLAIMED BREAK STARTS HERE
(Meets 34-hour restart conditions)



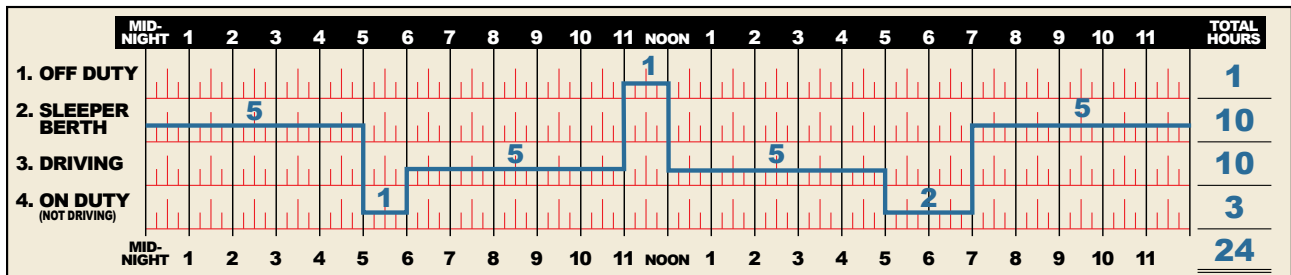
Day 2 – Saturday



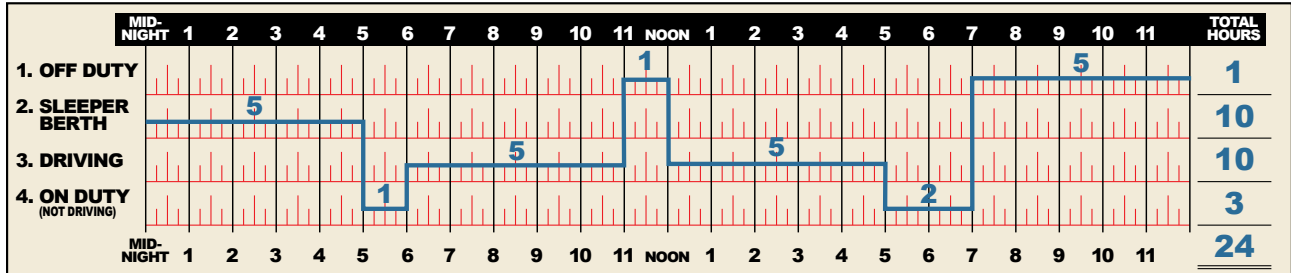
Day 3 – Sunday



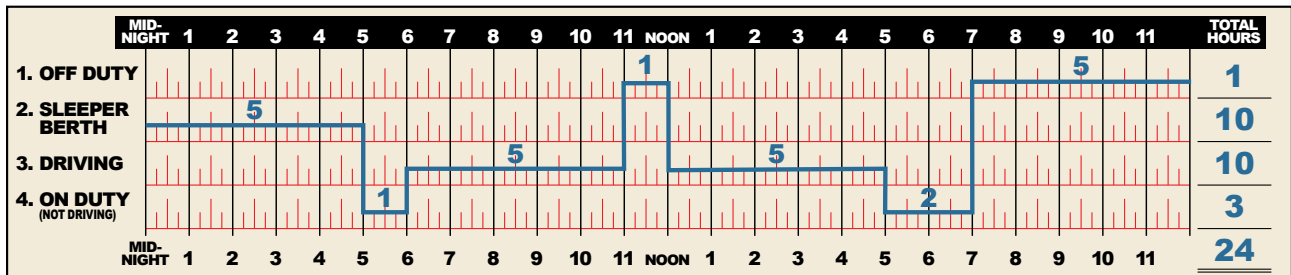
Day 4 – Tuesday



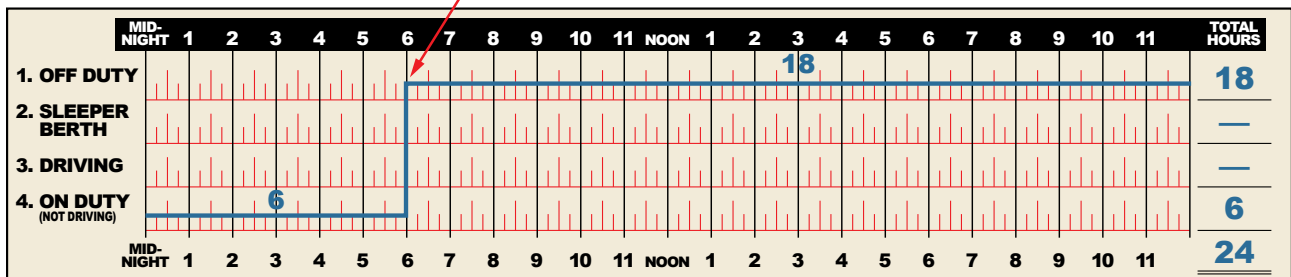
Day 5 – Tuesday



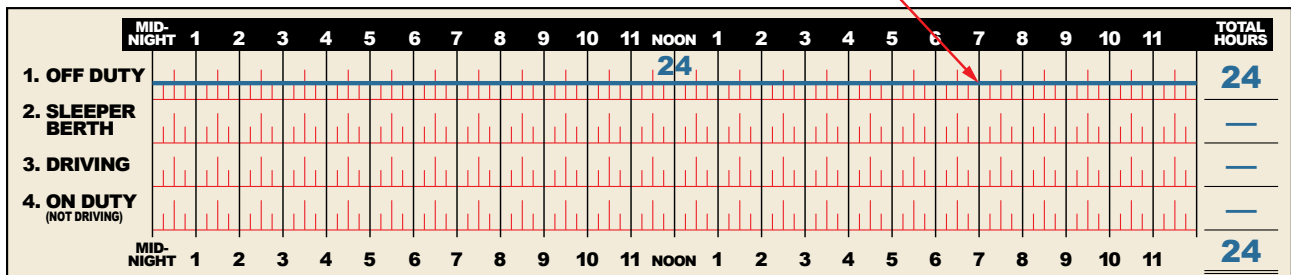
Day 6 – Wednesday



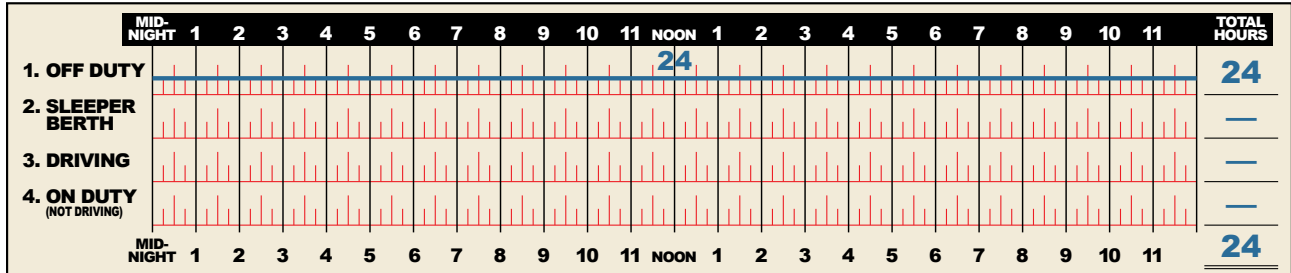
Day 7 – Thursday



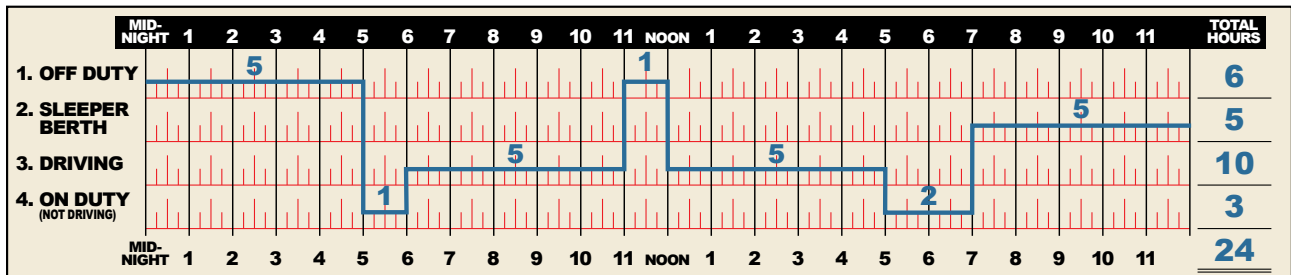
Day 8 – Friday



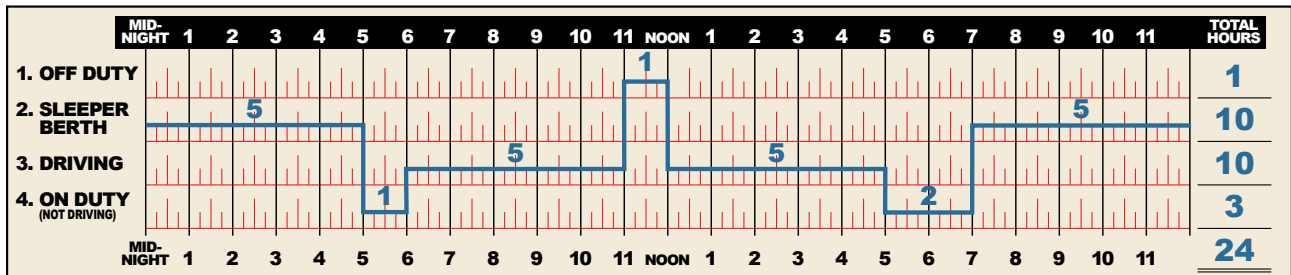
Day 9 – Saturday



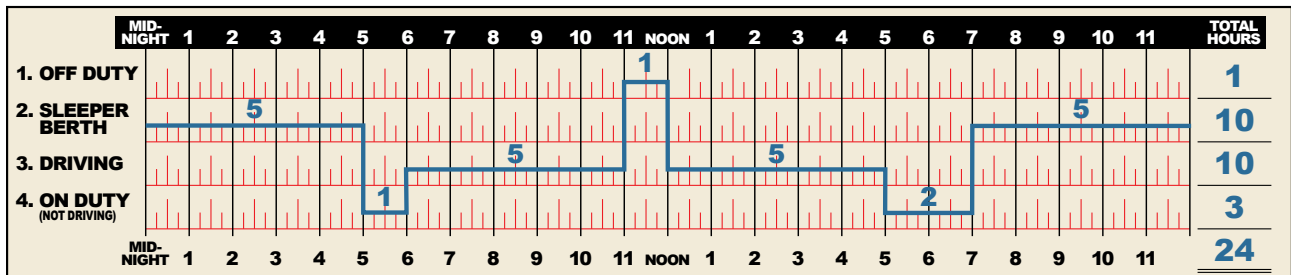
Day 10 – Sunday



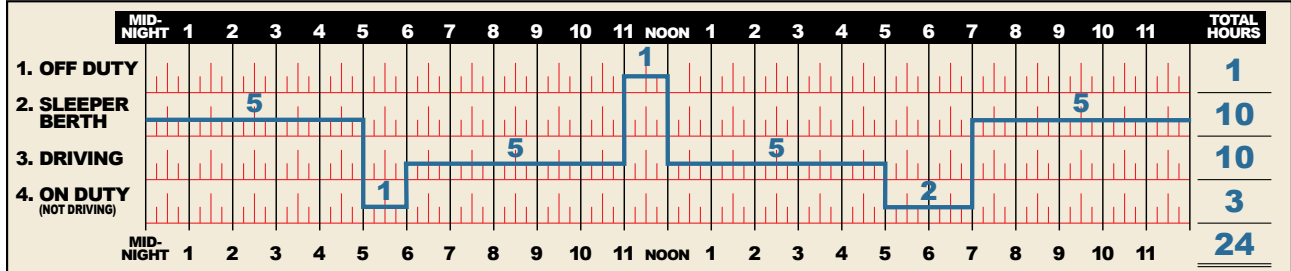
Day 11 – Monday



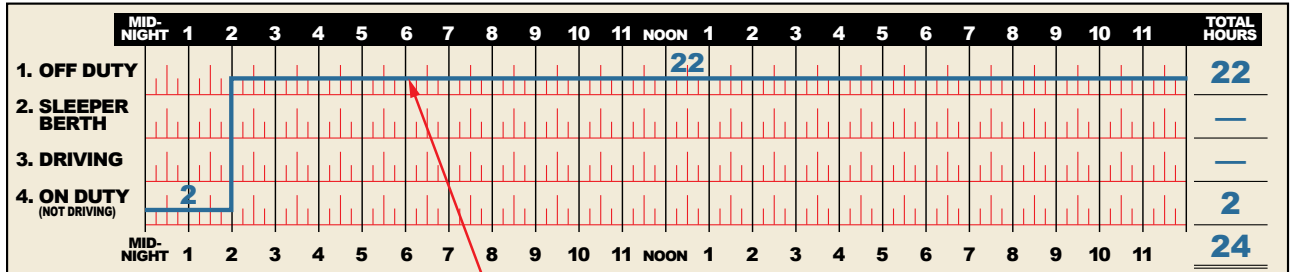
Day 12 – Tuesday



Day 13 – Wednesday

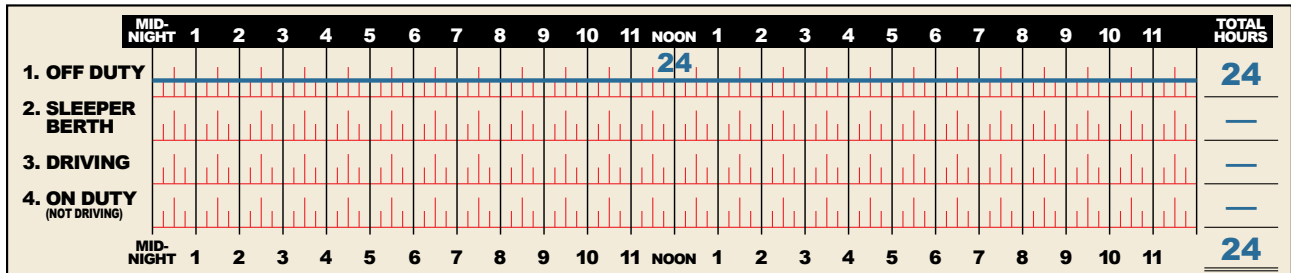


Day 14 – Thursday

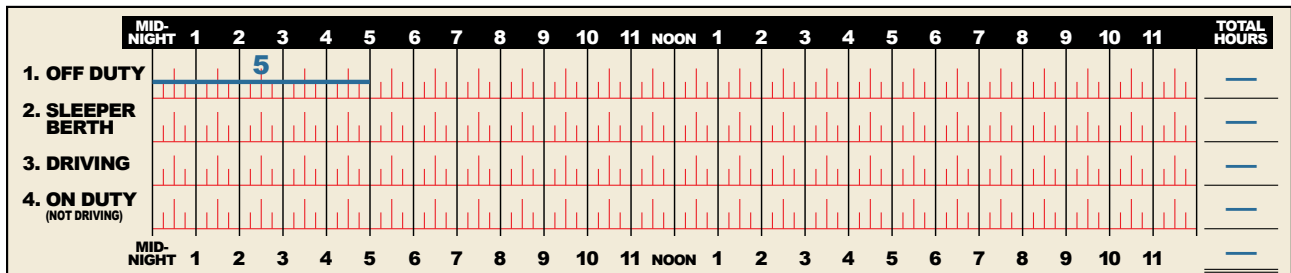


DRIVER WANTS TO START THE 168-HOUR RULE MARK FOR NEXT RESTART FROM HERE AS 2nd "CLAIMED" BREAK STARTED AT 6:00 A.M. ON DAY 2 (THURSDAY). HOWEVER, THIS IS NOT CORRECT AS THE 168-HOUR RULE MARK REMAINED AT 7:00 P.M. FROM DAY 1 (FRIDAY)—THE FIRST CLAIMED RESTART.

Day 15 – Friday



Day 16 – Saturday



Violations: There are no violations.

Explanation: This is an example – albeit an uncommon occurrence -- of the optional 34-hour restart, and a driver’s attempt to get clarification on the “start” time for applying a current restart to future restart breaks. The “key” words to focus in on relating to this example are: “beginning of the last such off-duty period.”

The driver’s first 34-hour restart break runs from Day 1 (Friday) at 7:00 p.m. through Day 3 (Sunday) at 5:00 a.m. This is a valid restart as it includes two periods between 1:00 a.m. and 5:00 a.m. The driver is not eligible to take the next restart until Day 8 (Friday) at 7:00 p.m. at the earliest – which is exactly 168 hours since the beginning of the first restart. However, in this particular example, the driver attempts to begin a second 34-hour restart on Day 7 (Thursday) at 6:00 a.m. This is not a valid restart as the driver has commenced the restart 37 hours prior to legally being able to start a second restart.

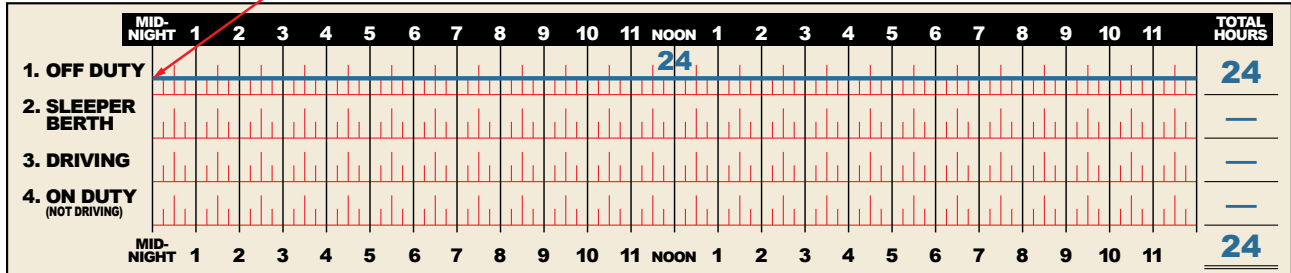
Subsequently, the driver then attempts to start another restart break on Day 14 (Thursday) at 2:00 a.m., and wants the 168-hour rule mark to be 6:00 a.m. on Day 14 which is 168 hours from what the driver considered their second [and prior] restart. This is invalid as the second restart (which the driver claimed began at 6:00 a.m. on Day 7) started earlier than the 168-hour mark, and the “count back” point cannot change in that way. In this case, the driver either must continue taking their 34-hour restarts at 7:00 p.m. on Friday (or after). The only way to get the driver back “on their normal schedule” is to “skip” the next Friday’s 34-hour restart (which is optional – not a mandatory provision), stay on the 60/7 or 70/8 hour rule until the next Friday and then start the “normal” restart cycle at 7:00 p.m. again.



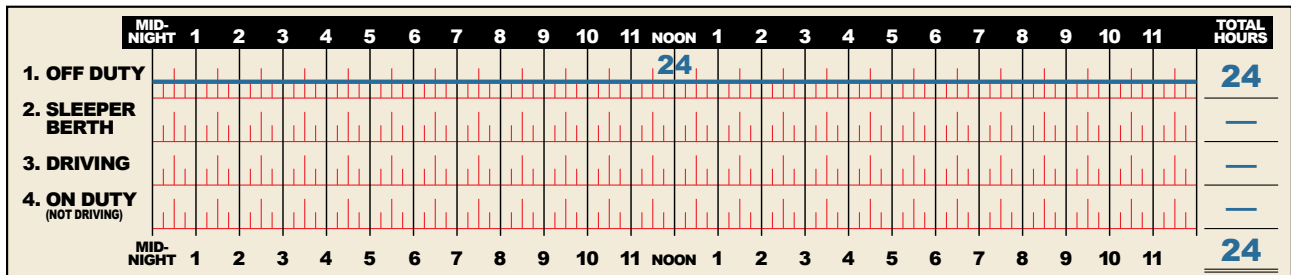
EXAMPLE 20: Restart Provision – “Weekend Off”

Driver Takes Full Weekend Off for Use as 34-Hour Restart

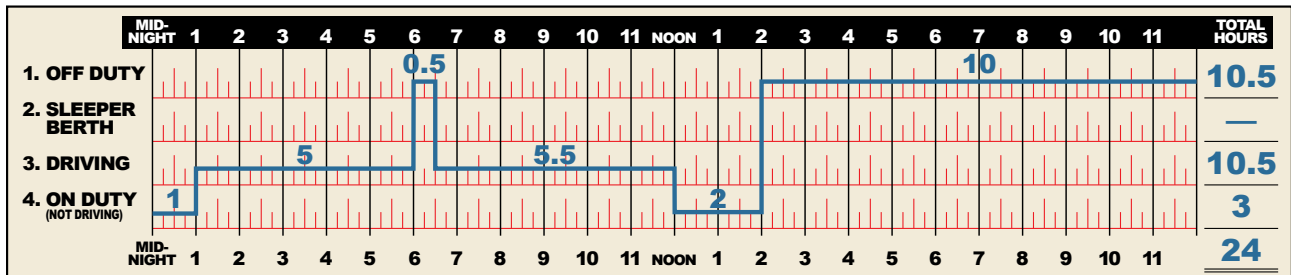
Day 1 – Saturday FIRST 34-HOUR RESTART BEGINS HERE



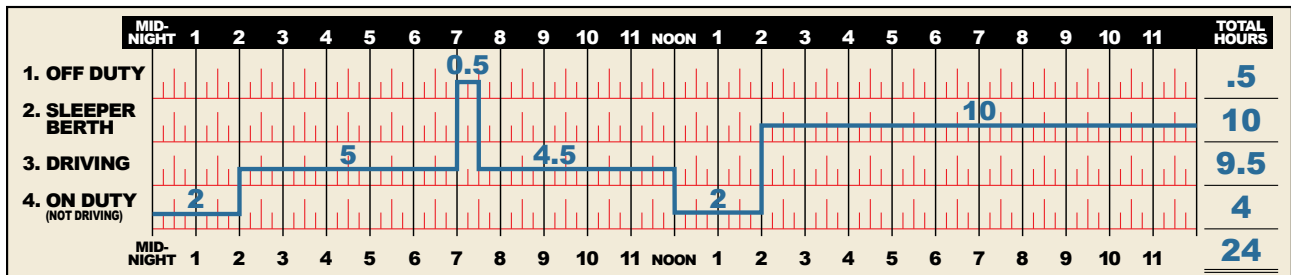
Day 2 – Sunday



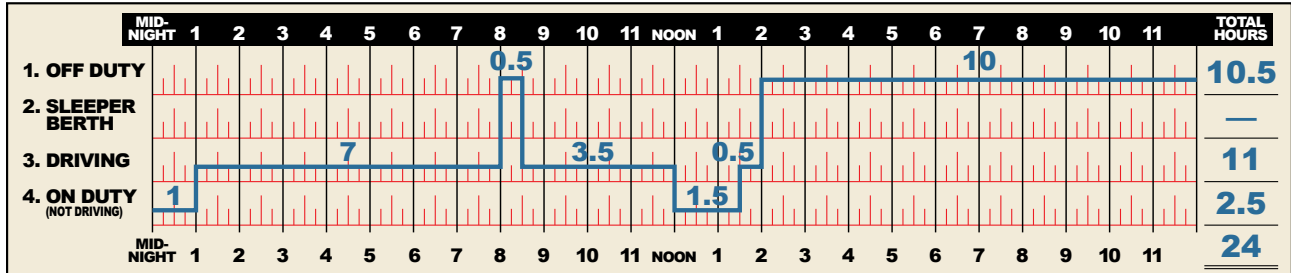
Day 3 – Monday



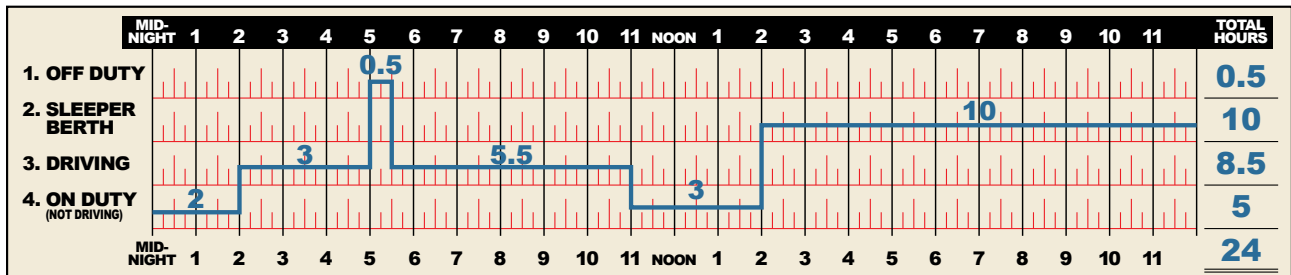
Day 4 – Tuesday



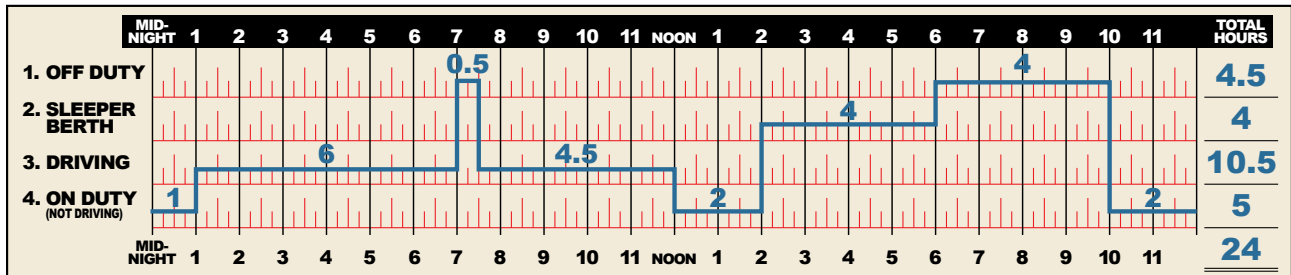
Day 5 – Wednesday



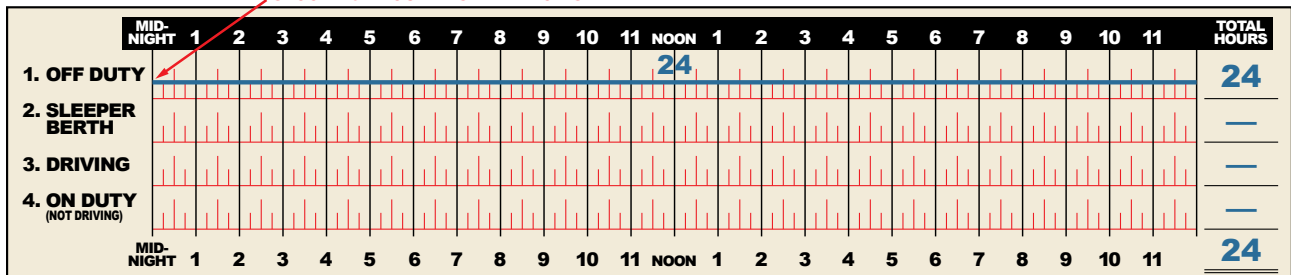
Day 6 – Thursday



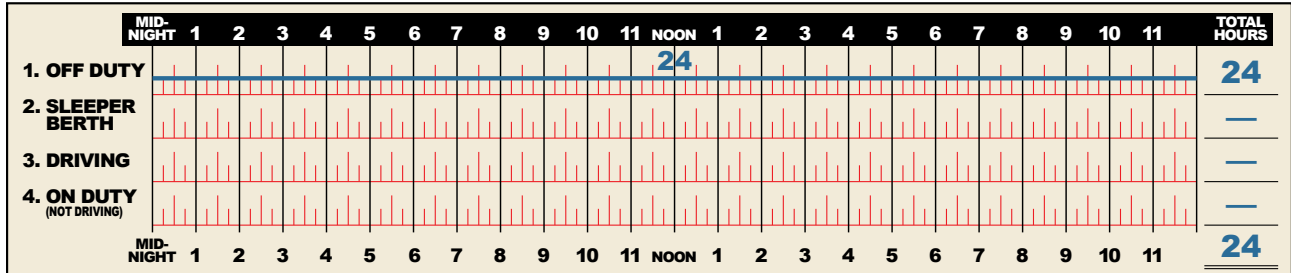
Day 7 – Friday



Day 8 – Saturday



Day 9 – Sunday



Violations: There are no violations.

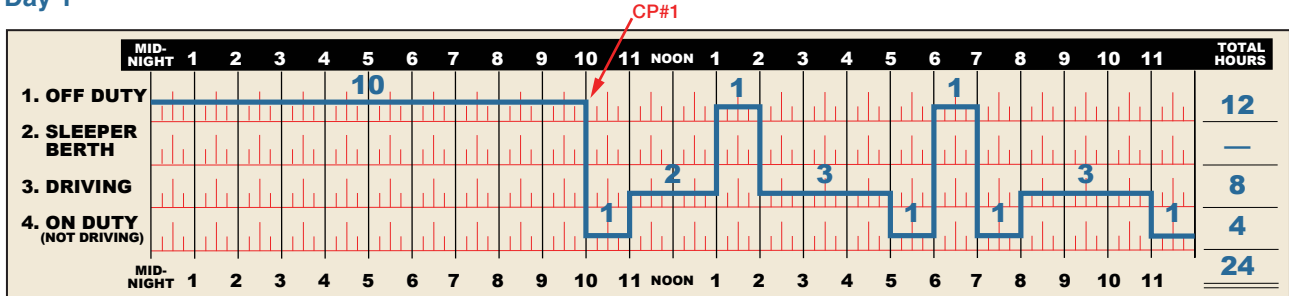
Explanation: This example demonstrates the use of a weekend off to utilize the 34-hour restart provision. The driver works 13.5 hours a day (combination of driving and on-duty time) Monday through Thursday (Days 3–6), and 15.5 total on duty and driving hours on Friday (Day 7). That totals 69.5 hours (on duty and driving) in those 5 days. The company operates vehicles 7 days a week, so the driver is operating on the 70-hour/8-day rule schedule. This driver is off duty every Saturday and Sunday (48 hours consecutive total), and uses this time as his or her 34-hour restart (a valid restart under the provisions). The rule allows the driver to do this, the driver does not begin their second restart until 12:00 Midnight on Day 8 (168 hours after the start of the first restart at 12:00 Midnight on Day 1). The driver also does not drive a CMV after 70 hours in the 8-day period, and therefore there are no violations.



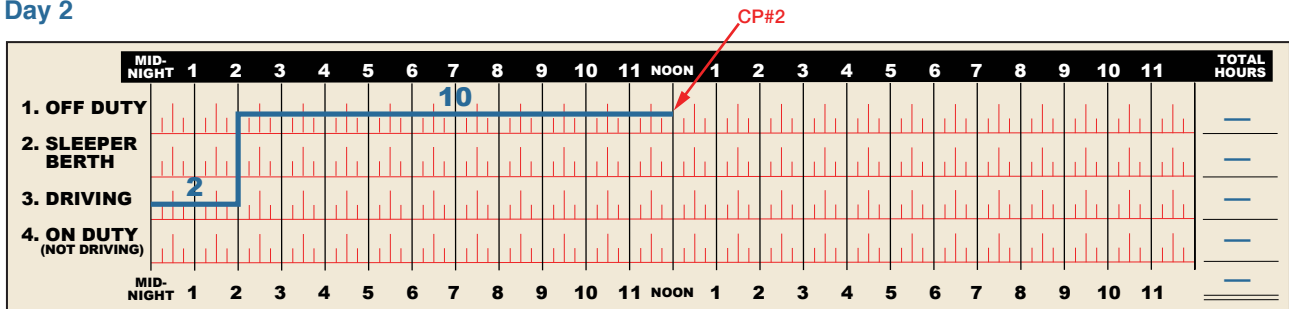
EXAMPLE 21: 16-Hour “Driving Window”

Explanation of the 16-Hour Exception (Section 395.1(o); No Violation)

Day 1



Day 2



Violations: There are no violations.

Explanation: This is an example of the 16 consecutive-hour “driving window.” This provision is only available once “weekly” to certain property-carrying drivers, and is not available to all drivers (refer to Section 395.1(o) of the Federal Motor Carrier Safety Regulations(FMCSRs)). After 10 consecutive hours off duty on Day 1, the driver had 16 consecutive hours available beginning at 10:00 a.m. (CP#1). This provision allows the driver to drive in the 15th and 16th hours as long as he/she does not drive beyond the 16th hour since coming on duty, or exceed the 11-hour driving limit (CP#2).

Per Section 395.1(o), property-carrying drivers may take a 16-hour duty period (instead of a 14-hour period) if, during the last five duty periods the driver worked, the driver returned to the normal work reporting location and did not exceed 14 hours. This would allow a driver to use this exception once every 7 days.

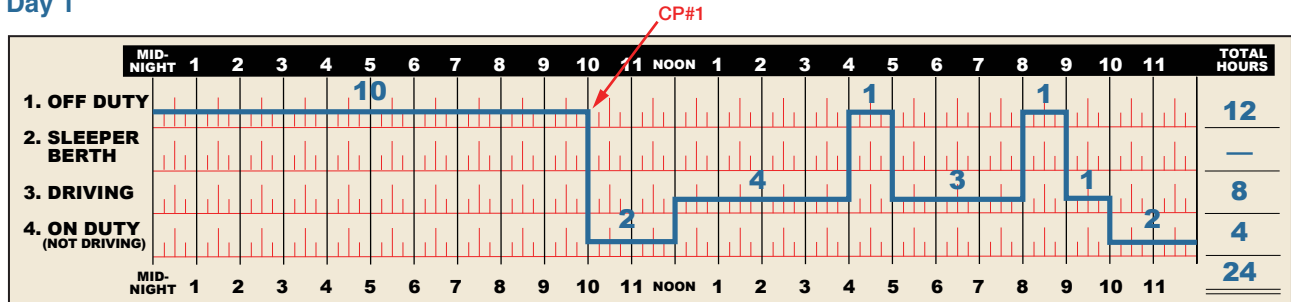
However, the last subparagraph in 395.1(o) allows the 16-hour exception to be used again as soon as the driver has had 34 or more consecutive hours off duty as allowed by Section 395.3(c) of the FMCSRs.



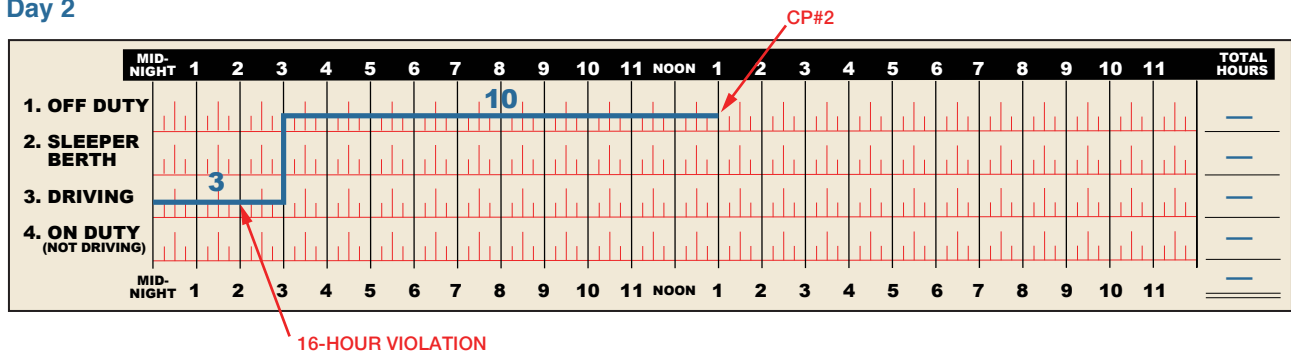
EXAMPLE 22: 16-Hour “Driving Window”

Explanation of the 16-Hour Exception (Section 395.1(o); With Violations)

Day 1



Day 2



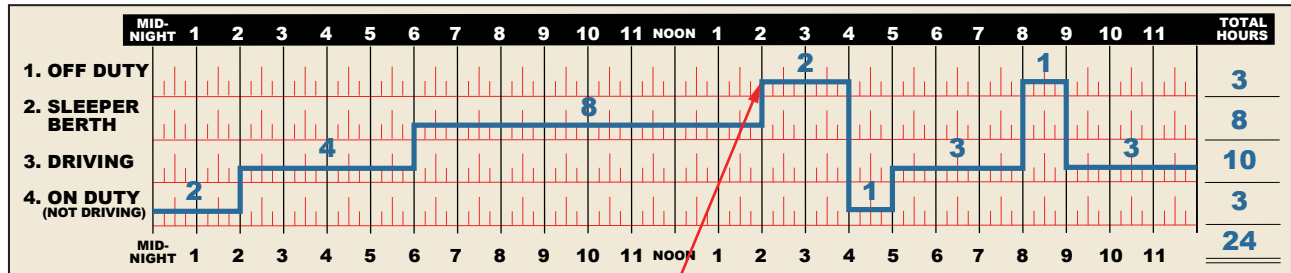
Violations: There is a 16-hour rule violation at 2:00 a.m. on Day 2.

Explanation: This is another example of the 16 consecutive hour “driving window.” This provision is only available once “weekly” to certain property-carrying drivers, and is not available to all drivers (refer to Section 395.1(o) of the Federal Motor Carrier Safety Regulations). After 10 consecutive hours off duty on Day 1, the driver had 16 consecutive hours available beginning at 10:00 a.m. (CP#1). This provision allows the driver to drive in the 15th and 16th hours as long as he/she does not drive beyond the 16th hour since coming on duty, or exceed the 11-hour driving limit (CP#2) (with release from duty at end). Starting at 10:00 a.m. on Day 1, the driver reaches a combined 16 hours of driving, on-duty, and off-duty time (10 driving, 4 on duty, 2 off duty) at 2:00 a.m. on Day 2. The driver then drove the CMV between 2:00 a.m. and 3:00 a.m. on Day 2 after the 16-hour “driving window” had been completed, and therefore is in violation for this 1-hour period.



EXAMPLE 23: Two-Driver Property-Carrying Commercial Motor Vehicle “Jump Seat” Time Combined With S/B Time for 10 Consecutive Hour Break

Day 1



In passenger seat of a moving property-carrying commercial motor vehicle

Violations: There are no violations.

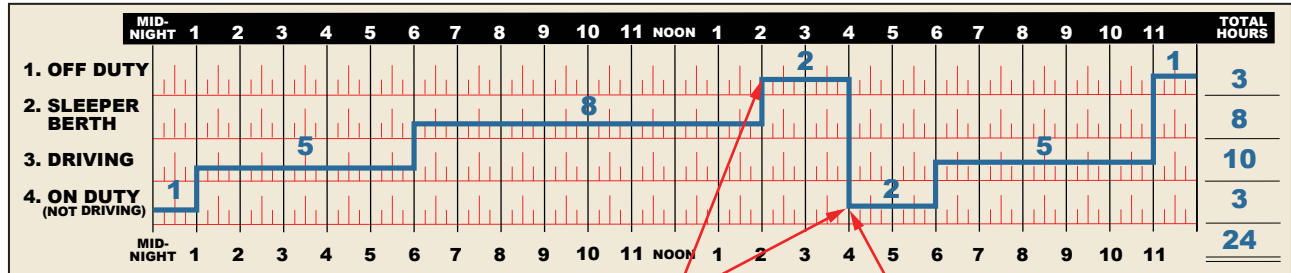
Explanation: This is an example of the change in the definition of on-duty time that would allow a driver in a moving property-carrying CMV to spend up to 2 hours in the passenger seat immediately before or after 8 consecutive hours in the sleeper-berth (S/B), and classify this as off-duty time. After 10 consecutive hours off duty the prior day, starting at Midnight on Day 1 the driver was on duty for a total of 6 hours (including 4 hours driving). The driver then takes a 10 consecutive hour break consisting of 8 hours in the S/B and 2 hours in the passenger seat of a moving property-carrying CMV.

It is recommended that the driver note in the Remarks section of the log that this 2-hour period between 2:00 to 4:00 p.m. on Day 1 was spent in the passenger seat of a moving property-carrying CMV as indicated above.



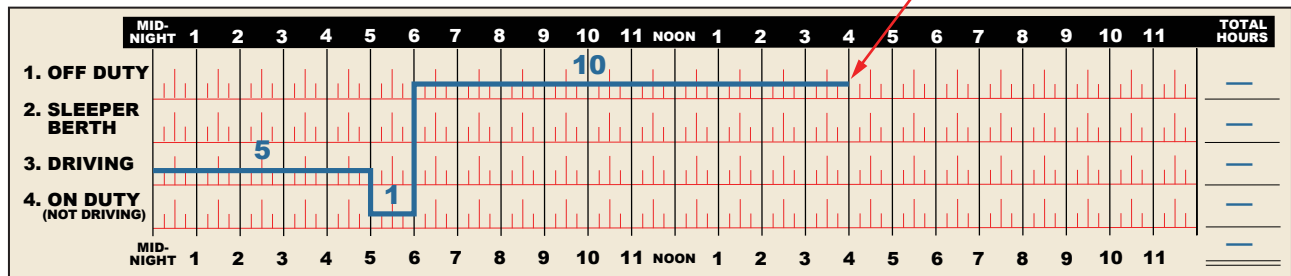
EXAMPLE 24: Two-Driver Property-Carrying Commercial Motor Vehicle Use of More Than 2 Hours of “Jump Seat” Time Combined With S/B Time for 10-Hour Break

Day 1



In passenger seat of a moving property-carrying commercial motor vehicle

Day 2



Violations: There are no violations.

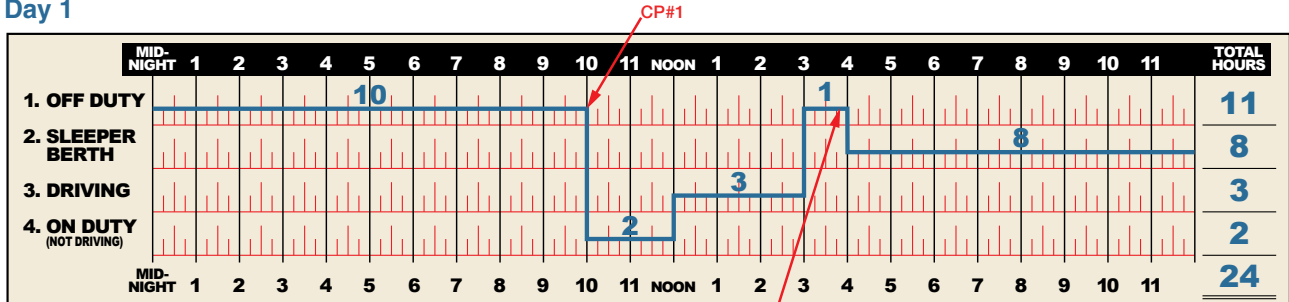
Explanation: This is another example of the change in the definition of on-duty time that allows a driver in a moving property-carrying CMV to spend up to 2 hours in the passenger seat immediately before or after 8 consecutive hours in the sleeper-berth (S/B), and properly classify this as off-duty time. The driver takes 4 consecutive hours in the passenger seat between 2:00 p.m. and 6:00 p.m. on Day 1, immediately after the 8 consecutive hours in the S/B. However, only the first 2 hours in the passenger seat of the CMV can be combined with the 8 hours in the S/B to get the required 10 consecutive hours off duty.

It is recommended that the driver note in the Remarks section of the log that this 2-hour period between 2:00 p.m. to 4:00 p.m. on Day 1 was spent in the passenger seat of a moving property-carrying CMV. Therefore, at 4:00 p.m. on Day 1, the driver’s status becomes “on-duty/ not driving” and the driver starts the calculation of his/her next available 14-hour “driving window” (CP#1). He/she is on duty for 2 hours (between 4:00 and 6:00 p.m. on Day 1), drives for 5 hours, goes off duty for 1 hour, drives for 5 more hours starting on Day 2, is on duty for 1 hour, and then goes off duty for 10 consecutive hours between 6:00 a.m. and 4:00 p.m. on Day 2 (CP#2). During this period the driver remained in compliance as he/she did not drive over 11 hours or drive past the 14th hour.



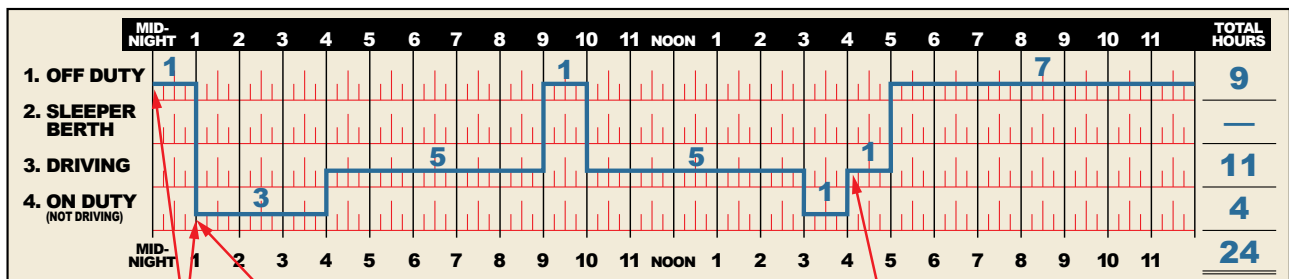
EXAMPLE 25: Two-Driver Property-Carrying Commercial Motor Vehicle Split “Jump Seat” Time Combined With S/B Time for 10 Consecutive Hour Break (With Violation)

Day 1



In passenger seat of a moving property-carrying commercial motor vehicle

Day 2



In passenger seat of a moving property carrying commercial motor vehicle

14-HOUR VIOLATION

Violations: There is a 14-hour violation at 4:00 p.m. on Day 2.

Explanation: This is another example of the change in the definition of on-duty time that allows a driver in a moving property-carrying CMV to spend up to 2 hours in the passenger seat immediately before or after 8 consecutive hours in the sleeper-berth (S/B), and properly classify this as off-duty time. This example demonstrates that these 2 hours in the passenger seat of a moving CMV can be split into separate 1 hour intervals – if the time is consecutive. The driver takes 10 consecutive hours off-duty on Day 1, and begins his/her available 14-hour “driving window” at 10:00 a.m. on Day 1 (CP#1).

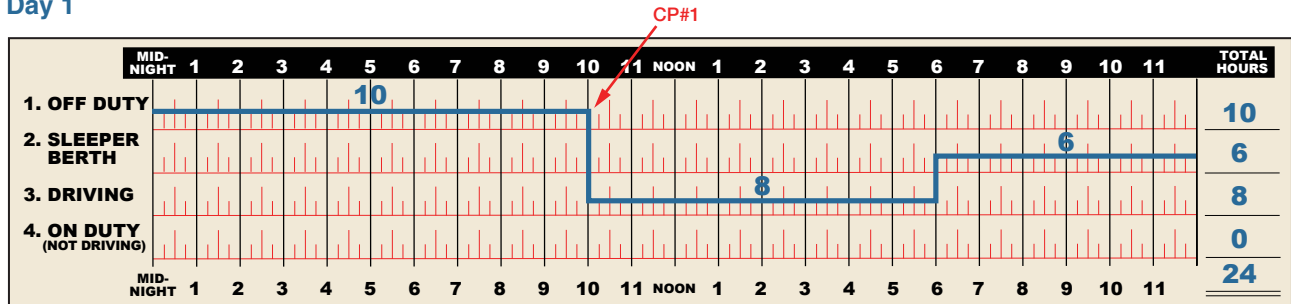
The driver then is on duty for 2 hours, followed by 3 hours driving, followed by 1 hour in the “jump seat” of a moving CMV, then 8 consecutive hours in the S/B, and then 4 more hours in the “jump seat” of the CMV from Midnight to 4:00 a.m. on Day 2. The first hour in the “jump seat” of the CMV can be combined with the 8 hours in the S/B, combined with the 1 hour in the “jump seat” on the back end to get the required 10 consecutive hours off duty. Therefore, at 1:00 a.m. on Day 2, the driver starts the calculation of his/her next available 14-hour “driving window” (CP#2). The driver’s status becomes “on duty/not driving” and he/she is on duty for 3 hours (between 1:00 a.m. and 4:00 a.m. on Day 2) followed by 5 hours driving, 1 hour off duty, 5 more hours driving, 1 hour on duty, and then 1 more hour of driving between 4:00 and 5:00 p.m. on Day 2. Starting at CP#2 at 1:00 a.m. on Day 2, the driver reaches the end of the 14-hour period at 3:00 p.m., and therefore must go off duty at this point. He/she drove for one hour at 4:00 p.m. and there is a 14-hour violation (unless a 16-hour day was available to the driver [Section 395.1(o)]).



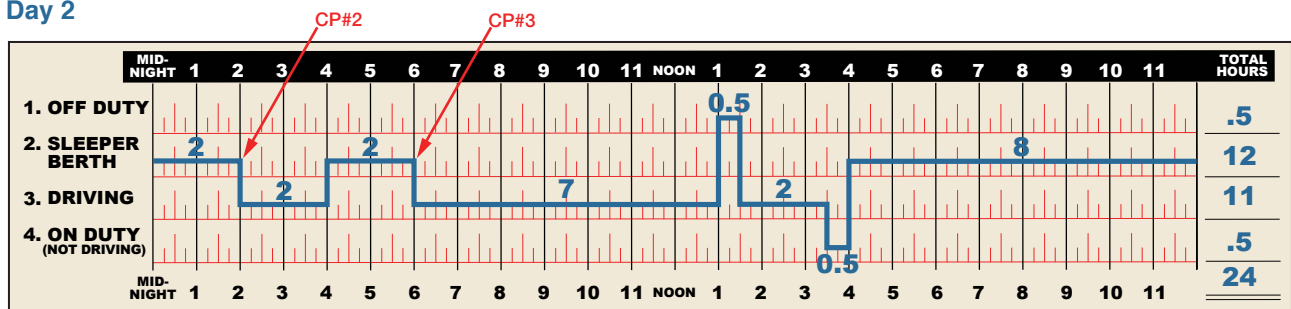
EXAMPLE 26: Sleeper-Berth Use

Split S/B Time Including 2011 Rule Changes (30-Minute Break)

Day 1



Day 2



Violations: There are no violations.

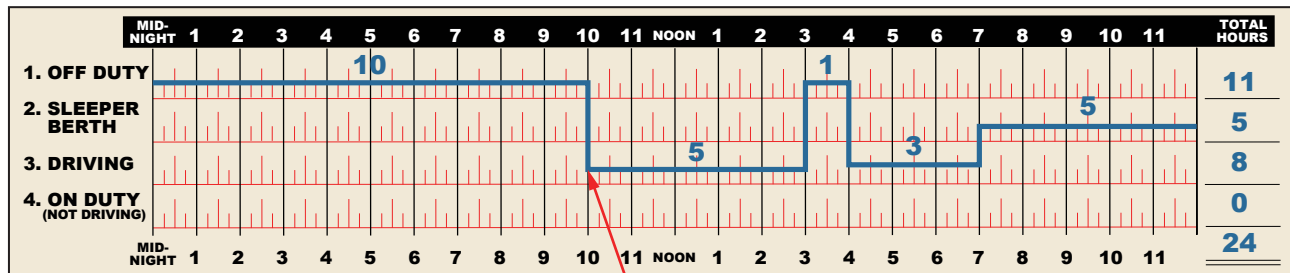
Explanation: This is an example of the current sleeper-berth (S/B) provisions as affected by other changes from the 2011 Hours of Service Final Rule. There are three separate calculation points (CPs) indicated. CP#1 starts after 10 consecutive hours off on Day 1. After CP#3 on Day 2, the driver takes a 1/2-hour off-duty break between 1:00 p.m. and 1:30 p.m. in order to meet one of the new regulations (prohibition on driving if 8 hours or more have passed since the end of the driver’s last off-duty period of at least 30 minutes). He/she took the 1/2 hour break to extend driving time availability even though not at the 8 hour on-duty limit yet. The 14 consecutive-hour “driving window” calculation started at 2:00 a.m. on Day 2 (CP#2) and continues until 4:00 p.m., when the driver goes into the S/B for 8 hours.



EXAMPLE 27: Sleeper-Berth Use

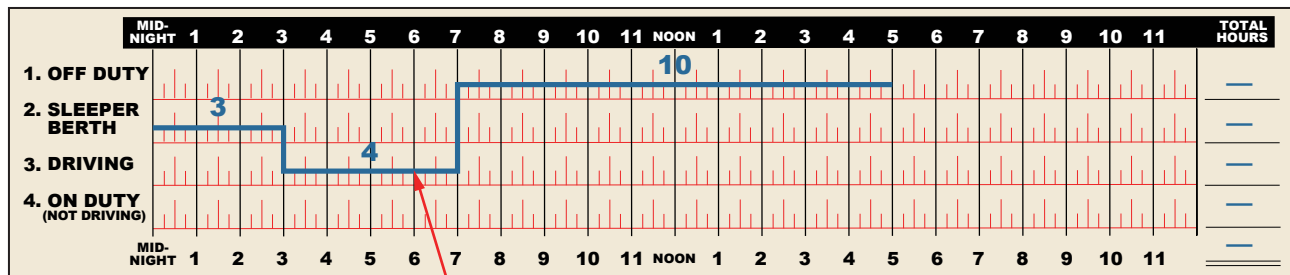
Split S/B Use/No Valid Split Included (With Violation)

Day 1



CP#1

Day 2



11-HOUR VIOLATION

Violations: There is an 11-hour rule violation from 6:00 a.m. to 7:00 a.m. on Day 2.

Explanation – 11-Hour Limit: After 10 hours off duty, the driver had 11 hours of driving time available at 10:00 a.m. (CP#1) on Day 1. At the end of Day 1, the driver had 3 hours remaining and, without a valid 10-hour break, the driver violated the 11-hour limit by driving an additional 1 hour at 6:00 a.m. on Day 2.

[NOTE: The driver had 8 consecutive hours in the sleeper-berth (S/B), but that break does not give the driver any extra driving time (that is, it does not change the calculation point by itself). In addition, the driver cannot use the S/B provision because he/she did not obtain the equivalent of 10 hours of rest by getting a combination of at least 8 (but less than 10) consecutive hours in a S/B and another break of at least 2 (but less than 10) consecutive hours.]

Explanation – 14-Hour Limit: Calculation of the 14-hour limit begins at 10:00 a.m. on Day 1 (CP#1). The driver used 9 of 14 hours on Day 1. Although the driver then got 8 consecutive hours in a S/B, that rest break is not included in the 14-hour calculation. The 14-hour calculation continues into Day 2, and at 7:00 a.m. the driver has accumulated 13 hours and has not driven a CMV past the 14-hour duty limit.

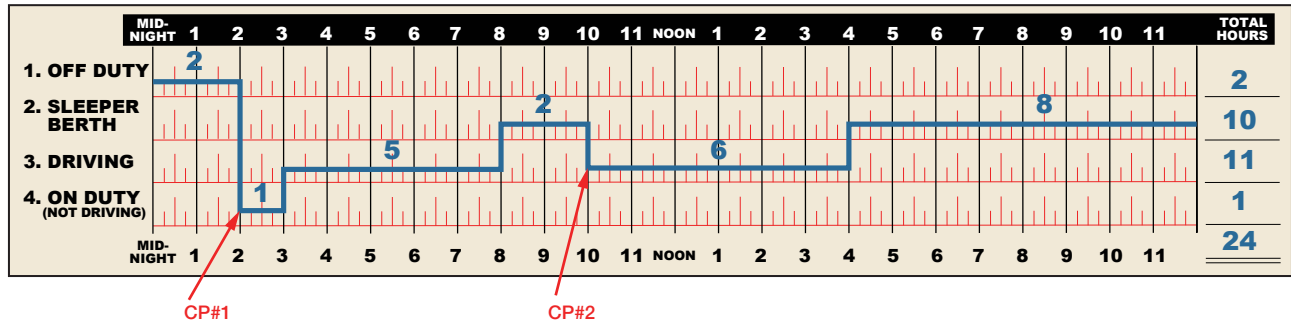
[NOTE: The driver had 8 consecutive hours in the S/B, but that does not change the calculation point because the driver did not obtain a second break of at least 2 (but less than 10) consecutive hours.]



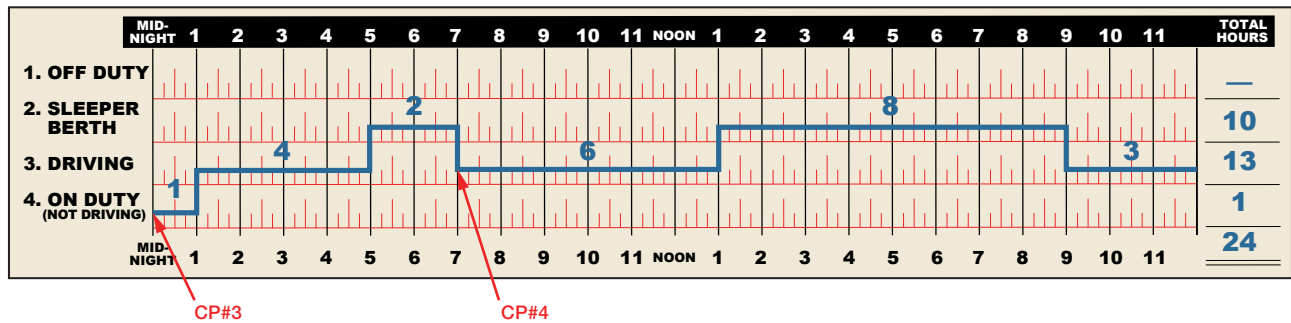
EXAMPLE 28: Sleeper-Berth Use

Split S/B Use With Multiple Split S/B “Pairings” Explanation

Day 1



Day 2



Violations: There are no violations.

Explanation – 11-Hour Limit: After 10 hours off duty which included off-duty time from a prior day not shown in the example, the driver had 11 hours of driving time available at 2:00 a.m. (CP#1) on Day 1. The driver used those 11 hours by 4:00 p.m. on Day 1, when he/she entered the sleeper-berth (S/B) for 8 consecutive hours. Because the driver accumulated at least 10 hours of rest using a combination of at least 8 consecutive hours in a S/B and another break of at least 2 consecutive hours, he/she was eligible for the S/B provision. This moves the calculation point to the end of the first of the two periods of rest, or 10:00 a.m. on Day 1 (CP#2). Starting the calculation from there, the driver accumulated another 10 hours of driving by 5:00 a.m. on Day 2. By 7:00 a.m. on Day 2, the driver accumulated another pair of qualifying breaks totaling at least 10 hours. This moves the calculation point again, to the end of the first of the two breaks, or 12:00 Midnight on Day 2 (CP#3). From there, the driver accumulated another 10 hours of driving by 1:00 p.m. on Day 2. This pattern continued, with no 11-hour violations.

[NOTE: When using the S/B split provision, the order of the qualifying breaks does not matter – the break of “at least 2 hours” can fall before or after the S/B period of “at least 8 hours.”]



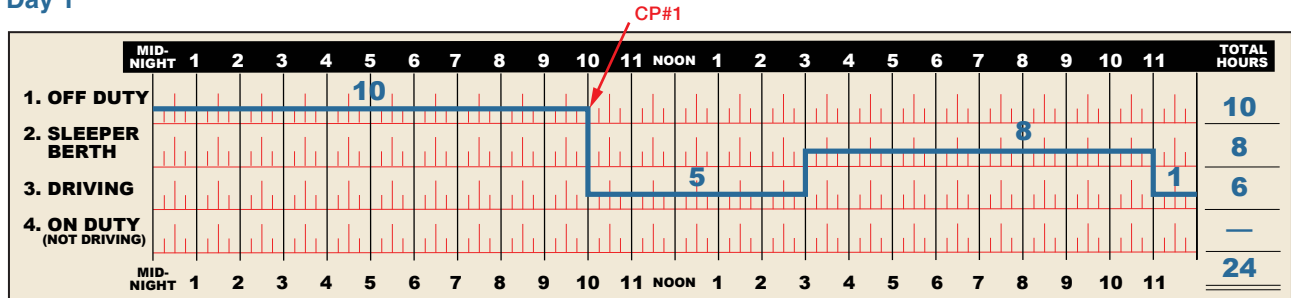
Explanation – 14-Hour Limit: Calculation of the 14-hour limit begins at 2:00 a.m. on Day 1 (CP#1). The driver accumulates 14 hours by 4:00 p.m. before entering the S/B. Because the driver then met the requirements for the S/B provision (see above), the calculation point moves to the end of the first qualifying break, or 10:00 a.m. on Day 1 (CP#2). So at Midnight on Day 2, the driver had accumulated 6 hours (any S/B period of at least 8 but less than 10 consecutive hours is excluded from the 14-hour calculation).

By 7:00 a.m. on Day 2, the driver accumulated another pair of qualifying breaks totaling at least 10 hours and has not exceeded the 14-hour limit. This moves the calculation point again, to the end of the first of the two breaks, or Midnight on Day 2 (CP#3). From there, the driver accumulated 13 of 14 hours by 1:00 p.m. on Day 2 (any S/B period of at least 8 but less than 10 consecutive hours is excluded from the 14-hour calculation). This pattern continued with no violations.

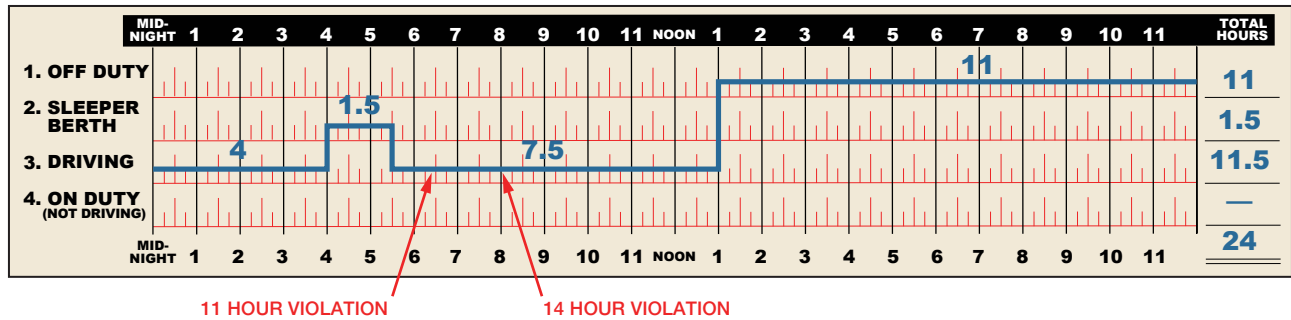


EXAMPLE 29: Sleeper-Berth Use Improper Use of Split S/B Break Time (With Violations)

Day 1



Day 2



Violations: There is an 11-hour rule violation from 6:30 a.m. – 1:00 p.m., and a 14-hour rule violation from 8:00 a.m. – 1:00 p.m., both on Day 2.

Explanation – 11-Hour Limit: After 10 hours off duty, the driver had 11 hours of driving time available at 10:00 a.m. on Day 1 (CP#1). The driver did not have another 10-hour break (or the equivalent) until 1:00 p.m. on Day 2, so the calculation point never changes. The driver accumulated 6 total hours of driving on Day 1 and reached the 11 hour (driving) limit at 6:30 a.m. on Day 2. The violation begins here when the driver drives the CMV.

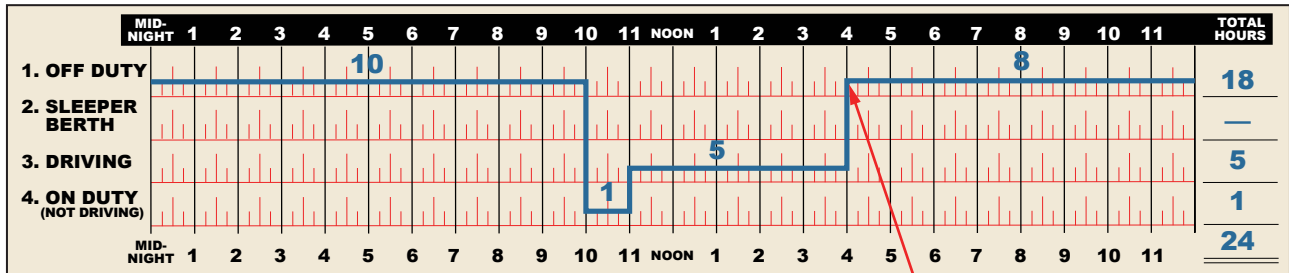
Explanation – 14-Hour Limit: Calculation of the 14-hour limit begins at 10:00 a.m. on Day 1 (CP#1). At Midnight on Day 1, the driver still had 8 hours remaining because any S/B period of at least 8 but less than 10 consecutive hours is excluded from the 14 hour calculation. The driver reached the 14-hour limit at 8:00 a.m. on Day 2, where the violation began.

[NOTE: The S/B periods in these examples do not establish a second calculation point because the driver did not obtain a combination of at least 8 (but less than 10) consecutive hours in a S/B and another break of at least 2 (but less than 10) consecutive hours. The second S/B period was only 1½ hours in length.]



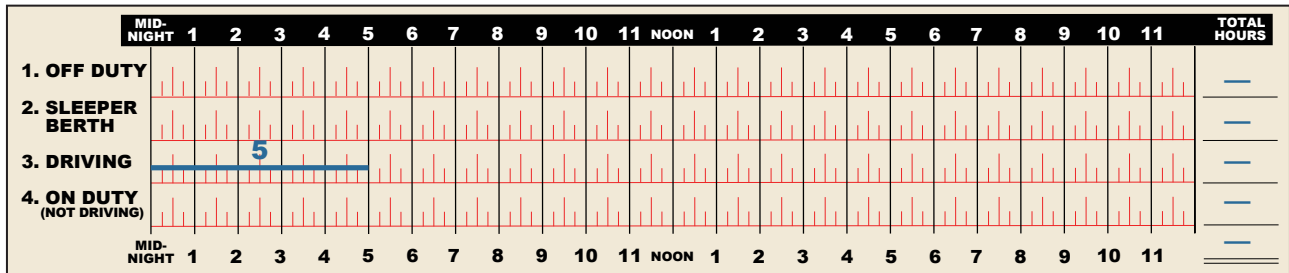
EXAMPLE 30: “Waiting Time” at Well Site Proper Logging of “Waiting Time” at Well Site (Line 1 of Log)

Day 1



“Waiting time” at well site

Day 2



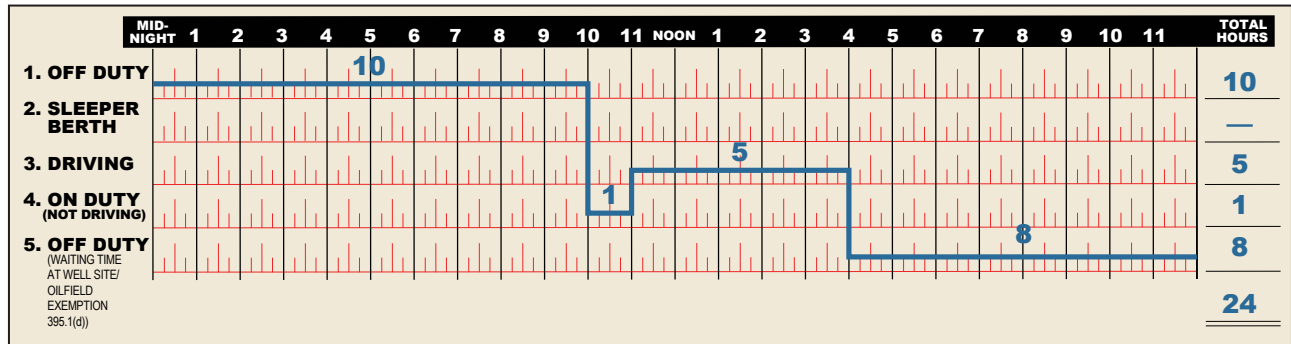
Violations: There are no violations.

Explanation: This is an example of “waiting time” for certain drivers at oil or gas well sites [See 395.1(d)(2)]. This time – which is off duty and does not extend the 14-hour “driving window” period – is denoted from 4:00 p.m. to Midnight on Day 1. This “waiting time” must be shown on the paper log or electronic equivalent as off duty and identified by annotations in the remarks section of the log or a separate line added to the log grid. The “waiting time” is shown by an annotation in the remarks section of the log (Day 1).

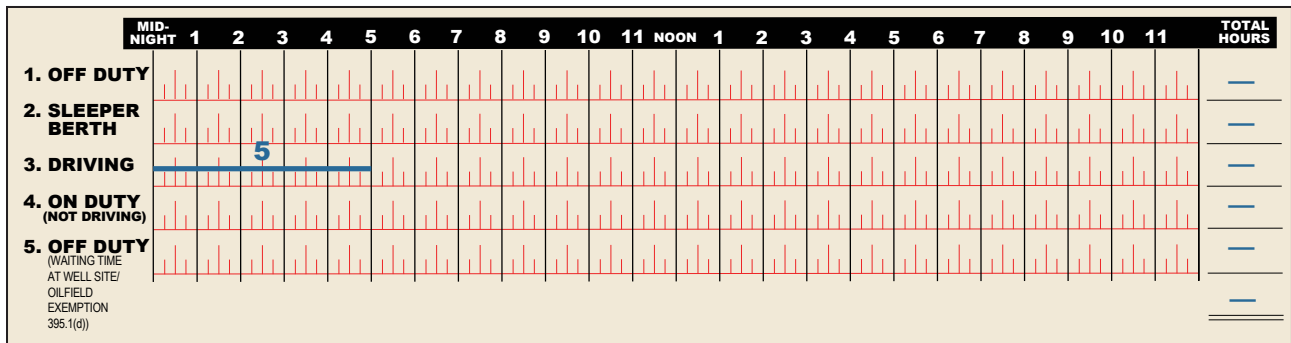


EXAMPLE 31: “Waiting Time” at Well Site Proper Logging of “Waiting Time” at Well Site (line 5 of Log)

Day 1



Day 2



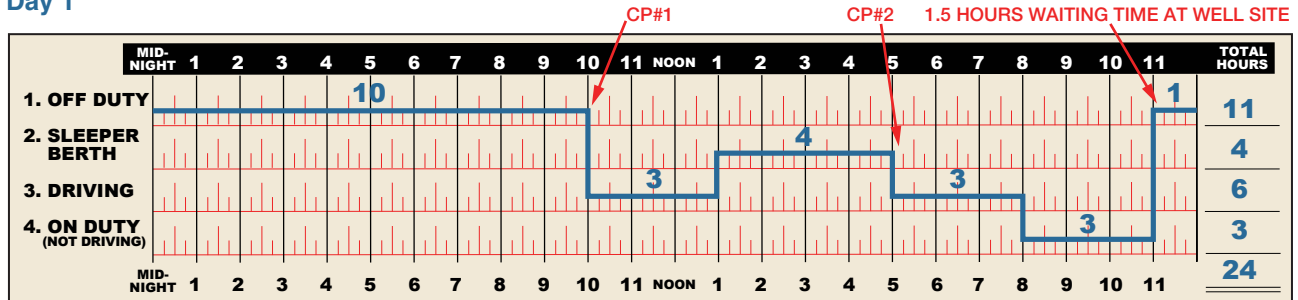
Violations: There are no violations.

Explanation: This is an example of “waiting time” for certain drivers at oil or gas well sites [See 395.1(d)(2)]. This time – which is off duty and does extend the 14-hour “driving window” period – is denoted from 4:00 p.m. to Midnight on Day 1. This “waiting time” must be shown on the paper log or electronic equivalent as off duty and identified by annotations in the remarks section of the log or a separate line added to the log grid. The “waiting time” is shown on a 5th line added to the log grid on Day 1.

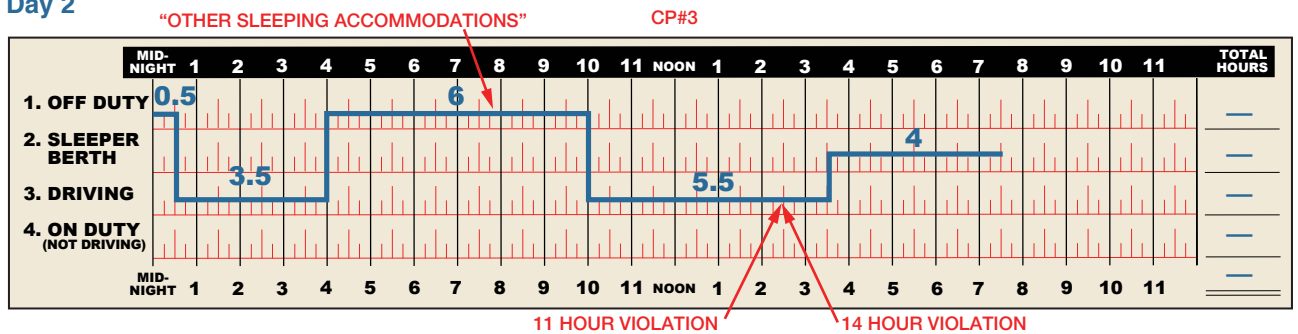


EXAMPLE 32: Oilfield/Split Break with “Well Waiting Time” Explanation of Oilfield Split Break Provisions (With Violations)

Day 1



Day 2



Violations: There is a violation of both the 11 hour driving and 14 hour “driving window” rules at 2:30 p.m. on Day 2.

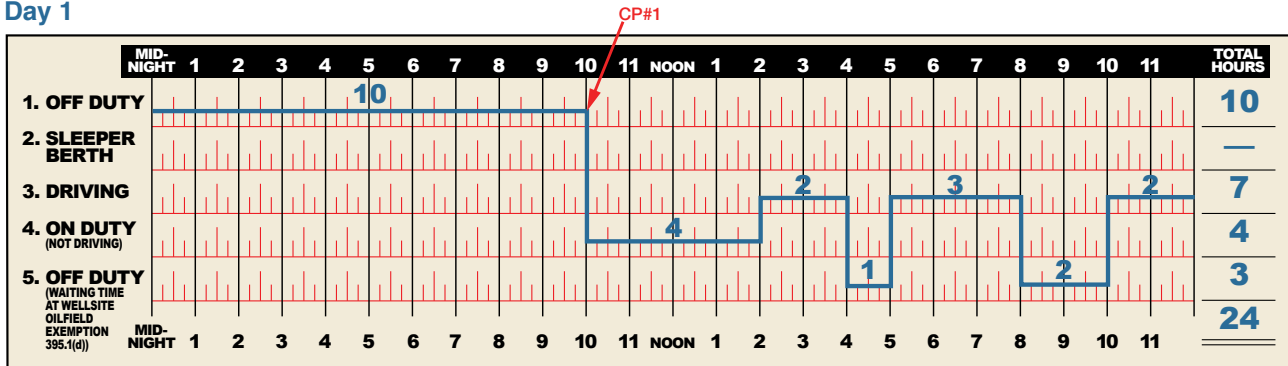
Explanation: This is an example of the use of the oilfield exemption for hours of service. It helps explain the point of whether or not a driver is permitted to use well waiting [time] and the split break together. After 10 consecutive hours off duty on Day 1, the driver had 14 hours available (and 11 hours driving) beginning at 10:00 a.m. (CP#1). The driver drove for 3 hours, then spent 4 hours in the sleeper-berth (S/B), drove for 3 more hours, was on duty for 3 hours, spent 1.5 hours of waiting time at the well site, drove for 3.5 hours, spent 6 hours in “other sleeping accommodations” and then drove for 5.5 hours before ending in the S/B for 4 more hours on Day 2. This is an example of “waiting time” for certain drivers at oil or gas well sites (§395.1(d)(2)). The 4 hours in the S/B may be combined with the 6-hour break between 4:00 a.m. and 10:00 a.m. on Day 2 to constitute a legal break. Additionally, the 1.5 hours of “waiting time” at the oil well site is not counted towards the 14-hour “driving window” calculation. This time – which is off duty and does extend the 14-hour period – is denoted from 11:00 p.m. on Day 1 to 12:30 a.m. on Day 2. There is, however, a subsequent violation. Starting at CP#2 (5:00 p.m. Day 1) the driver drives for 3 hours, is on duty for 3 hours, drives for 3.5 hours more, and then drives for another 5.5 hours. The driver has gone over by 1 hour both the 11 and 14 hour limits at 2:30 p.m. on Day 2.



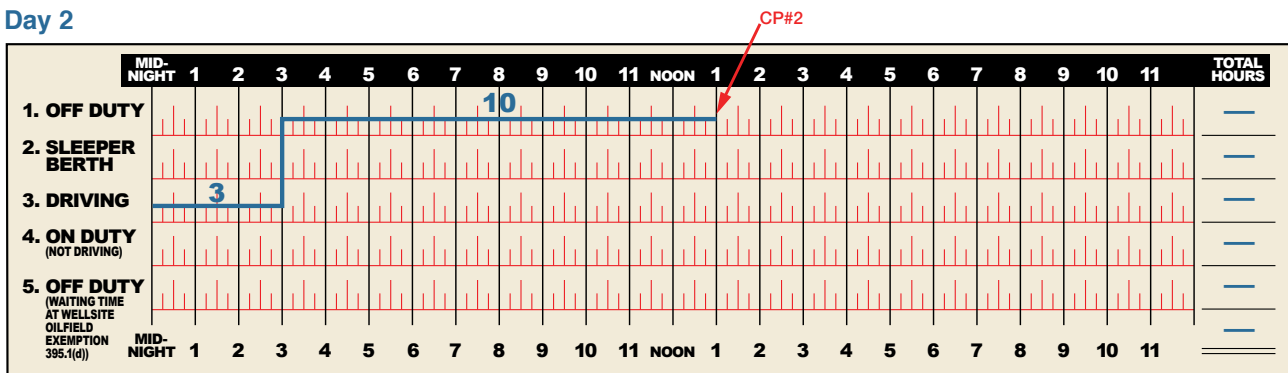
EXAMPLE 33: Oilfield – “Well Waiting Time”

Explanation of Oilfield “Well Waiting Time” Breaks

Day 1



Day 2



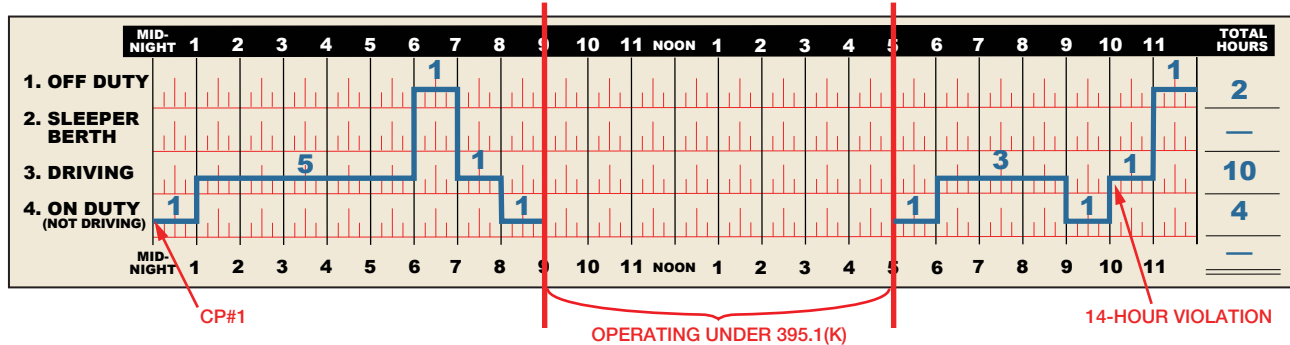
Violations: There are no violations.

Explanation: This example demonstrates the use of the oilfield exemption for hours of service, and use of the 5th line on the record of duty status (RODS) graph grid. It explains periods of off-duty time as oil-well waiting accumulated, which is excluded from the calculation of the available 14-hour “driving window” time. After 10 consecutive hours off duty, the driver had 14 hours available (including 11 hours driving) starting at 10:00 a.m. on Day 1 (CP#1). The driver was on duty for 4 hours, then drove for 2 hours, was off duty for 1 hour, drove for 3 hours, was off duty for 2 hours, and then drove for 5 hours. This is an example of “waiting time” for certain drivers at oil or gas well sites. The 1-hour off duty between 4:00 p.m. and 5:00 p.m. on Day 1, and the 2-hours off duty between 8:00 p.m. and 10:00 p.m. on Day 1 are excluded from the 14-hour calculation, and are denoted on the 5th line of the RODS graph grid. This time (3 hours in total) is off duty and does extend the 14-hour period. The driver has used all 14 allowable hours at 3:00 a.m. on Day 2, which means he/she must take a minimum 10 consecutive hour break at this point (CP#2).



EXAMPLE 34: Agricultural Operations Exemption (395.1 (k))

Day 1



Violations: There is a 14-hour violation at 10:00 p.m. on Day 1.

Explanation: This is an example of the agricultural operations exemption (Section 395.1(k)), and a driver's "split" day when operating under this type of operation for part of the day, and operating for a regular for-hire carrier before the exemption and after the exemption on the same day. The point made here is that even though there is a break in the driver's hours during the middle of the day (while operating under this complete HOS exemption) this does not eliminate or erase the prior or subsequent hours driving a CMV for another carrier (such as a for-hire carrier) or being on duty for HOS calculation purposes.

Therefore, after 10 hours off duty prior to Day 1 (not shown on the example), the driver goes on duty at Midnight (CP#1). He/she is on duty for 1 hour, drives for 5 hours, goes off duty for 1 hour, drives for 1 hour, and is on duty for 1 hour. This is 9 total hours used of the driver's available 14. Subsequently, between 9:00 a.m. and 5:00 p.m. the driver operates under the agricultural exemption in Section 395.1(k). The driver is therefore entirely exempt from the HOS rules for that portion of the day. After operating under the agricultural exemption for the middle portion of the day, the driver returns to operating a CMV for a for-hire carrier, and only has 5 available hours left from his/her 14 hour "duty window". These hours are used up by 10:00 p.m. that evening, and when the driver drives for 1 additional hour between 10:00 p.m. and 11:00 p.m., he/she is in violation of the 14-hour rule by 1 hour.

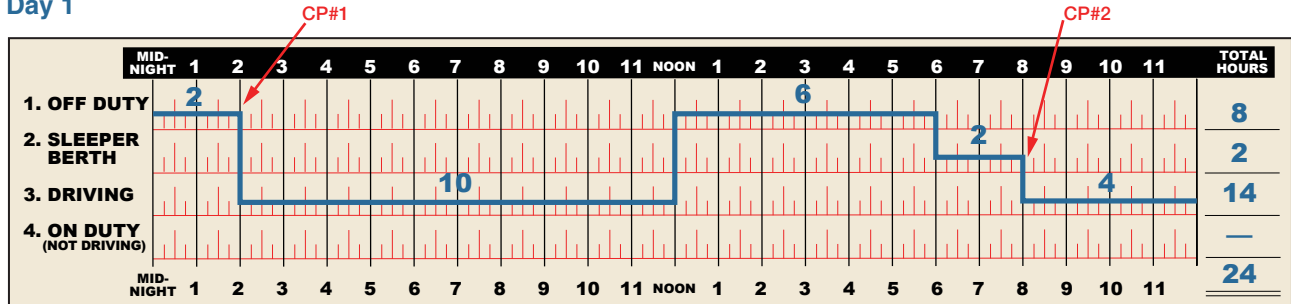
Although not required, we strongly recommend that the driver identify in the "Remarks" which exemption is being claimed during a "blank" period on the grid, as is demonstrated in this particular example.



EXAMPLE 35: Passenger-Carrying Vehicles

Explanation of 10- and 15-Hour Rules for Bus

Day 1



Violations: There are no violations.

Explanation – 10-Hour Limit: After 8 consecutive hours off duty (which included 6 hours off duty from a prior day), the driver was eligible to drive for up to 10 hours beginning at 2:00 a.m. (CP#1), which the driver did. He/she then took 8 consecutive hours off duty, giving the driver another 10 hours of driving time available starting at 8:00 p.m. (CP#2).

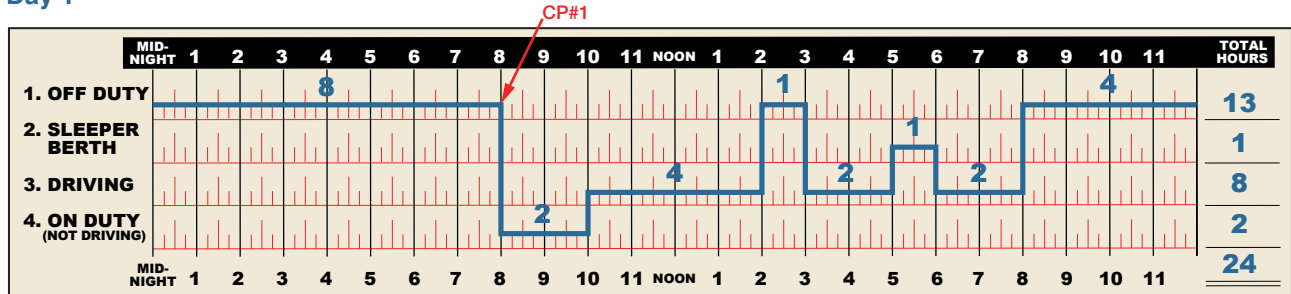
Explanation – 15-Hour Limit: After 8 consecutive hours off duty (which included 6 hours off duty from a prior day), the driver had 15 on-duty hours available at 2:00 a.m. (CP#1). By Noon, the driver had used 10 of those hours. The driver then took another 8-hour break, giving him/her another full 15 hours available starting at 8:00 p.m. (CP#2).

[NOTE: The 8-hour break can be any combination of off-duty and S/B time, as long as the time is all consecutive and not broken by any on-duty activity.]

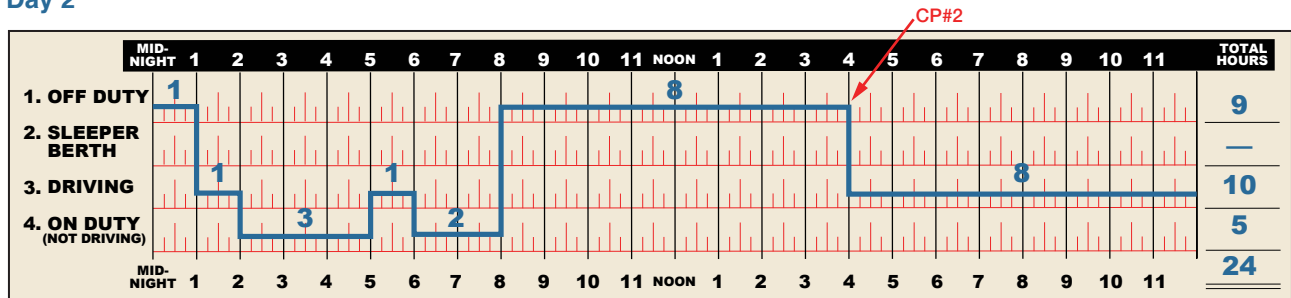


EXAMPLE 36: Passenger-Carrying Vehicles Explanation of 10- and 15-Hour Rules for Bus (Multi-Day)

Day 1



Day 2



Violations: There are no violations.

Explanation – 10-Hour Limit: After 8 consecutive hours off duty, the driver was eligible to drive for up to 10 hours beginning at 8:00 a.m. on Day 1 (CP#1). The driver reached the 10-hour driving limit at 6:00 a.m. on Day 2, when he/she stopped driving. The driver then took another 8 consecutive hours off duty, giving him/her another 10 hours of driving time available at 4:00 p.m. on Day 2 (CP#2).

[NOTE: Off-duty periods of less than 8 consecutive hours do not result in additional driving time.]

Explanation – 15-Hour Limit: After 8 consecutive hours off duty, the driver, at 8:00 a.m. on Day 1, had 15 on-duty hours available during which to drive a passenger-carrying vehicle (CP#1). By including only on-duty and driving time in this calculation, the driver reached the 15-hour limit (2 + 4 + 2 + 2 + 1 + 3 + 1 = 15) at 6:00 a.m. on Day 2, when he/she had to stop driving. At that point, the driver continued working for 2 hours, which is allowed as long as there is no more passenger-carrying vehicle driving. In order to return to driving, the driver needed at least 8 consecutive hours off duty, which was obtained by 4:00 p.m. on Day 2, at which point the driver again had 15 on-duty hours available (10 of which could be driving) (CP#2).

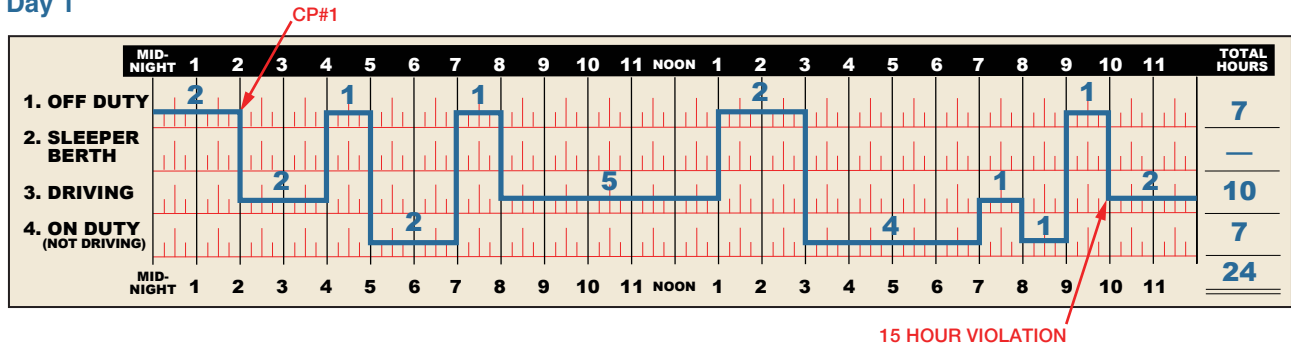
[NOTE: Off-duty and sleeper-berth (S/B) periods, no matter how short, are not included in the 15-hour calculation. In addition, a driver can continue to work beyond the 15-hour limit, as long as there is no more passenger-carrying vehicle driving.]



EXAMPLE 37: Passenger-Carrying Vehicles

Explanation of 10- and 15-Hour Rule for Bus (With Violation)

Day 1



Violations: There is a 15-hour violation from 10:00 p.m. – Midnight.

Explanation – 10-Hour Limit: After 8 consecutive hours off duty (which includes 6 hours off duty from the prior day), the driver was eligible to drive for up to 10 hours beginning at 2:00 a.m. on Day 1 (CP#1). The driver reached the 10-hour driving limit at Midnight, so there are no 10-hour rule violations on this log.

Explanation – 15-Hour Limit: After 8 consecutive hours off duty (which includes 6 hours off duty from the prior day), the driver, at 2:00 a.m. on Day 1 (CP#1), had 15 on-duty hours available during which to drive a passenger-carrying vehicle. The driver accumulated 15 on-duty hours (including on-duty and driving time) by 9:00 p.m. The 15-hour rule was violated when the driver drove a passenger-carrying vehicle at 10:00 p.m. without first having another 8 consecutive hours off duty.

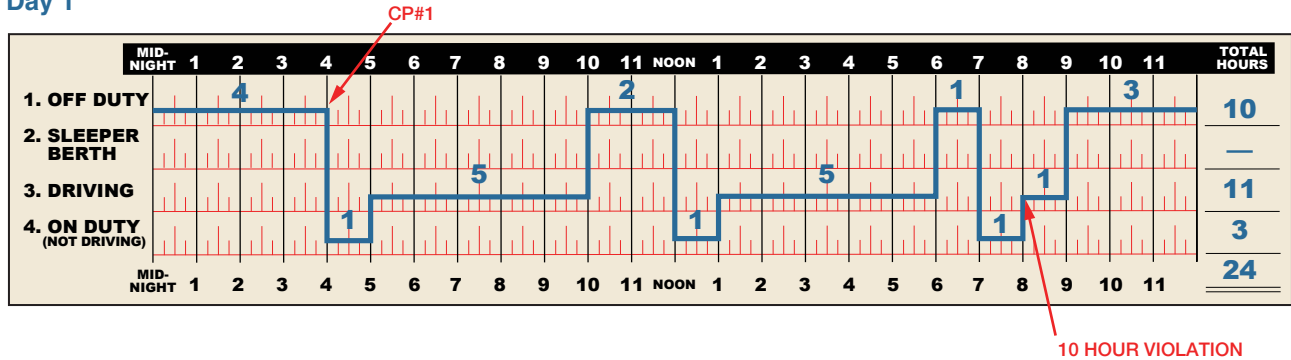
[NOTE: Off-duty and sleeper-berth (S/B) periods, no matter how short, are not included in the 15-hour calculation.]



EXAMPLE 38: Passenger-Carrying Vehicles

Explanation of 10- and 15-Hour Rules for Bus (With Violation)

Day 1



Violations: There is a 10-hour rule violation from 8:00 p.m. – 9:00 p.m.

Explanation – 10-Hour Limit: After 8 consecutive hours off duty (which includes 4 hours off duty from the prior day), the driver was eligible to drive for up to 10 hours beginning at 4:00 a.m. on Day 1 (CP#1). The driver reached the 10-hour driving limit at 6:00 p.m. and violated the rule by continuing to drive for another hour starting at 8:00 p.m.

[NOTE: The 2 hour off-duty period does not provide the driver with additional driving time.]

Explanation – 15-Hour Limit: After 8 consecutive hours off duty (which includes 4 hours off duty from the prior day), the driver, at 4:00 a.m. (CP#1), had 15 on-duty hours available during which to drive a passenger-carrying vehicle. The driver accumulated just 14 on-duty hours (including on-duty and driving time) by 9:00 p.m., so there were no violations.

[NOTE: Off-duty and sleeper-berth (S/B) periods, no matter how short, are not included in the 15-hour calculation.]



EXAMPLE 39: 60/70 Hour Rule

Explanation of 60-Hour/7-Day and 70-Hour/8-Day Rules

The 60- and 70-hour limits require drivers to stop driving a commercial motor vehicle (CMV) upon accumulating 60 or 70 on-duty hours (including all on-duty and driving time) over a period of 7 or 8 consecutive days, respectively. Prior to the sample log grid shown below, suppose the driver, using the 70-hour limit, accumulated the following on-duty hours over 8 days:

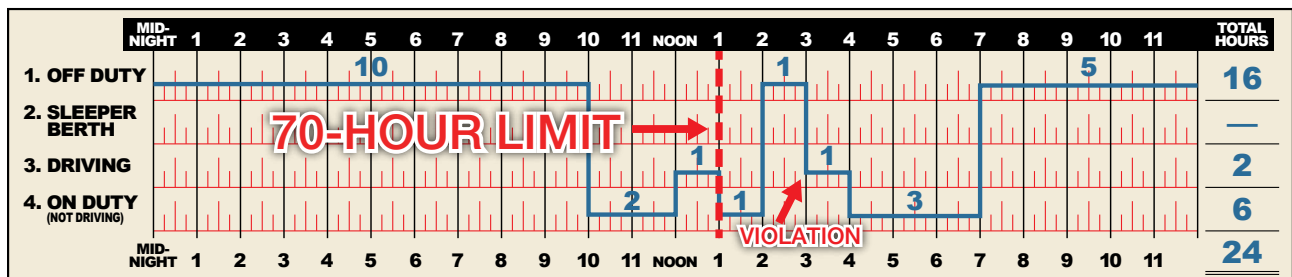
	1 Sunday	2 Monday	3 Tuesday	4 Wednesday	5 Thursday	6 Friday	7 Saturday	8 Sunday	Total
Hours	0	10	8.5	12.5	9	10	12	5	67 hours

[NOTE: Assume this driver’s “day” runs from midnight to midnight, as shown in the sample log below. Employers can choose their own start times for the “day,” but that time must be indicated on the log.]

Because the driver did not accumulate more than 70 on-duty hours over 8 consecutive days (Sunday – Sunday), he/she was in compliance with the 70-hour limit.

[NOTE: A driver can *accumulate* more than 60/70 hours without being in violation, as long as no CMV driving is done after reaching the 60/70-hour limit.]

To determine how many hours are available for the next day, Monday, the driver has to check the 8-consecutive-day period from Monday to Monday. During that period the driver has accumulated 67 hours so far, and therefore only has 3 hours remaining during which to drive on Monday. Here is the driver’s Monday log grid:



The driver reached the 70-hour limit at 1:00 p.m. after completing 3 on-duty hours. At this point, the driver should not have driven for the remainder of the day, but he/she violated the 70-hour rule by getting behind the wheel of a CMV at 3:00 p.m. for one hour.



At the end of the day on Monday, the new 8-day calculation looks like this:

	1 Monday	2 Tuesday	3 Wednesday	4 Thursday	5 Friday	6 Saturday	7 Sunday	8 Monday	Total
Hours	10	8.5	12.5	9	10	12	5	8	75 hours

After midnight, the driver enters a new day, Tuesday, and a new 8-consecutive-day period, from Tuesday to Tuesday. The 10 hours worked on the prior Monday (Day #1 above) drop out of consideration. During this new 8-day period from Tuesday to Tuesday, the driver has accumulated 65 hours so far, and therefore has 5 hours during which to drive on Tuesday before again hitting the 70-hour limit.

If the driver operates a property-carrying CMV and takes 34 or more consecutive hours off duty and/or in a sleeper berth, he/she would have a full 70 hours available again, and the hours worked in the days before the 34-hour period began would no longer need to be considered. This “34-hour restart” provision can be used even if the driver has exceeded the 60- or 70-hour limit before going off duty. The 34-hour restart now must include two periods between 1:00 a.m. and 5:00 a.m., and the use of the 34-hour restart is limited to once every 168 hours (once a week). These changes took effect on July 1, 2013. This provision does not apply to drivers of passenger-carrying vehicles.





U.S. Department of Transportation
**Federal Motor Carrier Safety
Administration**

1200 New Jersey Avenue, SE
Suite W60-300,
Washington, DC 20590
1-800-832-5660
<http://www.fmcsa.dot.gov/>