



Hours Of Service Overview

FMCSA States:

Transporting pre-primary, primary, or secondary school students and/or school personnel from home to school and from school to home – are exempt from the hours of service requirements. 390.3(f)(1).

Other types of transportation, such as field trips or trips to sporting events are NOT exempt.

(Contractors ARE required to follow “hours of service” requirements, School Districts are NOT required to follow the “hours of service” requirements according the FMCSA).

2018 Montana School Bus Standards State:

Driving hours **shall** be regulated, and documented. **All** School districts agencies shall not be exempt from regulations based on the Federal Motor Carrier Safety Regulations 49 CFR 395.5 (15 hours on duty of which no more than 10 hours are driving time; 8 hours continuous off-duty prior to a long trip; no more than 60 hour driving in a week). See Page 58 (9)

Driving Time:

10 hours of driving (395.5 a 1)

Off-duty Time:

8 consecutive hours (395.5 a 1)

Driving Window:

NO driving after 15 on-duty hours, but other work can continue after that 395.5(a)(2). 15 hours are NOT CONSECUTIVE! – if the driver is relieved of all responsibility to the vehicle they can log “off duty” time and the 15-hour driving window stops. It then starts again once the driver has responsibilities to the vehicle. IF the driver has 8 consecutive off-duty hours, then there “clock” starts all over again.

Extension Of Driving Time:

2-hours extension allowed for “adverse driving conditions”. (395.1(b)(1)

Adverse Conditions:

Drivers can drive for up to 12 hours, but NOT after the 15th on-duty hour, if driver unexpectedly experiences adverse driving conditions. 395.1(b)(1)

Weekly On-duty Limits:

No driving after 60 hours in 7 days. (school buses don't run 7 days a week). 395.5(b)

On-duty Time:

All time you are working or are required to be ready to work, for any employer, whether paid or unpaid. If you are working or obligated to do something or be somewhere for a motor carrier, whether paid or not, OR are doing paid work for anyone else, you are on duty.

Off-duty Time:

Times when you are relieved of ALL duty and responsibility for performing work and are free to pursue other activities of your own choosing, and are free to leave the place where your vehicle is parked. If you are not doing any work (paid or unpaid) and are under no obligations to the motor carrier, and you are not doing any paid work for anyone else, you are off duty.

Personal Conveyance:

Refers to the personal use of a commercial motor vehicle, such as to commute from home to the terminal or jobsite, or to get from your hotel to a local restaurant. If you are relieved from work and all responsibility for performing work AND the vehicle is unloaded. Using a CVM for other "personal" trips, such as going to Walmart or hotel. You are OFF-DUTY

Work For Someone Else:

All time spent doing paid work for anyone who is NOT a motor carrier, such as a part-time weekend job. **ON-DUTY**

Performing any kind of UNPAID volunteer work for anyone who is not a motor carrier. **OFF-DUTY**

Working For Multiple Employers:

If you perform work for someone else, or even yourself, you may need to report those hours to the motor carrier(s) that employs you.

Public Safety Work:

Work as a PAID public safety specialist (e.g., firefighter, EMT, paramedic). **ON-DUTY**

Performing any kind of UNPAID volunteer work including volunteer firefighter, also time spent resting while working a 24-hour shift as a firefighter or other public safety professional. **OFF-DUTY**

Medical Exams:

Time spent driving a non-commercial vehicle to take a DOT exam that your employer directed you to attend at a particular time. – **ON DUTY**

Time spent driving a non-commercial vehicle to take a DOT exam that **YOU scheduled** at a time of YOUR own choosing. – **OFF DUTY**

Drug/Alcohol Testing:

Providing a breath, saliva, or urine sample to comply with DOT testing requirements for random, reasonable suspicion, post-accident, or follow-up test, when directed by your employer, including travel to and from the collection site (even in a non-CMV). **ON-DUTY**

Providing a breath, saliva, or urine sample to comply with DOT pre-employment testing requirements, unless you are already an employee. **OFF-DUTY**

Intermittent Drivers:

If you only drive a CMV occasionally, you do not have to log every day. However, when you're ready to drive again, your employer needs to be able to prove that you're in compliance with the 60-hour limits and that you had your required 8 hours of rest. This is done with a seven-day time record (see attached). According to regulations, you need to create a signed statement showing: Total time you were on duty during the immediately 7 days and the time at which you last went off duty. The time at which you last went off duty (i.e., the time you started your last 8-hour break) This statement will be the proof that you have hours available to drive. There is no particular form that is required, but you need to have something as long as it contains the required data (it could even be copies of your logs).

On the logbook for the day before you take the trip requiring the usage of a logbook, you need to show in the "remarks section" just below the graph the following, "LOCAL RUNS ONLY, NO LOGBOOK REQUIRED FROM mm/dd/yyyy to mm/dd/yyyy". The dates would need to show the previous 7 days. You only do this if you haven't driven trips requiring the use of the logbook. If you have taken a trip(s) requiring the usage of the logbook, then you should be filling out a page of the logbook for each day that you drive between trips.

Travel Time:

If you are traveling for a motor carrier but NOT driving or doing any other work for the company while traveling, then your travel time can be logged “off-duty” if you are able to get at least 8 consecutive hours off duty when you arrive at the destination.

395.1(j)(2)

Traveling can include riding in a passenger seat on a commercial motor vehicle.

Interruption:

Does a brief telephone call from my employer during my off-duty time change my status to “**ON-DUTY**” (same for when you have to go and open the bus to let someone on because they left something on it) NO, you can remain “**OFF-DUTY**” despite the momentary interruption of your rest break.

Pay:

If you are being paid, doesn’t that make me (driver) “**ON-DUTY**”? Not always, you can be paid and remain off duty as long as you are relieved of ALL duties and responsibilities (log book time can show less hours of work than what you are actually paid).

Does Time Spent Sitting In A Parked Bus Always Count As “Off-duty”?

NO, if the driver is not relieved of duty and/or not able to rest, then they are still “on duty”. If the driver is truly “off-duty” and choose to rest in the vehicle, that time can be recorded as. – **OFF-DUTY**

100 Air Miles:

No log book is required if you: stay within 100 air miles radius from base (115 road miles); return to base at the end of the day; go off duty within 12 consecutive hours; no more than 10 hours driving after 8 hours off 395.1(e)(1) (draw a 115-mile round circle using your base as the center. The outside edge of circle is the outer bound of your 100-air mile radius).

Paper Logs:

Must include graph grid, total miles, vehicle #'s, carrier name, address, signature, starting times, total hours for each duty status, location for each change in duty status.
395.8

Logbook:

Driver must turn in your original logs (including supporting document) to the motor carrier within 13 days after completing them. The originals have to be stored for 6 months.

ELD (electronic logging device): (December 18, 2017 on vehicles with engines manufactured after Jan. 1, 2000)

Is NOT required if the driver only has trips that require the use of a logbook, less than 8 or fewer days in any 30-consecutive-date period. 395.8(a)(1)

Time Records:

Employer keeps time records for 6 months showing the time you start and end work each day and the total number of hours you spend on duty each day. They also need your total time on duty for the prior 7 days if you are being used for the first time or intermittently (so they have proof that you are complying with the 60-hour limit).

A time card, “exemption log” standard log, computer program, or any other documented time record can serve this purpose.

The time record can serve this purpose.

Time records are not needed for days when you do not work.

You are NOT required to carry these time records in the vehicle or in your possession. In fact, your dispatcher or another employee can create and file them for you. However, it might help you get through an inspection quicker if you do carry the time record with you.

If your employer doesn’t use any type of time records other than a monthly time sheet that show only how many hours you worked each day and you are NOT signing in/out for when you drive your daily routes. Then you need to fill-out a form showing that you haven’t been on duty more than 60 hours in the previous 7 days (form below is one type of form that once filled out would meet this requirement).

Who is Responsible for HOS Violations?

Compliance with the hours-of-service rules is a shared responsibility. Drivers are responsible for their own violations, but employers are also held responsible if they had or should have had the means by which to detect the violations. Employers are liable for the actions of their employees even if they had no intent to commit, or actual knowledge of a violation. Carriers “permit” violations by their employees if they fail to have management systems in place that effectively prevent the violations.

(REV. 6/13)



10 / 12 / 17
(Month) (Day) (Year)

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP

Complete at end of workday.

Total Miles Driving Today: _____
Total Mileage Today: _____

ABC PUBLIC SCHOOLS
135 NORTH 1ST AVE. MOO TOWN MT.
Name of Carrier or Carriers
Main Office Address

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Home Terminal Address
I certify these entries are true and correct:
John B. Bendure
Driver's Full Signature

Co-Driver's Name

	MID-NIGHT											NOON											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																							
2. SLEEPER BERTH																							
3. DRIVING																							
4. ON DUTY (NOT DRIVING)																							

REMARKS
10-6-17 to 10-12-17
LOCAL RUNS ONLY - NO LOG BOOK REQUIRED

SHIPPING DOCUMENTS:

B/L or Manifest No. or Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: _____ To: _____
USE TIME STANDARD AT HOME TERMINAL

19361 (545-MP)

On-duty hours today (Total lines 2 & 4)

70 Hr. / 7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr. minus A.*

C. Total hours on duty last 8 days, including today.

60 Hr. / 7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 60 hr. minus A.*

C. Total hours on duty last 8 days, including today.



10 / 13 / 17
(Month) (Day) (Year)

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP

Complete at end of workday.

Total Miles Driving Today: 240
Total Mileage Today: 240

ABC PUBLIC SCHOOLS
135 NORTH 1ST AVE. MOO TOWN MT.
Name of Carrier or Carriers
Main Office Address

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Home Terminal Address
I certify these entries are true and correct:
John B. Bendure
Driver's Full Signature

Co-Driver's Name

	MID-NIGHT											NOON											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																							16
2. SLEEPER BERTH																							0
3. DRIVING																							6 1/2
4. ON DUTY (NOT DRIVING)																							1 1/2

REMARKS
PRE-TRIP - Loading & MooTown MT.
LW Loading - High School HAYTOWN, MT.
Loading - HAYTOWN, MT.
Unloading - Post-TRIP MooTown, MT.
MooTown High School

SHIPPING DOCUMENTS:

B/L or Manifest No. or Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: MOO TOWN, MT To: HAYTOWN MT
USE TIME STANDARD AT HOME TERMINAL

19361 (545-MP)

On-duty hours today (Total lines 2 & 4)

70 Hr. / 7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr. minus A.*

C. Total hours on duty last 8 days, including today.

60 Hr. / 7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 60 hr. minus A.*

C. Total hours on duty last 8 days, including today.

VIOLATION	MAXIMUM PENALTY
Failing to prepare or maintain required records, or creating incomplete, inaccurate, or false records	\$1,200 per day, up to \$12,000
Knowing falsification or destruction of required records (to hide violations)	\$12,000
Violation of hours-of-service rules by a driver	\$3,600
Violating an out-of-service order	\$3,000 - \$6,000
Failing to give DOT inspectors access to records or equipment	\$1,200 per day, up to \$12,000

