



# Hours of Service – Activity Logs

## Best Practices

### HOURS OF SERVICE/ ACTIVITY LOGS:

School districts shall limit on-duty and driving time of school bus drivers similar to the limitations imposed by the Federal Motor Carrier Safety Administration regulations for drivers of similar commercial motor vehicles. Drivers shall use FMCSA over-the-road hours-of-service trip logs, a trip agenda, or other trip documentation validating applicable driving hours on all out-of-district trips in excess of one-hundred (100) miles (*FMCSA Regulations, Hours of Service of Drivers*).

*Resource: SISBO 2012, page 54, supported by Idaho Code 33-1511, IDAPA 08.02.02.150*

### HOURS OF SERVICE/ EXAMPLE:

Drivers shall comply with the provisions of CFR 49 395.5.

*Resource: National School Transportation Specifications and Procedures May 2010 3. Part 395, Hours of Service*

*Resource: Federal Motor Carrier Safety Administration*

Guidance: §390.3(f)(2) specifically exempts transportation performed by a state or a political subdivision including any agency of a state or locality from the FMCSRs. The drivers, however, may be subject to the CDL requirements and/or state laws that are similar to the FMCSRs.

- If contracted operation, shall comply with Federal Motor Carrier Safety Administration regulations for drivers.
- If state/district owned operation (exempt), shall comply with Idaho statute, 33-1511, having similar regulations for drivers.

### §395.5: MAXIMUM DRIVING TIME FOR PASSENGER-CARRYING VEHICLES.

Subject to the exceptions and exemptions in § 395.1:

(a) No motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial motor vehicle, nor shall any such driver drive a passenger-carrying commercial motor vehicle:

- (1) More than 10 hours following 8 consecutive hours off duty; or

(2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

(b) No motor carrier shall permit or require a driver of a passenger-carrying commercial motor vehicle to drive, nor shall any driver drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

### **§ 395.1: SCOPE OF RULES IN THIS PART**

*(Edited for content only applicable to passenger carrying)*

(a) General. (1) The rules in this part apply to all motor carriers and drivers, except as provided in paragraphs (b) through (r) of this section.

(2) The exceptions from Federal requirements contained in paragraphs (l) and (m) of this section do not preempt State laws and regulations governing the safe operation of commercial motor vehicles.

(b) Driving conditions — (1) Adverse driving conditions. Except as provided in paragraph (h)(2) of this section, a driver who encounters adverse driving conditions, as defined in § 395.2, and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by §§ 395.3(a) or 395.5(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than 2 additional hours beyond the maximum time allowed under §§ 395.3(a) or 395.5(a) to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo.

(2) Emergency conditions. In case of any emergency, a driver may complete his/her run without being in violation of the provisions of the regulations in this part, if such run reasonably could have been completed absent the emergency.

(e) Short-haul operations — (1) 100 air-mile radius driver. A driver is exempt from the requirements of § 395.8 if:

(i) The driver operates within a 100 air-mile radius of the normal work reporting location;

(B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;

(B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and

(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The time the driver is released from duty each day; and

(D) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

## **ELECTRONIC LOG BOOKS / ELECTRONIC LOG DEVICES**

Who is exempt from the ELD rule?

Drivers who use the timecard exception are not required to keep records of duty status (RODS) or use ELDs. Additionally, the following drivers are not required to use ELDs; however, they are still bound by the RODS requirements in 49 CFR 395 and must prepare logs on paper, using an Automatic On-Board Recording Device (AOBRD), or with a logging software program when required:

- Drivers who use paper RODS for not more than 8 days out of every 30-day period.
- Drivers who conduct drive-away-tow-away operations, where the vehicle being driven is the commodity being delivered.
- Drivers of vehicles manufactured before 2000.

### **ELD Rule Impacts**

Carriers and drivers who are subject to the rule must install and use ELDs by the appropriate deadline:

- Carriers and drivers who are using paper logs or logging software must transition to ELDs no later than December 18, 2017.
- Carriers and drivers who use AOBRDS prior to the compliance date must transition to ELDs no later than December 16, 2019.
  - If, contracted operation, Shall comply with Federal Motor carrier safety administration regulations for drivers.
  - If, State/ district owned operation, (exempt), Shall comply with Idaho statute, 33-1511, having similar regulations for drivers.