



Section 11: Driver's Hours of Service

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49 CFR Part 395 and Minn. Stat. § 221.0314

A carrier and its drivers are subject to the hours of service regulations in Minnesota if they operate vehicles in:

- Interstate Commerce which are:
 - Over 10,000 pounds GVW or GVWR or gross vehicle weight or gross combination weight (whichever is greater);
 - Designed or used to transport more than 8 passengers (including the driver) for compensation;
 - Designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - Used in transporting hazardous materials in a quantity requiring placarding.
- Intrastate Commerce as:
 - A private carrier with a vehicle with a gross vehicle weight over 10,000 pounds;
 - A for-hire motor carrier with any size vehicle; or
 - A private or for-hire motor carrier in any size vehicle transporting a quantity of hazardous materials that requires the vehicle to be marked or placarded.

Carrier Not Subject to Hours of Service Rules (Part 395 & Minn. Stat. 221.031)

A carrier and its drivers are exempt/excepted from the hours of service regulations if they are engaged in:

- Interstate Commerce and:
 - Qualify for the Agricultural Operations exemption (see FMCSR Part 395.1);
 - Operate Utility Service Vehicles (as defined in FMCSR Part 395.2);
 - Are Railroad Signal Employees (see Part 395.1);
 - Operate Pipeline Welding Trucks [see FMCSR Part 390.38(b) for definition];

- Are Covered Farm Vehicles (See Section 20 for the definition of a Covered Farm Vehicle);
- Intrastate Commerce and:
 - Are Private Carriers who are:
 - » Operating as a Covered Farm Vehicles (see section 20 for the definition of a Covered Farm Vehicle);
 - » Public Utilities as defined in MN Statute 216B;
 - » Cooperative Electric Associations;
 - » Telephone Companies; or
 - » Engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling or repair of buildings, structures or their appurtenances.
 - Are Private or For-Hire Motor Carriers performed transportation described in MN Statute 221.025 paragraphs (1), or (3) through (14). (see Section 14 under Exempt Carriers for descriptions);
 - Are operating Pipeline Welding Trucks; or
 - Are engaged in transportation of Utility Construction Materials within a 50-mile radius from the site of a construction or maintenance project such as a street/highway, electrical transmission service, a telecommunications or cable communications system, a waterworks system, sanitary or storm sewer, a gas heating service line, a pipeline or a facility for other similar utility service.

Hours of Service Rules: There are different hours of service regulations for passenger carriers and property carriers.

Passenger Carriers

Passenger carriers may not permit or require a driver to drive, and no driver shall drive a passenger carrying vehicle after:

- More than 10 hours driving time following eight consecutive hours off-duty;
- Being on duty 15 hours following eight consecutive hours off-duty; or
- Being on duty 60 hours in any seven consecutive days if the carrier does not operate every day of the week or being on duty 70 hours

in any eight consecutive days if the carrier operates every day of the week.

Property Carriers

Property carriers may not permit or require a driver to drive and no driver shall drive a property carrying vehicle:

- After more than 11 cumulative hours following 10 consecutive hours off-duty;
- For any period after the end of the 14 hour driving window after coming on-duty following 10 consecutive hours off-duty;
- After more than 8 hours of driving time have passed without a consecutive interruption in driving status of at least 30 minutes; and
- After being on duty 60 hours in any seven consecutive days if the carrier does not operate every day of the week; or
- Being on duty 70 hours in any eight consecutive days if the carrier operates every day of the week.

For property carrier drivers, any period of seven or eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

There are four duty statuses for a CMV driver:

- “On-duty” time is all time a driver spends performing work or being ready to work, until being relieved by the carrier of all responsibility. “On-duty” time also includes any compensated work performed by the driver for a carrier or non-motor carrier entity.
- “Driving” time is all time spent at the driving controls of a commercial motor vehicle in operation.
- “Off-duty” means the driver has been relieved of all responsibilities for the vehicle and its cargo or passengers and the driver is free to pursue activities of his/her own choosing.
- “Sleeper Berth” is all time spent resting in a sleeper berth as defined in 49 CFR Section 393.76.

Carriers must maintain true and accurate records showing a driver’s hours of service. Drivers who are subject to the hours of service regulations must

record their daily activities on a record of duty status (RODS), unless they meet all of the conditions for the short haul provision or are otherwise excepted/exempted.

Electronic Logging Device (ELD): An ELD is an electronic device that automatically records a driver's driving time and other hours-of-service (HOS) data. An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven and duration of engine operation (engine hours).

All carriers and drivers subject to the hours of service regulations must use ELDs unless exempted or excepted. Motor carriers and drivers may only use ELDs that are registered on FMCSA's website: <https://eld.fmcsa.dot.gov/list>. ELDs must have the capability of either telematics data transfer or local transfer.

A carrier using ELDs must ensure its drivers possess onboard a commercial motor vehicle an ELD information packet containing the following items:

- A user's manual for the driver describing how to operate the ELD;
- An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hour-of-service records to an authorized safety official;
- An instruction sheet for the driver describing ELD malfunction reporting requirements and record keeping procedures during ELD malfunctions; and
- A supply of blank driver's records of duty status (RODS) sufficient to record the driver's duty status and other related information for a minimum of 8 days.

The user's manual, instruction sheet, and malfunction instruction sheet can be in electronic form.

A driver must provide the information the ELD requires as prompted by the ELD and required by the motor carrier. A driver must manually input or verify the following information on the ELD: commercial motor vehicle power unit number, the trailer number(s), if applicable, and shipping document number or the name of the shipper and commodity transported, if applicable.

Exceptions to the ELD Rule: The following drivers are not required to use an ELD to record their hours of service:

- Drivers who operate under the Short-Haul Provision (See Short Haul Provision in this section);
- Drivers who use paper Records of Duty Status (RODS) for not more than 8 days in any 30 day period;
- Drivers who conduct driveaway-towaway operations in which the vehicle being driven is the commodity being delivered; or
- Drivers of vehicles manufactured before model year 2000.

Short Haul Provision - 150 Air-Mile Radius Driver (49 CFR Section 395.1(e))

Drivers who operate within a 150 air-mile radius (172.6 statute miles) of their normal work reporting location, are not required to maintain RODS if all of the following requirements are met:

- The driver returns to the normal work reporting location and is released from work within 14 consecutive hours*;
- A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off-duty separating each 14 hours on duty;
- A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off-duty separating each 14 hours on duty;
- A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off-duty; or
- A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off-duty; and
- The carrier maintains true and accurate time records showing the time the driver starts work, is released from work, total number of hours worked, and for drivers used for the first time or intermittently, the total time worked during the preceding seven days.

Drivers of property-carrying commercial motor vehicles that do not require a Commercial Driver's License for operation and who operate within a 150 air-mile radius (172.6 statute miles) of their normal work reporting location:

- May not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and
- After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days.
- The carrier maintains true and accurate time records showing the time the driver starts work, is released from work, total number of hours worked, and for drivers used for the first time or intermittently, the total time worked during the preceding seven days.

Drivers meeting the requirements of the short haul provision are not subject to the 30 minute interruption of driving requirement in 49 CFR Section 395.3(a)(3).

Record Retention Hours of service records (ELD data, records of duty status and/or time sheets) and supporting documents must be maintained and retained by the carrier for a period of at least six months.

Whistleblower

Drivers have the right to question the safety practices of their employer without the risk of losing their job or being subject to retaliation for stating a safety concern. The Occupational Safety and Health Administration's whistleblower statutes protect drivers from retaliation. For more information on the Whistleblower Protection Program, please visit US Department of Labor's Occupation Safety and Health Administrations website at <https://www.whistleblowers.gov/>.

To file a whistleblower complaint with OSHA, please see their online complaint form at https://www.whistleblowers.gov/complaint_page.

