



California Highway Patrol

Commercial Vehicle Section

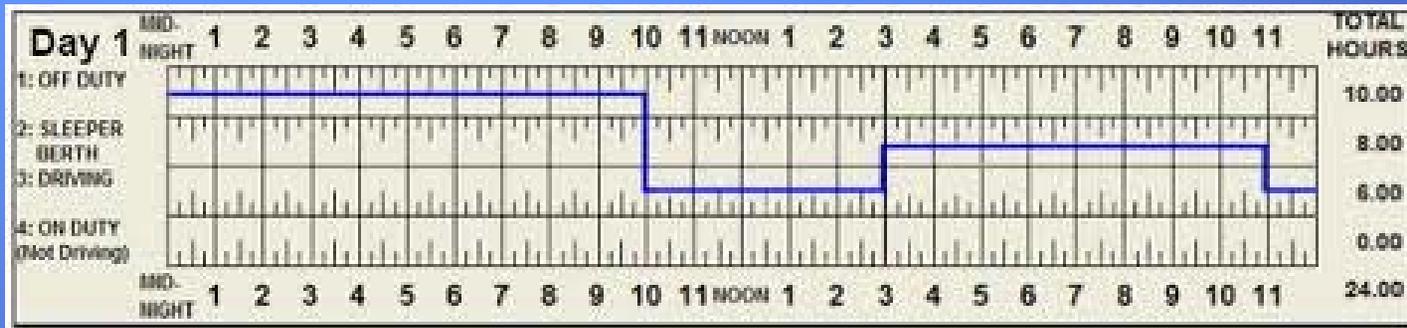


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Hours of Service (HOS)





Drivers of vehicles listed in 34500 VC are subject to hours of service limits



34500(a) Motor trucks of 3 or more axles with a GVWR of more than 10,000 pounds

34500(b) Truck tractors





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34500(c) Buses, School Buses, SPAB, Youth Buses, FLV & GPPV



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34500(d) Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle





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34500(e) Trailers and semitrailers; pole, pipe, auxiliary and logging dollies when used in combination with vehicles listed in subdivisions (a)-(d)

Camp trailers, trailer coaches and utility trailers are excluded from 34500(e)



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34500(f)

- A combination consisting of a motor truck and any of the following:
 - Trailer
 - Semitrailer
 - Pole or pipe dolly
 - Auxiliary dolly
 - Logging dolly



When the combination exceeds 40 feet in length





34500(g) Vehicles or combinations transporting hazardous materials



AP / Noah Berger

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34500(j) Any other motor truck not otherwise identified in 34500, regulated by DMV, the PUC or the USDOT....

But only for matters relating to hours of service and log books of drivers.



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34500(k)

Any CMV with a GVWR of 26,001 lbs. or more

GVWR 33,000 lbs.



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34500(k)

(Continued)

A CMV of any GVWR towing a vehicle listed in (e) with
a GVWR of 10,001 lbs. or more





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34500 (k)

(Continued)

- Excluding combinations containing camp trailers, trailer coaches, or utility trailers.
- CMV has the same meaning as defined in Section 15210 CVC.
 - A vehicle or combination requiring a class A or B license or a class C license with a HM endorsement.
- Utility trailer (Section 667 CVC)
 - Any trailer or semitrailer used solely to transport personal property, with 10,000 GVWR or GVW or less.
 - Trailers used commercially can not be defined as a utility trailer.

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Definitions – 13 CCR 1201

- Adverse driving conditions
 - Snow, sleet, fog or other adverse road conditions, a highway covered with snow or sleet or unusual road and traffic conditions, none of which were apparent to the dispatcher at the time the run was begun
- Drive time
 - All time spent at the controls of a motor vehicle in operation





Definitions – 13 CCR 1201

(Continued)

- Driver
 - Any person, including owner-drivers, who operates any vehicle subject to 13 CCR (regardless of compensation) under the direct control of a motor carrier.
- On-duty time is all time:
 - At a carrier/shipper facility or on other property (public or private) waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
 - Inspecting, servicing or conditioning any vehicle.





Definitions – 13 CCR 1201

(Continued)

- On-Duty Time
 - Driving time
 - In or on any motor vehicle; other than driving time or time in the sleeper berth .
 - Loading or unloading, supervising loading or unloading, attending a vehicle being loaded or unloaded, remaining ready to operate the vehicle, giving or receiving receipts for shipments loaded or unloaded.
 - Complying with driver requirements relating to accidents.





Definitions – 13 CCR 1201

(Continued)

- On-Duty Time (Continued)
 - Repairing, obtaining assistance for, or staying with, a disabled vehicle.
 - Engaged in CSAT testing at the direction of a carrier.
 - Performing any other work for a motor carrier.
 - Performing any compensated work for a non motor carrier entity.





Definitions - 13 CCR 1201

- Interstate driver
 - The driver of a vehicle engaged in interstate commerce as defined in 49 CFR 390.5 as those regulations now exist or may be amended in the future.
- Intrastate driver
 - A driver engaged in trade traffic or transportation not defined in the term “interstate driver.”





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Definitions – 13 CCR 1201

- Interstate Commerce (49 CFR 390.5):
 - Trade, traffic, or transportation in the United States
 - That crosses state lines
 - Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States

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Definitions - 13 CCR 1201

- Work Period
 - The duration between the time a driver first reports for duty and the time a driver is completely relieved of all duties and is permitted to go off duty for eight consecutive hours (bus) or ten consecutive hours (truck).
 - “Work Period” & “Tour of Duty” have the same meaning.





Limited Application – 13 CCR 1200(b)

- 13 CCR 1200(b)(2) – Two-axle motor trucks transporting HM in amounts not requiring placards are subject to:
 - 1212 – Driver Hours of Service
 - 1212.5 – Maximum Driving and On-Duty Time
 - 1214 – Driver Fatigue
 - 1215 [except (b)] – Vehicle Condition
 - 1229 – Driving Proficiency
 - 1230 – Unlawful Operation
 - 1232 – Vehicle Inspection and Maintenance
 - If the transportation requires an HMTL the vehicle will also be subject to 1256 – Identification.





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Limited Application - 13 CCR 1200(b)

(Continued)

- 13 CCR 1200(b)(4) – Vehicles listed in 34500(j) are only subject to:
 - 1212 – Driver Hours of Service
 - 1212.5 – Maximum Driving and On-Duty Time
 - 1213 – Driver's Record of Duty Status

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Intrastate Truck Drivers - 13 CCR 1212.5(a)

- May not drive more than 12 hours in a work period
- May not drive after the 16th consecutive hour from first coming on duty
- 10 consecutive hours off duty required to re-qualify a new work period
- May not drive after having been on-duty 80 hours in any eight-consecutive day period.
 - The eight day cumulative total may be reset to zero with the beginning of any off-duty period of at least 34 consecutive hours (34 hour restart)





Intrastate Carrier's of Property

(Continued)

- Flammable Liquid Cargo Tanks (capacity of more than 500 gallons) are limited to 10 hours of drive time.
- The 16th consecutive hour on duty limit & 10 consecutive hours off duty, both apply.





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Intrastate Bus Drivers – 13 CCR 1212.5(a)

- 10 hours of driving time
- 15 hours on duty time (in aggregate)
- 8 hours off duty required to separate work periods
- No driving allowed after having been on duty 80 hours in any eight consecutive day period

**The “34 hour restart” is not available to bus drivers



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School Pupil/FLV Transportation

- 10 hours of driving time
- No driving after the 16th hour after coming on duty.
- 8 hours off to separate work periods
- No driving allowed after having been on duty 80 hours in any eight consecutive day period





Recordkeeping

13 CCR 1213 & 49 CFR 395.8

- All drivers are required to:
 - record their duty status for each 24 hour period in duplicate
 - on a graph-grid “log book”
 - present those records for the current day plus the previous seven days to enforcement personnel on-demand.
- Motor Carriers are required to:
 - retain those documents on file for at least six months with any “supporting documents”.
 - documents generated by the carrier which may be used to verify the accuracy of the drivers’ HOS records





Recordkeeping

- An interpretation issued by the FMCSA relieves drivers from the “duplicate” log requirement provided the driver submits electronic copies to the motor carrier within the required time frames.
- In lieu of handwritten logs drivers may use an Electronic On-Board Recording device
 - the device must meet the minimum standards in 13 CCR 1213.2 / 49 CFR 395.15.
- “Local drivers” could be exempt from the requirement to complete a log if the provisions of 13 CCR 1212(e) are met.





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100 Air-Mile Radius Driver – 13 CCR 1212(e)

- A driver is exempt from the requirements of 1213 (complete a log and retain the previous 7 days) if:
 - The driver operates within a 100 air-mile radius of the normal work reporting location.
 - The driver returns to the work reporting location and is released from work within 12 consecutive hours.

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100 Air-Mile Radius Driver

(Continued)

- School bus, SPAB, Youth bus or FLV drivers return to the work reporting location and are released from work within 16 consecutive hours.
- At least 8 consecutive hours (bus) or 10 consecutive hours (trucks) off duty separate their work periods





100 Air-Mile Radius Driver

(Continued)

- The employing motor carrier maintains true and accurate time records on file for at least six months showing:
 - Start time
 - Total on-duty time
 - Stop time
 - Previous 7 days total on duty time [13 CCR 1213(k)(2)] for drivers used for the first time or intermittently.





100 Air-Mile Radius Driver

(Continued)

- Tachograph / Tach charts, may be used in-lieu of logs providing:
 - the driver doesn't exceed 15 consecutive hours on duty
 - stays within the 100 air mile radius
 - complies with the drive time limits and has the required off duty time.
 - The driver must also record their start / stop time and the information required by 1213(e), on that record.



Q. - A driver leaves LA bound for Fresno, during an enforcement stop the driver indicates he has been using the 100 air-mile radius driver exception for the previous 2 weeks. What time records must be in the driver's possession?

A. - The log for that day, current to the last change of duty status.



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Q. – A 100 air-mile radius driver normally works from 0600 – 1730 but at the beginning of the shift he is advised that more deliveries have been added to his dispatch for today, requiring him to work an additional 2 hours. At what point must the driver begin a log?

A.– A driver must begin to complete a log immediately after becoming aware the terms of the exemption cannot be met.

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Q. – May an employer require a driver to use the graph grid required by 1213, as the time record required by 1212(e)(5)

A. – Yes. The format for the time records required to exercise the 100 air-mile radius exception is not regulated.





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Automatic On-Board Recording Device (AOBR) – 13CCR 1213.2

- May be used in lieu of records required by 13 CCR 1213
- Minimum requirements:
 - installed to record engine use
 - road speed
 - miles driven
 - date and time of day

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Automatic On-Board Recording Device (AOBR) – 13 CCR 1213.2 (Continued)

- Must be able to produce a display (or printout) showing:
 - time sequence and locations of duty status changes
 - driver's total hours driving
 - total hours on-duty
 - total miles driven
- Drivers must carry a pad of blank logs and instructions related to the retrieval of the information in the device including any location codes used etc. and provide those to enforcement personnel on-demand.



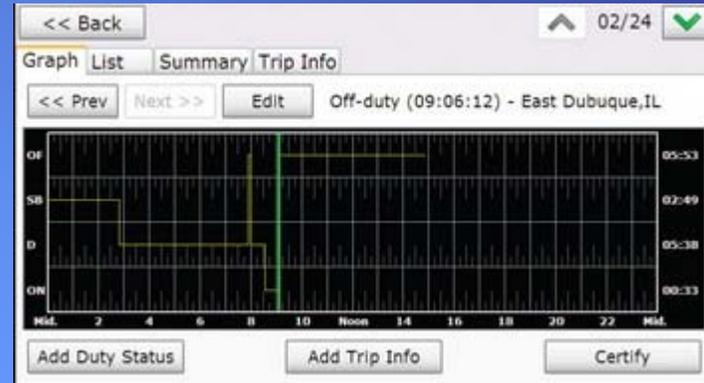


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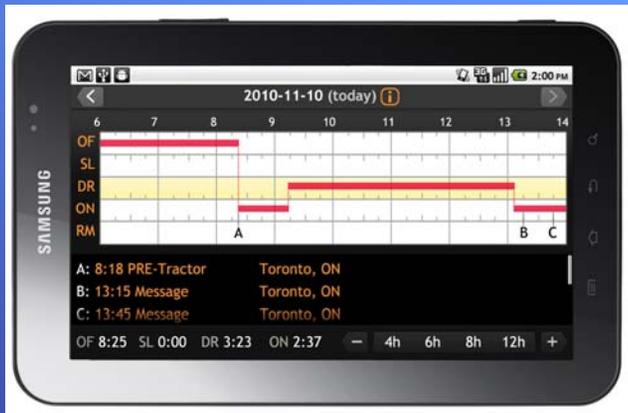
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Qualcomm



Telecon



XATA



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Exceptions to the Rule – 13 CCR 1212

- 1212(b) Adverse driving conditions-
 - A driver encountering unforeseen weather conditions may be allowed an additional two hours of driving time to reach a safe stopping place, but may not drive in excess of the on-duty time limits.
- Emergency conditions
 - In the event of a traffic accident, medical emergency or disaster a driver may complete the run without violating the HOS limits, provided the run could have been legally completed absent the accident/emergency/disaster.





13 CCR 1212(c) & (d)

- 1212(c) – Driver salesperson [1201(i)]
 - excepted from the 80 hour rule if
 - they do not drive more than 40 hours in any seven day period
- 1212(d) – Oil Field Operation
 - Vehicles used exclusively to transport oilfield equipment; stringing/picking up pipeline; servicing field operations (oil & natural gas), may use a 24 hour restart (80 hour rule)
 - Specially constructed oil well servicing vehicles aren't required to log wait time at a well site as on-duty, provided the time is accurately documented and maintained by the carrier





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The “Santa clause” – 13 CCR 1212(f)

Drivers of CMV solely engaged in making local deliveries from retail stores or catalog businesses, to the ultimate consumer, and driving solely within a 100 air-mile radius of their normal work reporting location, during the period from December 10th to the 25th, are exempt from HOS.

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13 CCR 1212(g)(1)(A) – Sleeper berths (trucks)

Lists the four rest period options a driver may use to obtain 10 consecutive hours off duty required to “re-qualify” a new work period.

- Ten consecutive hours off duty
- Ten consecutive hours of sleeper-berth time
- Combination of consecutive sleeper-berth and off-duty time totaling at least ten hours.
- The equivalent of at least ten consecutive hours off duty (split sleeper) time if one of the above options are not used.

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Sleeper Berths – 1212(g)(2)(A)

Two separate sleeper berth / off-duty periods may be combined, to obtain the equivalent of ten consecutive hours off duty, required to “re-qualify” a new work period if:

- Two periods equal at least 10 hours
- One period must be at least 8 but less than 10 hours in the sleeper berth
- The other period must be at least 2, but less than 10 hours, and may be, sleeper berth, off duty or any combination of the two





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Sleeper Berths – 1212(g)(2)(C)

(Continued)

All time on the driver's log, except any sleeper berth period of at least 8 but less than 10 hours, is used to calculate the 16 consecutive hour rule.

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Sleeper Berths - 1212(g)(3)

1212(g)(3) Drivers of specially constructed oil well servicing CMV at a natural gas or oil well location:

- May obtain the equivalent of at least ten consecutive hours off-duty time using sleeper-berth time or time in other sleeping accommodations at the well location
 - as long as neither rest period is less than two hours and
 - when added to a subsequent rest period, in the sleeper or other sleeping accommodations, totals at least ten hours
- The calculation of the 16 hour rule will exclude any qualifying sleeper berth /other sleeping accommodation period





Sleeper Berths - 1212(g) (4)

- 1212(g)(4) Passenger CMV
 - Drivers operating a bus with a sleeper berth as defined in 13 CCR 1265 may obtain the equivalent of at least eight consecutive hours off-duty time by using the “old” split sleeper berth option.





Utility Service Vehicles – 34501.2(b)(3) CVC

- Drivers are exempt from HOS (effective 1/1/10) if they are employed by and operating vehicles belonging to:
 - an electrical corp. (PUC 218)
 - a gas corp. (PUC 222)
 - a telephone corp. (PUC 234)
 - a water corp. (PUC 241)
 - a public water district (WC 20200)
- 13 CCR 1212(i) is in the process of being amended to provide the same exemption
- Drivers transporting placardable amounts of HM are not eligible for this exemption





Travel Time – 1212(h)

Drivers traveling at the direction of a motor carrier but not driving or assuming any other responsibility to the carrier may count that time as off-duty, provided the driver takes the minimum required off-duty time to re-qualify a new work period, (8 hours-bus; 10 hours-truck) upon arriving at their destination.





Fire Fighters – 1212(j)

- Drivers of vehicles owned and operated by the forestry or fire dept. of any public agency or a fire dept., organized as provided by the HSC, are exempt from HOS while involved in emergency and related operations
- Once the emergency is terminated they may use a “24 hour restart”





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Farm Products – 13 CCR 1212(k)

- Drivers transporting farm products from the field to the first point of processing or packing shall not drive:
 - More than 12 hours in a work period (8 consecutive hours off duty will separate work periods)
 - After having been on duty 16 hours in a work period (non-consecutive)
 - After having been on duty 112 hours in any eight consecutive day period

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Farm Products – 13 CCR 1212(k)

Drivers transporting special situation farm products (field to first point of processing / packing) or livestock from pasture to pasture may exercise the same exemption, however, for one period of not more than 28 days or two periods totaling not more than 28 days, in a calendar year, these drivers are exempted from an 8 day cumulative on-duty limit.

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Farm Products – 13 CCR 1212(k)

- Farm products:
 - agricultural, horticultural, viticultural, or vegetable product of the soil, honey, beeswax, oilseeds, poultry, livestock, milk, or timber
- Special situation farm products:
 - fruit, tomatoes, sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts

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Farm Products – 13 CCR 1212(k)

First point of processing or packing – where farm products are dried, canned, extracted, fermented, distilled, frozen, ginned, eviscerated, pasteurized, packed, packaged, bottled, conditioned or otherwise processed for distribution.

Drivers utilizing this exception are not eligible to use the “34-hour restart”

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Construction Materials and Equipment

13 CCR 1212(m)

- Drivers used primarily to transport construction materials and equipment, to or from an active construction site, within a 50 mile radius of the driver's normal work reporting location, may use a "24 hour restart" concerning the "80 in 8" rule.
- Construction materials and equipment
 - construction and pavement materials, construction equipment, construction maintenance vehicles
- Drivers of vehicles transporting placardable amounts of HM are not eligible to utilize this exception

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Limited Applicability – 13 CCR 1212

Drivers transporting hazardous substances or wastes (defined in 49 CFR 171.8) may not utilize the exceptions in:

- 1212(i) – USV
- 1212(j) – Fire fighters
- 1212(k) – Farm Products

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Interstate Hours of Service

- 1212.5(b) 13 CCR – Driving Hours for Interstate Operators
- 1212.5(b) 13 CCR – Motor Carriers and drivers engaged in interstate commerce and drivers transporting hazardous substances or hazardous waste defined in 49 CFR 171.8 must comply with hours of service regulations in 49 CFR 395, as those regulations now exist or are hereafter amended.

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Interstate Property-Carrying CMV Drivers – 49 CFR 395.3(a)

- 11 hours of driving time in a work period
- May not drive after the 14th consecutive hour after first coming on duty
- Must have 10 consecutive hours off duty to re-qualify a new work period
- Must take a 30 minute break once 8 hours have passed since last off duty/sleeper berth period of at least 30 minutes

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30 Minute Rest Break Exemption

- CDL and Non-CDL drivers meeting the 100 air-mile radius exemption – 49 CFR 395.1 (e)(1)
- Non-CDL drivers meeting the 150 air-mile radius exemption – 49 CFR 395.1 (e)(2)
- Effective August 2, 2013

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Off Duty Time – 49 CFR 395.2 (Interstate Only)

- Time resting in a parked CMV (both truck & bus)
- Up to two hours in the passenger seat of a moving CMV, provided it is immediately before or after a sleeper berth period of at least eight hours, but less than ten hours (time will not be used in the 14 hour limit (truck only))

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Interstate Passenger Carrying CMV Drivers – 49 CFR 395.5(a)

- 10 hours of driving time in a work period
- May not drive after having been on duty 15 hours in a work period (non-consecutive)
- Must have 8 consecutive hours off duty to re-qualify a new work period

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60 / 70 Hour Rule

- 49 CFR 395.3(b) – Property Carrying CMV
- 49 CFR 395.5(b) – Passenger Carrying CMV
- 60-Hour Rule:
 - If the carrier does not operate vehicles every day of the week, then the driver may not drive after they have been on-duty for a total of 60 hours in any seven consecutive day period.





60 / 70 Hour Rule

(Continued)

- 70-Hour Rule:
 - If the carrier operates vehicles every day of the week, then the driver may not drive after having been on-duty for a total of 70 hours in any eight consecutive day period.





60 / 70 Hour Rule

(Continued)

- 34 hour restart, 395.3(c)
 - Restart provision may only be used once in 168 hour period (every 7 consecutive days)
 - Must contain two periods from 0100-0500
 - If more than one 34 hour period is displayed, driver must designate period used to reset.
(Property Transportation Only)





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Q. – Must a motor carrier operating vehicles every day of the week operate under the 70 hour rule?

A. – No. 49 CFR 395.3 – Interpretation Questions 1- 6 discuss the application of the 60-in-7 or 70-in-8 day cumulative total. Motor carriers that operate vehicles every day of the week can choose to use either rule. Carriers that operate every day of the week may even have some drivers on the 60 hour rule while other drivers may be on the 70 hour rule, however the carrier makes the decision, not the driver. If the carrier does not operate vehicles every day of the week then they must use the 60 hour rule.

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Federal Exceptions – 49 CFR 395.1

The following exceptions are identical to those in 13 CCR 1212 . When 49 CFR has an identical rule, the guidance in the Federal Motor Carrier Safety Regulations are used to clarify 13 CCR.

395.1(b)(1) – Adverse Driving

395.1(b)(2) – Emergency Conditions

395.1(c) – Driver Salesperson

395.1(d) – Oilfield Operations

395.1(e)(1) – Short-Haul Operations

395.1(f) – Retail Store Deliveries

395.1(g) – Sleeper Berths

395.1(j) – Travel Time

395.1(m) – Construction Materials & Equipment

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Federal exceptions not having equivalents in 13 CCR

49 CFR 395.1(e)(2) – Operators of property carrying CMV not requiring a CDL. Under certain provisions drivers operating vehicles not requiring a CDL according to 49 CFR 383 (i.e. passenger transportation vehicles with a capacity of less than 16 including the driver, single vehicles less than 26,001 lbs. GVWR or combinations less than 26,001 GCWR, not hauling placardable amounts of HM) can be exempt from 395.3 (HOS) and 395.8 (log book).

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Federal exceptions not having equivalents in 13 CCR

(Continued)

- 49 CFR 395.1(k) – Drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State, are exempt from the requirements of 395 if, they are within a 100 mile radius of the source of the commodity, or distribution point for farm supplies, and the transportation takes place during the planting and harvest seasons as determined by the State.

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Federal exceptions not having equivalents in 13 CCR

(Continued)

- 49 CFR 395.1(i) – Ground water well drilling rig drivers may use a “24 hour restart” for the 60 or 70 hour rule.
- 49 CFR 395.1(o) – Property carrying drivers may extend the 14th consecutive hour on duty limit by two hours (16th consecutive hour), once during a seven consecutive day period, provided the driver has been released from duty at the normal work reporting location for the previous five work periods.





Federal exceptions not having equivalents in 13 CCR

(Continued)

- 49 CFR 395.1(n) – Drivers of USV are exempt from HOS. A similar exception to the USV exemption for intrastate drivers however the California exemption does not extend to contractors utilized by the Utilities.





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Internet sites

- Title 13 California Code of Regulations
www.oal.ca.gov
- California Codes (CVC, CPUC, CWC)
www.leginfo.ca.gov
- California Highway Patrol
www.chp.ca.gov
- Federal Motor Carrier Safety Administration
www.fmcsa.dot.gov

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Questions

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