

CALIFORNIA
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CVSS

COMMERCIAL VEHICLE SAFETY SUMMIT

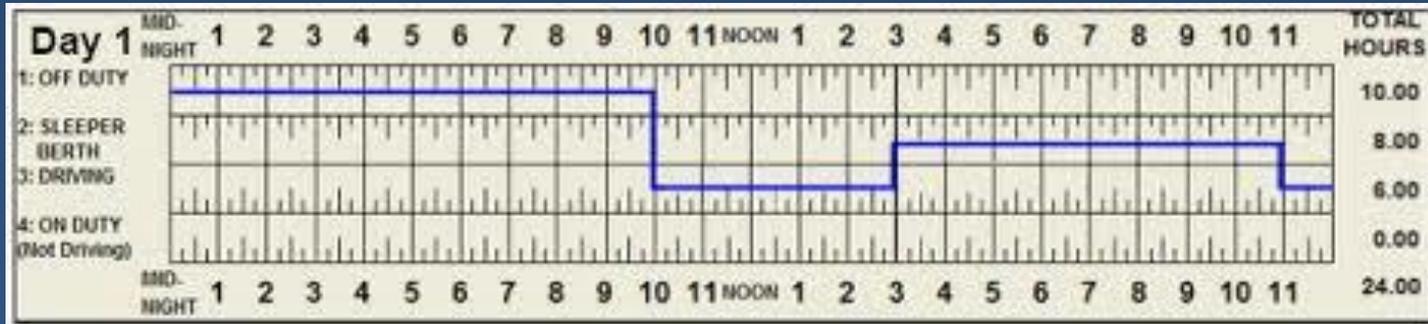
COMMERCIAL VEHICLE SAFETY SUMMIT



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Hours of Service (HOS)



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Drivers of vehicles listed in 34500 CVC 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



34500(c)

Buses, School Buses, School Pupil Activity Buses



34500(c) (cont.)

Youth Buses, Farm Labor Vehicles, Modified Limousines & General Public Paratransit Vehicles



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



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)



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)

Vehicle(s) or combinations transporting hazardous materials



34500(j)

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



34500(k)

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

A CMV of any GVWR towing a vehicle listed in 34500 (e) with a GVWR of 10,001 lbs. or more



GVWR 33,000 lbs.



Trailer 12,000 GVWR



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 an 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 are not utility trailers



Definitions 13 CCR 1201

- **Adverse driving conditions**

Snow, sleet, fog or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent to the dispatcher at the time the run began

- **Driving time**

All time spent at the driving controls of a commercial motor vehicle in operation



Definitions – 13 CCR 1201

- **Driver.**

Any person, including owner-driver, who drives any motor vehicle subject to 13 CCR, for compensation or not, under the direct control of and for a motor carrier

- **On-duty time.**

All time the driver begins to work, or is required to be in readiness to work, until the driver is relieved from work and all responsibility for performing work



Definitions – 13 CCR 1201

- **On-duty time shall include:**

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

Driving time

In or on any motor vehicle; other than driving time or time in the sleeper berth

Loading or unloading, supervising or attending a vehicle being loaded or unloaded, remaining ready to operate the vehicle, giving or receiving receipts for shipments loaded or unloaded



Definitions – 13 CCR 1201

- **On-Duty Time (Continued)**

Complying with driver requirements relating to accidents

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

49 CFR 390.5 Interstate Commerce

Trade, traffic, or transportation in the United States that crosses state lines OR

Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States



Definitions – 13 CCR 1201

- **Intrastate driver**

A driver engaged in trade traffic or transportation not defined in the term “interstate driver”



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



Limited Application - 13 CCR 1200(b)

- 13 CCR 1200(b)(4) – Vehicles listed in 34500(j) are subject to:

13 CCR 1212 Driver Hours of Service

13 CCR 1212.5 Maximum Driving and On-Duty Time

13 CCR 1213 Driver's Record of Duty Status



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

- 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



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**



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



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



100 Air-Mile Radius Driver

- 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

- **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

- **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.



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.



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.



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

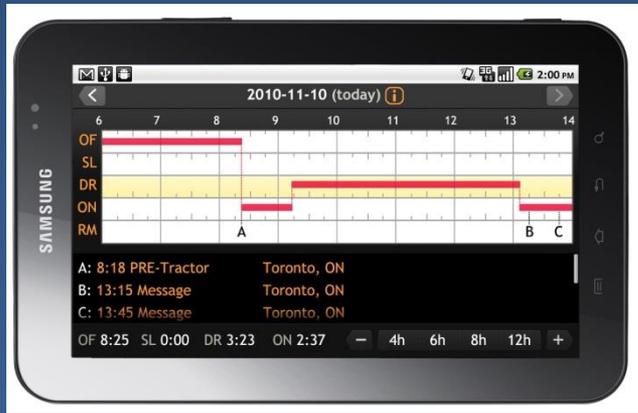
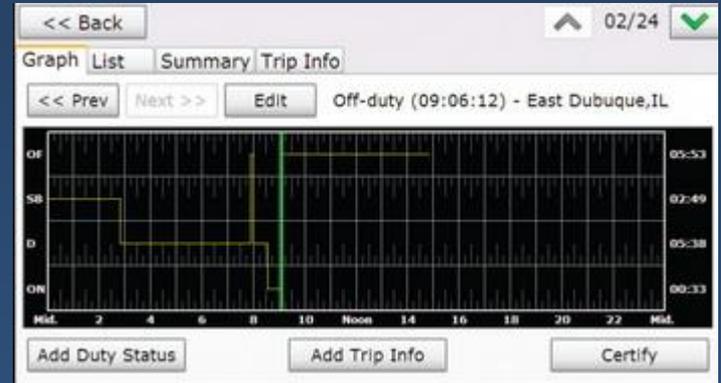


Automatic On-Board Recording Device (AOBR)

13 CCR 1213.2

- **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.**





Exceptions to the Rule

13 CCR 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



13 CCR 1212(f) The “Santa Clause”

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



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



13CCR 1212(g)(2)(A) Sleeper Berths

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



13 CCR 1212(g)(2)(C) Sleeper Berths

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



13 CCR 1212(g)(3) Sleeper Berths

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



13 CCR 1212(g)(4) Sleeper Berths

- 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



34501.2(b)(3) CVC Utility Service Vehicles

- **Drivers are exempt from HOS regulation 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)

34501.2(b)(3)(B) effective 1/1/15 - Contractors hired by the above listed entities are exempt from HOS limits during emergency restoration of services



13 CCR 1212(h) Travel Time

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



13 CCR1212(j) Fire Fighters

- 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”



13 CCR 1212(k) Farm Products

- **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



13 CCR 1212(k) Farm Products

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



13 CCR 1212(k) Farm Products

- **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



13 CCR 1212(k) Farm Products

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”



13 CCR 1212(m)

Construction Materials and Equipment

- 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



13 CCR 1212(n) Limited Applicability

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

- **1212(j)** – Fire fighters
- **1212(k)** – Farm Products



Interstate Hours of Service

- **1212.5(b) 13 CCR – Driving Hours for Interstate Operators**

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



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**



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)



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))



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



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

- **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

- **34-hour restart:**

Any period of 7 or 8 consecutive days may end with the beginning of an off-duty period of at least 34 or more consecutive hours



60 / 70 Hour Rule

- **34 hour restart restrictions 395.3(c) & (d)**

Restart provision may only be used once in 168 hour period (every 7 consecutive days)

Must contain two periods from 0100-0500

The Consolidated and Further Continuing Appropriations Act, (P.L. 113-235), enacted 12/16/14, suspended enforcement of these restrictions on the 34-hour Restart

The enforcement prohibition was extended by the FMCSA 10/1/15 pending review of studies conducted on the effectiveness of the aforementioned restrictions



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.



49 CFR 395.1 Federal Exceptions

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)(1) – 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



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 lbs. GCWR, not hauling placardable amounts of HM) can be exempt from 395.3 (HOS) and 395.8 (log book)



Federal exceptions not having equivalents in 13 CCR

- **49 CFR 395.1(k) – Agricultural Operations**

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



Federal exceptions not having equivalents in 13 CCR

- 49 CFR 395.1(l) – 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

- **49 CFR 395.1(n) – Utility Service Vehicles**

Drivers of USV are exempt from HOS

The federal exemption is similar to the USV exemption for intrastate drivers, however, the California exemption only extends to contractors utilized by the Utilities in defined emergencies



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



Questions

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