



# Part 395 - Hours of Service for Motor Carriers of Passengers

## General – Part 395

The hours-of-service rules for drivers of passenger-carrying commercial motor vehicles (CMVs) are different from the rules for property-carrying CMVs. Note that Non-business Private Motor Carriers of Passengers are not subject to the record keeping requirements of this part, such as maintaining a logbook or record of duty status.

## Maximum Driving Time for Passenger – Carrying Vehicles – § 395.5

No motor carrier of passengers shall permit or require any passenger-carrying CMV driver to drive:

- More than 10 hours following 8 consecutive hours off duty; or
- For any period after having been on duty 15 hours following 8 consecutive hours off duty.

No motor carrier of passengers shall permit or require any passenger-carrying CMV driver to drive, regardless of number of motor carriers using the driver's services, for any period after the driver has been on duty:

- 60 hours in any 7 consecutive days if the carrier does not operate CMVs every day of the week; or
- 70 hours in any 8 consecutive days if the carrier operates CMVs every day of the week.

## Off-Duty Time

“Off duty” means any time that is not “driving time,” “on-duty time,” or “travel time.” On long-distance trips requiring straight-through driving, motorcoach companies may send a relief driver ahead.

The following guidelines must be met before a driver is considered off duty:

1. During a trip, the driver must be relieved of all duty and responsibility for the care and custody of the bus or passenger-carrying CMV, its accessories, and any passengers, baggage, and freight that it may be transporting.

2. During a trip, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the bus or passenger-carrying CMV is parked.

3. The driver must not be performing any work in the capacity of an employee, or service of a bus company or motor carrier.

4. The driver must not be performing any compensated work for a person or company that is not a motor carrier.

## On-Duty Time – § 395.2

On-duty time means all time from the time a driver begins work or is required to be in readiness for work until the time the driver is relieved from work and all responsibilities for performing work. Performing other compensated work for a person who is not a motor carrier is also on-duty time. On-duty time can be found in § 395.2.

## Travel Time – § 395.1(j)

When a driver at the direction of a motor carrier is traveling, but not driving any vehicle or assuming any other responsibility for the carrier (“cushioning”), such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he/she shall be considered off duty for the entire period.

## Relief Drivers

On long-distance trips requiring straight-through driving, motorcoach companies may send a relief driver ahead.

1. Cases when the driver is driven or uses public transportation to get to a layover location, and the driver has 8 consecutive hours off duty after arriving, travel time may be recorded as off duty.

2. When a driver is driven to a layover location, the time spent driving the non-CMV to a layover location must be recorded as on duty, not driving.

## Exception – § 395.1(e)

A driver is exempt from the logbook or record of duty status requirements if he/she operates within a 100 air-mile radius of the normal work reporting location and is released from duty within 12 consecutive hours or less.

## Sleeper Berth – § 395.1(g)(3)

A driver who is driving a passenger-carrying CMV that is HTXLS SHG ZLWK D VOHSHU EHUW accumulate the equivalent of 8 consecutive hours off-duty time by taking two periods of rest in the sleeper berth, provided the four requirements of § 395.1(g)(3)(i) - (iv) are met.

## Multiple Employer Driver – § 395.8(j)

Some passenger carriers make frequent use of part-time and multiple-employer drivers. When using a driver intermittently, the carrier must obtain a signed statement from the driver that indicates the total time on duty during the preceding 7 days and the time when the driver was last relieved from duty prior to using such driver. All compensated work for a motor carrier or a non-motor carrier is on-duty time.