Hours of Service

**§395.1 Scope of the rules in this part.**

## Guidance Q&A

***Question 29:*** Must a motor carrier that uses a 100-air-mile radius driver write zero (0) hours on the time record for each day the driver is off duty (not working for the motor carrier)?

***Guidance:*** No. Section 395.1(e)(1)(v) requires a motor carrier to maintain “accurate and true time records” for each driver. These records must show the time the driver goes on and off duty, as well as the total number of hours on duty, each day. The lack of a time record for a 100-air-mile radius driver on any given day is therefore a statement by the motor carrier that the driver was not on duty that day. If an investigator discovers that the driver was in fact on duty, despite the absence of a time record, the motor carrier has violated §395.1(e)(1)(v) because it has not maintained “true and accurate time records.” Appropriate enforcement action may then be taken.