

Electronic Logging Device (ELD) Regulations

The ELD regulations apply to most motor carriers of passengers and their drivers who are required to keep a record of duty status. These regulations apply to drivers domiciled in Canada and Mexico when operating within the United States, unless they qualify for an exception.

Exceptions to the ELD Regulations:

1. Drivers who are required to prepare a record of duty status no more than 8 days during any 30-day period.
2. Driveaway-towaway operations if the vehicle is part of the shipment (for example, transporting an empty vehicle for sale, lease, or repair).
3. Drivers of vehicles manufactured before model year 2000.

Motor carriers of passengers must choose only ELDs that are self-certified and registered on FMCSA's website. To get more ELD information, including Frequently Asked Questions, visit www.fmcsa.dot.gov/elds.



Federal Motor Carrier
Safety Administration

www.fmcsa.dot.gov

Hours of Service
for Motor Carriers
of Passengers



This brochure is intended to provide general regulatory information for passenger operations and is not a substitute for the Federal Motor Carrier Safety Regulations.

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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 these rules, such as maintaining a record of duty status or using an electronic logging device.

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 time" is not specifically defined in the regulations. In effect, it is any time that is not "driving time," "on-duty time," or "sleeper berth" as defined in § 395.2.

The following guidelines must be met before a driver is considered off duty for meal and other routine stops made during a work shift:

- 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.
- During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing.

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. The complete definition of 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 to the carrier (sometimes referred to as "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, motor carriers of passengers may send a relief driver ahead.

1. In 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. If the CMV driver drives him/herself in a non-CMV, 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 preparing a logbook or record of duty status if he/she operates within a 100 air-mile radius of the normal work reporting location and meets all other requirements in § 395.1(e).

Sleeper Berth—§ 395.1(g)(3)

A driver who is driving a passenger-carrying CMV that is equipped with a sleeper berth, as defined in § 393.76, may accumulate the equivalent of 8 consecutive hours off-duty time by taking two periods of rest in the sleeper berth, provided that 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, obtain a signed statement from the driver that indicates the total time on duty during the preceding 7 days and the time at which 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.

