



Wisconsin Intrastate Hours of Service

49 CFR Part 395, Wisconsin Trans 327



Why Have Hours of Service Regulations?



FATIGUE!!!

- A CDC survey showed that nationwide, an estimated 1 in 25 adult drivers reported having fallen asleep while driving in the previous 30 days.
- NHTSA estimates that in 2017 there were 91,000 police-reported crashes that involved drowsy drivers. These crashes led to an estimated 50,000 people injured and nearly 800 deaths.
- There is broad agreement among experts that the figures are underestimated.



Wisconsin Hours of Service Regulations



- Intended to Reduce Fatigued Driving Crashes in CMVs
- Based on Part 395 of Federal Regulations
- Can be found in Wisconsin Trans 327
- Wisconsin regulations allow for longer driving times for cargo
- ELDs are to be used unless exempted when required to log
- State passenger carrier regulations are the same as Part 395.5 of the federal regulations with the new Trans 327



Two Methods to Record Hours of Service



- The 150 air-mile short haul exemption is an option but the driver must meet certain requirements.
- Logs/ELDs can always be used to record hours of service.



Short Haul Exemption for Cargo



- Driver must stay within a 150 air mile radius of their work reporting location.
- The driver must be back within 14 hours and released from duty.
- Cargo drivers must have 10 consecutive hours off between each shift.
- Must keep a time record with the name, date, time in, time out and hours worked for the driver.
- Cargo carriers must not operate after 70 hours in 7 days or 80 hours in 8 days



Short Haul Exemption for Passengers (New Trans 327)



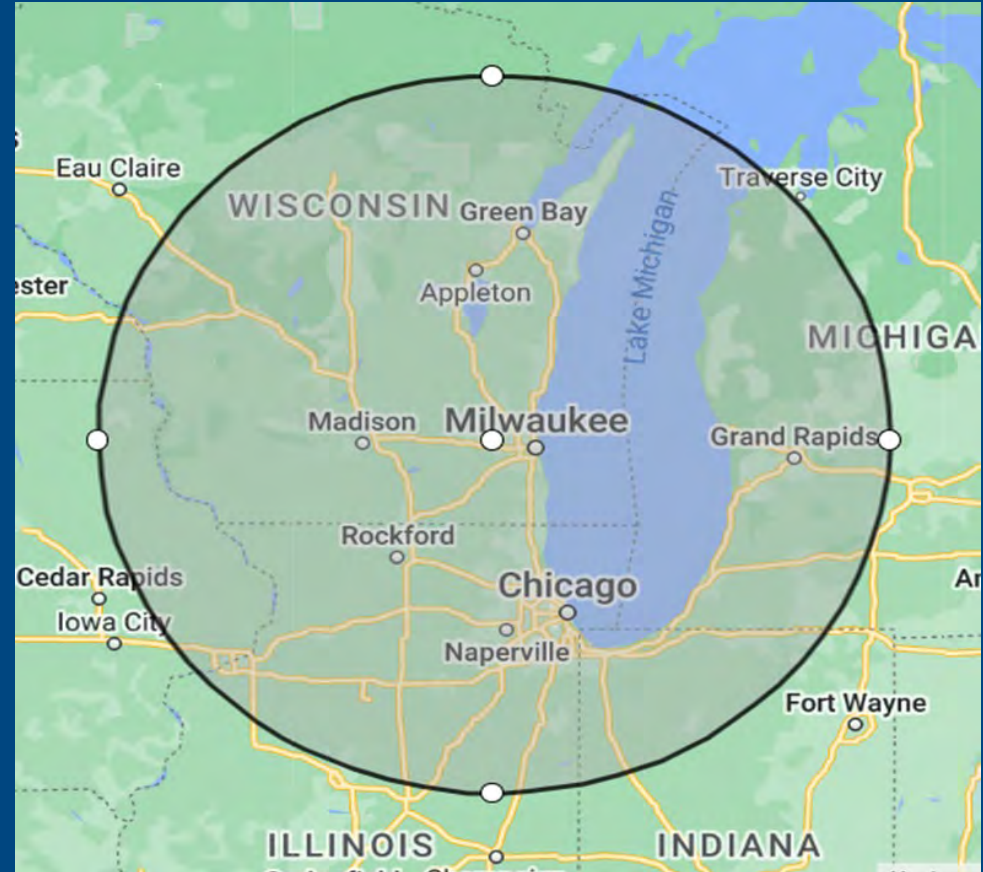
- Driver must stay within a 150 air mile radius of their work reporting location.
- The driver must be back within 14 hours and released from duty.
- Must have 8 consecutive hours off between each shift.
- Must keep a time record with the name, date, time in, time out and hours worked for the driver.
- Passenger carriers must not operate after 60 hours in 7 days or 70 hours in 8 days.



The Short Haul (Timecard) Exemption



<https://www.mapdevelopers.com/draw-circle-tool.php>



An Example of a Driver's Time Record



DRIVER'S TIME RECORD

Driver's Name _____ Employee No. _____ Month _____ Year _____

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVER'S DAILY LOG" IF THE FOLLOWING APPLIES:

- Operates within **150 air-mile radius** of normal work reporting location
- Do not exceed a maximum on-duty period of **14 hours**
- Start and end shift in the same location
- Have at least **8 hours off** (passenger carrier) or **10 hours off** (property carrier) between periods

INTERMITTENT DRIVERS: Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start time "All duty"	End Time "All Duty"	Total Hours	Driving Hours	Truck Number	Start and End Location
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

☐

To be prepared monthly by each DOT-certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off." Check box if any driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.



What Does a Record of Duty Status (Log) Look Like?



- The log in this image is an example of a federal log.
- Legible and easy to Understand.
- Trans 327 requires Wisconsin hours of service documents to have the bar graph and other information just like federal hours of service logs.

U.S. DEPARTMENT OF TRANSPORTATION DRIVER'S DAILY LOG (ONE CALENDAR DAY - 24 HOURS)

04 09 08 350
MONTH DAY YEAR TOTAL MILES DRIVING TODAY

123, 20544
VEHICLE NUMBERS - (SHOW EACH UNIT)

John Doe's Transportation
(NAME OF CARRIER OR CARRIERS)
Washington, D.C.
(MAIN OFFICE ADDRESS)

John E. Doe
(DRIVER'S SIGNATURE IN FULL)

(NAME OF CO-DRIVER)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1: OFF DUTY																								10	
2: SLEEPER BERTH																								1.75	
3: DRIVING																								7.75	
4: ON DUTY (NOT DRIVING)																								4.5	
																								24	

REMARKS

Pro or Shipping No 101601

Richmond, VA

Fredericksburg, VA

Baltimore, MD

Philadelphia, PA

Cherry Hill, NJ

Newark, NJ



Record of Duty Status (Logging) Method



4 Categories of Time Recording:

1. Off-duty - The driver has no responsibility to the company.
2. Sleeper berth - the driver is occupying the sleeper berth.
3. On Duty-Driving - the driver is at the controls of the commercial motor vehicle.
4. On Duty-Not Driving – the driver is performing service to the motor carrier but is not driving.



What Is On-Duty Time Defined As?



FMCSR 395.2 – Definition of “On Duty Time” includes but is not limited to:

- Time at a plant, terminal, facility or other property of a motor carrier or shipper.
- Time inspecting or servicing a commercial vehicle.
- All driving time.
- All time in or on a commercial motor vehicle, other than:
 - (i) Time spent resting in or on a parked vehicle, except as otherwise provided in §397.5 of this subchapter;
 - (ii) Time spent resting in a sleeper berth; or
 - (iii) Up to 3 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 7 consecutive hours in the sleeper berth.



Wisconsin Hours of Service for Drivers of Cargo Carrying Vehicles



No driver shall drive, nor shall any motor carrier require or permit and driver to drive:

- More than 12 hours driving following 10 consecutive hours off duty.
- For any period after having been on duty 16 hours following 10 consecutive hours off duty.
- After having been on duty for 70 hours in any period of 7 consecutive days.
- After having been on duty for 80 hours in any period of 8 consecutive days.



Wisconsin Hours of Service Regulations for Passenger Carrying Vehicles



No driver shall drive, nor shall any motor carrier require or permit a driver of a passenger carrying commercial motor carrier vehicle to drive:

- More than 10 hours following 8 consecutive hours off duty.
- For any period after having been on duty 15 hours following 8 consecutive hours off duty.
- After having been on duty 60 hours in any 7 consecutive days.
- After having been on duty 70 hours in any 8 consecutive days.



What are the Rest Options for Cargo?



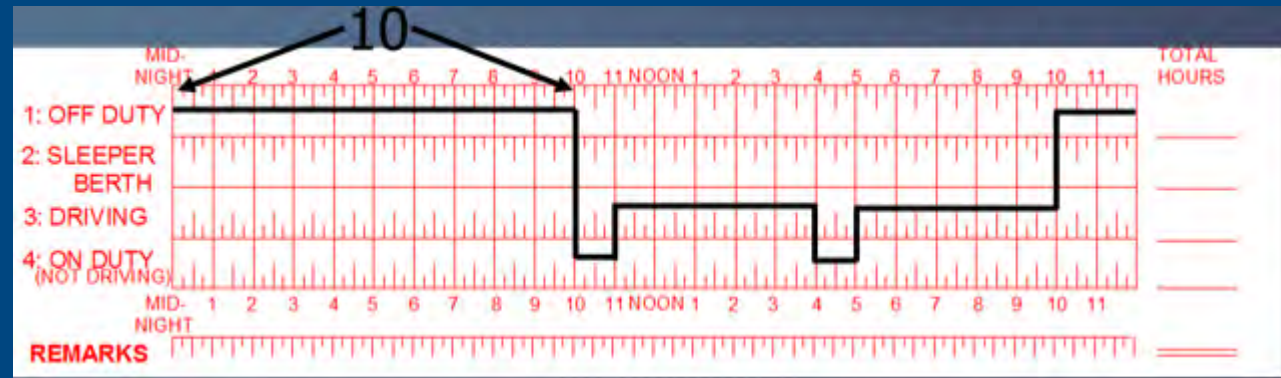
- Four ways to get the required 10 consecutive hours off-duty:
 1. 10 consecutive hours off duty
 2. 10 consecutive hours sleeper berth
 3. 10 consecutive hours off duty and sleeper berth combined
 4. One 7 hour period in a sleeper, plus an additional period of at least 2 hours of off duty, in a sleeper or a combination thereof with both breaks that are paired adding up to at least 10 hours.
- Wisconsin adopted these options and they are found in the FMCSR 395.1(g).



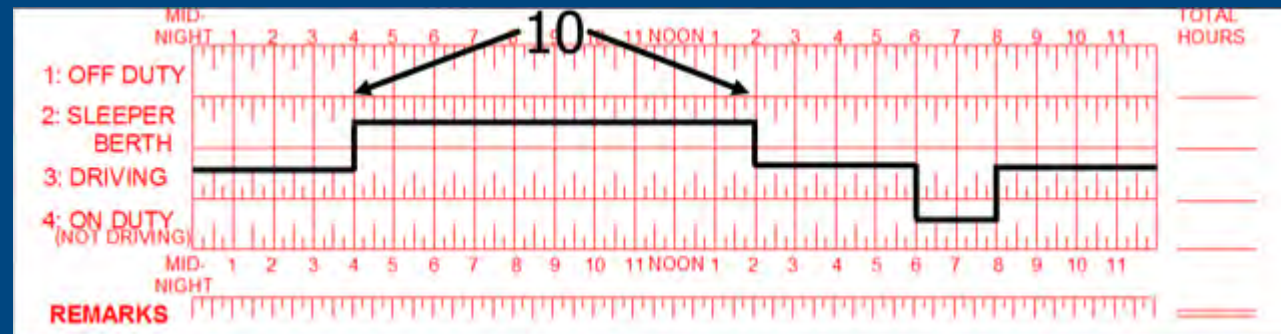
Rest Options-Cargo



Option 1



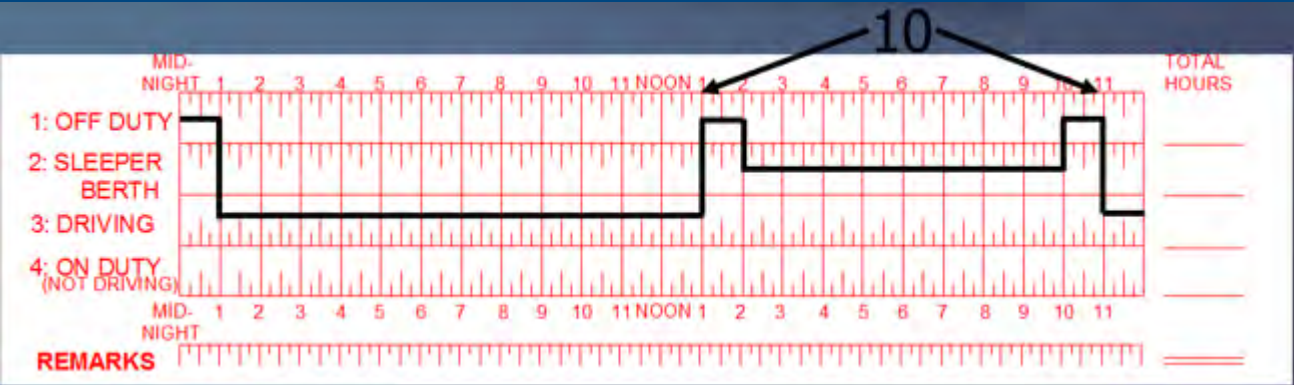
Option 2



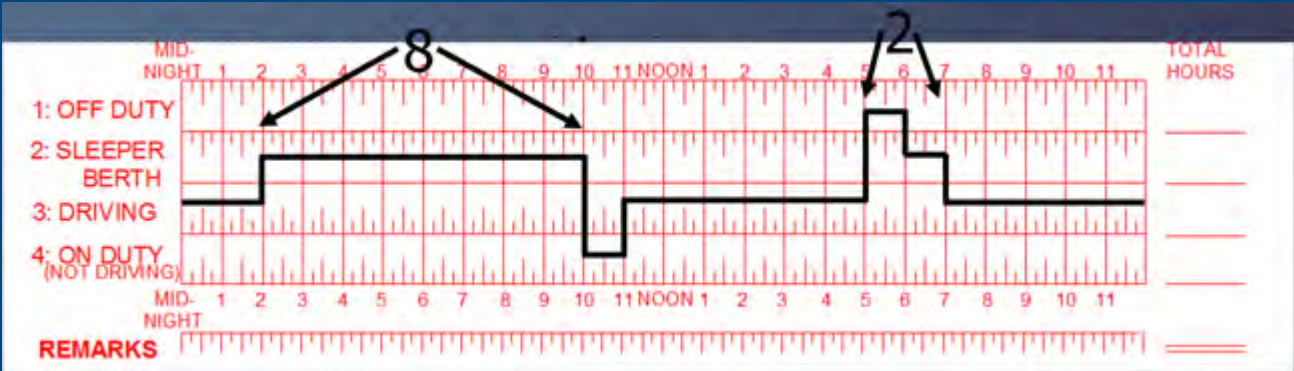
Rest Options-Cargo



Option 3



Option 4



The 34 Hour Reset-Cargo Carriers Only



The 70 hours in 7 days and 80 hours in 8 days drive time limits for drivers can be reset by allowing the driver to have 34 consecutive hours off.

FMCSR Part 395.3(c) –

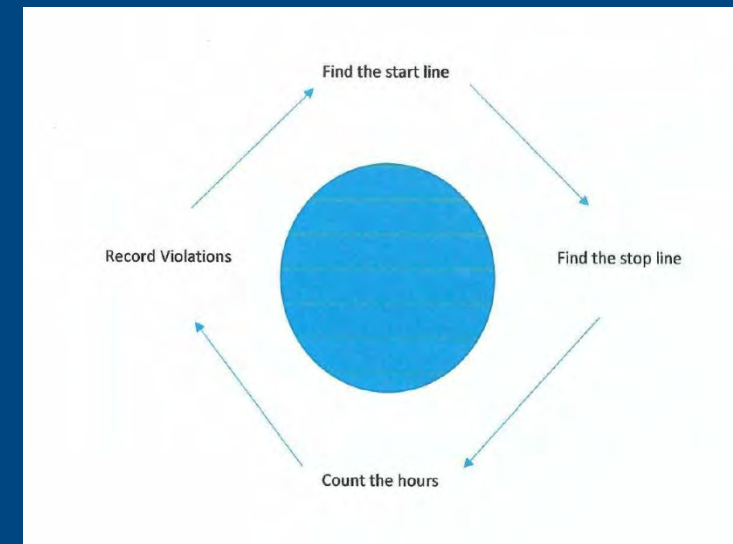
1. Any period of 7 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.
2. Any period of 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.



Hours Counting Process



1. Find the start time for the driver. Determine which option the driver is using. (Option 1, 2, 3, or 4)
2. Find the stop time for the driver.
3. Count the hours between the start time and the stop time.
4. Determine whether the driver was in violation.
5. Repeat.



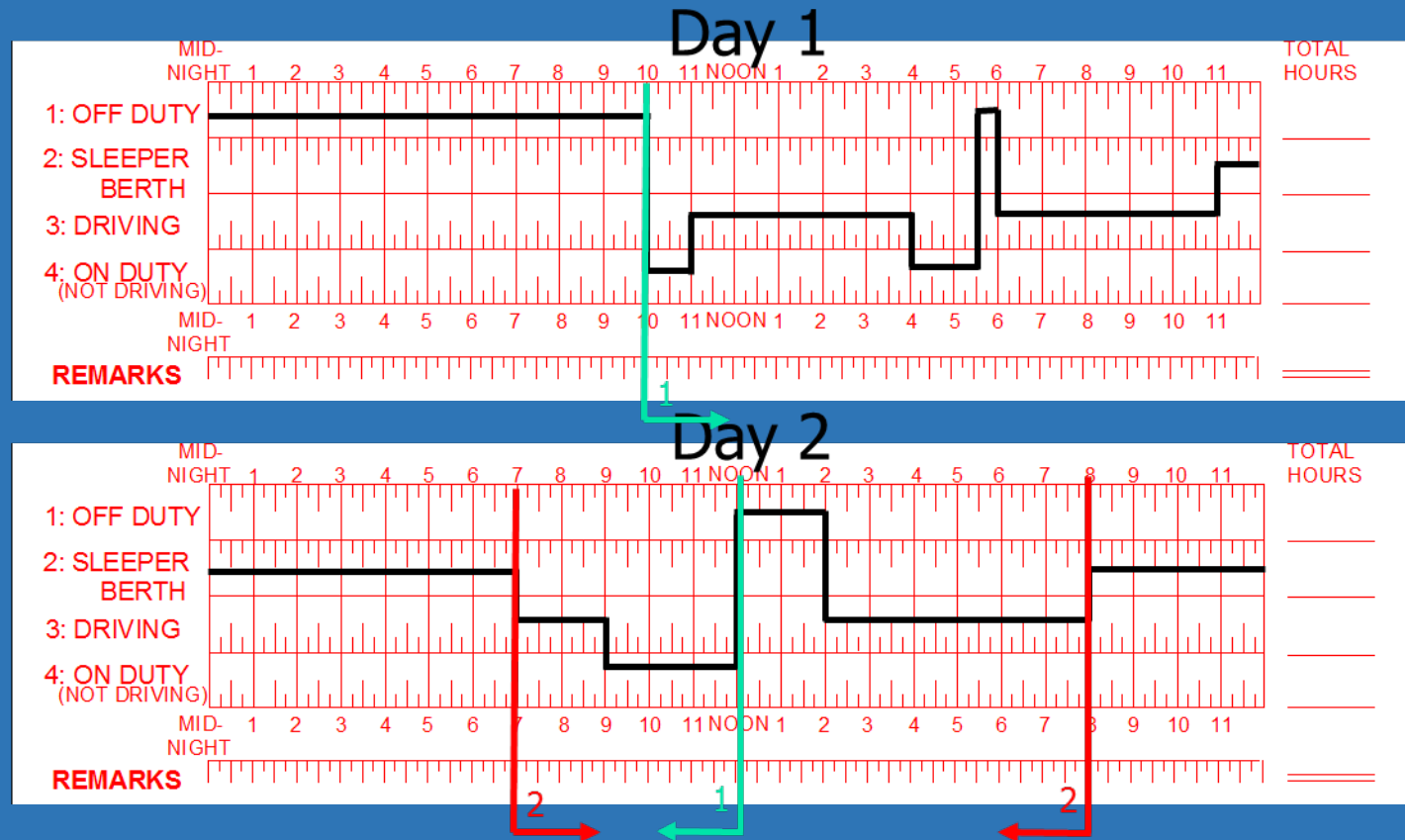
Exercise 1-Cargo



8 Day Log Example- Cargo



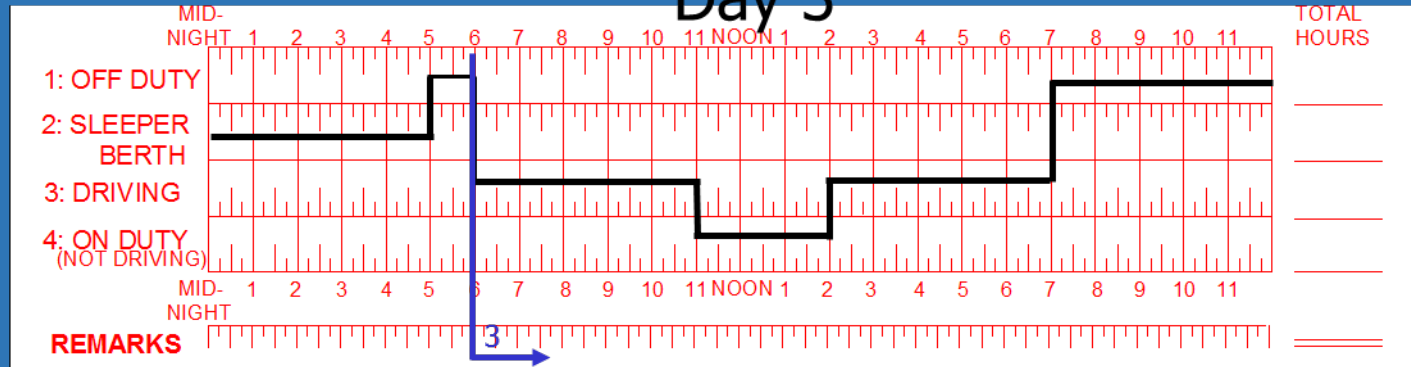
Exercise 1-Cargo



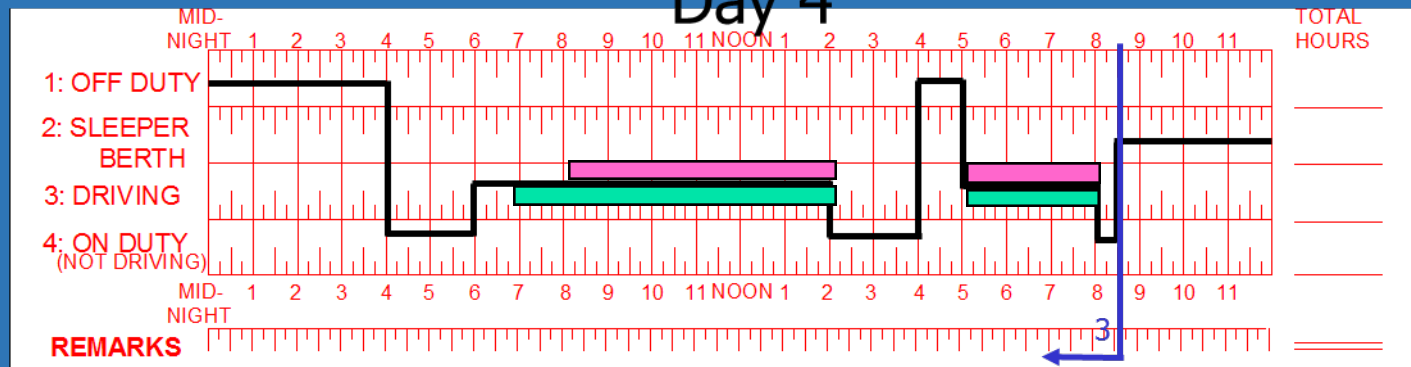
Exercise 1-Cargo



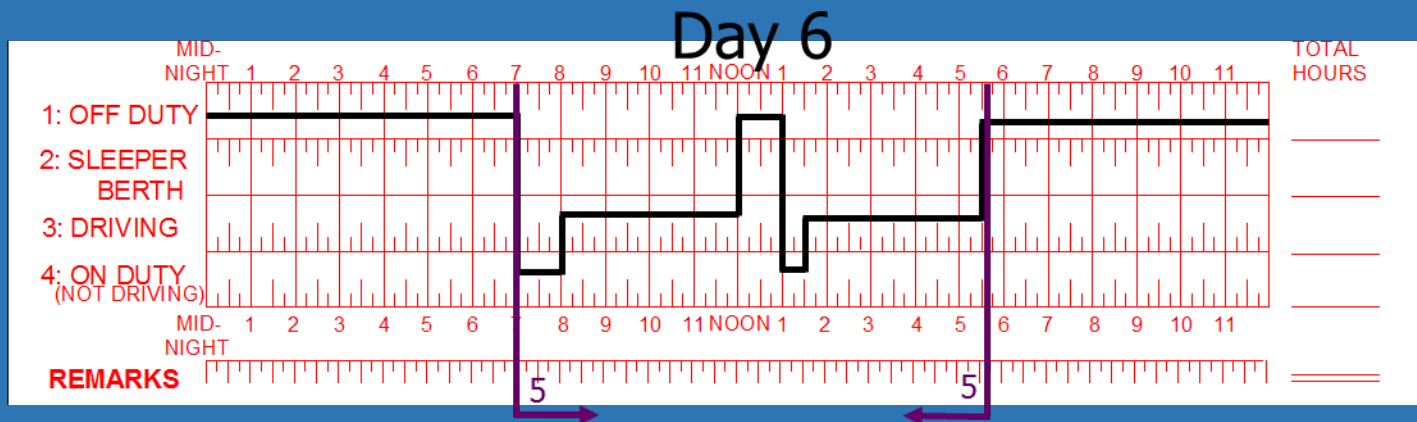
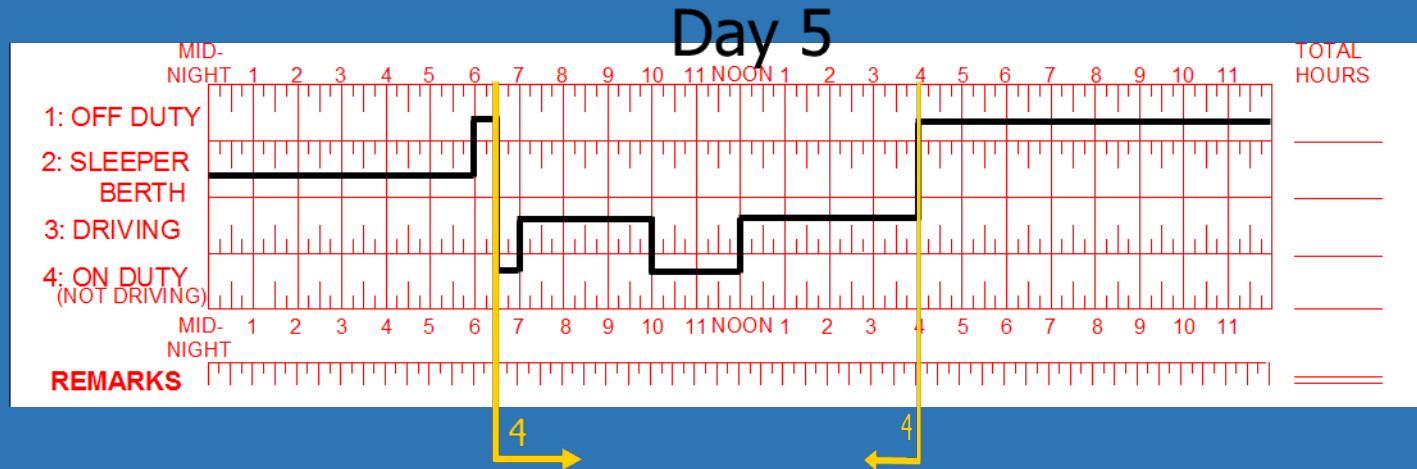
Day 3



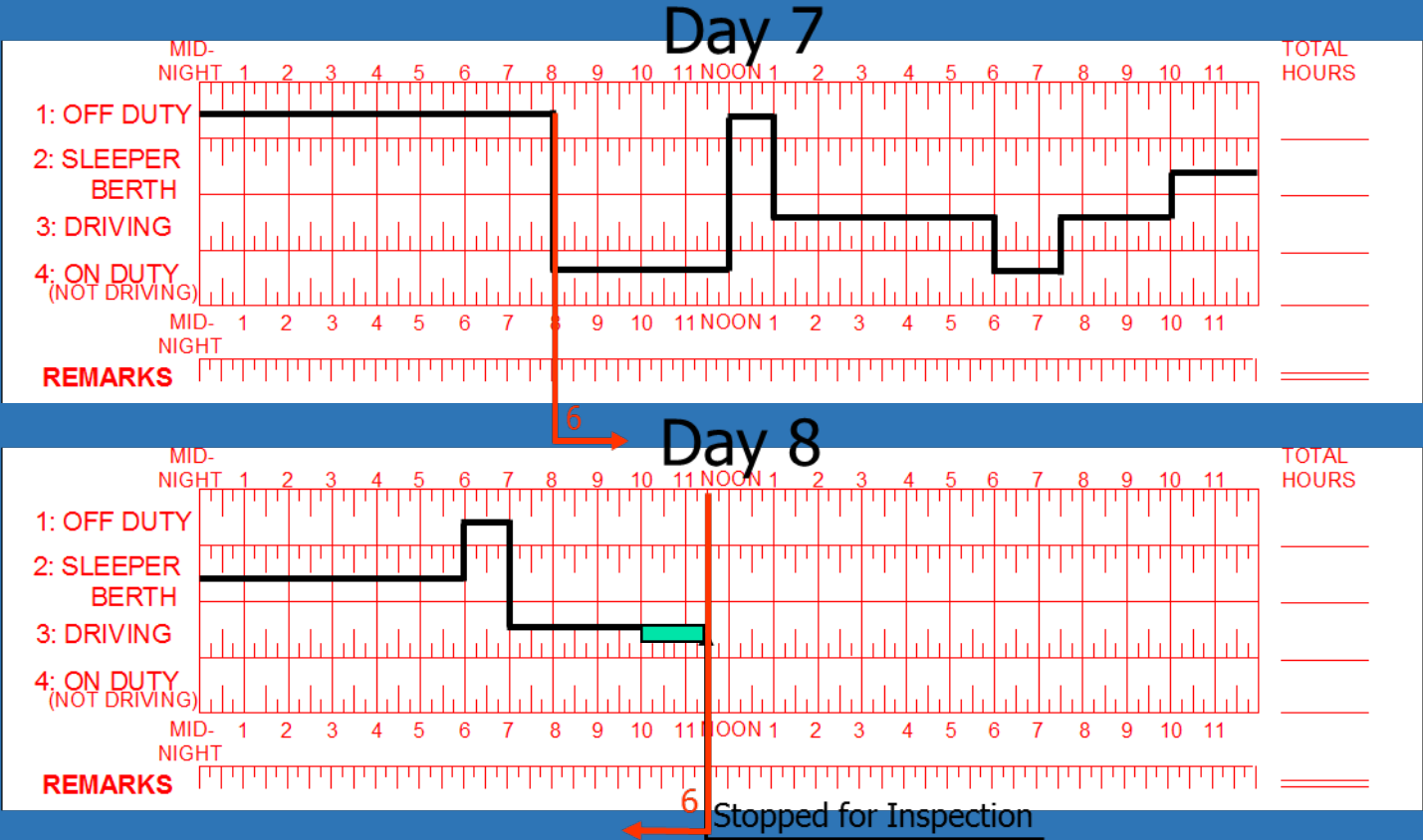
Day 4



Exercise 1-Cargo



Exercise 1-Cargo



Exercise 1-Cargo



- 12-hour rule violation on Day 4 from 8:00 a.m. – 2:00 p.m. and 5:00 – 8:00 p.m.
- 16-hour rule violation on Day 4 from 7:00 a.m. – 2:00 p.m. and 5:00 – 8:00 p.m.
- 16-hour rule violation on Day 8 from 10:00 – 11:30 a.m.



80 Hour Rule-Cargo



Day 1 = 12.5

Day 2 = 11

Day 3 = 13

Day 4 = 15.5

Day 5 = 9.5

Day 6 = 9.5

Day 7 = 13

Day 8 = 4.5

Total = 88.5

Can the driver continue to drive today? **No**

At 12:01 a.m. on Day 9 the driver begins another 8 day period with 76 total hours. Can the driver drive on Day 9? **Yes**

Total	88.5
Day 1	<u>-12.5</u>
	76



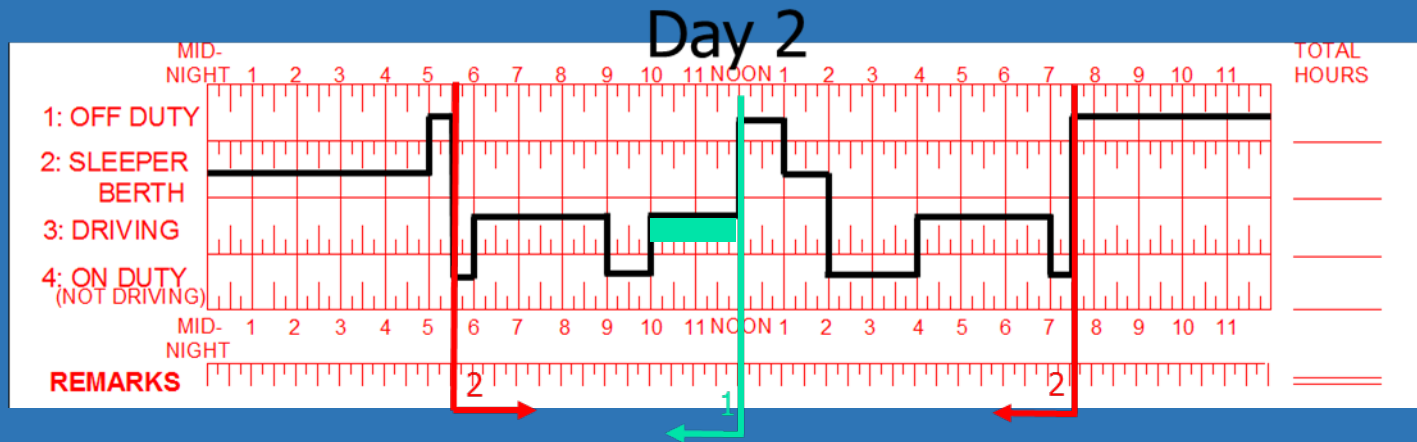
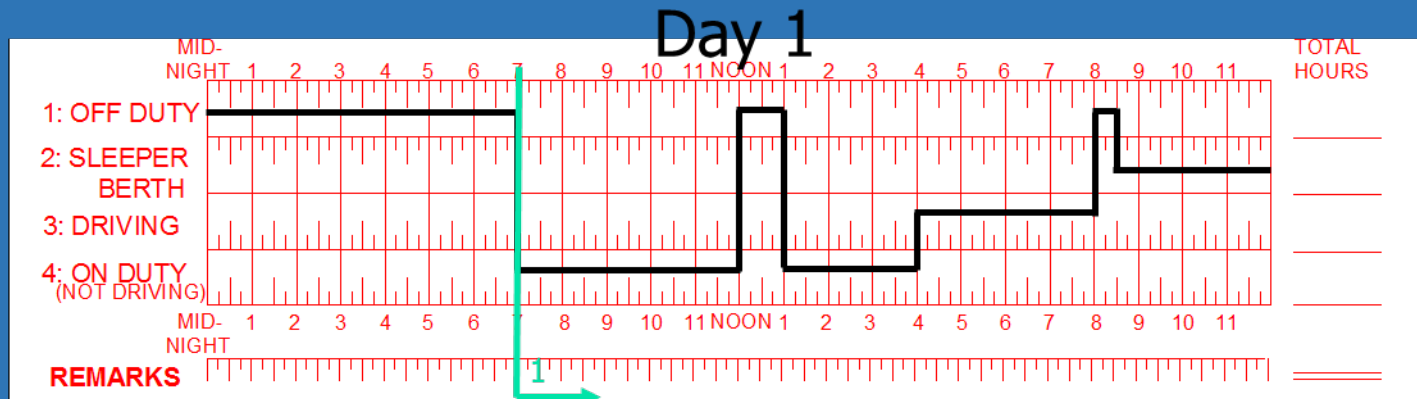
Exercise 2-Cargo



Try it Yourself!



Exercise 2-Cargo



Day 3

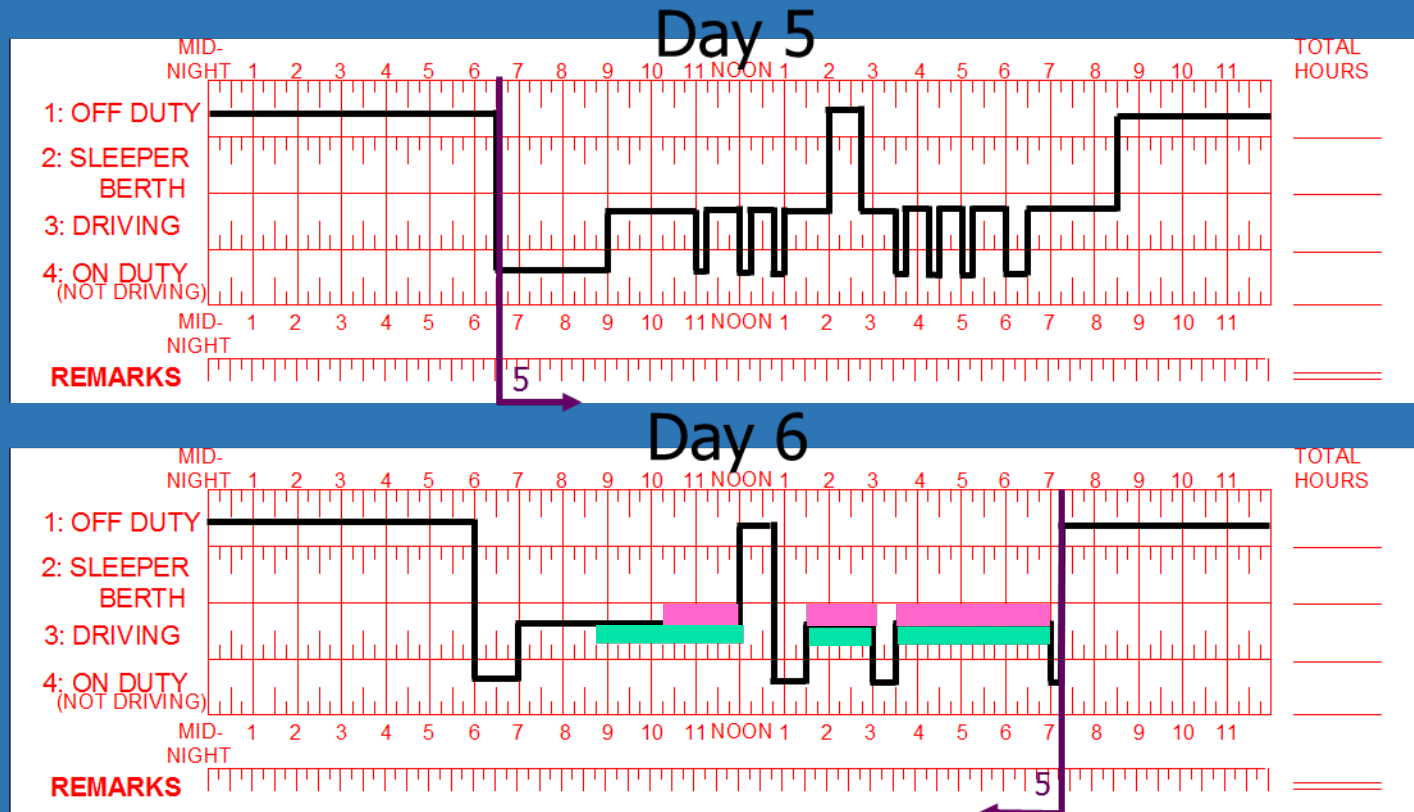
The graph for Day 3 shows four duty cycles. The first cycle is from 00:00 to 06:00, consisting of 1 hour off-duty, 5 hours sleeper berth, and 1 hour on-duty. The second cycle is from 06:00 to 12:00, consisting of 1 hour off-duty, 1 hour sleeper berth, 1 hour driving, 1 hour on-duty, 1 hour sleeper berth, 1 hour driving, and 1 hour on-duty. The third cycle is from 12:00 to 18:00, consisting of 1 hour off-duty, 1 hour sleeper berth, 1 hour driving, 1 hour on-duty, 1 hour sleeper berth, 1 hour driving, and 1 hour on-duty. The fourth cycle is from 18:00 to 24:00, consisting of 1 hour off-duty, 1 hour sleeper berth, 1 hour driving, 1 hour on-duty, 1 hour sleeper berth, 1 hour driving, and 1 hour on-duty. A blue arrow labeled '3' points to the end of the first cycle at 06:00. A yellow arrow labeled '4' points to the end of the third cycle at 18:00. A blue arrow labeled '3' points to the end of the fourth cycle at 24:00.

Day 4

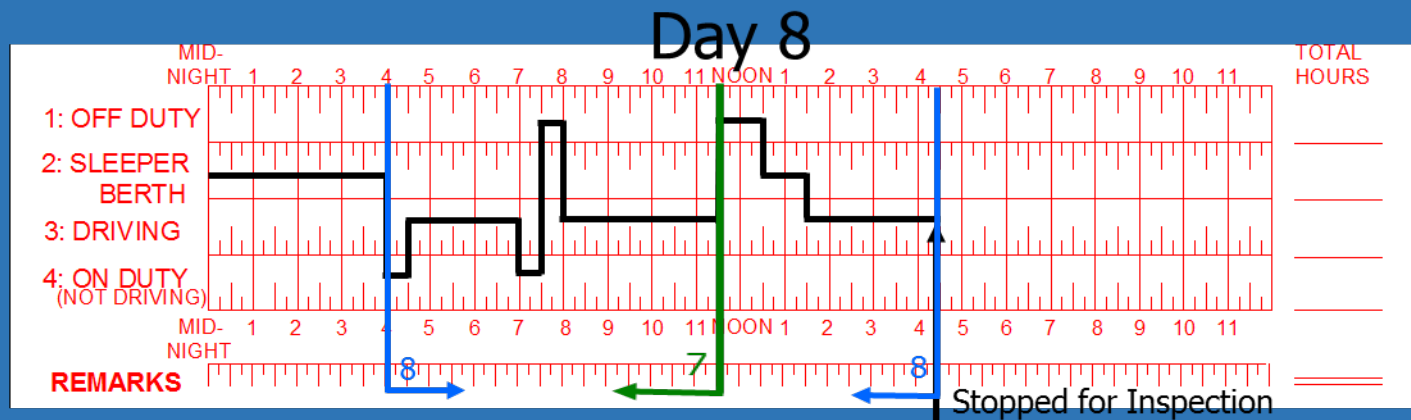
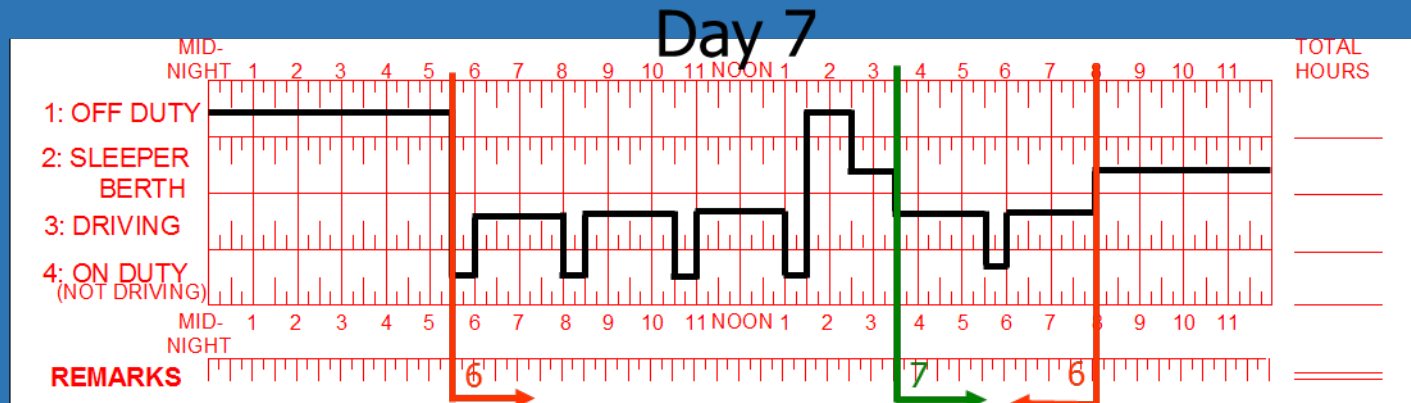
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Exercise 2-Cargo



Exercise 2-Cargo



Exercise 2-Cargo



- 16-hour rule violation on Day 2 from 10:00 – noon.
- 12-hour rule violation on Day 4 from 7:00 – 7:30 p.m.
- 16-hour rule violation on Day 6 from 8:45 – noon, 1:30 – 3:00 p.m. and 3:30 – 7:00 p.m.
- 12-hour rule violation on Day 6 from 10:15 – noon, 1:30 – 3:00 p.m. and 3:30 – 7:00 p.m.



Exercise #2-Cargo



~~Day 1 = 12~~

Can the driver continue to drive today? **No**

~~Day 2 = 12~~

At 12:01 a.m. on Day 9 the driver begins another 8 day period with 86.25 total hours.

Day 3 = 13

Can the driver drive on Day 9? **No**

Day 4 = 13

Day 5 = 13.25

At 12:01 a.m. on Day 10 the driver begins another 8 day period with 74.25 total hours.

Day 6 = 12.5

Can the driver drive on Day 10? **Yes**

Day 7 = 12.5

At 2:30 a.m. on Day 10 the driver completes an off-duty period of 34 consecutive hours and may drive again with 0 cumulative hours. (34 Hour Reset)

Day 8 = 10

Total = 98.25



Drivers Can Be Declared Out of Service



- No driver shall drive after being on duty in excess of the maximum periods permitted.
- Driver required to have the previous 7 days logs in possession and available for inspection
- Out of service is determined according to CVSA North American Standard Out of Service Criteria or hours limitations found in Trans 327



Record Retention



- Each motor carrier shall maintain records of duty status and all supporting documents for each driver it employs for a period of 6 months from the date of receipt of the duty status and supporting documents.
- The driver shall retain a copy of each for the previous 7 consecutive days which shall be in the driver's possession and available for inspection while on duty.



Some Exemptions for ELDs



- Required to complete a log not more than 8 days in any 30 day period
- Driveaway-towaway (vehicle driven is part of the shipment being delivered)
- Driveaway-towaway (vehicle being transported is a motor-home or recreational vehicle trailer)
- Vehicles manufactured before model year 2000 as reflected in VIN



Personal Conveyance (New Trans 327)



- The movement of a commercial motor vehicle for personal use while off duty. (When driver is relieved of all responsibility to the motor carrier.)
- FMCSA provides guidance on proper and improper use of personal conveyance.
- Commercial motor vehicle is not required to be empty and can be used for personal conveyance while laden.
- Motor carrier can establish limitations more restrictive than the FMCSA guidance.



Smaller Vehicles Exempted from Hours of Service



- Drivers of CMVs 26000 lbs. or less (non-CDL) and not transporting placardable quantities of hazardous materials.
- Drivers of passenger vehicles with GVWRs of 26000 lbs. or less and not requiring a CDL (less than 16 passengers including driver).



Other Vehicles Exempted from Hours of Service



- School buses performing transport for educational or extracurricular activity
- Tow truck operators responding to emergencies at the request of a law enforcement officer



More Exemptions



- Drivers of emergency vehicles
- Covered farm vehicles and carriers operating under the 395.1(k) agricultural exemption





Motor Carrier Information Line
608-267-9762

