

## 2. HOS Overview

### On Duty or Off Duty?

Complying with the hours-of-service rules is easier if you know the difference between being “on duty” and “off duty.” In fact, the distinction is critical if you want to stay in compliance. The more time you spend on duty, the more likely you won’t be able to do any more driving until you take some time off duty.

- **On-duty time** includes all time you are working or are required to be ready to work, for any employer, whether paid or unpaid. If you are working or obligated to do something or be somewhere for a motor carrier, whether paid or not, OR are doing paid work for anyone else, you are on duty.
- **Off-duty time** includes times when you are relieved of all duty and responsibility for performing work and are free to pursue activities of your own choosing and are free to leave the place where your vehicle is parked. If you are not doing any work (paid or unpaid) and are under no obligations for a motor carrier, and you are not doing any paid work for anyone else, you are off duty.

The following chart can help distinguish between on- and off-duty time. Additional details can be found in chapters 2 and 3.

ACTIVITY	ON DUTY	OFF DUTY
Being on-site	All time spent at a plant, terminal, or other shipper or carrier facility.	You have been relieved of all duty and responsibility and are free to leave the premises.
Service & inspections	Servicing or inspecting a CMV at any time, even on a day off. This includes fueling, making adjustments, checking the tires, pre- and post-trip inspections, etc.	--

## 2. HOS Overview

ACTIVITY	ON DUTY	OFF DUTY
Driving	Driving a CMV (logged as “driving” time). This includes time spent driving from the last stop to home, being dispatched from home, and time spent at the controls while stuck in a traffic jam, for example.	Driving a CMV for personal conveyance. See page 31 for details.  Driving a CMV for the occasional, non-commercial transportation of personal property. See “Exemptions” above.
Other CMV time	Other time spent in or on a CMV is usually on duty.  Attending to hazardous materials under 397.5, even when resting in a parked vehicle.  Any time beyond 2 hours spent in a passenger seat on a moving property-carrying CMV immediately before or after you spend 8 consecutive hours in a sleeper berth. If you do not rest in a sleeper for 8 hours, then ALL time in a passenger seat on a moving vehicle is on duty.	Time spent in a sleeper berth (logged as “sleeper berth” time).  Resting in or on a <i>parked</i> CMV, as long as you have no responsibilities or obligations to the company.  Up to 2 hours spent riding in the passenger seat of a <i>moving</i> property-carrying vehicle immediately before or after you spend 8 consecutive hours in a sleeper berth.
Loading/ unloading	Loading or unloading a CMV, supervising or assisting in the loading or unloading of a CMV, and attending a CMV that is being loaded or unloaded. Also, time when you are required to remain with the vehicle to move it when necessary, even if you are just sitting in a parked vehicle.	“Waiting” time at a terminal, plant, or port if you have been relieved of all duties and responsibilities and are free to walk away and do whatever you want to for a given period of time. Can also be spent in a sleeper berth (logged as “sleeper berth”).
Remaining in readiness	Remaining in readiness to operate a CMV.	Times when you are relieved of all duties and responsibilities, are free to leave the vehicle, and are free to do activities of your own choosing.

## 2. HOS Overview

ACTIVITY	ON DUTY	OFF DUTY
Paperwork	Giving or receiving paperwork for shipments that were loaded or unloaded, and filling out your log, inspection forms, or other business paperwork.	--
Breakdowns	Fixing, getting help for, or attending to a CMV after it breaks down.	Times when you are relieved of all duties and responsibilities, are free to leave the vehicle, and are free to do activities of your own choosing.
Medical exams	Time spent driving a non-commercial vehicle to take a physical exam that your employer directed you to attend at a particular time.	Time spent driving a non-commercial vehicle to take a physical exam that you scheduled at a time of your own choosing.
Drug/alcohol testing	Providing a breath, saliva, or urine sample to comply with DOT testing requirements for a random, reasonable suspicion, post-accident, or follow-up test, when directed by your employer, including travel to and from the collection site (even in a non-CMV).	Providing a breath, saliva, or urine sample to comply with DOT pre-employment testing requirements, unless you are already an employee.
Stops/breaks	Meal breaks and other routine stops when you have duties or bear some responsibility to the company or vehicle, or when the company has not relieved you of duty. Also, all such stops when you are hauling hazardous materials that need to be attended under 397.5.	Meal breaks and other routine stops when you are relieved of all duties and responsibilities for the vehicle and cargo or passengers and are free to walk away from the vehicle and do whatever you want to for a given period of time.
Union activities	Performing union activities when employed by a unionized motor carrier if the collective bargaining agreement requires the carrier to pay you for time engaged in those activities.	Efforts to organize co-workers employed by a non-unionized motor carrier, either on the carrier's premises or elsewhere, unless the organizing activities are combined with normal duties performed for the carrier.