



Kansas RTAP Fact Sheet

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Can a Transit Driver Legally Drive for 11 Hours After Being off Duty for 8 Consecutive Hours?

by Justin Dorsey

The above question, and others, will be answered in this refresher on hours of service regulations for intrastate transit service in Kansas.

Who must comply with intrastate hours of service regulations?

The Kansas Corporation Commission (KCC) regulates intrastate hours of service for public motor carriers transporting passengers within Kansas (K.S.A. 66-1, 129). The KCC adopted the federal rules and regulations regarding hours of service that are found in 49 C.F.R. 395.5.

Intrastate passenger transportation is the transport of passengers solely within Kansas. A public motor carrier is an entity that transports passengers for hire in a motor vehicle (K.S.A. 66-1, 108.) This includes Kansas non-profit agencies providing transit service.

A public motor carrier using a vehicle designed to transport more than six passengers, including the driver, operating solely in Kansas, must comply with KCC hours of service regulations. However, if the vehicle is operated by a government entity such as the federal government, a state, a municipality, or any other political subdivision of Kansas, it is exempt from the regulations. For example, if your service is owned by your city or county government, then your agency is exempt from these regulations.



spent waiting to be dispatched, inspecting a vehicle, or repairing a vehicle.

Daily rules

Daily regulations say that a driver:
1) Cannot drive more than 10 hours after being off for 8 consecutive hours;
2) Cannot drive after being on-duty for 15 hours after being off for 8 consecutive hours.

In other words, a driver can drive for a maximum of 10 hours during a 15-hour on-duty time period but must be off for a minimum of 8 consecutive hours before initial driving occurs.

It is important to record actual driving time, as well as time spent on any other work tasks, and time off, and to track those activities both daily and weekly.

Hours of service rules for non-government vehicles

Hours of service regulations limit driving and on-duty time per day and per week. On-duty time, in this context, means more than driving time. It includes all the time from when a driver begins work to when the driver is relieved from work, whatever the corresponding responsibilities are. For example, on-duty time includes time

Here are some examples of applying these rules:

Can a driver drive for 3 hours after being off for 7 consecutive hours? No, this will violate rule #1 because the driver will not be off for at least 8 consecutive hours before initial driving occurs.

Can a driver drive for 11 hours after being off for 8 consecutive hours? No, this will violate rule #1 because the driver will drive for more than

10 hours.

After being off for 10 consecutive hours, can a driver dispatch for 14 hours and then drive for 3 hours? No, this will violate rule #2 because the driver will drive after being on-duty for more than 15 hours.

Can a driver drive for up to 10 hours after being off for 9 consecutive hours? Yes, this complies with both rules.

After being off for 10 consecutive hours, can a driver dispatch for 2 hours, repair an agency vehicle

Hours of service rules apply to drivers of private vehicles.

for 3 hours, and then drive for up to 10 hours? Yes, this complies with both rules.

Weekly rules

Even if a driver complies with daily regulations, he/she also must be aware of weekly regulations. If service does not operate every day of the week, a driver cannot drive after being on-duty 60 hours in any 7 consecutive days. However, if service does operate every day of the week, a driver cannot drive after being on-duty for 70 hours in any 8 consecutive days.

For example, can a transit driver drive 12 hours a day for 6 consecutive days? No.

Finally, remember that if a driver drives for more than one agency or has a non-driving side job, extra attention may be needed to ensure hours of service regulations are followed. For example, if a driver works 10 hours a week as a secretary in a doctor's office, that time is on-duty time when evaluating hours-of-service compliance.

If you need additional information contact Dale Moore of the Kansas Corporation Commission at (785) 271-3151 or visit their Web site at <http://www.kcc.state.ks.us/trans/index.htm>.

Sources:

Federal Motor Carrier Safety Administration information on hours of service. <http://www.fmcsa.dot.gov/>

[rules-regulations/administration/fmcsr/395.htm](http://www.kcc.state.ks.us/rules-regulations/administration/fmcsr/395.htm)

Kansas Corporation Commission motor carrier regulations. http://www.kcc.state.ks.us/trans/mc_regs.pdf

Kansas Legislature statutes. <http://www.kslegislature.org/legsrv-legisportal/index.do>

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