

# ***School Bus Driver Hours of Service for Out-of-State Field Trips***

*(Updated 3-15-18)*

The following information will help to answer questions you may have about hours of service subject to the Motor Carrier Safety Regulations (MCSR) in regard to school bus operators and their drivers who provide transportation for students in grades 12 and below in vehicles either designed or used to carry more than 10 passengers, in addition to the driver.

The federal MCSR only apply to interstate operations. (Interstate operations are those that travel from one state into another state.) The Illinois MCSR apply to intrastate operations (those that stay only in Illinois).

School districts, school bus contractors, and private schools are subject to different regulations. Both the federal and Illinois MCSR exempt ***“transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States”*** from the regulations. Therefore, vehicles owned or leased by a school district are “government owned,” thereby exempting the vehicle and its driver from the MCSR, including the medical card and hours of service requirements. (School district-owned vehicles and their drivers are still subject to federal Commercial Driver’s License and alcohol/drug testing requirements.) With that said, common sense must be used to ensure the safety of the students and the driver.

The driver should be sure to get an adequate amount of sleep each night. If possible, do not drive while your body is naturally drowsy, between the hours of 12 a.m. to 6 a.m. and 2 p.m. to 4 p.m. Drowsiness may impair a driver’s response time to potential hazards, increasing the chances of being in a crash. When a driver is exhausted, their reactions are very much the same as an intoxicated driver. If you do become drowsy while driving, be sure to choose a safe place to pull over and rest. Stopping frequently (every couple hours) helps, but does not always ensure that the driver is not still at risk of becoming exhausted.

It is recommended to never exceed the requirements of the ***Hours of Service for Motor Carriers of Passengers*** regulations, with a max of 10 hours behind the wheel in a 15-hour on-duty period, followed by a minimum of eight hours off duty to rest. The school district insurance carrier may have other regulations in its policy regulating the hours of service as well.

It can be more complicated when it comes to school bus contractors and private schools. The application of the federal MCSR depends on whether or not the school bus crosses a state line and the purpose of that trip. A ***“school bus operation,”*** defined as ***“the use of a school bus to transport only school children and/or school personnel from home to school and from school to home,”*** is not subject to the federal MCSR. If a school bus contractor or a private school is transporting students from home to school or from school to home, the bus and its driver are not subject to the federal MCSR, including the medical card requirements. However, once the contractor/private school bus crosses a state line and is not taking students from home to school or from school to home, the federal MCSR would apply. (See exceptions for the private transportation of passengers.) The federal MCSR would also apply anytime a contractor/private school is transporting persons other than school students across state lines, usually referred to as a charter operation.

If the contractor/private school operates intrastate, the situation is different. The Illinois MCSR defines ***“school bus operation”*** as ***“the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate-sanctioned school functions.”*** The Illinois definition clearly recognizes the ***“school-sanctioned function,”*** unlike the federal definition, thereby exempting intrastate drivers operating under a “school bus operation” from the Illinois MCSR, including medical card and hours of service requirements. The Illinois MCSR apply to intrastate contractors/private schools that operate school buses for any purpose that cannot be defined as a school bus operation under the Illinois MCSR.

What does this mean? Here is a sample day following the *Hours of Service for Motor Carriers of Passengers*:

<b>Drive for</b>	<b>4.0 hours</b>	
Stop for lunch	1.5 hours*	
<b>Drive for</b>	<b>2.0 hours</b>	
Stop for restroom / fuel / snack	1.0 hour	
<b>Drive to hotel</b>	<b>3.5 hours</b>	
Stop to check in hotel	.5 hours	
<b>Drive to dinner</b>	<b>.5 hours</b>	
Stop for dinner	2.5 hours*	
<b>Driver to hotel and off duty</b>	<b>.5 hours</b>	
<b>TOTAL TIME</b>	<b>16.0 hours -</b>	<b>OVER THE LEGAL LIMIT OF "ON-DUTY TIME" BY 1 HOUR!!</b>
		<b>(*unless the lunch &amp; dinner time was logged as off duty)</b>
<b>TOTAL BEHIND THE WHEEL TIME</b>	<b>10.5 hours -</b>	<b>OVER THE LEGAL LIMIT OF "BEHIND THE WHEEL TIME" BY .5 HOURS!!</b>

- **THE DRIVER MUST HAVE A MINIMUM OF 8 HOURS OF UNINTERRUPTED REST (not acting as a chaperone) BEFORE GETTING BEHIND THE WHEEL AGAIN, FOLLOWING THE 15 HOURS OF BEING ON DUTY.**

**ON-DUTY TIME** means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. *On-duty time* shall include:

- (1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time as defined in the term *driving time*;
- (4) 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 two hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least eight consecutive hours in the sleeper berth;
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- (7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this subchapter when directed by a motor carrier;
- (8) Performing any other work in the capacity, employ, or service of a motor carrier; and
- (9) Performing any compensated work for a person who is not a motor carrier.

Please reference the following links for further information:

- [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Interstate-Passenger-Carrying-Driver-Guide-To-HOS\\_508CLN.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Interstate-Passenger-Carrying-Driver-Guide-To-HOS_508CLN.pdf)
- [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/brochure-part-395-2006\\_508CLN.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/brochure-part-395-2006_508CLN.pdf)
- <https://www.fmcsa.dot.gov/regulations/hours-of-service>
- <https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>
- IDOT compliance officer at (217) 785-1181