



# Texas Department of Public Safety

## Commercial Vehicle Enforcement

# Texas Towing and Storage Update



# Texas Department of Public Safety

Commercial Vehicle Enforcement

## Topics to be covered:

- Electronic Logging Device Implementation
- Intrastate Short Haul Exception
- Towing Under the Direction of Law Enforcement



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## Commercial Vehicle Enforcement

# Electronic Logging Device Implementation



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## Commercial Vehicle Enforcement

### Texas Administrative Code 4.12 (a)(7) *(Before December 16<sup>th</sup>, 2019)*

(7) Unless otherwise exempted, until December 16, 2019, a motor carrier operating commercial motor vehicles intrastate shall require each of its drivers to record the driver's record of duty status:

(A) Using an ELD that meets the requirements of subpart B of Title 49, Code of Federal Regulations, Part 395;

(B) Using an automatic on-board recording device that meets the requirements of Title 49, Code of Federal Regulations, §395.15; or

(C) Manually, recorded as specified in Title 49, Code of Federal Regulations, §395.8. The record of duty status must be recorded in duplicate for each 24-hour period for which recording is required.



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Texas Administrative Code 4.12 (a)(8) **(After December 16th, 2019)**

(8) Unless otherwise exempted, a motor carrier operating commercial motor vehicles intrastate must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with Title 49, Code of Federal Regulations, Part 395 no later than December 16, 2019.



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# Exemptions to ELD (395.8)



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(a)(1)(iii)(A) A motor carrier may require a driver to record the driver's duty status manually in accordance with this section, rather than require the use of an ELD, if the driver is operating a commercial motor vehicle:

**(1) In a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period;**

**(2) In a driveaway-towaway operation in which the vehicle being driven is part of the shipment being delivered;**

**(3) In a driveaway-towaway operation in which the vehicle being transported is a motor home or a recreation vehicle trailer; or**

**(4) That was manufactured before model year 2000, as reflected in the vehicle identification number as shown on the vehicle's registration.  
(engine model)**



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### INTERSTATE-SHORT HAUL OPERATION

#### (395.1 (e)(1)(i-v))

(e) Short-haul operations—(1) 100 air-mile radius driver. A driver is exempt from the requirements of §§ 395.8 and 395.11 if:

- (i) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (ii)(A) The driver, except a driver-salesperson or a driver of a ready-mixed concrete delivery vehicle, returns to the work reporting location and is released from work within 12 consecutive hours;





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### INTERSTATE-SHORT HAUL OPERATION cont.

(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The time the driver is released from duty each day; and

(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.



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### INTRASTATE-SHORT HAUL OPERATION (TAC 4.12(a)(4))

(4) The maintenance of a driver's record of duty status is not required if the vehicle is operated within a **150 air-mile** radius of the driver's normal work reporting location if:

(A) the driver **returns** to the normal work reporting location and is released from work **within 12 consecutive hours**;

(B) the driver has at least **8 consecutive** hours off duty separating each 12 hours on duty; and

See 395.1 Q. 21-



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### INTRASTATE-SHORT HAUL OPERATION (TAC 4.12(a)(4) cont.

(C) the motor carrier that employs the driver maintains and retains for a period of **6 months** true and accurate time and business records which include:

- (i) the time the driver reports for duty each day;
- (ii) the total number of hours the driver is on duty each day;
- (iii) the time the driver is released from duty each day;
- (iv) the total time on duty for the preceding seven days in

accordance with Title 49, Code of Federal Regulations, §395.8(j)(2) for drivers used for the first time or intermittently; and

(v) the motor carrier **maintains business records** that provide the date, time, quantity, and location of the delivery of a product or service, including delivery tickets or sales invoices.



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# TOWING UNDER THE DIRECTION OF LAW ENFORCEMENT



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## **TOW TRUCKS RESPONDING TO EMERGENCIES (390.23(a)(3)(i-ii))**

### **TAC (a)(9)**

(9) Title 49, Code of Federal Regulations, §390.23(Relief from Regulations), is adopted for intrastate motor carriers with the exceptions detailed in subparagraph (A) and subparagraph(B) of this paragraph:

**(A and B do not apply to tow truck drivers) (TAC)**



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### Tow trucks responding to emergencies. (390-399)

(i) The exemption provided by paragraph (a)(3) of this section is effective only when a request has been made by a Federal, State or local police officer for tow trucks to move wrecked or disabled motor vehicles.

(ii) This exemption shall not exceed the length of the **motor carrier's or driver's direct assistance** in providing emergency relief, **or 24 hours** from the time of the initial request for assistance by the Federal, State or local police officer, **whichever is less.**



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### Tow trucks responding to emergencies. CDL Required-383

Question 5: Do tow truck operators need CDLs? If so, in what vehicle group(s)?

Guidance: For CDL purposes, the **tow truck and its towed vehicle are treated the same as any other powered unit towing a non-powered unit:**

—If the Gross Combination Weight Rating (GCWR) of the tow truck and its towed vehicle is 26,001 pounds or more, and the towed vehicle alone exceeds 10,000 pounds Gross Vehicle Weight Rating (GVWR), then the driver needs a Group A CDL.

—If the Gross Vehicle Weight Rating (GVWR) of the tow truck alone is 26,001 pounds or more, and the driver either (a) drives the tow truck without a vehicle in tow, or (b) drives the tow truck with a towed vehicle of 10,000 pounds or less Gross Vehicle Weight Rating (GVWR), then the driver needs a Group B CDL.



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### Tow trucks responding to emergencies. CDL-383 (endorsements)

Question 5: Do tow truck operators need CDLs? If so, in what vehicle group(s)?

Guidance: For CDL purposes, the tow truck and its towed vehicle are treated the same as any other powered unit towing a non-powered unit:

—A driver of a tow truck or towing configuration that does not fit either configuration description above, requires a Group C CDL only if he or she tows a vehicle **required to be placarded for hazardous materials on a “subsequent move,” i.e. after the initial movement** of the disabled vehicle to the nearest storage or repair facility.





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# Interstate HOS



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## Interstate Rest Options

Option 1 – Off-Duty Time

At Least 10 Consecutive and uninterrupted hours off duty

Option 2 – Continuous Sleeper Berth

At least 10 Consecutive and uninterrupted hours in the sleeper berth



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## Interstate Rest Options

Option 3 – Continuous  
Sleeper Berth and off-duty

At Least 10 Consecutive hours sleeper  
berth and off-duty time combined and  
uninterrupted

Option 4 – Sleeper Berth Provision

The equivalent of at least 10 consecutive  
hours of off- duty (equivalent means at  
least 8 hours but less than 10 hours in  
the sleeper berth and a separate period  
of at least 2 but less than 10 consecutive  
hours in either the sleeper berth or off-  
duty or any combination of both



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### FMCSR 395.3 (11, 14 and 30 min break)

(1) Start of work shift. A driver may not drive without first taking **10 consecutive hours off duty**;

(2) 14-hour period. A driver may drive only during a period of **14 consecutive hours after coming on duty** following 10 consecutive hours off duty.

(3) Driving time and rest breaks. (i) Driving time. A driver **may drive a total of 11 hours** during the 14-hour period specified in paragraph (a)(2) of this section.

(ii) Rest breaks. Except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), driving is not permitted if **more than 8 hours** have passed since the end of the driver's last **off-duty or sleeper-berth** period of at least **30 minutes**.



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### FMCSR 395.3 (60/70 hour rule)

(b) No motor carrier shall permit or require a driver of a property-carrying commercial motor vehicle to drive, nor shall any driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after—

(1) Having been on duty 60 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

(c)(1) Any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

(2) Any period of 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive.



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# Intrastate HOS



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# TAC 4.12(a)(2)

- Permitted to drive 12 hours following 8 consecutive hours off duty
- May not drive after having been on duty 15 hours following 8 consecutive hours off duty
- Violate 12 or 15 hour limit – 8 consecutive hours out-of-service



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# TAC 4.12(b)(2)

- Cannot drive after having been on duty 70 hours / 7 consecutive days
- 34 consecutive hours off – Restart 7 consecutive day period (Applies to both Passenger & Property Carrying)
- No 30-minute rest break required





# Rest Periods

- Option 1 – Off Duty – 8 consecutive and uninterrupted hours off duty
- Option 2 – Sleeper Berth – 8 consecutive and uninterrupted hours in the sleeper berth
- Option 3 – Split Sleeper Berth – 2 periods ***sleeper berth*** totaling 8 or more hours, providing neither period is less than 2 hours
- Option 4 – Off Duty & Sleeper Berth Combined – 8 consecutive and uninterrupted hours



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# QUESTIONS?