

Regulatory Guidance: Personal Conveyance

With the Electronic Logging Device rule now in effect for six months, the Federal Motor Carrier Safety Administration (FMCSA) is continuing to work to provide support and clarity to the industry as well as its law enforcement partners. A review of the inspections completed since the rule went into effect indicates that less than one percent of those vehicles inspected were cited for not having an ELD when required. In addition, Hours of Service violations are less than half of what they were a year ago.

On December 19, 2017, the Federal Motor Carrier Safety Administration (FMCSA) proposed revisions to the regulatory guidance concerning driving a commercial motor vehicle (CMV) for personal use while off-duty, referred to as “personal conveyance.” This final guidance applies to any driver authorized to operate a commercial vehicle for personal, or non-business reasons.

The Federal Motor Carrier Safety Regulations (FMCSRs) require drivers to document their Hours of Service (HOS) on records of duty status (RODS), identifying one of four duty status options: 1) on-duty not driving, 2) driving, 3) sleeper berth, and 4) off-duty.

The use of personal conveyance is a method used to account for the movement of a commercial motor vehicle (CMV) while the driver is off-duty. Motor carriers, at their discretion, may authorize their drivers to use a CMV while off-duty for personal conveyance. When this occurs, drivers are required to document such use as off-duty on their RODS, regardless of the method used to record the driver’s HOS (e.g., paper logs, automatic on-board recording device, electronic logging devices (ELDs), etc.).

This revised guidance focuses on the reason the driver is operating a CMV while off-duty to determine if the movement is considered personal conveyance, regardless of whether the CMV is laden.

This final notice provides a variety of scenarios in the guidance as to when the use of personal conveyance is allowable, and, includes passenger carrier specific scenarios. Specifically, the guidance clarifies issues such as:

- when using personal conveyance to leave a shipper or receiver and travel to a safe location for rest is allowed
- when commuting to and from work can be considered personal conveyance
- the use of personal conveyance does not impact on-duty time

The ELD rule required manufacturers to include a special driving category for “authorized personal use” which includes personal conveyance. Drivers authorized to use personal conveyance may use this feature, or remain in off-duty status. In either case, the electronic record should be annotated to explain the circumstances.

This guidance is effective immediately. Please see the Personal Conveyance webpage at www.fmcsa.dot.gov/personal-conveyance for more information.

