

Defining Personal Conveyance

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Personal conveyance has long been a source of confusion for the industry because rules dictating appropriate use are vague. Compounding matters is law enforcement's keen focus on personal conveyance as a possible source of hours of service fraud. The questions and answers below have been compiled by STC to help clarify circumstances in which the use of personal conveyance is allowable. They are taken directly from Federal Motor Carriers Safety Administration sources including its new [FMCSA Regulatory Guidance Portal](#).

FMCSA Guidance Questions:

Q: Under what circumstances may a driver operate a commercial motor vehicle (CMV) as a personal conveyance?

A: A driver may record time operating a CMV for personal conveyance (i.e., for personal use or reasons) as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the carrier at that time. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, this guidance, such as banning use of a CMV for personal conveyance purposes, imposing a distance limitation on personal conveyance, or prohibiting personal conveyance while the CMV is laden.

(a) Examples of appropriate uses of a CMV while off-duty for personal conveyance include, but are not limited to:

1. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
2. Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
3. Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to

obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.

4. Moving a CMV at the request of a safety official during the driver's off-duty time
 5. Time spent traveling in a motor coach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. In this scenario, the driver of the motor coach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
 6. Time spent transporting personal property while off-duty.
 7. Authorized use of a CMV to travel home after working at an offsite location.
- (b) Examples of uses of a CMV that would not qualify as personal conveyance include, but are not limited to, the following:
1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
 2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
 3. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
 4. Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
 5. Time spent transporting a CMV to a facility to have vehicle maintenance performed.
 6. After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
 7. Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
 8. Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked, and the driver has been directed to deliver the luggage.

Q: The guidance allows for “authorized use of a CMV to travel home after working at an offsite location.” What is meant by the term “offsite” when used in this context?

A: The term refers to a location, other than a carrier’s terminal or a shipper’s or receiver’s facility, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. These remote locations are considered “offsite” locations. Therefore, travel between home and that offsite location is considered commuting time, and qualifies as personal conveyance.

Q: If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?

A: No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on-duty time.

Q: When can a movement of a CMV during an off-duty period be considered personal conveyance?

A: A move may be considered as personal conveyance if the driver is off-duty and the movement is not for the motor carrier, shipper or receiver’s commercial benefit. Examples include moving a CMV from one parking space to another at a shipper or port, or driving to a truck stop, rest area or any other location. In these situations, the CMV movement is made in the off-duty period. However, the CMV should be moved no farther than the nearest reasonable and safe location to complete the rest period.

An on-duty yard move, such as moving the vehicle a short distance while waiting to load, would not qualify as personal conveyance.

Q: May a driver, who drops his or her last load at a receiver’s facility, use personal conveyance to return to their normal work location (i.e. home or terminal?)

A: No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.

Q: Is personal conveyance treated any differently when the driver is hauling hazardous materials?

A: No. There is no restriction on personal conveyance regarding hazardous materials transportation, provided that the driver complies with provisions of 49 CFR parts 177 and 397.

Q: Can a driver who claims the short haul exception use personal conveyance?

A: Yes, there is no connection between personal conveyance and the short-haul exception. As always, off-duty time does not extend the 12-hour duty time limitation.

Q: How is personal conveyance time calculated in the hours-of-service rules?

A: Time spent under personal conveyance is off-duty time.

Q: May a driver use personal conveyance when they run out of available (driving/on-duty) hours?

A: No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.

Q: Are there maximum distance time or distance limits for the use of personal conveyance?

A: No. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while fatigued, continues to apply. Therefore, a driver must get adequate rest before returning to driving.

Q: Can a loaded vehicle be used as personal conveyance?

A: Yes. Determining personal conveyance is based on the nature of the movement, not whether the vehicle is laden.

Q: Can personal conveyance time be combined with other off-duty time to complete a 10 or 34-hour break?

A: Yes, since PC is off-duty time. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while ill or fatigued continues to apply.

Q: Can a driver be inspected during personal conveyance? If so, what is the driver's duty status during the inspection?

A: Yes. Since the driver is still subject to the FMCSRs, the driver or vehicle can be inspected. The driver's duty status would be "on-duty, not driving." during the inspection.

Need help with Hours of Service, ELD or other FMCSA-related compliance questions? Please contact Dave Osiecki at dosiecki@scopelitisconsulting.com, or at (202) 728-2851.

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