

08/26/2025

To Whom It May Concern,

It has been brought to our attention that there may be some uncertainty and confusion surrounding the requirement of compliance with driver hours of service. These are in place to prevent driver fatigue and reduce accidents, injuries, and fatalities involving school buses. Because school transportation departments are responsible for the care and safety of children, and are therefore directly liable for their lives while riding in those vehicles, it is absolutely paramount that all precautions to lower liability be taken.

Fatigue and hours-of-service violations present substantial hazards within the bus industry, endangering the safety of passengers, drivers, and other road users. Bus operators experiencing fatigue or neglecting to adhere to hours-of-service regulations elevate the risk of accidents stemming from diminished alertness, compromised decision-making, and delayed reaction times. For commercial vehicle operators, particularly those responsible for student transportation, the ramifications of fatigue can be devastating. A study conducted by FMCSA reported that in 2021, 105 school buses were involved in fatal crashes, with fatigue being the leading contributing factor to those accidents. The same study went on to further indicate that over 30% of the nation's school bus drivers fight sleepiness while driving at least 2-3 times a week, with nearly half experiencing this at least 2-4 times a month.

Operation Rule, 1 CCR 301-26, Section 18.0 outlines the requirements for hours of service for school bus drivers in the State of Colorado. It includes Section 18.2, which allows a district to follow 49 CFR 395.5, the Code of Federal Regulations for hours of service for passenger-carrying vehicles. The Colorado State Patrol also requires all commercial vehicle drivers to comply with the hours of service regulations, either Operation Rule 18 or 49 CFR 395.5.

#### Operation Rule 18.0 Maximum Driving Time for School Transportation Vehicle Operators

18.1 School transportation vehicle operators, including small-capacity vehicle operators, shall not drive (nor shall the school districts, charter schools, or service providers permit or require operators to drive):

- 18.01(a) In excess of 10 hours or after being on-duty 14 hours until completing 10 hours off-duty. This would include on-duty time for all employers. Ten hours off-duty may be consecutive or accumulated in two or more periods of off-duty time, with one period having a minimum of six consecutive hours off-duty.



- 18.01(b) After being on-duty for more than 70 hours in any seven consecutive days.
- 18.01(c) In case of emergency, an operator may complete the trip without being in violation if such a trip reasonably could have been completed absent the emergency.
- 18.2 In lieu of section 18.00 of these rules, a school district, charter school, or service provider may comply with the Federal Motor Carrier Safety Regulations, 49 C.F.R. 395.
- 18.3 Definitions:
  - 18.03(a) Day - Means any 24-consecutive hour period beginning at the time designated by the school district, charter school, or service provider.
  - 18.03(b) On-duty time - Includes all time worked for all employers, including all driving and non-driving duties.
  - 18.03(c) Off-duty time - School transportation vehicle operators may consider waiting time (whether compensated time or not) at special events, meal stops, and school-related events as off-duty if the following criteria are met:
    - 18.03(c)(1) The operator shall be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and students, and
    - 18.03(c)(2) The operator shall be at liberty to pursue activities of his/her choice, including leaving the premises on which the bus is located.
- 18.4 All school transportation vehicle operators shall document that they are in compliance with this section, hours of service.
  - 18.04(a) An operator's daily log, or equivalent, shall be completed for the trip in the operator's own handwriting when the trip requires a scheduled or unscheduled overnight stay away from the work reporting location.

49 CFR 395.5. Maximum driving time for passenger-carrying vehicles

- (a) No motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial motor vehicle, nor shall any such driver drive a passenger-carrying commercial motor vehicle:
  - (1) More than 10 hours following 8 consecutive hours off duty; or
  - (2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.
- (b) No motor carrier shall permit or require a driver of a passenger-carrying commercial motor vehicle to drive, nor shall any driver drive a passenger-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 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.

If a driver operates past the 14 hours on duty (Operation Rule) or 15 hours on duty (49 CFR 395.5), this is considered a critical violation against their license and may result in a fine for the driver of up to \$16,000.00 and an immediate removal from service. A school district that knowingly violates the hours of service regulation may also face fines of up to \$16,000.00 per violation. Federal criminal penalties can also be brought against a school district that knowingly and willfully allows or requires violations, or against drivers who knowingly and willfully violate the regulations.

Other consequences of non-compliance may include severe injuries and fatalities from accidents involving fatigued bus drivers. Both the school district and driver(s) may face legal liability for accidents caused by fatigue or hours-of-service violations, including claims for negligence and failure to comply with federal or state regulations.

Legal considerations regarding the violation of hours of service regulations and the employment of drivers experiencing fatigue while transporting students are of paramount importance. Evidence indicating driver fatigue may encompass work schedules, camera footage, and witness testimonies. Negligence claims: School districts may be liable for accidents resulting from fatigued drivers under the legal doctrine of negligence. Establishing liability necessitates demonstrating that the



school district breached its duty of care by permitting or requiring fatigued drivers to operate vehicles. Violations of hours-of-service regulations can fortify a victim's claim by evidencing that both the driver and the school district failed to adhere to safety regulations intended to mitigate fatigue-related incidents.

When the CDE School Transportation Unit conducts a district's Operation STAR review, a question on the understanding and compliance with hours of service is part of the closing remarks.

Please do not hesitate to reach out if you have any concerns or questions regarding this information.