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Work Time Rules and Logbooks

Much has been written about Work Time Rules and the use of Logbook Rules, and you would think by now that everyone in the trucking industry would know this information inside out. But going by the number of enquiries received at the association each month this is obviously not the case, so I thought it would be prudent to raise the topic again.

Work Time Rules coverage

Work time rules apply to everyone who is legally required to manage driving hours, including both drivers and transport operators. The rules apply to you if you drive or operate a vehicle that: requires a class 2, 3, 4 or 5 licence, or is driven or operated in a transport service (other than a rental service), or is used in circumstances in which the vehicle must, or ought to be operated under a TSL, or is used to carry goods for hire or reward.

Work time requirements do not apply to the driver of a goods service vehicle that requires a class 1 or 2 driver licence, is used within a 50km radius of the vehicle's normal base of operation, and is not used for hire or reward.

Work Time and rest

Work time includes all time spent working regardless of whether it is time spent driving or doing other work. In general, drivers must take a break of at least 30 minutes after 5 ½ hours of work time, no matter what type of work takes place during that period.

In any cumulative work day you can work a maximum of 13 hours and then you must take a continuous break of at least 10 hours (as well as the standard half hour breaks every 5 ½ hours). A cumulative work day is a period during which work occurs that does not exceed 24 hours, and begins after a continuous period of rest time of at least 10 hours.

You can accumulate a total of 70 hours' work time (known as a 'cumulative work period') before having to take a continuous break of at least 24 hours.

Work Time includes both driving and all other work related activities subject to the work time rules.

For example, it includes driving, loading and unloading, maintenance and cleaning of vehicles, administration, and any paid employment whether or not related to transport activities.

Rest Time means all time that is not work time; is at least 30 minutes long; and is not spent in a moving vehicle.

Ferries

If your journey involves a scheduled ferry crossing between the North and South islands and the trip lasts more than an hour, you can count this as a rest break. Actual ferry departure

and arrival times must be recorded as the start and end of a rest break in your logbook. At the end of the ferry crossing, even if you have exceeded your work time hours for the day, you can work for up to one further hour to find a safe place to park your vehicle before taking your 10 hour rest break before commencing work again.

Short term variations

If your work requires you to exceed normal work time limits to meet short term business needs, operators can apply to NZTA for a short term variation to either allowable work time or required rest breaks. However your cumulative work period must not exceed 70 hours.

Penalties

A breach of the Work Time rules is serious. If convicted a driver can be fined up to \$2000 for each breach. In addition, the driver will be disqualified from driving, possibly from all licence classes, for at least one month. If you employ a driver who breaches work or rest time limits and you're held responsible for this, you could be fined up to \$25,000 upon conviction. This is known as the 'chain of responsibility'.

“ You would think by now that everyone in the trucking industry would know this information inside out. ”

Filling in a Logbook

Logbooks are a written record of your work time hours and must be completed if you drive a vehicle that: requires a class 2, 3, 4 or 5 driver licence; or is used in a transport service (other than a rental service); or is used in circumstances in which a vehicle must, or ought to be operated under a TSL; or is used to carry goods for hire or reward if that vehicle is a heavy motor vehicle.

Logbook exemptions

Some sectors of the transport industry are exempt from keeping logbooks. These exemptions, however, do not exempt drivers from complying with the work time requirements. Exemptions available include not needing to keep logbook records if you drive a goods service vehicle or a heavy motor vehicle used to carry goods that requires a class 1 or 2 driver's licence and is used within a 50km radius of base. A full list of exemptions is available from NZTA.

Keeping a Logbook

You must record all your work and rest times in a logbook approved by NZTA. The logbook provides a record of your work activity and enables enforcement officers to check compliance with the work time rule. You must produce your logbook to an enforcement officer to inspect, if requested, starting from the last 24 hour rest time up to the present time. An enforcement officer is entitled to remove pages from your logbook. You can only

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maintain one logbook at a time. Logbook entries are required for the work you do between one 24 hour break and the next, so you need to record each cumulative work period (70 hours or less).

How do you use a logbook?

You must fill out the following information in your logbook:

- your name
- date the logbook page starts
- time of day your logbook page starts (midnight or noon)
- registration number of each vehicle driven and the start and finish distance recorder readings (if the vehicle is subject to RUC)
- start and finish times and location for all work time hours
- start and finish times for all rest breaks and where they were taken.

You must also note your name or unique identifier on the space provided on the cover of the logbook.

Unavoidable delays

If you experience an unavoidable delay or emergency that causes, or is likely to cause, you to exceed the work time limits for a cumulative work day or work period, you need to note the event and the length of the delay in your logbook. Immediate exemptions from NZTA are not available.

Unavoidable delays are circumstances that you could not reasonably foresee. Emergencies are defined as: a state of

emergency (civil defence emergency) and incident attended by an emergency service, or an event requiring immediate action to save life or prevent serious injury.

Keeping the Logbook up to date

Logbook entries are required for the period between one 24 hour break and the next (the cumulative work period of up to 70 hours). After taking any days off, you must record the dates of the days off in your logbook on the first day back at work. Once you have completed a cumulative work period, you must make sure that your employer receives the 'record' copy of your logbook pages within 14 days.

You must keep any completed logbook for 12 months after the date of the last entry.

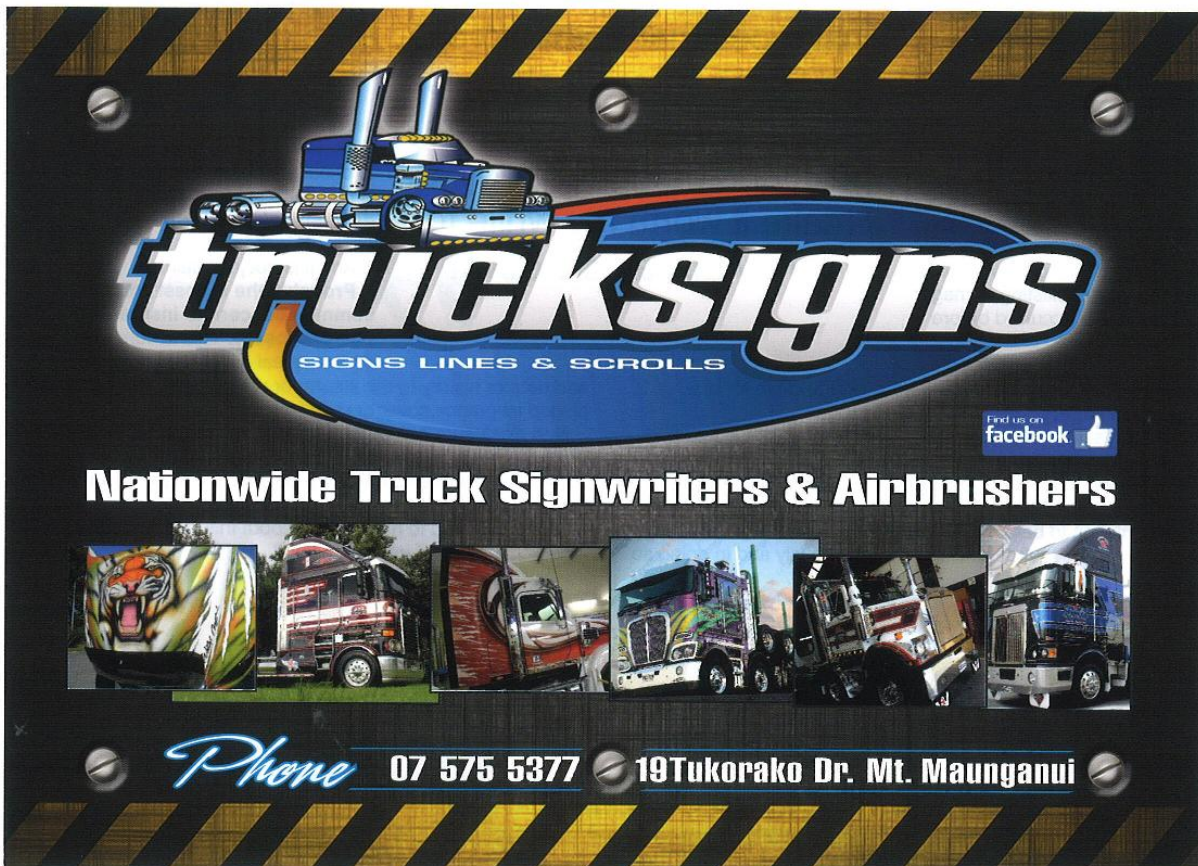
If you employ drivers, or are an owner operator, you are also required to keep

fuel and accommodation receipts that can be produced on demand by an enforcement officer. You are all required to keep a range of employment records.

Reference: NZTA Factsheet 2 Work time and logbooks.

If you would like further information on work time and logbook rules and offences, or would like to purchase logbooks at discounted pricing, then please contact NZ Trucking Association on 0800 338 338 or info@nztruckingassn.co.nz


“ If convicted a driver can be fined up to \$2,000 for each breach ”



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