

Work time and logbooks

for small passenger service drivers

A basic guide to work time and rest time requirements and logbook standards for small passenger service drivers and operators.



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NZ Transport Agency

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NZ Transport Agency

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This publication is also available on NZ Transport Agency's website at www.nzta.govt.nz

DISCLAIMER

This guide is provided to assist small passenger service drivers and operators understand work time and logbook requirements to help improve safety and compliance. This is not an exhaustive list of topics, and does not purport to contain nor be the source of the law. Information can become outdated, especially in print format. The reader must ensure the information contained within the booklet is current. Up to date information can be found at www.nzta.govt.nz.

People applying guidance provided in this booklet must ensure compliance with all relevant legislation and regulations.

For additional information, advice, or support please contact the Road Compliance team at your local Transport Agency Office

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There are restrictions placed on how long the driver of a small passenger service vehicle may work before taking rest. Restricting work time helps reduce the risk of fatigue. Both drivers and operators have responsibilities to ensure work time rules are being complied with.

Complying with work time rules and rest time requirements is not a guarantee that a driver will not be affected by fatigue.

Operators and drivers must be aware of fatigue as a serious health and safety risk for drivers, passengers, and other road users, and make responsible decisions to make sure the risk is eliminated or minimised.

Logbooks are a record of work time and must be true, accurate, and complete.



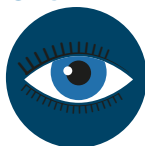
Fatigue

When a driver is fatigued, their judgement and decision making become badly affected and their reactions are slower than normal. A driver who is fatigued is less able to judge how tired they are, meaning the risk of falling asleep at the wheel is greater, which can have fatal consequences. Commercial drivers and their employers need to be aware of fatigue, how to recognise it, and how to prevent it.

FATIGUE WARNING SIGNS



RESTLESSNESS



BLINKING
FREQUENTLY



YAWNING



EXCESSIVE SPEED
CHANGES



BRAKING TOO LATE



FORGETTING LAST KMS



DROWSINESS



CENTRE-LINE DRIFT

THE CAUSES OF FATIGUE

Body clock factors

- Working when you would normally be asleep
- Sleeping when you would normally be awake.

Sleep factors

- Getting less than the normal amount of sleep
- Getting poor sleep.

Work factors

- Working very long or extended hours
- No time to recover from work.

Health factors

- Medical sleep problems
- General health and lifestyle issues.

SIGNS OF FATIGUE

- yawning
- sore or heavy eyes
- trouble focusing or narrow attention
- head nodding
- can't remember the last few minutes
- missing road signs
- slower reaction times
- daydreaming
- restlessness
- inconsistent speed
- drifting in the lane.

TIPS FOR MANAGING FATIGUE

Drivers

While you're on duty you must consider the health and safety of your passengers, yourself, and other road users.

To reduce your likelihood of becoming fatigued while at work:

- Comply with work time limits and rest time requirements – take extra rest breaks whenever possible.
- When not working make sure you get plenty of rest.
- Get regular good quality undisturbed sleep- preferably at least 8 hours.
- Look after your general health and wellbeing – get plenty of exercise, make healthy food choices, and minimise alcohol consumption.
- During work - keep hydrated by drinking water, eat small healthy snacks and light meals (not large meals which can make you drowsy), and get plenty of fresh air.
- Avoid taking medication that may lead to drowsiness.

Operators

In addition to the requirement to manage fatigue as a workplace risk, Small Passenger Service Licence holders must ensure that drivers are complying with work time limits and keep evidence that proves they are doing this. Suggestions include:

- Making sure drivers understand the risks of fatigue.
- Making sure drivers understand and comply with work time rules and rest time requirements – provide education where necessary.
- Take action where you identify any work time breaches or where a driver cannot drive safely due to fatigue.

- Check that drivers are not taking medication that may contribute to fatigue. Encourage them to talk to their pharmacist or doctor if this is an issue.
- Monitor and manage logbook records:
 - Have a system to collect driver's logbooks regularly (within 14 days at the latest) and make sure drivers comply. Check for omissions and errors (this could be random or periodic), and compare against other records to check accuracy, for example (eg GPS, fuel, or despatch records).
 - Take action where problems are found and keep a record of this.
 - File logbook pages by book and page number and make sure you have a complete record.
- If a driver has other employment you must check that they are recording all work time in their logbook and their total work time is accounted for when considering if they are legally able to, and safe to drive.
- Consider technology advances - GPS, despatch systems and electronic logbooks can improve safety and efficiency by allowing a greater level of monitoring for fatigue.
- Set achievable rosters, so that your drivers get adequate rest breaks and time off.

Being tired makes you more prone to mistakes.

Tiredness related collisions are

3 TIMES MORE LIKELY

to result in death or serious injury

Take a break



For more information on managing fatigue go to:

- www.nzta.govt.nz/resources/alternative-fatigue-management-scheme/
- www.nzta.govt.nz/resources/heavy-learner/health-and-fatigue

Work time

Work time for a small passenger service driver includes time spent:

- on an SPS stand
- cruising for hire
- doing administrative work (paperwork)
- carrying fare-paying passengers
- cleaning and checking the SPS vehicle
- any other work related duty.



Work time also includes any other paid work that is not transport related.

REST TIME

Rest time is all time that is not work time **and** at least 30 minutes in duration **and** not spent in a **moving** vehicle associated with work.

REST BREAK

Small passenger service drivers can work for **seven hours of continuous** work time and then take a rest, provided they have only undertaken **short fares** around a city or town. A short fare means a single fare where the distance between pick-up and set down is less than 100km. This recognises that there can be a number of shorter breaks between fares.

Where a driver completes a fare outside 100km or the driver undertakes driving in a vehicle other than a small passenger service vehicle subject to work time requirements, the driver may only drive for a maximum of **five and a half (5½) hours** before having to take a rest break of **at least 30 minutes**.

Rest breaks must be uninterrupted by work activities. For example, you cannot refuel your vehicle, do paperwork, manage bookings, or carry out any other work related duty during a rest break.

CUMULATIVE WORK DAY

This is the 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.

CUMULATIVE WORK DAY		
Minimum 10 continuous hours rest time	<p style="text-align: center;">MAXIMUM WORK TIME IS 13 HOURS</p> <p>Work time and rest breaks must be completed within 14 hours to ensure you obtain the minimum 10 hours continuous rest.</p> <p><i>For example, if you start work at 6am, you must finish work no later than 8pm on the same day.</i></p>	Minimum 10 continuous hours rest time
CANNOT EXCEED 24 HOURS AND MUST INCLUDE 10 CONTINUOUS HOURS REST TIME		

Cumulative work day examples

Here are two examples of what a typical cumulative work day might look like:

CUMULATIVE WORK DAY						
Cannot exceed 24 hours and must include 10 hours continuous rest time						
Minimum 10 hours rest break	5½ hours work time	30 minute rest break	5½ hours work time	30 minute rest break	2 hours work time	Minimum 10 hours rest break
Minimum 10 hours rest break	7 hours work time provided short fares		30 minute rest break	6 hours work time provided short fares		Minimum 10 hours rest break
Work time is any paid employment, including paid work that is not transport related						

Cumulative work day - two jobs

Note: If your small passenger service employment is not your main employment, you must still keep a logbook and have a minimum continuous period of rest time of at least 10 hours before you begin paid employment again. This is to minimise fatigue and ensure the safety of all road users. For example:

CUMULATIVE WORK DAY						
Cannot exceed 24 hours and must include 10 hours continuous rest time						
Minimum 10 hours rest break	5½ hours work time (day job)	30 minute rest break	3 hours work time (day job)	30 minute rest break	4½ hours work time (driving)	Minimum 10 hours rest break
Work time is any paid employment, including paid work that is not transport related						

CUMULATIVE WORK PERIOD

This is a set of cumulative work days between continuous periods of rest time of at least 24 hours in duration (in other words, a typical 'working week').

Once a driver has completed 70 hours of work time over a cumulative work period they must have a rest time of at least 24 hours.

CUMULATIVE WORK PERIOD						
Rest time of at least 24 hours	Cumulative work day 1.	Cumulative work day 2.	Cumulative work day 3.	Cumulative work day 4.	Cumulative work day 5.	Rest time of at least 24 hours
	13 hours work time over maximum 14-hour period.	13 hours work time over maximum 14-hour period.	13 hours work time over maximum 14-hour period.	13 hours work time over maximum 14-hour period.	13 hours work time over maximum 14-hour period.	
CUMULATIVE WORK PERIOD CANNOT EXCEED 70 HOURS						

SUMMARY OF WORK TIME LIMITS

- A small passenger service driver **may not exceed five and a half (5 ½) hours of continuous work time** without taking a rest break of **at least 30 minutes**. This can be extended to a maximum of seven hours of continuous work time provided only short fares have been undertaken.
- A driver **may not exceed 13 hours of work time** in any cumulative work day.
- A driver **must have at least 10 hours of continuous rest** in any cumulative work day (this means that the driver has a maximum 14 hour 'window' to complete all work duties from the time they start work).
- A driver **may not exceed 70 hours of work time** in any cumulative work period.

Logbooks

Logbooks are mandatory and are an official record of work time. Logbooks must be continuous, accurate, true, easy to read, and kept up to date at all times.

If you only drive in a small passenger service you can choose to use a small passenger service driver logbook (SPS logbook) or a 'general use' logbook. The SPS logbook has fewer requirements and you may find it easier to complete. (**Note:** A taxi logbook produced before October 2017 is also an approved SPS logbook).

If you also drive in another transport service such as a bus or truck, or you have another non-transport job, you will need to use the 'general use' logbook for all work, including driving in a small passenger service (www.nzta.govt.nz/commercial-driving/commercial-safety/work-time-and-logbook-requirements/).

Drivers can choose to use a paper or electronic logbook, but can only maintain one logbook at a time.

WHAT MUST BE COMPLETED

You must record your name on the cover of each logbook (your unique ID may be used on the small passenger services logbook). On each logbook page you must complete:

- your name, which must be either your initials and surname, or first and last name (your unique ID is not acceptable on the logbook pages, only the cover)
- the date that the logbook page starts (day, month and year)
- the vehicle registration number
- the start and finish distance recorder readings (for vehicles subject to RUC)
- the start and finish times for all periods of work time and rest breaks (you must indicate either am/pm or use the 24 hour format)
- the type of activity (eg 'on duty' or 'rest break') if using the small passenger service logbook, or the activity grid if using the general use logbook
- the location of each activity - this must be the town or locality for smaller areas, or for cities you must use the suburb and city (do not abbreviate).

On the first day of a new cumulative work period you must record the dates of all days off including annual or sick leave, or any other days where you have not worked. It is recommended that you also record the date of the 'end of the last 24 hour break' in the space where it is provided. This is the date you started back at work after your last 24-hour break.

WHAT MUST BE RECORDED AFTER A DAY OFF

On the **first day** of a new cumulative work period you must record the dates of all days off duty, including annual leave or sick leave, or any other natural days when you haven't worked.

It is also recommended that you enter the date of the "End of last 24-hour break" in the space provided – this is the date that you commence work again.

Note: A natural day means a period of 24 hours that begins on midnight one day and ends on midnight the following day.



SMALL PASSENGER SERVICE VEHICLE LOGBOOK EXAMPLE: DRIVING ONLY

If you only drive in a small passenger service you can choose to use a small passenger service driver logbook (SPS logbook).

Driver name: <i>Joe Bloggs</i>		Start time for page: <i>Noon/ Midnight</i>	Date: <i>2/10/2018</i>
Time	Activity / location / remarks	Registration of driven vehicle	Distance record for vehicles subject to RUC
	<i>1/10/2018 - Day off</i>		
<i>9:00am</i>	<i>Start duty</i>	<i>ABC123</i>	<i>77820</i>
	<i>Greerton, Tauranga</i>		
<i>2:00pm</i>	<i>Rest break</i>		
	<i>Bethlehem, Tauranga</i>		
<i>2:30pm</i>	<i>On duty</i>		
	<i>Bethlehem, Tauranga</i>		
<i>6:15pm</i>	<i>Finish duty</i>		<i>77903</i>
	<i>Greerton, Tauranga</i>		

Completion of grid below is optional

End of last 24-hour break (date)	Work time hours – today	+ Previous total for cumulative work period	= Total hours in this cumulative work period

If this is the first page after a minimum 24 hour break you must also record the:

- date(s) of all days off. Some logbooks provide a place for this otherwise it should be recorded as the first entry in the remarks section. For example, '01/04/2018 - day off' or '01/04/2018 - 08/04/2018 - Annual leave'
- end of the last 24-hour break (date of the first day back at work).

If the vehicle you are driving is subject to road user charges (RUC) record the start and finish distance recorded readings (usually from your odometer) in the space provided.

LOGBOOK EXAMPLE: DRIVING ONLY

GENERAL USE Logbook form

Driver name <i>Joseph Bloggs</i>	Start Time Noon (midnight)	Date <i>05/12/2018</i>
----------------------------------	----------------------------	------------------------

Hours	Rest time	Work time	Location (of each change) Remarks	Registration Driven vehicle	Distance Record for vehicles subject to RUC
12					
11					
10					
9					
8			<i>8:00am Te Rapa Hamilton</i>	<i>AB1234</i>	<i>99564</i>
7					
6					
5					
4					
3					
2					
1					
12			<i>12:00pm Huntly</i>		
11					
10					
9			<i>1:00pm Huntly</i>		
8					
7					
6					
5			<i>5:00 pm Te Rapa Hamilton</i>		<i>99712</i>
4					
3					
2					
1					
12					
11					
10					
9					
8					
7					
6					
5					
4					
3					
2					
1					
12					

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End of last 24-hour break (date) <i>05/12/2018</i>	Work time hours – today	+ Previous total for cumulative work period	= Total hours in this cumulative work period
		+	=

Nil work days			
Date: <i>03/12/2018</i>	Date: <i>04/12/2018</i>	Date:	Date:

All Work Time and Rest Time must be recorded Including Secondary and Parallel employment.	Work Time may not exceed 13 hours within a Cumulative Work Day. 10 hours of continuous rest is required within a Cumulative Work Day.	24 hours of Rest Time must be taken before beginning a Cumulative Work Period. The Cumulative Work Period may not exceed 70 hours.	FURTHER INFORMATION is contained within the Explanatory notes and example page within this logbook.
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If this is the first page after a minimum 24 hour break you must also:

- Record days off in the space provided near the bottom of the page, or as the first entry at the top of the page.
- Record the end of your last 24-hour break in the space provided (first day back at work).

LOGBOOK EXAMPLE: MULTIPLE WORK TYPES

This example shows an 8 hour 'day job' work day with a 1 hour break (total 9 hours).

- They finish their day job at 4pm, have a 1 hour break, and commence their small passenger service job driving at 5pm.
- They finish work at 9pm which is only a total work time of 12 hours. They have to be off the road by 9pm regardless to ensure they get a 10 hour continuous rest in the 24 hour period commencing when they started work at 7am (ie they cannot work past 9pm. All work must be completed in a 14-hour period over one cumulative work day).
- They will not be able to start any work time until 7am the next day.

GENERAL USE Logbook form

Driver name <u>Joseph Bloggs</u>		Start Time for page <u>Noon (midnight)</u>	Date <u>5/12/2018</u>		
Hours	Rest time	Work time	Location (of each change) Remarks	Registration Driven vehicle	Distance Record for vehicles subject to RUC
12					
1					
2					
3					
4					
5					
6					
7			7am Te Rapa Hamilton		
8					
9					
10					
11					
12			12.00pm Te Rapa Hamilton		
1			1.00pm Te Rapa Hamilton		
2					
3					
4			4.00pm Hillcrest Hamilton		
5			5.00pm Hillcrest Hamilton	ABC123	99564
6					
7					
8					
9			9.00pm Hillcrest Hamilton		99603
10					
11					
End of last 24-hour break (date)		Work time hours – today	+ Previous total for cumulative work period	= Total hours in this cumulative work period	
			+	=	
Nil work days					
Date:		Date:	Date:	Date:	



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LOGBOOK EXAMPLE: (NON-DRIVING WORK DAYS)

If a person is required to complete a logbook, that logbook must be completed from the last 24-hour rest break, and until the next 24-hour rest break.

Details relating to a non-driving work day or consecutive non-driving work days can be combined onto a single separate logbook page.

Details to be recorded for a non-driving work day must include:

- The driver's name
- The date(s)
- The period worked (eg '8:00am to 4:30pm')
- The total actual work time hours (eg '8 hours')
- A brief description of the type of work undertaken.

GENERAL USE Logbook form

Driver name <i>Joseph Bloggs</i>			Start Time for page <i>Noon /midnight</i>	Date	
Hours	Rest time	Work time	Location (of each change) Remarks	Registration Driven vehicle	Distance Record for vehicles subject to RUC
12	—	—	<i>6/3/2018 8:00am to 4:30pm</i> <i>8 hours - Cafe work</i>		
1	—	—			
2	—	—	<i>7/3/2018 8:00am to 4:30pm</i> <i>8 hours - Cafe work</i>		
3	—	—			
4	—	—	<i>8/3/2018 8:00am to 4:30pm</i> <i>8 hours - Cafe work</i>		
5	—	—			
6	—	—			
7	—	—			
8	—	—			
9	—	—			
10	—	—			

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Note: In the above example the start and finish time total is 8½ hours. The 8 hours total work time recorded shows that 30 minutes rest was taken on each day.

PERIOD OF RECORDING

A logbook must be a continuous record of work time and rest time within a cumulative work period. In practice this means the logbook must show a record of all work and rest time from your last day off (24-hour break) up until your next day off (24-hour break). Your logbook must also show when the last 10-hour break was taken.

If you are stopped by an enforcement officer and your logbook does not show when your last 24-hour break or 10-hour break was, in addition to any offences, the officer may require you to stop working immediately and take the required break.

Logbook pages within a cumulative work period must consistently start at midnight or midday, as set by the first day. For example, if you start on the first day back at work on a midnight sheet, then every other page for that cumulative work period must also be a midnight sheet until you take the next 24-hour break. It is recommended that you circle noon or midnight at the top of the logbook page to clearly indicate when the page commences. This will also help you to make sure the other pages are the same.

UNEXPECTED DELAYS

Delaying events arising out of circumstances that could not reasonably have been foreseen, or an emergency, can be recorded in your logbook and can be used as a defence against any charge for breaching work time and/or rest time requirements. It is no longer possible to ring up to get approval to exceed work time restrictions.



Note: A defence is not the same as an exemption. You can still be charged and convicted. It just clarifies that you can use the cause of the delay or emergency as an argument against being convicted for any charges. Ultimately if charged, the court will determine if any explanation is valid and reasonable.

DRIVER DUTIES

A driver must:

- produce their logbook without delay on demand by any enforcement officer. The logbook must relate to that day, and all days back to and including the last day off (24-hour rest break)
- retain their logbook for a period of 12 months after the date of last entry in that logbook
- if an employee, driving on behalf of an operator, or driving in a facilitated small passenger service – deliver a copy of each logbook page to the employer or transport service operator within 14 days of the record being made.

EMPLOYER, FACILITATOR, AND SELF-EMPLOYED DRIVER DUTIES

Employers, self-employed drivers, and facilitators must keep the following records relating to the service for 12 months from the date the record is made. You must make these records available for immediate inspection on demand at any reasonable time by an enforcement officer:

- time records, records of payments to the driver, and employment or contractual records relating to the driver
- accommodation records and receipts for the driver, if any, that are relevant to the service
- fuel records and receipts, if any, that are relevant to the transport service vehicles
- logbook pages for any employee, driver who is driving on your behalf, or that you facilitate to connect with passengers.

Operators may also be required to maintain additional records for the purposes of road user charges (RUC). Please refer to the *Road user charges handbook* available on the Transport Agency website for details.

PENALTIES

Penalties for breaching logbook or work/rest time requirements can be significant for an individual and/or a company. In addition offences may have an adverse effect on a transport operators star rating under the Operator Rating System (where applicable).

For example, producing a logbook with an omission:

1 to 5 omissions	10 demerit points	\$150 infringement
6 to 10 omissions	20 demerit points	\$300 infringement
11+ omissions	30 demerit points	\$500 infringement
Failed to produce logbook	35 demerit points	\$500 infringement

Upon conviction, maximum penalties for court offences such as producing a logbook that is not clear and legible, making a false statement in a logbook, exceeding work time limits, or not meeting minimum rest requirements, include fines of up to \$2000 and disqualification of a P endorsement for at least one month on each charge.

Upon conviction, maximum penalties for other court offences such as failing to keep and/or produce records on demand include for an individual a \$2,000 fine and disqualification of a P endorsement for at least one month and/or for a company a \$100,000 fine.

Electronic logbooks

Logbooks must be approved by the Transport Agency to ensure they meet all recording and records keeping requirements. Though traditionally paper based, approved electronic logbooks (e-logbooks) using tablet or mobile devices are now also available. E-logbooks provide an improved method for drivers to manage their own work time, are much simpler, have greater accuracy, and provide a better management overview to monitor and control fatigue risk and compliance.

Operators and drivers must keep in mind that while the method of recording work time is different to a paper based logbook, the same recording and compliance requirements as the paper-based system still apply. This needs to be taken into account in how e-logbooks are deployed in your vehicles. This includes:

- enabling the driver to easily record all work time (not just drive time)
- enabling the driver to record work time from more than one employer
- ensuring the system is available for use and minimum requirements can be met when outside data coverage areas
- ensuring the driver can produce their logbook immediately on demand
- ensuring the driver can meet logbook records retention requirements, and can produce past records for inspection on request.

The Transport Agency recommends that each driver has their own e-logbook device which is the best way to ensure minimum requirements can be met at all times.



The approved e-logbook systems can be found at:
www.nzta.govt.nz/commercial-driving/commercial-safety/work-time-and-logbook-requirements/electronic-driver-logbooks/



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