

Work time and logbooks

There are restrictions placed on how long the driver of a commercial or heavy motor vehicle may work before taking rest. Restricting work time helps reduce the risk of fatigue in drivers of commercial and heavy motor vehicles.

For more information on driver fatigue refer to Factsheet 24 *Fatigue: Staying alert while you're driving*.

Who do the work time rules apply to?

The 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 driver 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 transport service licence, 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 and:

- is used within a 50km radius of the vehicle's normal base of operation, and
- is not used for hire or reward.

What are the work time and rest requirements?

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 5½ 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 5½ hours).

A cumulative work day is a period during which work occurs, and 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 you must take a continuous break of at least 24 hours.

What does work time include?

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
- any paid employment whether or not related to transport activities
- cruising for hire
- time on the small passenger service vehicle stand waiting for a fare.

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

Small passenger service (SPS)* drivers

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.

** a small passenger service vehicle is any passenger service vehicle that is designed or adapted to carry 12 persons or less, including the driver.*

Ferries

Scheduled ferry trips of more than one hour may count as a rest break (including time spent in the vehicle during sailing). The driver must record the actual departure and arrival times of the ferry when recording the rest break.

At the end of the sailing the driver may drive to a place of storage or safe parking even if the work time hours would be exceeded, provided that any additional work time does not exceed 60 minutes and a 10-hour rest break is taken immediately.

Mixed driving

If you drive a small passenger services vehicle and another class of vehicle that is subject to work time requirements in a cumulative work day, then you must take a rest break after 5½ hours of continuous work time.

Short-term variations

If your work requires you to exceed normal work time limits to meet short-term business needs, a transport service operator, a person who employs drivers subject to work time requirements, or the organiser of a public display or event can apply to the NZ Transport Agency for a short-term variation to either allowable work time or required rest breaks. However, your cumulative work period must not exceed 70 hours.

Short term variations cannot be approved for more than 14 days in total and must be applied for before it is needed.

Tour buses

Tour bus operators can apply to the Transport Agency for variations to work time requirements if their tour involves taking a group of tourists on a defined schedule on a predetermined route that takes more than 24 hours to complete. Scheduled meal breaks of at least 30 minutes must be included in the tour plan.

Critical agricultural operations

A person who is in business as a farmer or an agricultural contractor may apply to the Transport Agency for a variation of allowable work time or required rest breaks for the purpose of a critical agricultural operation. A critical agricultural operation means work required for an agricultural purpose that must be completed urgently to avoid the adverse impact of a biological event, including a natural process such as a crop becoming ready for harvesting or a change in weather conditions. Variations may not be applied for after the event, will apply for a maximum period of 12 months and will be subject to specific conditions.

Drivers of emergency and essential services

If you drive an emergency service vehicle, or work for a principal rural fire officer, and you are asked to work beyond standard work time limits, your dispatcher must consider alternatives, like the availability of other drivers, including those from other locations, before requesting you continue to work exceeded work time hours on a priority call. After the call-out, you can return the vehicle to the emergency base and drive home but must then take your required break.

Essential service drivers can extend their work time hours if requested by a manager of the relevant authority to restore essential services. Essential service drivers include drivers who work for road controlling authorities, territorial authorities, rail access providers, organisations that supply natural gas or electricity and people working on emergency works to stabilise land or reduce risk to property. You will need to record the details in your logbook.

What are the 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, you will be disqualified from driving, possibly from all licence classes, for at least 1 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'.

Who is required to fill 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 the vehicle must, or ought to be operated under a transport service licence; or
- is used to carry goods for hire or reward if that vehicle is a heavy motor vehicle.

Logbook exemptions

Some sectors of the commercial transport industry are exempt from keeping logbooks. Exemptions from keeping logbooks however do not exempt drivers from complying with the work time requirements.

- You don't need to keep a logbook if you drive for the New Zealand Defence Force, the New Zealand Police, an ambulance service or the New Zealand Fire Service.
- Drivers of certain services or types of vehicles are also exempt from filling in logbooks, eg:
 - farm vehicles - provided that the vehicle is only driven within a 50km radius of the farm and is used for work that is directly related to the management of the farm, or used to transport farming products, equipment or stock
 - agricultural motor vehicle - that is designed, constructed or adapted for agricultural purposes, including agricultural tractors and trailers (this does not include any vehicle that is designed or constructed for general road use)
 - motor homes - provided the vehicle has sleeping and cooking facilities that take up more than half of the floor area of the vehicle
 - recreational vehicles that would require a Class 2 driver licence
 - mobile cranes
 - a vintage heavy vehicle - manufactured at least 40 years ago and no longer in commercial use
 - special-type vehicles that require a Class 1 or 2 driver licence (eg forklifts and rollers)
 - special purpose roadside maintenance vehicles (requiring a class 1 or 2 driver licence).
- You don't need 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 licence and is used within a 50km radius of base.
- Vehicle recovery service vehicles are not required to complete logbooks, provided they keep tow authorities as a record of their work hours.
- If you drive an urban bus, you will not need to keep a logbook, provided your regular roster meets certain requirements. Tour bus drivers operating under variations to work time requirements must still keep a logbook.
- If you drive a school bus you don't need to keep a logbook.

Keeping a logbook

If you are subject to the work time limits (and are required to complete a logbook), you must record all your work and rest times in a logbook approved by the Transport Agency (you can only maintain one logbook at a time).

The logbook provides a record of your work activity and enables enforcement officers to check compliance with the work time rules. 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, and most logbooks contain a special duplicate or triplicate copy for this purpose.

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

What do I need to know?

- If you are required to complete a logbook you must use an approved logbook format. This may be either a printed logbook or an alternative format such as an electronic logbook that has been approved for use by the Transport Agency.
- From 1 October 2017, a small passenger service driver can continue to use a taxi logbook that was approved before 1 October 2017.

How do I use a logbook?

You must fill out the following information in your logbook:

- your name
- the date the logbook page starts on
- the time of day your logbook page starts (midnight or noon)
- the registration number of each vehicle driven and the start and finish distance recorder readings (if the vehicle is subject to road user charges)
- the start and finish times and location for all work time hours
- the start and finish times for all your rest breaks and where you took them.

You must also note your name or unique identifier on the space provided on the cover of the logbook and, if you are using an approved general logbook form, you must complete the activity grid.

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 cumulative work period, you need to note the event and the length of the delay in your logbook. Immediate exemptions from the Transport Agency are not available.

Unavoidable delays are circumstances that you could not reasonably foresee.

The information in this factsheet is a general guide only. It is not the source of the law and should not be used in place of authoritative legal documents. Some factsheets are updated frequently and print versions can quickly become out of date. If the currency of the information you are reading is important, check the factsheet index on our website (www.nzta.govt.nz/factsheets) or call us on 0800 822 422.

Emergencies are defined as:

- a state of emergency (ie a civil defence emergency)
- an 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

The logbook entries that you record are required to be a continuous record of your work and rest time between one 24-hour break and the next (the cumulative work period of up to 70 hours). After taking any day(s) off, you must record the dates of the days off in your logbook on the first day back at work.

An employed driver must remove the 'record' (employer) copy of each page and hand it to their employer at the end of a cumulative work period, or within 14 days of the record being made (whichever comes first).

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 also required to keep a range of employment records, including keeping copies of logbook records for at least 12 months after the record was made.

Logbook offences

Demerit points (against your driver licence) and instant fines apply to some logbook offences. See the following table for more information.

Offence	Penalty	
	Infringement fee	Demerit points
Produced a logbook on demand with 1 - 5 omissions	\$150	10
Produced a logbook on demand with 6 - 10 omissions	\$300	20
Produced a logbook on demand with 11 or more omissions	\$500	30
Failed to produce a logbook	\$500	35

Where can I find out more?

This factsheet provides some guidance on the legal requirements for work time hours and logbooks set out in the Land Transport Act 1998 and Land Transport Rule: Work Time and Logbooks 2017.

For more complete information, please refer to the legislation. Copies are available from some libraries, from bookshops that sell legislation and at www.legislation.govt.nz.

Contact details

- Call our contact centre: 0800 822 422.
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