



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Federal Motor Carrier Safety Administration



Hours of Service

Question & Answer Session

September 2020



Hours of Service (HOS) Final Rule

- FMCSA published a revised HOS final rule on June 1, 2020
- Drivers must operate under new rule starting on **September 29, 2020**, not before
- HOS final rule changes the following 4 provisions



Short-Haul
Exception



Adverse Driving
Conditions
Exception



30-Minute Break
Requirement



Sleeper Berth
Provision



Why did the HOS regulations change?

- HOS final rule was developed based on direct input from truckers, industry, safety advocates, Congress, and the American people
- Rule will result in regulatory savings of nearly \$274 million—which will help create more jobs and strengthen the motor carrier industry



Rule aims to **provide drivers with greater flexibility** while **maintaining safety** on our Nation's roads

When do drivers and carriers need to begin operating in compliance with the HOS final rule?



Drivers and carriers must operate under the HOS final rule starting on **September 29, 2020**, and not before

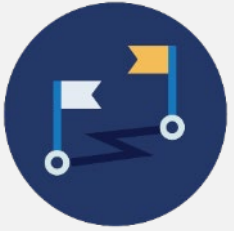


How will the HOS final rule affect Electronic Logging Devices (ELDs)?



Short-Haul Exception





Short-Haul Exception

Passenger and property carriers using the short-haul exception are not required to use a RODS or ELDs, or take a 30-minute break ([§395.1\(e\)\(1\)](#))

HOS final rule:

- 1 Extends maximum driving distance allowed under the short-haul exception from a 100 to a **150 air-mile radius**
- 2 Extends maximum duty period from 12 to **14 hours**



Short-Haul Exception



- No other provisions of the [§395.1\(e\)\(1\)](#) short-haul exception changed
- New HOS rule does not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#) (property-carrying)

To be able to use the short-haul exception, the CMV driver must:

- Operate within a 150 air-miles radius
- Not exceed a maximum duty period of 14 hours
- Start and end shift in the same location
- Have at least 8 hours off (passenger) or 10 hours off (property) between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

Short-Haul Exception and Logs



While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD), they can use a time record instead

- Motor carrier must record the driver's time in, time out, and total number of hours per day
 - Time must include the total time for the 7 preceding days
 - Records must be maintained for 6 months
- When a driver no longer meets the exception (drives too far/works too many hours), the driver must complete a regular log or use an ELD for the day ([§395.8](#))
 - If driver is required to complete a log:
 - **8 or fewer days** within the last 30 days ► driver can use **paper log with a graph grid**
 - **More than 8 days** within the last 30 days ► driver must use an **ELD** to record time for that day



May drivers who work split shifts take advantage of the short-haul exception in §395.1(e)?

Yes, but...



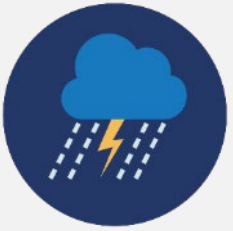
May a driver who is using the short-haul exception in [§395.1\(e\)](#) be intermittently off-duty during the period away from the work-reporting location?

Yes, provided all requirements for being off-duty are met.



Adverse Driving Conditions Exception





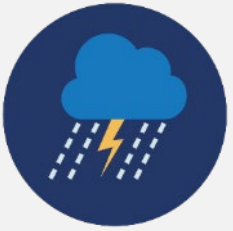
Adverse Driving Conditions Exception

Under the previous rule, drivers were granted an exception to the 10- or 11-hour driving limits when unforeseeable adverse driving conditions affected their route

HOS final rule:

- 1 **Extends the duty day by 2 hours** when adverse driving conditions are encountered
 - In addition to the 2 hours of driving time already allowed, and **applies to both:**
 - **Property carrier 14-hour driving window** ([§395.3\(a\)\(2\)](#)) and
 - **Passenger carrier 15-hour on-duty limit** ([§395.5\(a\)\(2\)](#))
- 2 Updates the **adverse driving conditions definition** to include the role of the driver





Adverse Driving Conditions Definition

Previous

Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, **none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun**

New

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions **that were not known, or could not reasonably be known, to:**



a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or



a motor carrier immediately prior to dispatching the driver



What is a “qualifying rest break” based on how it is used in the adverse driving conditions definition?

*“...conditions that were not known, or could not reasonably be known, to a driver immediately prior to beginning the duty day or immediately before beginning driving after a **qualifying rest break** or sleeper berth period...”*



Are there any restrictions on how often the adverse driving conditions exception can be used?

No.



Can the adverse driving conditions exception be used to cover delays caused by...



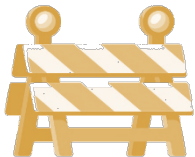
Detention time, breakdowns, or enforcement inspections?

No



Loading/unloading?

No



Road construction or detours?

No, except when they could **not** reasonably be known before the driver started driving (such as accidents)

Are drivers required to annotate an adverse driving condition they encountered on their ELD?



If a driver encounters an adverse driving condition, but the delay doesn't cause the driver to be in violation of any regulations, is the driver required to use the exception?

No.

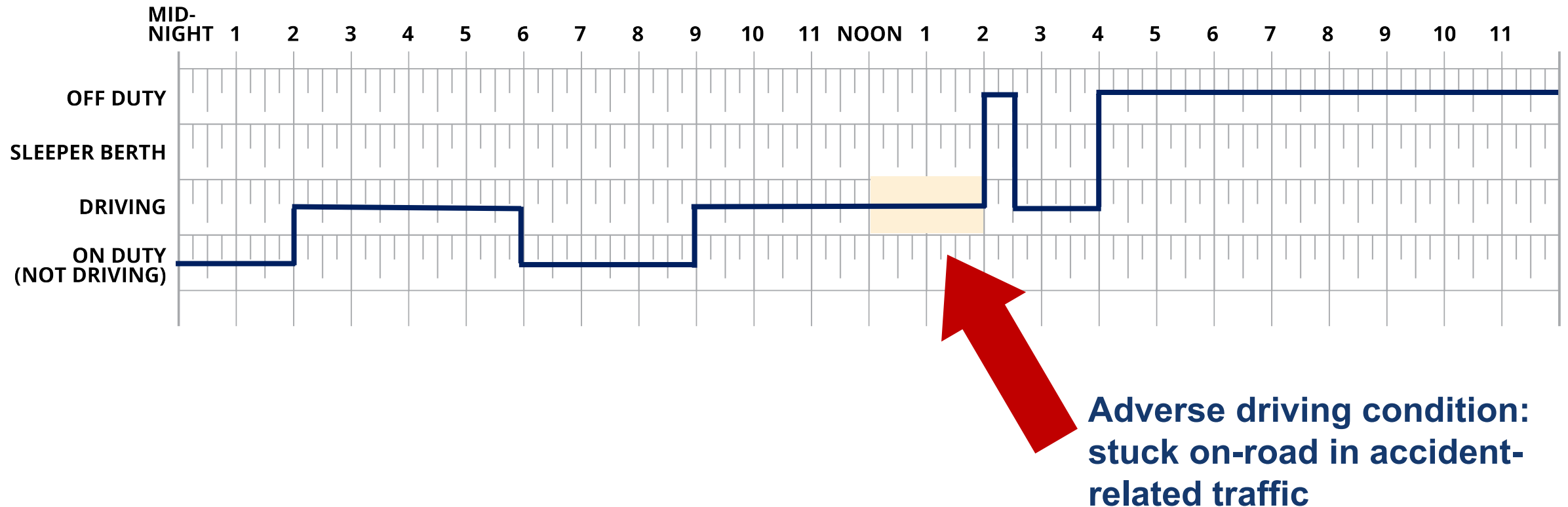


If it only takes an hour for a driver to get through the adverse driving condition, does the driver get the full two hours of the exception?

No.

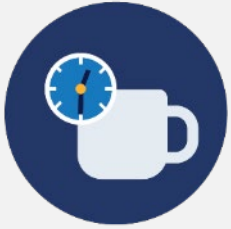


What happens if a short-haul driver encounters an adverse driving condition and is unable to return to the reporting location within 14 hours?



30-Minute Break





30-Minute Break Requirement

Under the previous rule, property-carrying drivers were required to take a 30-minute break after 8 hours **on-duty** [§395.3\(a\)\(3\)\(ii\)](#)

HOS final rule:

- 1 30-minute break is required after **driving** for a total of 8 hours (driving time does not need to be consecutive) without at least a 30-minute break
- 2 30-minute break can also be satisfied by an “on-duty not driving period”

Previous

30-minute break can be satisfied by:

- ✓ Off-duty
- ✓ Sleeper berth

New

30-minute break can be satisfied by:

- ✓ Off-duty
- ✓ Sleeper berth
- ✓ On-duty, not driving



When must a driver take the 30-minute break?

After 8 *cumulative* hours of driving.



Does the 30-minute break have to be consecutive?

Yes, 30 minutes must be consecutive.



10 minutes
Off-duty



20 minutes
On-duty,
not driving



30 minutes
Consecutive
break



Does the 30-minute break count toward the 14-hour driving window for property-carrying drivers?

Yes.



Can a driver use on-duty, not driving time during a roadside inspection to satisfy the 30-minute break?

Yes, if the driver is stopped for at least 30 minutes.



Can a driver use a yard move to satisfy the 30-minute break?

Yes, because this time would be on-duty, not driving.



Sleeper Berth Provision





Sleeper Berth Provision

Allows drivers to split 10-hour off-duty period, as long as:

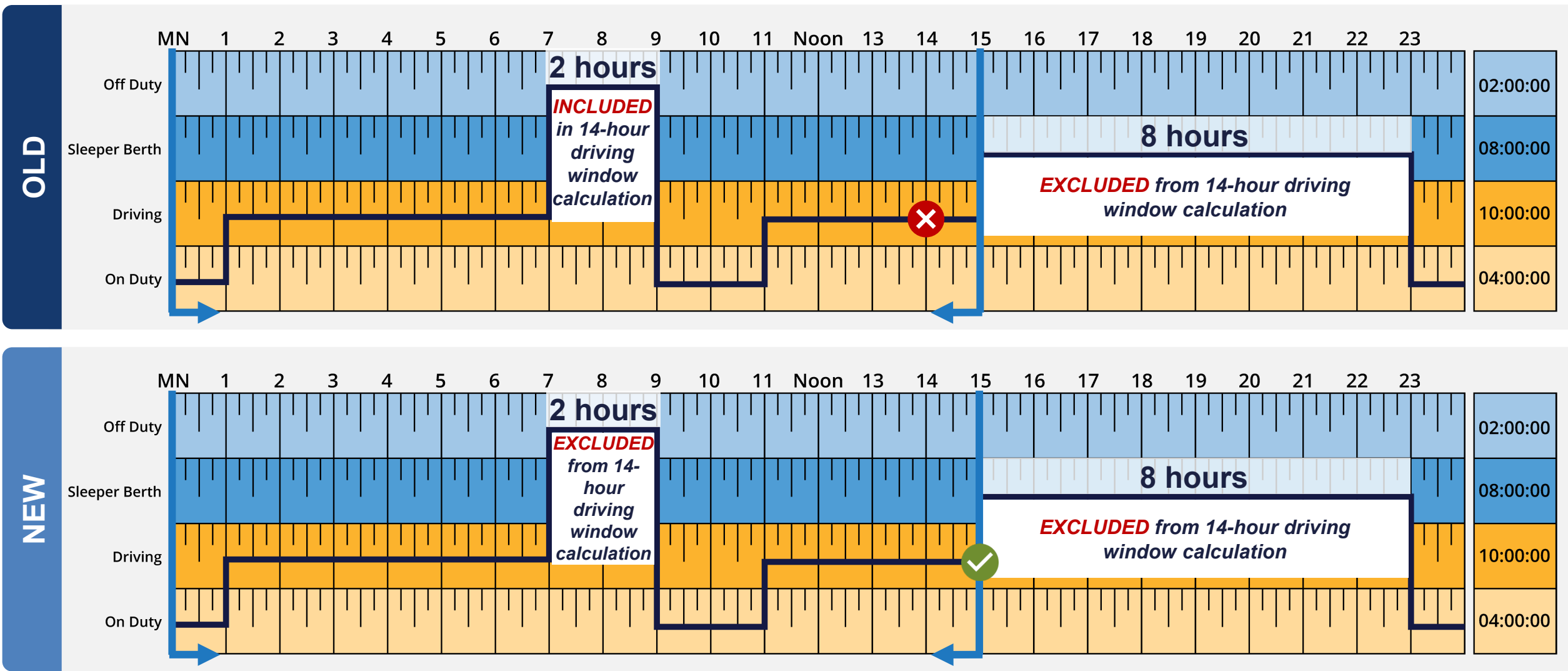
- **One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long**, and
- **The other involves at least 7 consecutive hours in the sleeper berth**

When used together, neither period counts against the 14-hour driving window

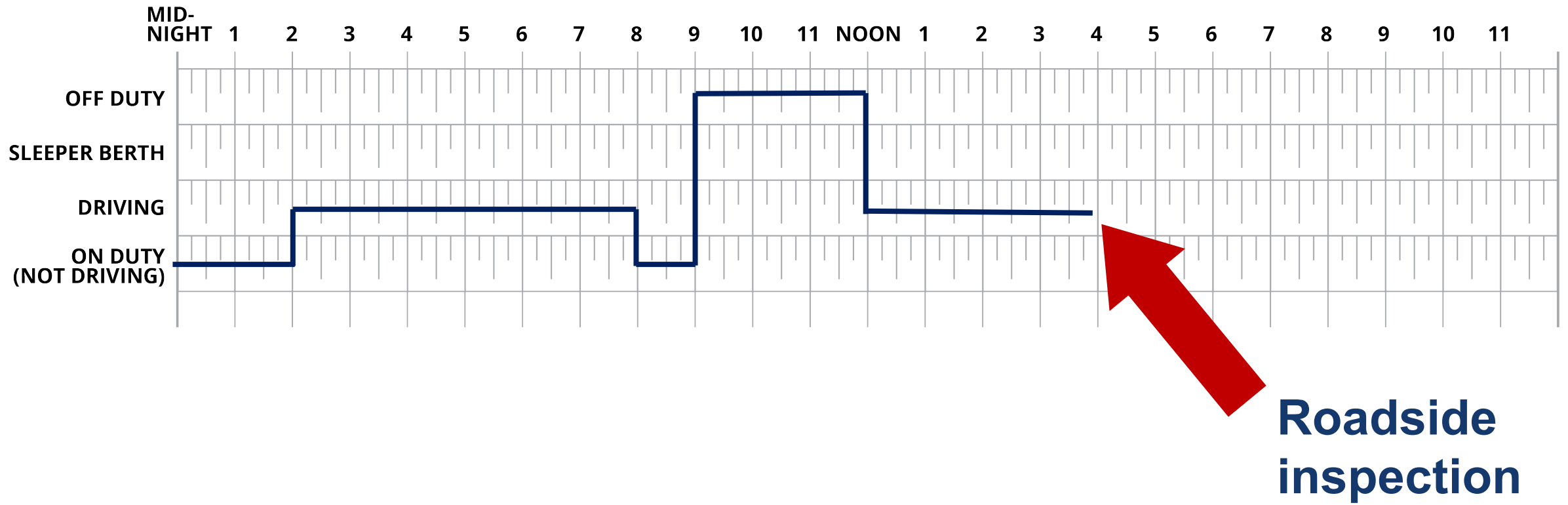
- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window



14-Hour Driving Window Calculation

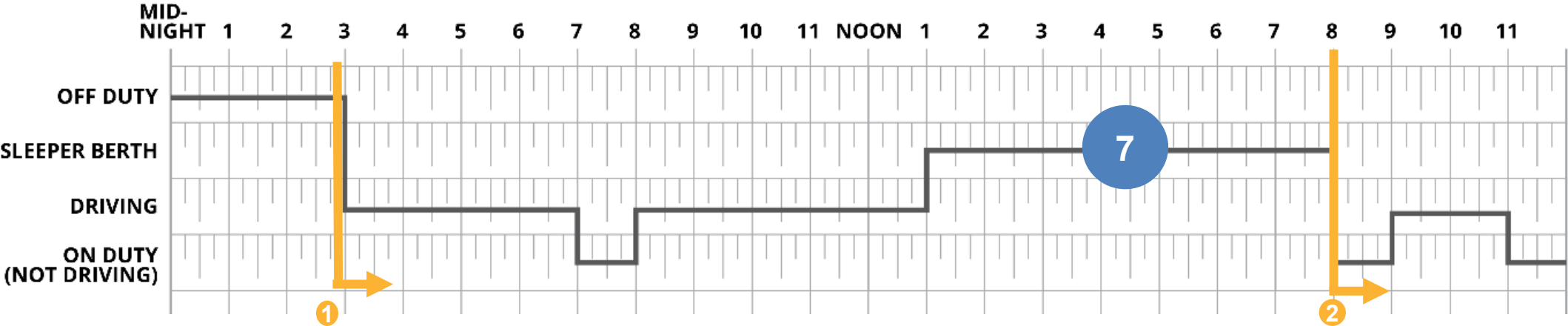


What if a driver is stopped for an inspection in between two qualifying rest periods?

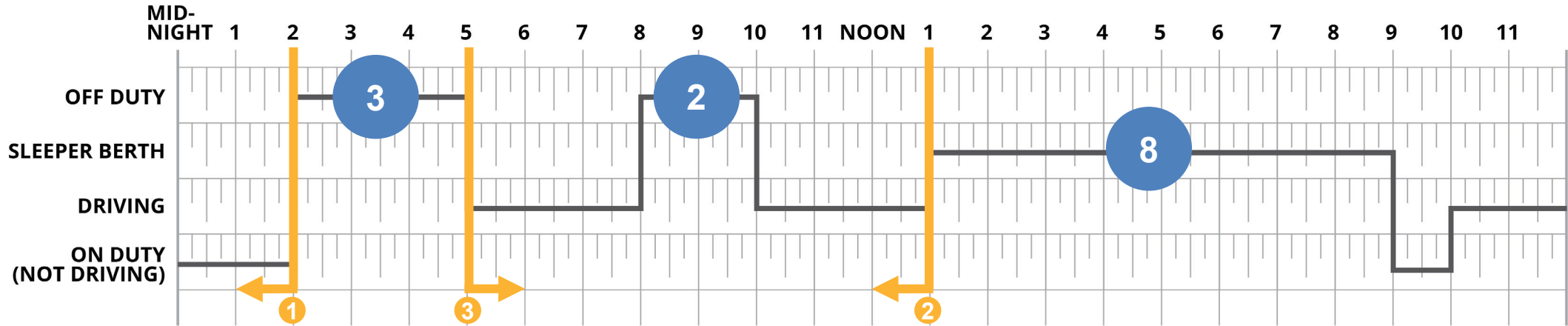


A driver using the sleeper berth provision takes the follow breaks, 7 sleeper, 3 off-duty, 2 off-duty, 8 sleeper.

Day 1



Day 2



Can the driver switch back and forth between the sleeper berth provision and the regular HOS regulations?

Yes.



Using the sleeper berth provision, a driver takes 7 hours in the sleeper berth, and later takes an off-duty period of 3 hours before arriving at home, what rest is required?



A driver takes 7 hours in the sleeper berth and 4 hours off-duty consecutively, for a total of 11 hours off.

Does this combination count as a qualifying sleeper berth period?

If so, how much time is counted toward the break (7 hours or 11 hours)?



More Information & Resources



For information, visit:

<https://www.fmcsa.dot.gov/regulations/hours-of-service>

- Fact sheets
- Presentation
- Recorded webinars



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