



# Hours of Service

## Question & Answer Session

**July 2020**

# Agenda

- Provide brief background on HOS final rule
- Answer pre-submitted questions
  - HOS final rule in general
  - Short-haul
  - Adverse driving conditions
  - 30-minute break
  - Sleeper berth
  - Interaction among provisions
- Address write-in questions from participants

# 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

# No Changes to Who is Subject to HOS Regulations

Drivers of a commercial motor vehicle (CMV) that is used as part of a business, is involved in interstate commerce, and fits any of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- Is transporting hazardous materials in a quantity requiring placards

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

COMPLIANCE DATE

**SEPT.**  
**29**



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

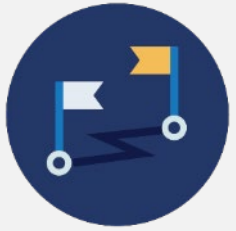
# How will the HOS final rule affect Electronic Logging Devices (ELDs)?



# 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
- [§395.1\(e\)\(2\)](#) (property-carrying) New HOS rule does not change the non-CDL short-haul exception in

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

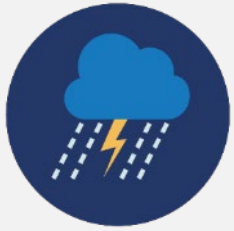
- Operate within a 150 air-miles radius
- Not exceed a maximum duty period of 14 hours
- Start and end shift in the same location
- Have at least 8 hours off (passenger) or 10 hours off (property) between shifts
- Include the start and end times for the day and the total hours on-duty on the time record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

**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?**



# Adverse Driving Conditions Exception



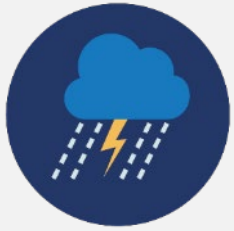


# Adverse Driving Conditions Exception

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?





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



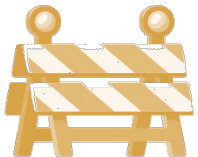
**Detention time, breakdowns, or enforcement inspections?**

**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 the type of adverse driving condition they encountered on their ELD?

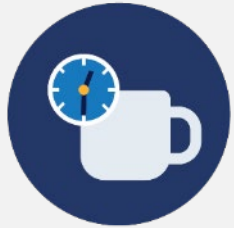


**If a driver encounters an adverse driving condition, but the delay doesn't cause the driver to be in violation of any regulations, is the driver required to use the exception?**



# 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?



# Does the 30-minute break have to be consecutive?

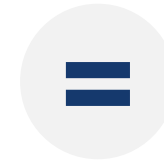
**Yes, 30 minutes must be consecutive.**



**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?





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



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



# Will the 30-minute driving break be incorporated into the Alaska hours of service rules?



# Sleeper Berth Provision





# Sleeper Berth Provision

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

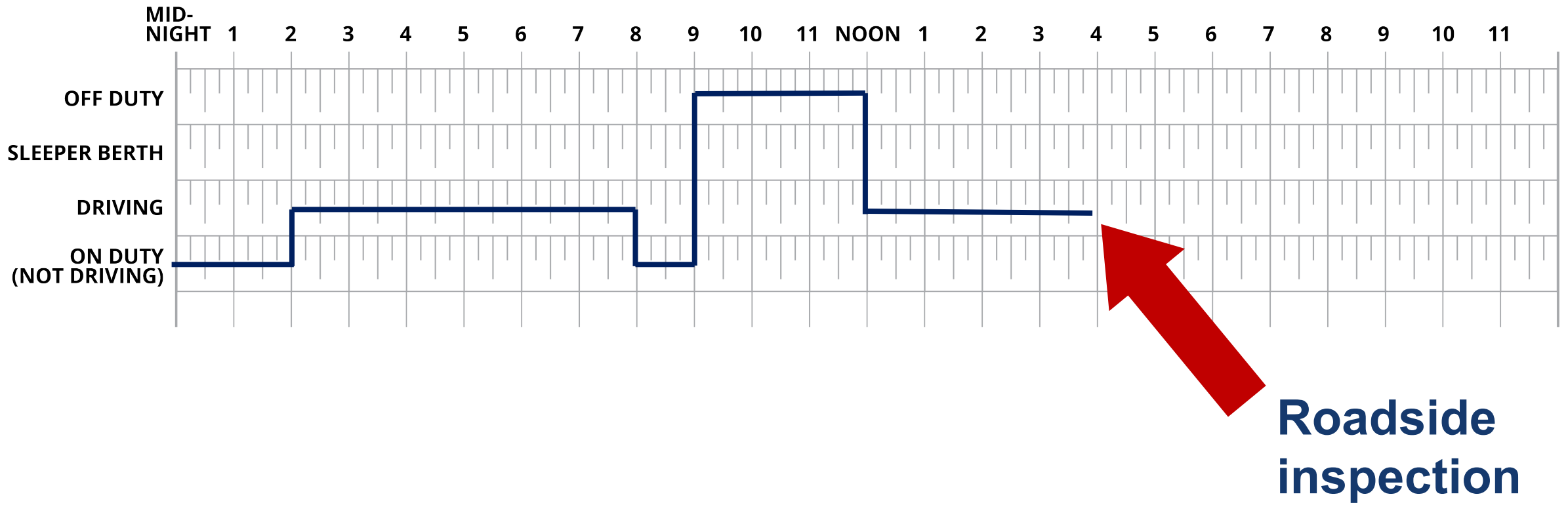
- **One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long**, and
- **The other involves at least 7 consecutive hours in the sleeper berth**

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

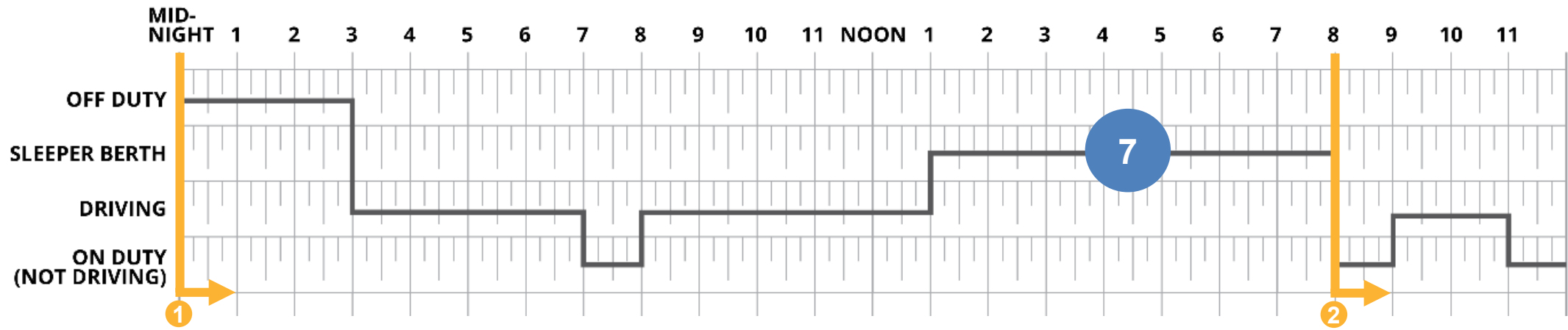


# What if a driver is stopped for an inspection in between two intended rest periods?

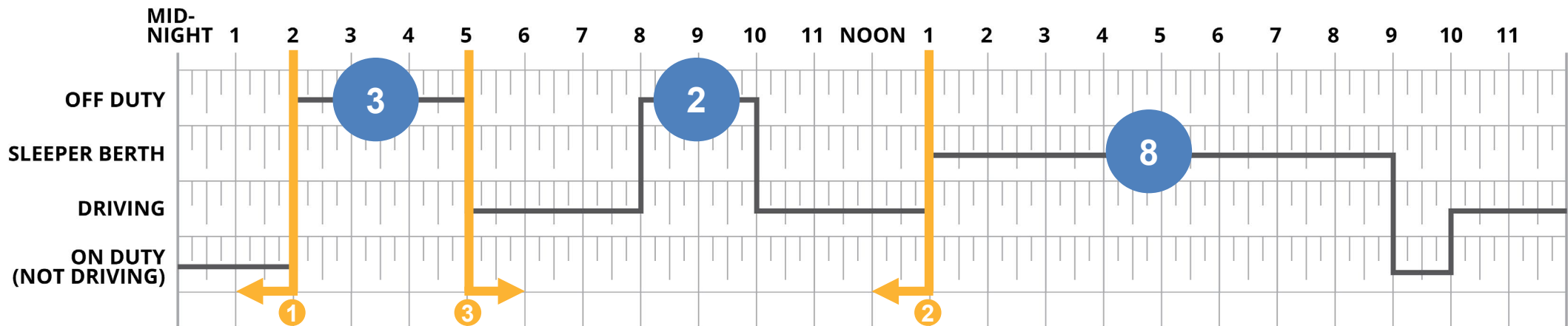


A driver using the sleeper berth provision takes the follow breaks, 7 sleeper, 3 off-duty, 2 off-duty, 8 sleeper. If the driver wants to pair the 7 and the 3, would the driver also be able to pair the 2 and 8?

Day 1



Day 2



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





**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?**

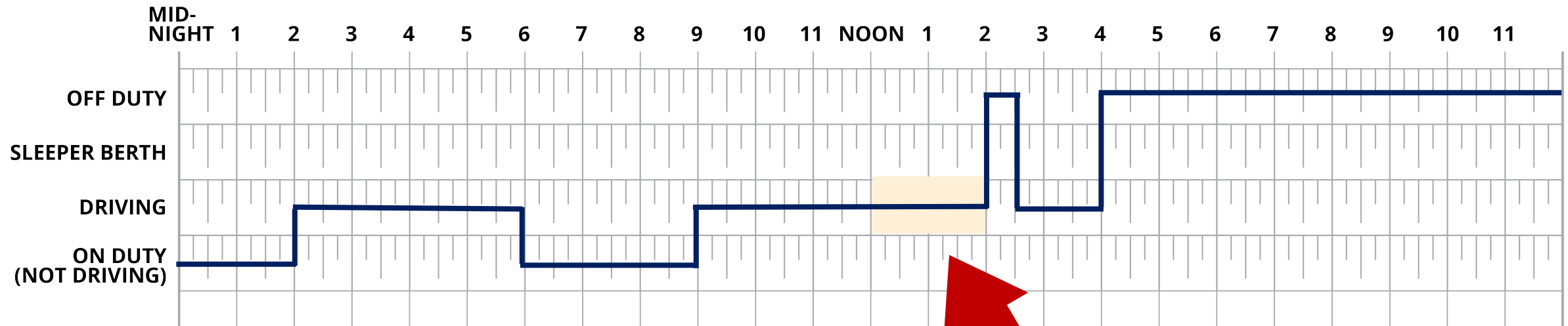
**If so, how much time is counted toward the break (7 hours or 11 hours)?**



# Interaction Among Provisions



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



**Adverse driving condition:  
stuck on-road in accident-  
related traffic**

**Do you need to use the 30-minute break if you are using the sleeper berth provision?**



# Participant Questions



# More Information & Resources



For information, visit:

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

- Fact sheets
- Presentation
- Recorded webinars