HOURS OF SERVICE (HOS) FACT SHEET
30-MINUTE BREAK

30-Minute Break Changes

This fact sheet explains the difference between how the 30-minute break requirement is satisfied under the previous HOS rule and the new rule that takes effect on September 29, 2020.

Per §395.3(a)(3)(ii), property-carrying CMV drivers are required to take a 30-minute break after:

**Previous**

- 8 hours on-duty
- 30-minute break is satisfied by time:
  - Off-duty
  - In sleeper berth

**New**

- 8 hours of driving without at least a 30-minute break
- 30-minute break is satisfied by time:
  - Off-duty
  - In sleeper berth
  - On-duty, not driving
- 30 minutes must be consecutive, but can be satisfied by any combination of the above activities

Examples

**No Violation** After 10 hours off-duty the driver comes on-duty at midnight and drives for 5 hours, goes on-duty (not driving) for a ½ hour, drives for 5 more hours, goes on-duty (not driving) for 1 hour, drives for 1 hour, goes on-duty (not driving) for 1 ½ hours, and then takes 10 consecutive hours off-duty. Under the new HOS rule, the 30-minute on-duty break taken between 5 and 5:30 a.m. will suffice for the mandatory 30-minute break, and the property-carrying driver is allowed to drive up to the maximum of 11 hours (6 more hours in this example), before needing 10 consecutive hours off-duty.

**Violation** There is a violation between 9 and 9:30 a.m. After 10 hours off-duty, the driver comes on-duty (not driving) at midnight for 1 hour, drives for 8 ½ hours, goes on-duty (not driving) for a ½ hour, drives for 2 hours, goes off-duty for 1 hour, goes on-duty (not driving) for a ½ hour, drives for a ½ hour, and then takes 10 consecutive hours off-duty. The violation occurs at 9 a.m., as the driver drives for more than 8 consecutive hours without at least a 30-minute rest break. A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth, or on-duty (not driving) time; or by a combination of off-duty, sleeper berth, and on-duty (not driving) time. That did not happen in this example, which led to the violation.