



KNOW THE FACTS:

UPDATES TO HOURS OF SERVICE RULES

HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The rule includes four changes designed to **offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads**, and was developed based on extensive public and industry input.

Web:

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What's Changing?



Short-Haul Exception

The short-haul exception maximum allowable workday is changing from 12 to 14 hours, and the distance the driver may operate is extending from a 100 air-mile radius to a 150 air-mile radius.



Adverse Driving Conditions Exception

The adverse driving conditions exception is extending the duty day by up to two hours when adverse driving conditions are encountered. This is in addition to the extra two hours of driving time already allowed.

This change applies for both property (14-hour driving window) and passenger (15-hour on-duty limit) motor carriers.



30-Minute Break Requirement

The 30-minute break requirement can now be satisfied by an on-duty, not driving break (in addition to an off-duty break). The requirement for property-carrying drivers is applicable in situations where a driver has driven for a period of 8 hours without at least a 30-minute interruption.



Sleeper Berth Provision

The sleeper berth provision allows drivers to split their 10-hour off-duty period in different ways (e.g., 7/3, 8/2, 7.5/2.5), provided 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 spent in the sleeper berth. The periods must add up to 10 hours, and when used together, neither time period counts against the maximum 14-hour driving window.

Frequently Asked Questions

When do the changes take effect?

Drivers and carriers must operate under the hours of service (HOS) final rule starting on September 29, 2020, and not before.

Why are the regulations changing?

The revised HOS regulations will provide greater flexibility for drivers without adversely affecting safety, and are based on thousands of comments FMCSA received from industry, safety advocacy groups, Congress, and the American public.

In addition, FMCSA's rule modernizing hours of service regulations is estimated to provide nearly \$274 million in annualized cost savings for the U.S. economy.

Will the changes affect my Electronic Logging Device?

The minimum requirements in the Electronic Logging Device (ELD) final rule do not require ELDs to identify hours of service violations; however, some ELD providers have elected to offer this as an add-on feature. If an ELD provider offers this add-on feature, but does not update their device to reflect the new hours of service rules, the ELD may inaccurately identify hours of service violations. Motor carriers should contact their ELD provider with specific questions about what information their ELD displays.



HOURS OF SERVICE (HOS) FACT SHEET

SHORT-HAUL EXCEPTION

HOS Changes

- 1** Short-Haul Exception
- 2** Adverse Driving Conditions Exception
- 3** 30-Minute Break
- 4** Sleeper Berth Provision

HOURS OF SERVICE FINAL RULE

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Changes to the Short-Haul Exception

This factsheet explains the differences between the short-haul exception under the previous HOS rule and the new rule that takes effect on September 29, 2020.

Property and passenger carriers using the short-haul exception in [§395.1\(e\)\(1\)](#) are not required to take a 30-minute break from driving, and are permitted to record hours in a time record, rather than a graph grid log or electronic logging device (ELD). Short-haul operators can drive within a larger air-mile radius and have a longer duty-period under the new rule.

Previous	New
<ul style="list-style-type: none"> ✓ Drive within a 100 air-mile radius ✓ Do not exceed a maximum on-duty period of 12 hours ✓ Start and end shift in the same location ✓ Have at least 8 hours off (passenger carrier) or 10 hours off (property carrier) between duty periods 	<ul style="list-style-type: none"> ✓ Drive within a 150 air-mile radius ✓ Do not exceed a maximum on-duty period of 14 hours ✓ Start and end shift in the same location ✓ Have at least 8 hours off (passenger carrier) or 10 hours off (property carrier) between duty periods

No other provisions of the [§395.1\(e\)\(1\)](#) short-haul exception have changed, nor has the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#) (property-carrying).

Short-Haul Exception and Electronic Logging Devices/Logbooks

While operating under the short-haul exception, drivers are permitted to keep a time record instead of recording time in a graph grid or with an ELD.

<p>When using the short-haul exception, the motor carrier must record the driver's time in, time out, and total number of hours per day</p> <ul style="list-style-type: none"> • Time must include the total time for the 7 preceding days for new hires or drivers used intermittently (§395.8(j)(2)) • Records must be maintained for 6 months 	<p>When a driver no longer meets the short-haul exception (drives too far/ works too many hours), the driver must complete a regular log or use an ELD for the day (§395.8)</p> <p>If a driver is required to complete a log for:</p> <ul style="list-style-type: none"> • 8 or fewer days within the last 30 days, a driver can use a paper log with a graph grid or an ELD • More than 8 days within the last 30 days, a driver generally must use an ELD to record time for that day
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HOS Changes

- 1 Short-Haul Exception
- 2 Adverse Driving Conditions Exception
- 3 30-Minute Break
- 4 Sleeper Berth Provision

Example

No Violation In this example, the property-carrying driver has taken 10 consecutive hours off-duty before coming on-duty at midnight and being released from duty at 2 p.m. During that time, the driver drove for 9 hours, and spent the remaining time on breaks or on-duty, not driving. The driver returned to the normal work reporting location at 2 p.m., was released within 14 consecutive hours, and stayed within a 150 air-mile radius.

Date	Start Time (All)	End Time (All)	Total Hours	Driving Hours	Truck Number	Start Location	End Location
5/7/20	12:00 am	2:00 p.m.	14	9	123456789	123 Main St Burbank, CA	123 Main St Burbank, CA

Violation In this example, the property-carrying driver has taken 10 consecutive hours off-duty before coming on-duty at midnight. The driver drove for 10 hours, and spent the remaining hours on breaks or on-duty, not driving. The driver was released at 3:00 p.m. from a location that was different from the normal work reporting location where the shift began. Since the driver drove 1 hour past the 14-hour limit, and did not return to the reporting location within that time, the motor carrier is in violation.

Date	Start Time (All)	End Time (All)	Total Hours	Driving Hours	Truck Number	Start Location	End Location
5/7/20	12:00 am	3:00 p.m.	15	10	123456789	123 Main St Burbank, CA	900 Smith St Pasadena, CA

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HOURS OF SERVICE (HOS) FACT SHEET

ADVERSE DRIVING CONDITIONS

HOS Changes

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- 2** Adverse Driving Conditions Exception
- 3** 30-Minute Break
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HOURS OF SERVICE FINAL RULE

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Adverse Driving Conditions Exception Changes

This fact sheet explains the differences between the adverse driving conditions exception under the previous HOS rule and the new rule that takes effect on September 29, 2020.

When unforeseen adverse driving conditions affect their route, drivers can:

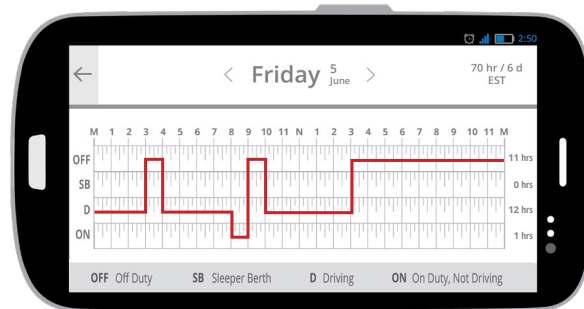
Previous	New
<p>Drive for up to 2 hours beyond the driving limits</p> <ul style="list-style-type: none"> ✓ Property carrier 11-hour driving limit ✓ Passenger carrier 10-hour driving limit 	<p>2-hour extension applies to both driving limit and on-duty limit</p> <ul style="list-style-type: none"> ✓ Property carrier 11-hour driving limit and 14-hour driving window §395.3(a)(2) ✓ Passenger carrier 10-hour driving limit and 15-hour on-duty limit §395.5(a)(2)
	<p>When using adverse driving conditions exception, drivers can drive up to:</p> <ul style="list-style-type: none"> ✓ Property: 13 hours within a 16-hour driving window ✓ Passenger: 12 hours within a 17-hour on-duty period

The definition of adverse driving conditions now considers the role of the driver:

Previous	New
<p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> ✓ 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.

Example

No Violation Calculation of the 11- and 14-hour limits for this property carrier begin at midnight after the driver has taken 10 consecutive hours off-duty on the prior day. The driver drives for 3 hours, is off-duty for 1 hour, drives for 4 hours, and is on-duty for 1 hour. The driver then hears that a bridge on the route ahead is closed due to a gravel spill, and the bridge is the only way to get to the destination. The driver takes 1-hour off-duty from 9 a.m. to 10 a.m. to wait at a rest area while the bridge is cleared, then drives for 5 more hours to the destination. This results in the driver driving for 12 hours, and also operating beyond the 14-hour driving window by 1 hour between 2 p.m. and 3 p.m. There is no violation of either the 11- or 14-hour limits under the new HOS final rule when using the adverse driving conditions exception.





HOURS OF SERVICE (HOS) FACT SHEET

30-MINUTE BREAK

HOS Changes

- 1 Short-Haul Exception
- 2 Adverse Driving Conditions Exception
- 3 30-Minute Break
- 4 Sleeper Berth Provision

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30-Minute Break Changes

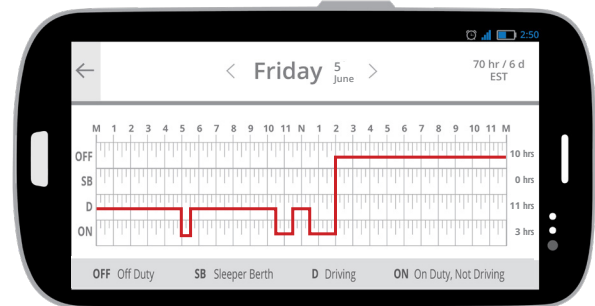
This fact sheet explains the difference between how the 30-minute break requirement is satisfied under the previous HOS rule and the new rule that takes effect on September 29, 2020.

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

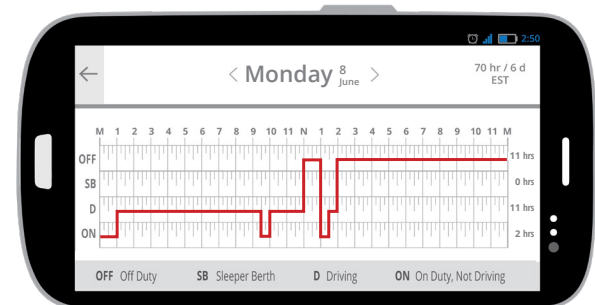
Previous	New
8 hours on-duty	8 hours of driving without at least a 30-minute break
30-minute break is satisfied by time: <ul style="list-style-type: none"> ✓ Off-duty ✓ In sleeper berth 	30-minute break is satisfied by time: <ul style="list-style-type: none"> ✓ Off-duty ✓ In sleeper berth ✓ On-duty, 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.





HOURS OF SERVICE (HOS) FACT SHEET SLEEPER BERTH

HOS Changes

- 1 Short-Haul Exception
- 2 Adverse Driving Conditions Exception
- 3 30-Minute Break
- 4 **Sleeper Berth Provision**

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Sleeper Berth Provision Changes

This fact sheet explains the differences between the sleeper berth provision under the previous HOS rule and the new rule that takes effect on September 29, 2020.

The sleeper berth provision (§395.1(g)(1)) allows property-carrying* drivers to split their 10-hour off-duty period when the following requirements are met:

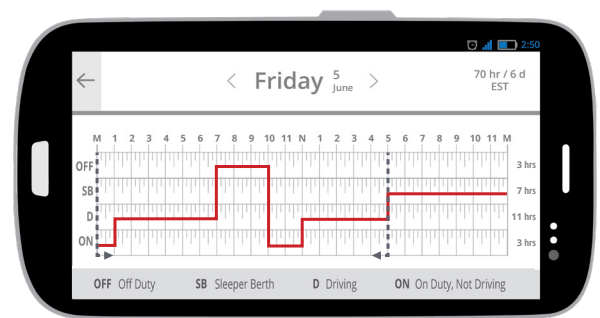
Previous	New
<ul style="list-style-type: none"> ✓ Minimum of 8 hours are in the sleeper berth, and this period is excluded from the calculation of the 14-hour driving window ✓ The other rest period of 2 or more hours is included in the 14-hour driving window 	<ul style="list-style-type: none"> ✓ One 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 ✓ Both periods added together must equal at least 10 hours ✓ When paired, neither time 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

*The new rule does not change sleeper berth provisions unique to the drivers of CMVs transporting passengers found in [§395.1\(g\)\(3\)](#).

Example

No Violation In this example, we are going to look at how the sleeper berth provision affects both the 11-hour driving limit and the 14-hour driving window for a property-carrying CMV. There are no violations in this example.

The driver comes on-duty at midnight after having 10 consecutive hours off-duty, which means he or she can drive for up to 11 hours within a 14-hour window (indicated by the arrows). The driver used those 11 hours by 5 p.m. then entered the sleeper berth for 7 consecutive hours. Because the driver accumulated at least 10 hours of rest using a combination of 3 consecutive hours off-duty (7-10 a.m.) and 7 consecutive hours in the sleeper berth (5 p.m. to midnight), the driver has not violated the 11-hour driving limit. Because both periods are qualifying rest breaks, when used together, they can both be excluded from the 14-hour driving window, so there is no 14-hour violation.



NOTE: When using the sleeper berth provision, the order of the qualifying breaks does not matter—the break of “at least 2 hours” can fall before or after the sleeper berth period of “at least 7 hours.”