



Hours of Service

What's new in the final rule published June 1, 2020

MARCH 2021



Hours of Service (HOS) Final Rule

- [Final rule](#) went into effect at **12:01 a.m. Eastern Time on September 29, 2020**
- Changed the following 4 provisions



**Short-Haul
Exception**



**Adverse Driving
Conditions
Exception**



**30-Minute Break
Requirement**



**Sleeper Berth
Provision**

- HOS regulations can be found in [title 49, part 395](#) of the Code of Federal Regulations (CFR)



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



Changes to the Short-Haul Exception





Short-Haul Exception

Passenger and property carriers using the short-haul exception **are not required to:**

- Keep a record of duty status (RODS) in a graph grid or ELD
- Take a 30-minute break (§ [395.1\(e\)\(1\)](#)) after 8 cumulative hours of driving

HOS final rule changes:

- 1** Short haul drivers must operate within a **150 air-mile radius**, and start/end duty period at same reporting location
- 2** Maximum duty period is **14 hours**



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
 - Records must be maintained for 6 months
 - For new hires or drivers used intermittently (§ [395.8\(j\)\(2\)](#)), time record must include the total time for the 7 preceding days
- **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



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-mile 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 on a daily time record:
 - The start and end times for the day
 - The total number hours on-duty



Common Questions: Short-Haul Exception

Q

What should be used as the start/end location for the 150 air-mile radius when using the short-haul exception (home, business)?

A

As long as the driver starts and ends each shift in the same location, that location can differ from shift to shift.

Q

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

A

The driver would be required to record duty status using either a paper log or ELD for that day of driving (with the adverse condition time included). The driver would also be subject to the 30-minute break requirement.



Changes to the 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 changes:

- 1 Drivers can extend duty day and driving time by up to 2 hours when adverse driving conditions are encountered**
 - Up to 2 hour extension applies to both:
 - Property carrier 14-hour driving window (§ [395.3\(a\)\(2\)](#))/11-hour driving limit and
 - Passenger carrier 15-hour on-duty limit (§ [395.5\(a\)\(2\)](#))/10-hour driving limit
- 2 Adverse driving conditions definition** now considers 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



Can drivers use the adverse driving conditions exception to cover delays caused by...



Accidents involving the driver

No



Detention time, breakdowns, or enforcement inspections

No



Loading/unloading

No



Road construction or detours

No, except when the driver could not reasonably know about the construction/detour prior to driving



Common Questions: Adverse Driving Conditions



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



No. There is no limit provided the adverse driving conditions exception is used consistently with the definition in § 395.2.



Common Questions: Adverse Driving Conditions



What is a "qualifying rest break or sleeper berth period" under the definition of adverse driving conditions?



A qualifying rest break or sleeper berth period is:

- Any 10-consecutive hour or more break **OR**
- Under the sleeper berth exception:
 - A sleeper berth period of at least 7 hours
 - Paired with a separate rest period of at least 2 hours in the sleeper berth or off-duty
 - These two period must total at least 10 hours.

The 30-minute break is not a qualifying rest break or sleeper berth period under the adverse driving conditions definition.



Common Questions: Adverse Driving Conditions



Are drivers required to annotate an adverse driving condition they encountered on their electronic logging device (ELD)?



Yes. A driver is required to annotate the use of the adverse driving conditions exception on the electronic logging device under § 395.28(c). If the roadside officer can prove there was no adverse driving condition, the driver should be cited for the applicable violation of § 395.3 or § 395.5.



Changes to 30-Minute Break Requirement





30-Minute Break Requirement

HOS final rule changes:

- 30-consecutive-minute break is required after 8 **cumulative hours of driving** without at least a 30-minute break
- 30-minute break can be satisfied by:
 - ✓ Off-duty
 - ✓ Sleeper berth
 - ✓ On-duty not driving



Compliant 30-Minute Breaks

Break must be 30 consecutive minutes.
Drivers can use different non-driving statuses to add up to the 30 minutes.



10 minutes
Off-duty



20 minutes
On-duty,
not driving



**30 consecutive
minutes
Break**



Yard Moves and Roadside Inspections

Yard moves and roadside inspections can count toward the 30-minute break requirement. Both should be recorded as “on-duty, not driving” time.



Yard moves



Roadside inspections



Changes to the Sleeper Berth Provision





Sleeper Berth Provision

HOS final rule changes:

- 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
 - Added together, the periods must total **at least 10 hours**
- When used together, neither period counts against the 14-hour driving window

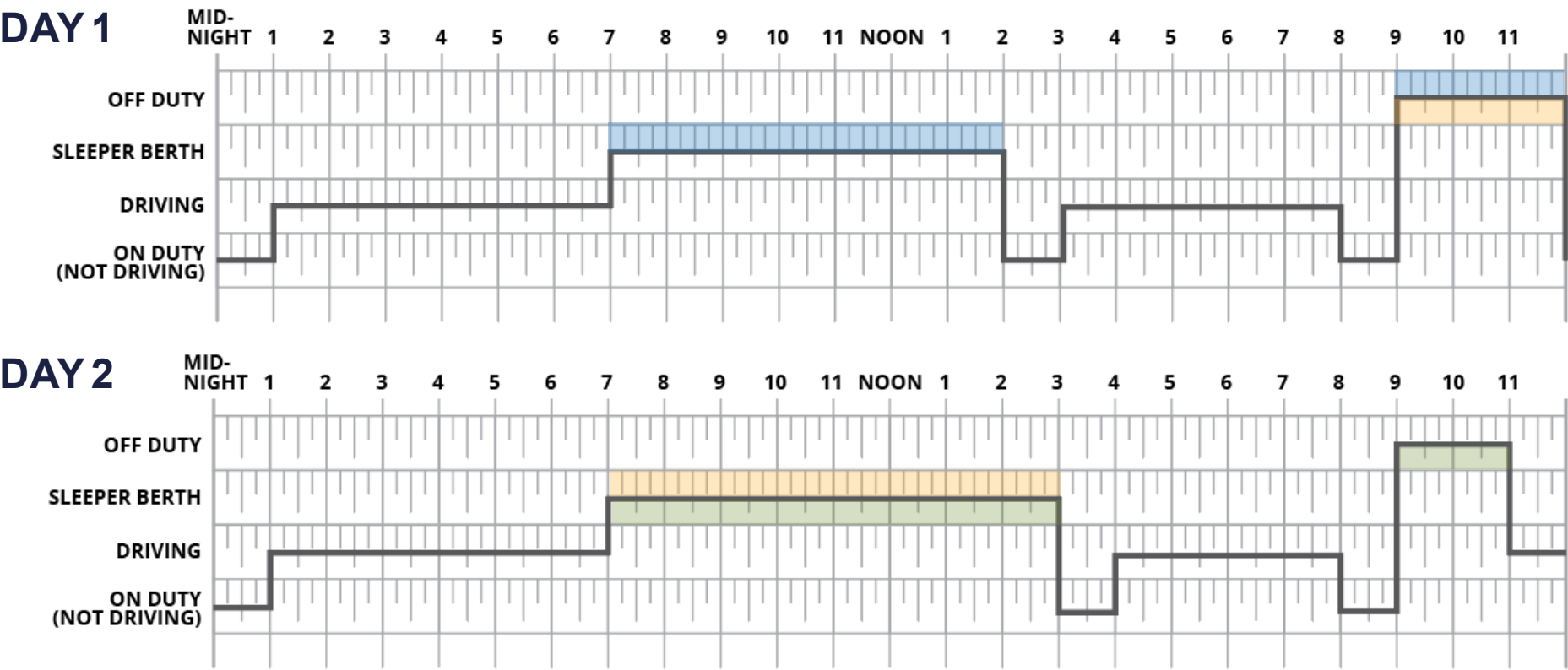


Sleeper Berth Provision

EXAMPLE

The example on this slide assumes the driver starts the day having just completed 10 consecutive hours off-duty

- None of the highlighted rest periods count against the driver's 14-hour window



Pair 1: 7 hrs + 3 hrs

Pair 2: 3 hrs + 8 hrs

Pair 3: 8 hrs + 2 hrs

A driver may obtain the off-duty time required by § 395.3(a)(1) by accumulating any of the following:

- At least 10-consecutive hours off-duty
- At least 10-consecutive hours of sleeper berth time
- Combination of consecutive sleeper berth and off-duty time amounting to at least 10 hours
- Combination of sleeper berth time of at least 7-consecutive hours and up to 3 hours riding in the passenger seat, amounting to at least 10-consecutive hours
- The equivalent of at least 10-consecutive hours off-duty using the split sleeper berth provision

Common Questions: Sleeper Berth Provision



May a driver choose to use the sleeper berth provision on some days and the other provisions of § 395.1(g) on other days?



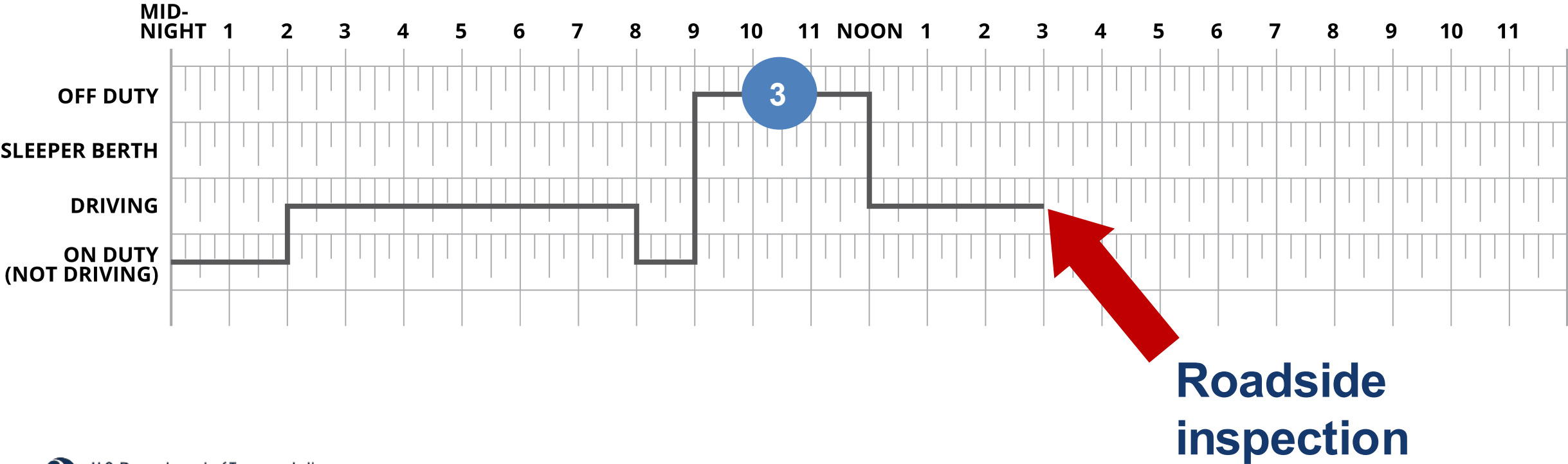
Yes. Drivers may choose any of the options provided in § 395.1(g)(1)(i).



Common Questions: Sleeper Berth Provision



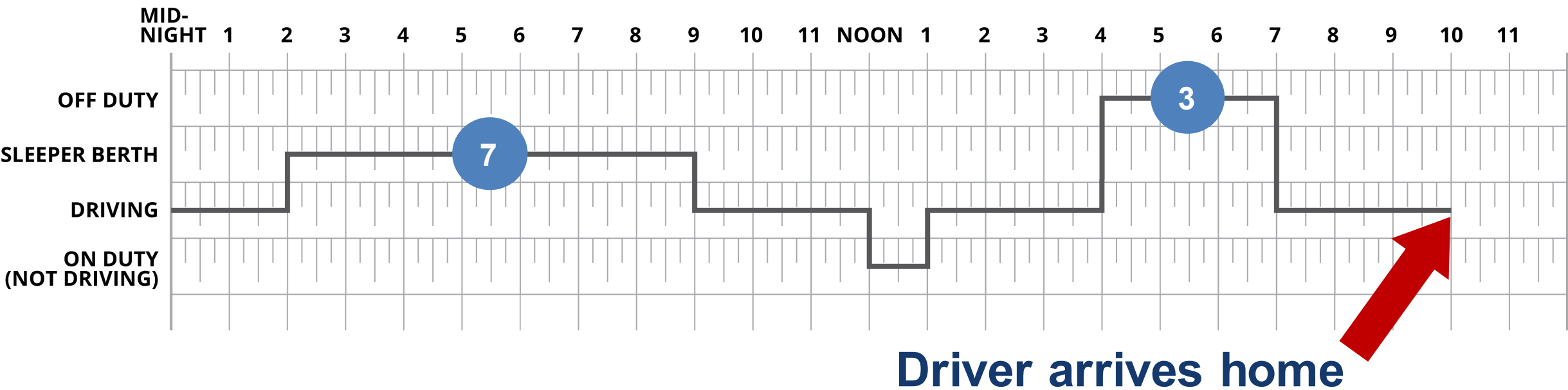
What if a driver is stopped for a roadside inspection after having taken only one rest period that qualifies for the split sleeper berth provision?



Common Questions: Sleeper Berth Provision



Under 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. When the driver arrives home within the permissible hours, what rest is required to reset their “day clock”?



Information & Resources



For information, visit:

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



Questions, contact:

hoursofservice@dot.gov

