

Hours of Service (HOS) Final Rule

On June 1, 2020, FMCSA published a revised HOS final rule that updated the following four provisions to provide greater flexibility for drivers while maintaining the highest safety standards on our Nation's roads. Drivers must comply with these revised provisions starting on September 29, 2020, but not before.

SLEEPER BERTH PROVISION

Modifies the sleeper berth requirements for property carriers to allow drivers to take their required 10 hours off-duty in two periods, 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**. Neither time period counts against the maximum 14-hour driving window as long as both periods are used together. **All sleeper berth pairings MUST add up to at least 10 hours.**



ADVERSE DRIVING CONDITIONS EXCEPTION

A driver who encounters adverse driving conditions is allowed to extend the driving limit and on-duty limit by up to two hours, so:

- **Property carriers** have a 16-hour driving window within which to complete up to 13 hours of driving, and
- **Passenger carriers** have a 17-hour duty period within which to complete up to 12 hours of driving.

The revised definition of "adverse driving conditions," clarifies the role of the driver in determining when such conditions are identified.

Definition:

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 have reasonably been 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 to a motor carrier immediately prior to dispatching the driver.



SHORT-HAUL EXCEPTION

Modifies the maximum allowable duty period and distance for drivers operating under the short-haul exception.

Passenger and property carriers qualifying for the short-haul exception are not required to use a RODS or ELD, or take a 30-minute break (§395.1(e)(1)).

- Extends the maximum duty period allowed under the short-haul exception from 12 hours to 14 hours.
- Extends the maximum radius of the short-haul exception from a 100 air-mile radius to a 150 air-mile radius.



30-MINUTE BREAK

Requires a 30-minute break for property carriers only when a driver has **driven** for a period of 8 cumulative hours without at least a 30-minute interruption. When required, the break may be satisfied by any non-driving period of 30 consecutive minutes (on-duty not driving, off-duty, sleeper berth, or any combination as long as it is consecutive).

Passenger-Carrier Drivers

10-HOUR DRIVING LIMIT

May drive a maximum of 10 hours after 8 consecutive hours off-duty.

15-HOUR LIMIT

May not drive after having been on-duty for 15 hours, following 8 consecutive hours off-duty. Off-duty time is not included in the 15-hour period.

60/70-HOUR LIMIT

May not drive after 60/70 hours on-duty in 7/8 consecutive days.

SLEEPER BERTH PROVISION

Drivers using a sleeper berth must spend at least 8 hours in the sleeper berth, and may split the sleeper berth time into two periods provided neither is less than 2 hours. **All sleeper berth pairings MUST add up to at least 10 hours.**

ADVERSE DRIVING CONDITIONS

Drivers are allowed to extend the 10-hour maximum driving time and 15-hour on-duty limit by up to 2 hours when adverse driving conditions are encountered.

SHORT-HAUL EXCEPTION

A driver is exempt from the requirements of §395.8 and §395.11 if: the driver operates within a 150 air-mile radius of the normal work reporting location, and the driver does not exceed a maximum duty period of 14 hours. Drivers using the short-haul exception in §395.1(e)(1) must report and return to the normal work reporting location within 14 consecutive hours, and stay within a 150 air-mile radius of the work reporting location.

Property-Carrying Drivers

11-HOUR DRIVING LIMIT

May drive a maximum of 11 hours after 10 consecutive hours off-duty.

14-HOUR DRIVING WINDOW

May not drive beyond the 14th consecutive hour after coming on-duty, following 10 consecutive hours off-duty. Off-duty time does not extend the 14-hour period.

30-MINUTE DRIVING BREAK

Drivers must take a 30-minute break when they have driven for a period of 8 cumulative hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 consecutive minutes (i.e., on-duty not driving, off-duty, sleeper berth, or any combination of these taken consecutively).

60/70-HOUR LIMIT

May not drive after 60/70 hours on-duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.

SLEEPER BERTH PROVISION

Drivers may split their required 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 spent in the sleeper berth. **All sleeper berth pairings MUST add up to at least 10 hours.** When used together, neither time period counts against the maximum 14-hour driving window.

ADVERSE DRIVING CONDITIONS

Drivers are allowed to extend the 11-hour maximum driving limit and 14-hour driving window by up to 2 hours when adverse driving conditions are encountered.

SHORT-HAUL EXCEPTION

A driver is exempt from the requirements of §395.8 and §395.11 if: the driver operates within a 150 air-mile radius of the normal work reporting location, and the driver does not exceed a maximum duty period of 14 hours. Drivers using the short-haul exception in §395.1(e)(1) must report and return to the normal work reporting location within 14 consecutive hours, and stay within a 150 air-mile radius of the work reporting location.