



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Federal Motor Carrier Safety Administration



Hours of Service

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

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 rule change?

- Developed based on direct **input from truckers, industry, safety advocates, Congress, and the American people**
- Rule will result in **critical regulatory savings of over \$270 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

Engaging Stakeholders in HOS Rulemaking

2018 **Advanced Notice of Proposed Rulemaking** Determine if HOS revisions may alleviate unnecessary burdens placed on drivers while maintaining safety **5,000+** public comments

2019 **Notice of Proposed Rulemaking** Seek input on five specific changes to HOS provisions **2,800+** public comments

Understanding the HOS Changes





Short-Haul Exception

CDL 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**

EXAMPLE

Under the previous rule, a driver based in Peoria could not service Chicago and St. Louis. The new rule allows the driver to service those two cities, as well as an additional 2 hours to do so

Previous rule:



New rule:



Short-Haul Exception



- No other provisions of the CDL short-haul exception changed
- New HOS rule does not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#)

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 (passenger) or 10 (property) hours off between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

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
 - Time must include the total time for the 7 preceding days
 - Records must be maintained for 6 months
- 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



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





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 Exception

EXAMPLE

A driver is 15 miles from his destination when there is a gravel spill on the bridge ahead (the bridge is the only access to the destination)

- Driver has 1 hour left of driving time and 1 hour left in the driving day
- Driver can stop at the next exit (for up to 2 hours) until the road is clear, and still have time to get to the destination without violating HOS rules

Drivers should annotate, and include details about, the adverse driving condition in their log or Electronic Logging Device (ELD)





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

30-Minute Break Requirement

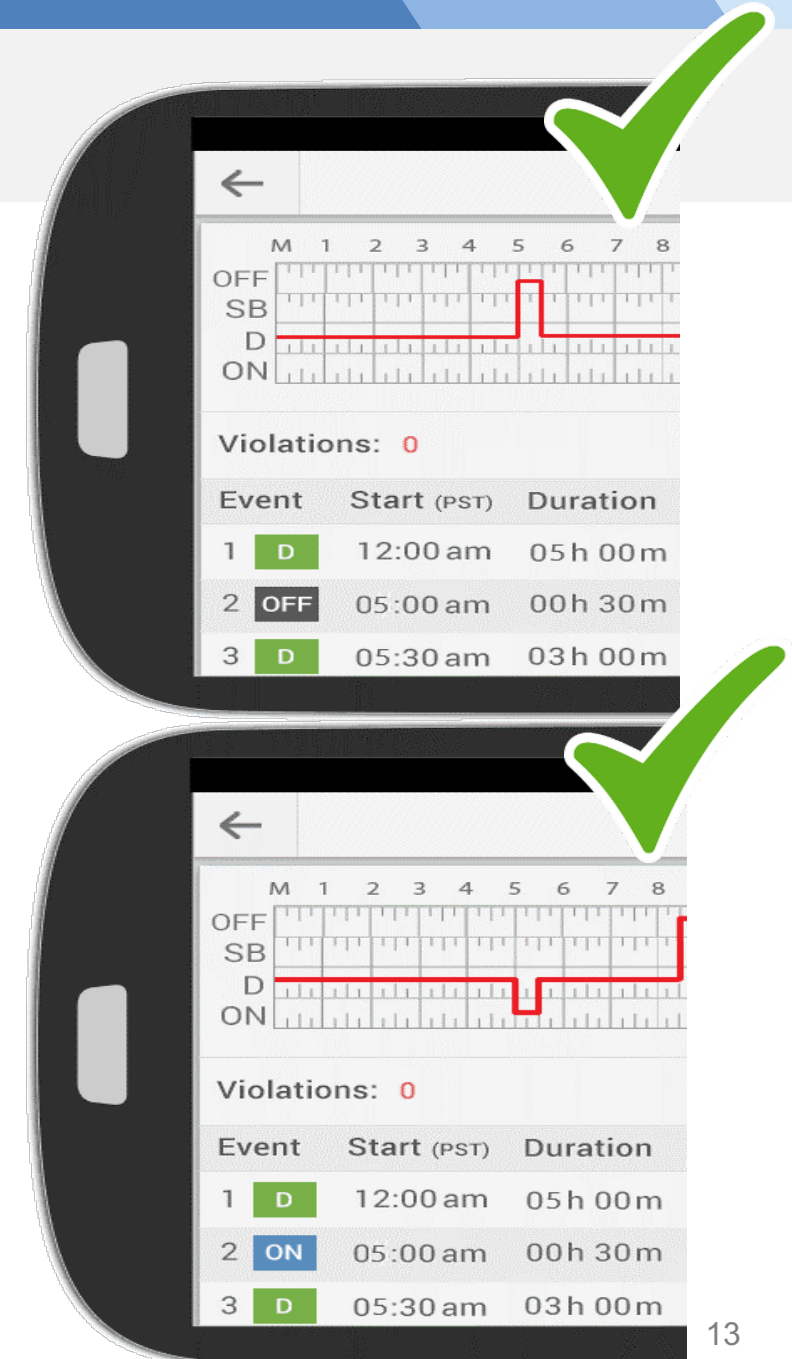
EXAMPLE

The examples on this slide assume the driver has driven for 8 hours and needs to take a 30-minute break

- **Previous Rule:** only the top log is compliant
- **New Rule:** both logs are compliant



Short *non-consecutive* periods cannot be combined to reach 30 minutes of non-driving time. 30 minutes must be consecutive.





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 added together, the 2 periods **total at least 10 hours**

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



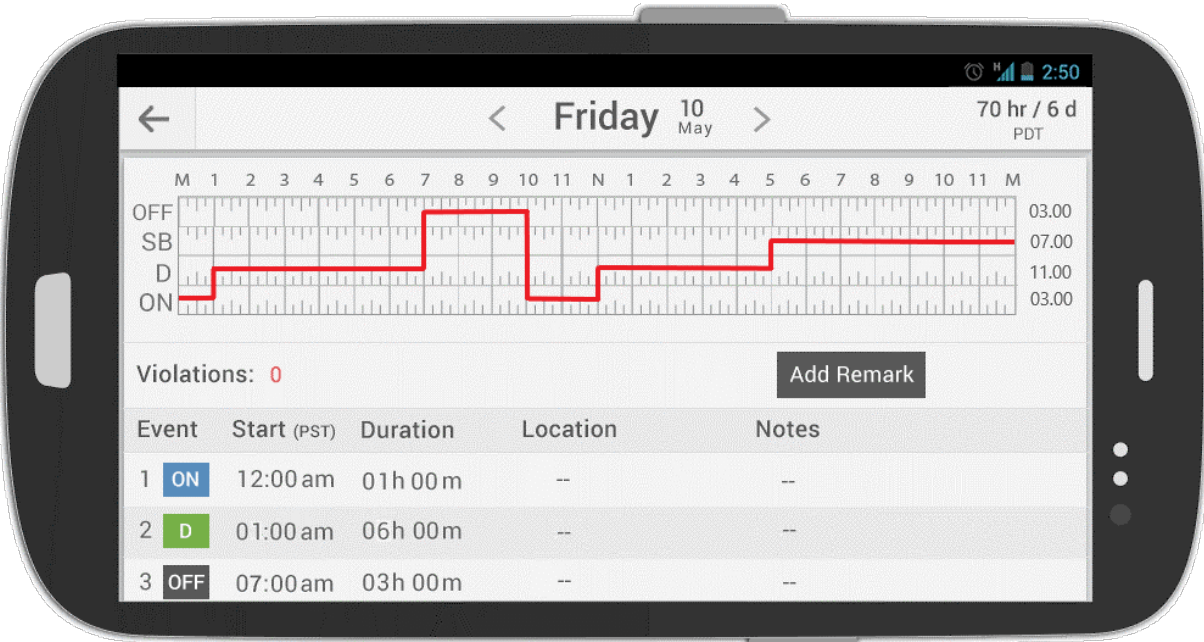
Sleeper Berth Provision

EXAMPLE

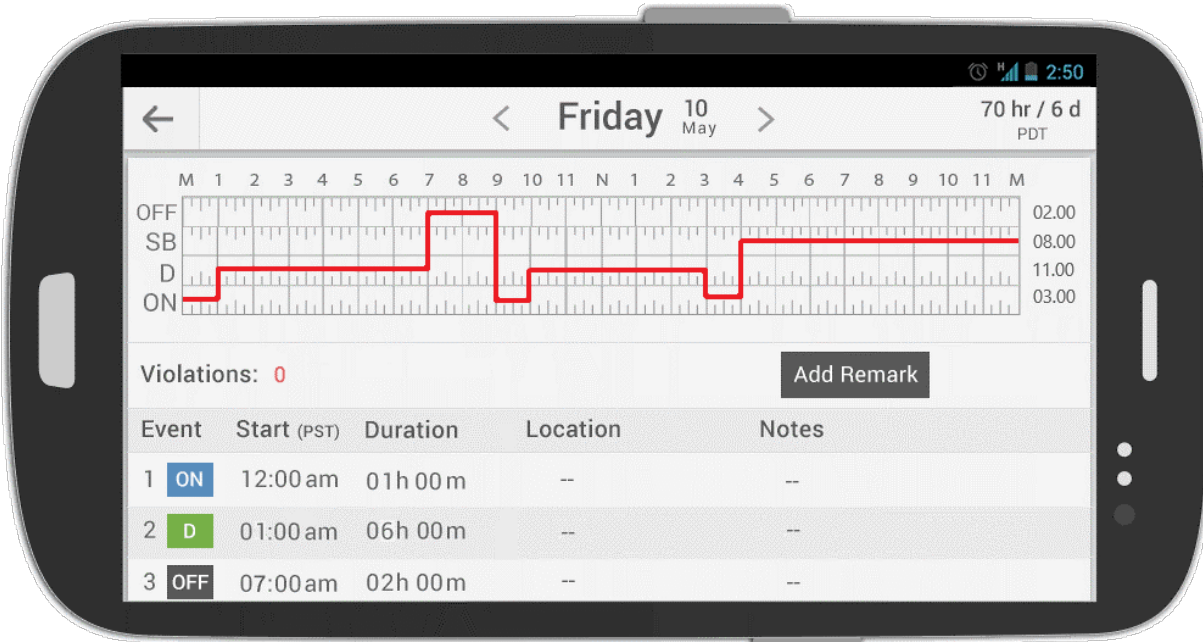
The example on this slide assumes the driver starts day 1 having just completed 10 consecutive hours off-duty

- None of the 4 break periods count against the driver’s 14-hour window

Day 1: Driver used a 7/3 split



Day 2: Driver used an 8/2 split



When do the changes take effect?

COMPLIANCE DATE

**SEPT.
29**



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

More Information & Resources



For information see Federal Register: 85 FR 33396

Coming soon! Additional Information available:

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