



# 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

Property and passenger 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**

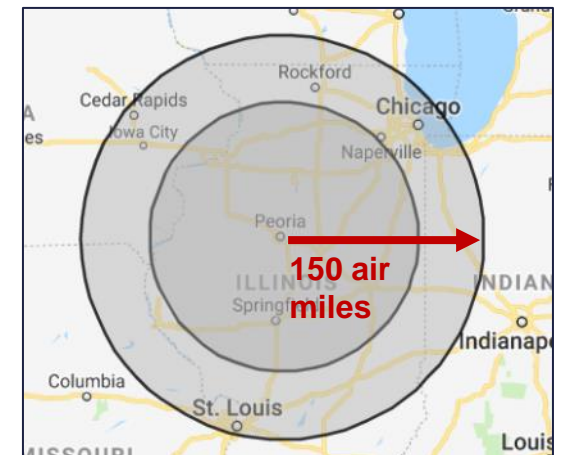
### EXAMPLE

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 [§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-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

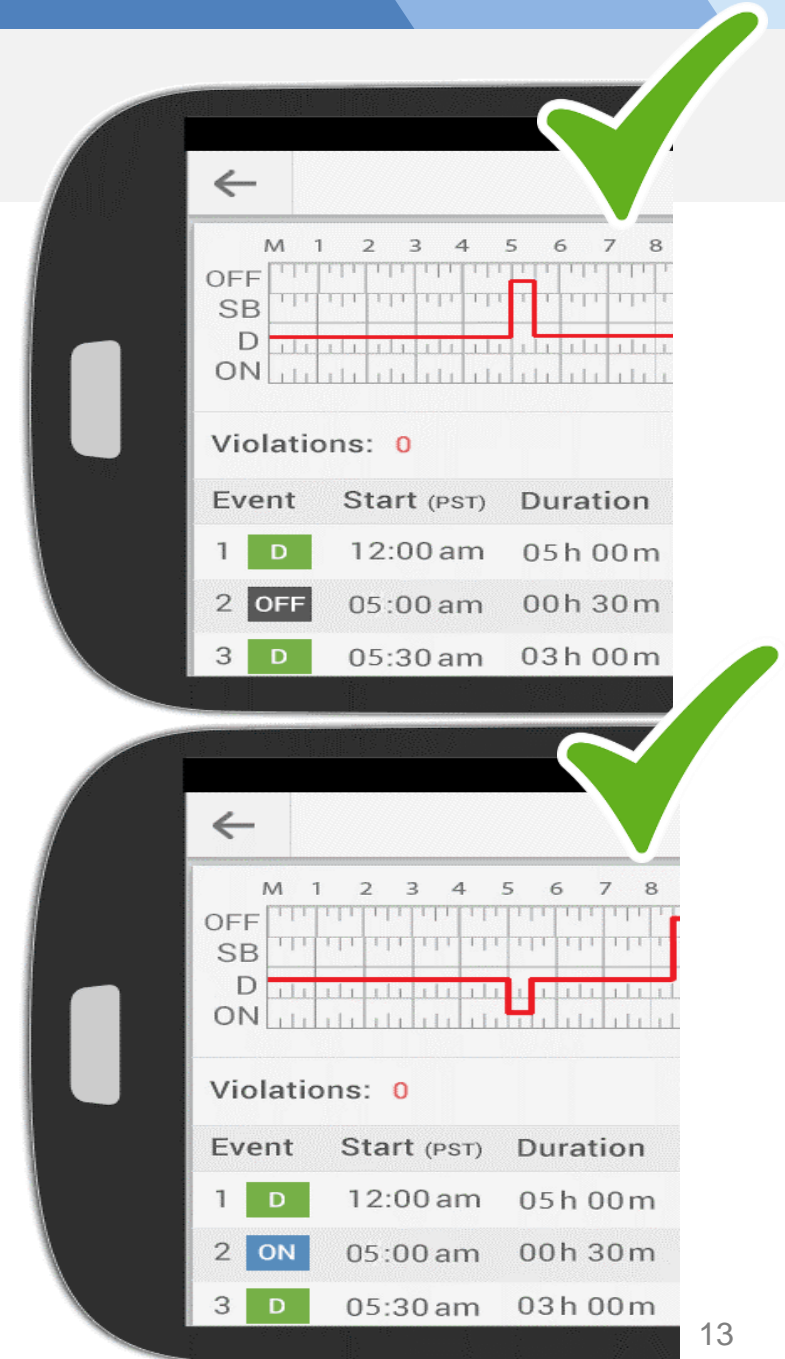
## EXAMPLE

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 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

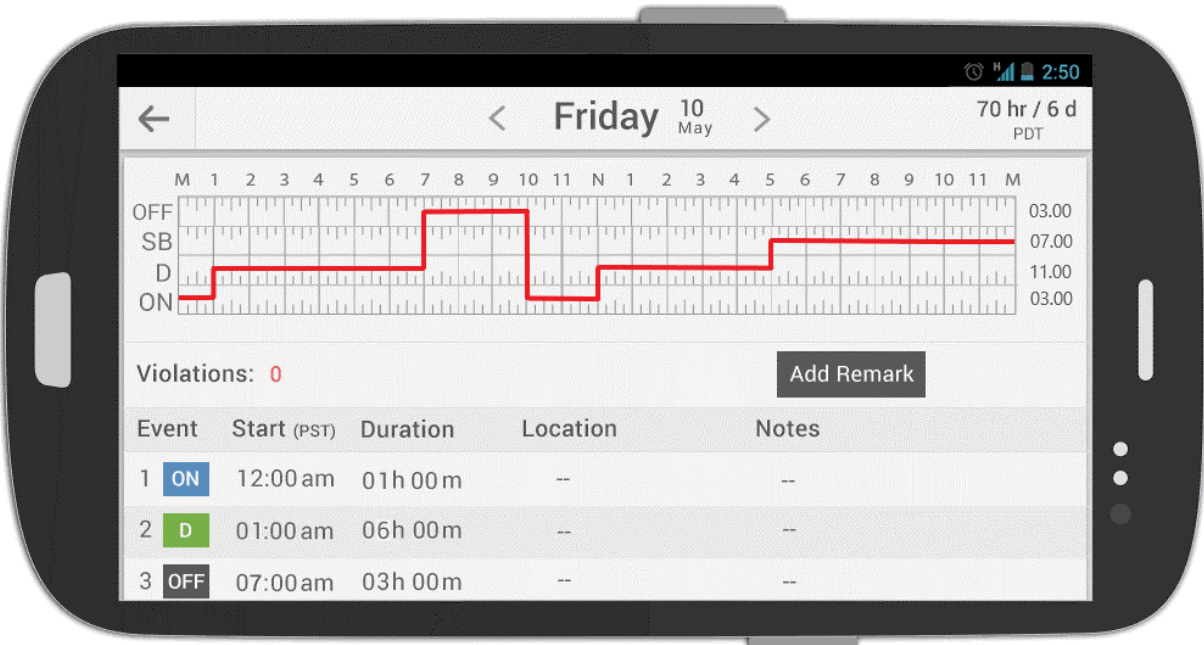
# Sleeper Berth Provision

**EXAMPLES**

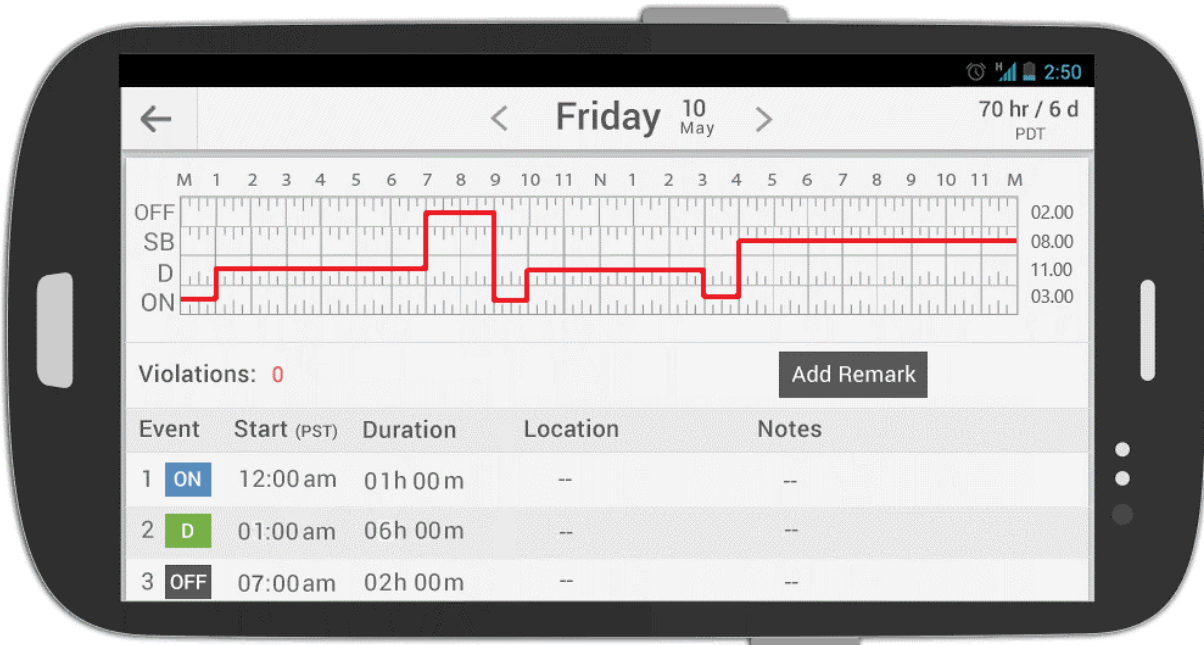
The example on this slide assumes the driver starts day 1 having just completed 10 consecutive hours off-duty

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

**Example 1: Driver used a 7/3 split**



**Example 2: Driver used an 8/2 split**



# When do the changes take effect?



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



# More Information & Resources



For information, visit:

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