

FACT SHEET: HOURS OF SERVICE FOR DRIVERS JUNE 2020

General Information

Beginning in December 2016, NPGA initiated advocacy to the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT) to modify the short-haul operation exemption. NPGA’s Regulatory Task Force of the Government Affairs Committee identified the short-haul operation exemption as an outdated regulatory burden that hindered efficient delivery operations. NPGA’s advocacy for FMCSA to modernize the short-haul operation exemption included gathering support from other over-the-road industries and incorporating the effort into a broader Hours of Service regulatory package by FMCSA.

On June 1, 2020 FMCSA finalized the Hours of Service regulatory package to modify four regulatory provisions to improve operational efficiencies. Motor carriers and drivers can utilize the modified regulations on September 29, 2020. Please contact NPGA staff [Mike Calderera](#) or [Sarah Reboli](#) with any questions.¹

Hours of Service (HOS) Regulatory Modifications

HOS Provision	Prior to Final Rule	Final Rule
<i>Short Haul</i>	May not be on duty more than 12 hours; may not drive beyond a 100 air-mile radius	Extends the maximum duty period to 14 hours; expands to 150 air-miles radius
<i>Adverse Driving Conditions</i>	May drive not more than 2 additional hours beyond the maximum time allowed. Does not extend the maximum driving window	Drivers may use the adverse driving conditions exception to extend the maximum “driving window” by up to 2 hours.
<i>30 Minute Break</i>	If more than 8 consecutive hours pass since the last off-duty or sleeper-berth period of at least 30 minutes, driver must take a break of least 30 minutes before resuming driving.	If more than 8 consecutive hours of <i>driving time</i> since the last off-duty or sleeper-berth period, driver must take a break of at least 30 minutes with a <i>non-driving period of off-duty</i> , in the sleeper-berth, or on-duty but not driving.
<i>Split-Sleeper Berth</i>	A driver must spend at least 8 consecutive hours in the sleeper berth. A second, separate rest period must be at least 2 consecutive hours, which may be spent in the sleeper berth, off-duty, or sleeper berth and off-duty combined. It counts as part of the maximum 14-hour window.	Drivers may take the required 10 hours off-duty in two periods by spending at least 7 hours of that period in the berth and a minimum off-duty period of at least 2 hours spent inside or outside of the berth, provided the two periods total at least 10 hours, and neither period counts against the 14-hour driving window.

¹ The information presented addresses the modified regulation, is intended to provide general information based on the understanding of NPGA staff, and is not legal advice.

Regulatory Text: 49 CFR 395 Hours of Service of Drivers²

§395.1 Scope of rules in this part

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(b) *Driving conditions*

(1) *Adverse driving conditions.* Except as provided in paragraph (h)(3) of this section, a driver who encounters adverse driving conditions, as defined in §395.2, and cannot, because of those conditions, safely complete the run within the maximum driving time or duty time during which driving is permitted under §395.3(a) or §395.5(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than 2 additional hours beyond the maximum allowable hours permitted under §395.3(a) or §395.5(a) to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo.

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(e) *Short-haul operations*

(1) *150 air-mile radius driver.* A driver is exempt from the requirements of §§395.8 and 395.11 if:

- (i) The driver operates within a 150 air-mile radius (172.6 statute miles) of the normal work reporting location;
- (ii) The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 14 consecutive hours;
- (iii) (A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off-duty separating each 14 hours on-duty;
(B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off-duty separating each 14 hours on-duty; and
- (iv) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (A) The time the driver reports for duty each day;
 - (B) The total number of hours the driver is on-duty each day;
 - (C) The time the driver is released from duty each day; and
 - (D) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

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(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle*

(i) *General.* A driver who operates a property-carrying commercial motor vehicle equipped with a sleeper berth, as defined in §395.2, and uses the sleeper berth to obtain the off-duty time required by §395.3(a)(1) must accumulate:

- (A) At least 10 consecutive hours off-duty;
- (B) At least 10 consecutive hours of sleeper berth time;
- (C) A combination of consecutive sleeper berth and off-duty time amounting to at least 10 hours;
- (D) A combination of sleeper berth time of at least 7 consecutive hours and up to 3 hours riding in the passenger seat of the vehicle while the vehicle is moving on the highway, either immediately before or after the sleeper berth time, amounting to at least 10 consecutive hours; or
- (E) The equivalent of at least 10 consecutive hours off-duty calculated under paragraphs (g)(1)(ii) and (iii) of this section.

(ii) *Sleeper berth.* A driver may accumulate the equivalent of at least 10 consecutive hours off-duty by taking not more than two periods of either sleeper berth time or a combination of off-duty time and sleeper berth time if:

- (A) Neither rest period is shorter than 2 consecutive hours;
- (B) One rest period is at least 7 consecutive hours in the sleeper berth;
- (C) The total of the two periods is at least 10 hours; and

² Available online: https://www.govinfo.gov/content/pkg/FR-2020-06-01/pdf/2020-11469.pdf?utm_campaign=subscription+mailing+list&utm_source=federalregister.gov&utm_medium=email

(D) Driving time in the period immediately before and after each rest period, when added together:

(1) Does not exceed 11 hours under § 395.3(a)(3); and

(2) Does not violate the 14-hour duty-period limit under §395.3(a)(2).

(iii) *Calculation.*

(A) *In general.* The driving time limit and the 14-hour duty-period limit must be recalculated from the end of the first of the two periods used to comply with paragraph (g)(1)(i)(E) of this section.

(B) *14-hour period.* The 14-hour driving window for purposes of §395.3(a)(2) does not include qualifying rest periods under paragraph (g)(1)(ii) of this section.

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§395.2 Definitions.

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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 to a motor carrier immediately prior to dispatching the driver.

On-duty time (4)(iii) Up to 3 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 7 consecutive hours in the sleeper berth;

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§395.3 Maximum driving time for property-carrying vehicles.

(a) * * *(2) *14-hour period.* A driver may not drive after a period of 14 consecutive hours after coming on-duty following 10 consecutive hours off-duty.

(3) *Driving time and interruptions of driving periods.*

(i) *Driving time.* A driver may drive a total of 11 hours during the period specified in paragraph (a)(2) of this section.

(ii) *Interruption of driving time.* Except for drivers who qualify for either of the short-haul exceptions in §395.1(e)(1) or (2), driving is not permitted if more than 8 hours of driving time have passed without at least a consecutive 30-minute interruption in driving status. 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.