

September 12, 2020  
Hours of Service Updates  
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For Immediate Release

In response to industry requests for greater flexibility in the Federal hours of service regulations the FMCSA published a final rule updating several key areas of the HOS regulations effective September 29, 2020. Many of these changes are very beneficial to short haul and vocational fleets such as towers, salvage yards and construction companies. Here are the highlights.

### **Short Haul Changes**

Mostly harmonizes the non-CDL and CDL required short haul regulations. The update allows a driver to claim the short haul exception from maintaining a log book (or ELD) when operating a property carrying commercial motor vehicle requiring an CDL if;

- ✓ Leave from and return to the same location and are relieved of duty within 14 hours
- ✓ Stay within a 150 air-mile radius of the work reporting location
- ✓ Has at least 10 consecutive hours off-duty before reporting for their next shift
- ✓ Carrier maintains true and accurate records of dates/times worked for 6 months

It is important to note that short haul drivers required to have a CDL still only get one “big day” in any 5 consecutive days where they are permitted to drive after the 14<sup>th</sup> and up to the 16<sup>th</sup> hour since coming on-duty however that day must be recorded on a log sheet or by using an ELD.

Short haul drivers not required to have a CDL still retain two “big days” and are allowed to drive up to the 16<sup>th</sup> hour since coming on duty without requiring a log book or ELD. See 49 CFR 395.1 (e)(2)(B) for more on the non-CDL “big day” rule.

### **Adverse Driving Conditions Change**

The new regulation clarifies what is considered an adverse driving condition to claim this extension of driving time. The previous rule was unclear and only permitted an extension of the 11 hour drive limit by 2 hours, the new rule also extends the 14 hour window as well as the 11 hour driving limit by 2 hours.

The key clarifications to the definition of adverse driving conditions was the inclusion of traffic delays that were or could not be known to the motor carrier or driver prior to dispatch or when resuming driving after a rest break. This will allow a driver to claim the 2 hour extension should they be caught in a severe delay due to an unplanned event such as a crash blocking the highway. It can not be used for traffic that is normal, or should have been expected, such as rush hour in a metropolitan area or construction related delays in established work zones.

### **30 Minute Rest Break Change**

The previous rule required a driver to take 30 consecutive minutes of off-duty time before driving after the 8<sup>th</sup> hour since the start of their tour. The new rule requires a 30 minute interruption before accumulating 8 hours of drive time rather than only counting the elapsed time since the start of the tour.

The interruption of driving time can now be satisfied with 30 consecutive minutes of any non-driving duty status such as off-duty, sleeper or on-duty not driving (fuel, loading, etc). These periods may also be combined to satisfy the 30 minute interruption as long as they are consecutive.

The 30 minute drive time interruption (break) does not apply to drivers claiming the short haul exception and not required to complete a log book or use an ELD.

### **Split Sleeper Berth Break Changes**

Previously to satisfy the 10 hour break requirements using a sleeper berth the driver had to either take at least 8 hours in the sleeper followed by an additional two hours of off-duty time with only the shorter period pausing the 14 hour clock. The new rule allows a driver to “pause” their 14 hour clock by taking at least 7 consecutive hours of rest in the sleeper berth and up to an additional 3 hours of rest as off-duty or sleeper berth at a later time. To use the new split break option a driver must;

- ✓ Take two periods of rest with neither being less than two hours
- ✓ Take at least 7 consecutive hours in the sleeper berth
- ✓ Together the two periods must add up to 10 hours
- ✓ When used together neither period counts against the 14 hour window
- ✓ Team drivers may count up to three hours riding in the passenger seat either immediately before or after a 7 hour sleeper berth period as off-duty time towards their 10 hour break

It is important to note that both the driving time limit (11) and 14 hour duty window must be recalculated from the end of the first of the two periods used to satisfy the split break requirements.

### **Questions or Comments**

These regulatory changes are applicable to any motor carrier of property that engages in interstate commerce including private fleets, towing companies and other operators of commercial vehicles. Additionally, 35 of 50 states adopt federal regulations by reference which will make these changes applicable to intrastate carriers in accordance with state laws as they are adopted either automatically or through legislative or administrative actions. It is highly likely that your operation will be affected by these regulatory changes.

This press release is not intended to be legal guidance and is for informational purposes only. Please contact a competent professional to verify how these regulations apply to your individual situation or operation.

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