



Part 395 - Hours of Service



Hours of Service for Property-Carrying CMVs





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The Goal

- The new HOS rule is intended to reduce fatigue-related crashes, most notably in the long-haul sector where studies indicate fatigue is much greater than in the short-haul sector.

The Research

- Consulted with driver health and fatigue experts and academic research institutions.
- In total over 1,000 health-related research articles and fatigue-related studies reviewed.
- 1,800 public comments considered.

Industry Impact

- Provides an increased opportunity for drivers to obtain necessary rest and restorative sleep.
- Provides flexibility to move products while operating safely...

The HOS Rules for property carriers

- 11 Hours Driving Limit

May drive a maximum of 11 hours after 10 consecutive hours OFF DUTY





The HOS Rules for property carriers

- 14 Hours Limit
- May not DRIVE after the 14th consecutive hour after coming ON DUTY following 10 consecutive hours OFF DUTY
- OFF DUTY time **does not** extend the 14 hour period

10 Consecutive Hours Off Duty

- Option 1 – Off Duty Time
- Option 2 – Continuous Sleeper Berth Provision
- Option 3 – Sleeper Berth Provision
- Option 4 – Continuous Off Duty and Sleeper Berth Provision

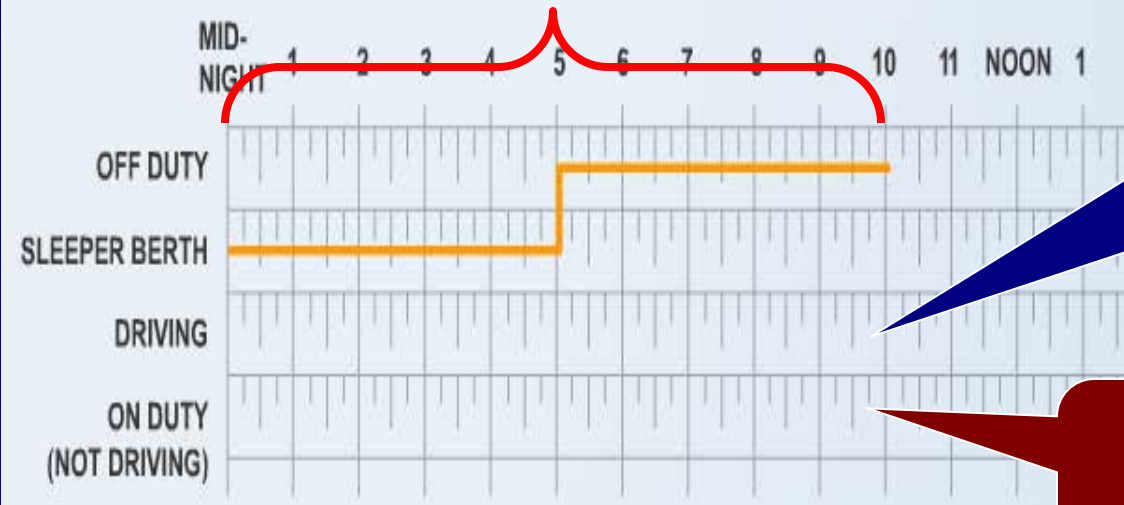
1. 10 Consecutive hours off duty

11 hours
available to drive



14 available On
Duty

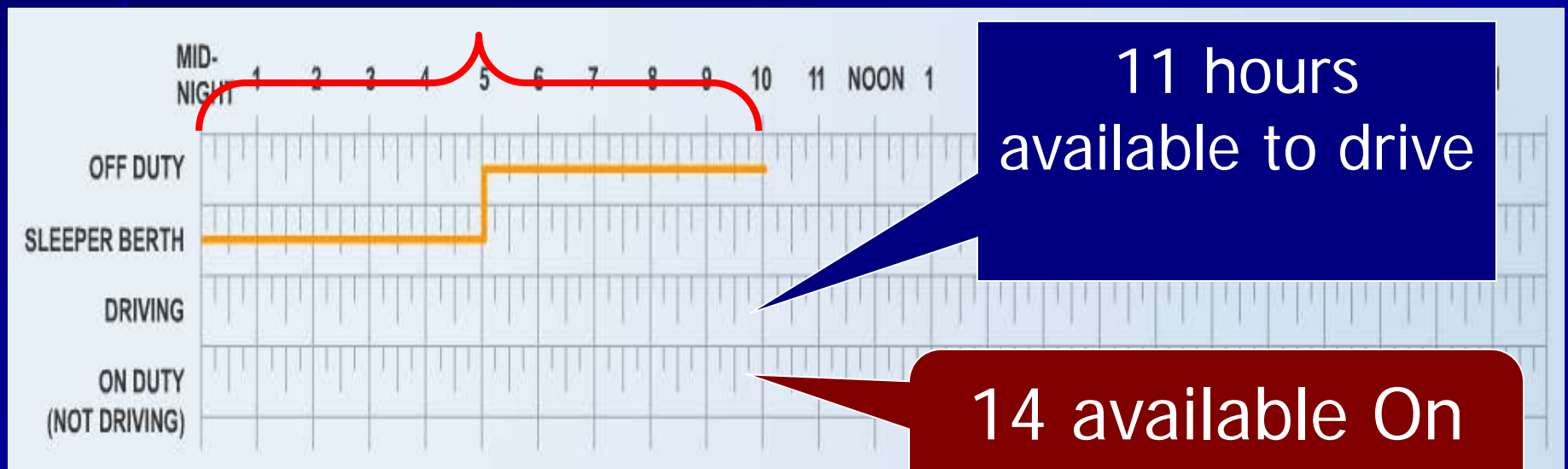
3. 10 Consecutive, uninterrupted hours of: off duty + sleeper berth



11 hours
available to drive

14 available On
Duty

Each time a driver obtains 10 consecutive hours off duty

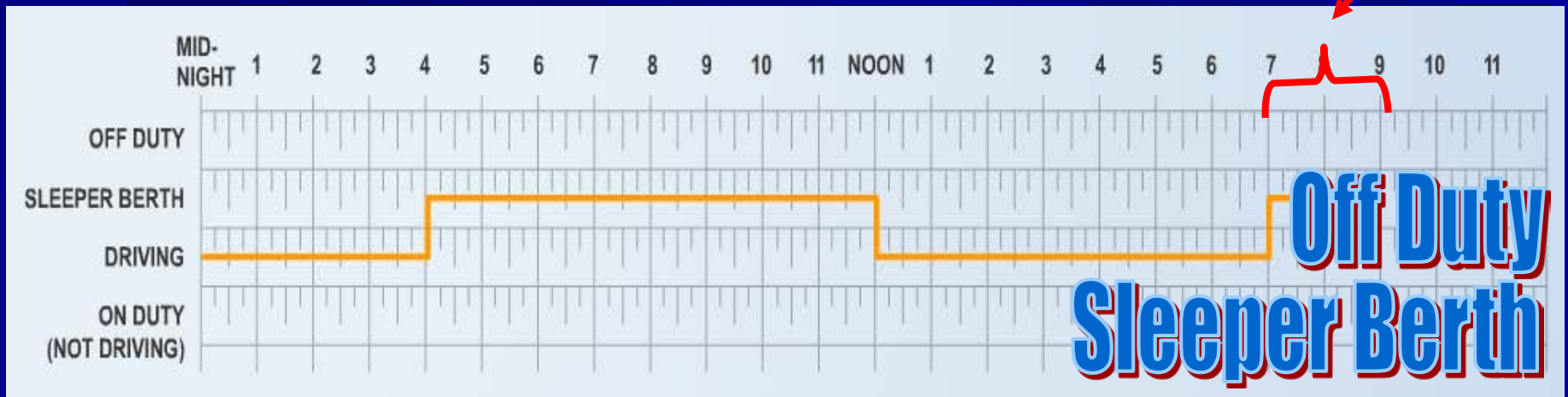


Sleeper Berth PROVISION



Sleeper Berth PROVISION

The other 2
or more hours can be...



Sleeper Berth PROVISION

**The other 2
or more hours can be...**



Reminders

**Sleeper Berth Time of
8, 9, or 10 hours will NOT
count against your 14 hour rule**

Reminders

**ANY sleeper berth time
less than 8 hours**

WILL count in the 14 hour rule



The HOS Rules for property carriers

- **30 Minute rest break**
- Must have a 30 minute rest break within the first 8 hours of coming on duty, can be off duty or sleeper berth
- Does **NOT** apply to drivers using the short haul exemption

The HOS Rules for property carriers

- **397.5 Mandatory Attendance Requirement and the 30 minute break**
- "In Attendance" time may be included in 30 minute break if no other duties are performed

The HOS Rules for property carriers

- 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

The HOS Rules for property carriers

- 60/70 Hour Limit

Must include two periods from 1 a.m. to 5 a.m. home terminal time, and may only be used once per week for 158 hours, measured from the beginning of the previous restart.

Suspended

The HOS Rules for property carriers

- 60/70 Hour Limit

NOTICE: The Consolidated and Further Continuing Appropriations Act of 2015 was enacted on December 16, 2014, suspending enforcement of requirements for use of the 34-hour restart. For more information see FMCSA's Federal Register notice: www.fmcsa.dot.gov/regulations/hours-service/hours-service-drivers

The HOS Rules for property carriers

- Sleeper Berth Provision

≥ 8 consecutive hours in the sleeper berth

+

A separate 2 hour period of SB
or OFF DUTY or combination of
both



HOS Regulations for Passenger Carriers



HOS Regulations for Passenger Carriers – 10 Hour Driving Limit

- May drive a maximum of 10 hours after 8 consecutive hours OFF DUTY



HOS Regulations for Passenger Carriers – 15 Hour Limit

- May not DRIVE after having been ON DUTY 15 hours following 8 consecutive hours OFF DUTY
- OFF DUTY time is **not** included in the 15 hour period.

HOS Regulations for Passenger Carriers – 60/70 Hour Limit

- May not DRIVE after having been ON DUTY 60/70 hours in any 7/8 consecutive days



HOS Regulations for Passenger Carriers – Sleeper Berth Provision



HOS Regulations for Passenger Carriers – Sleeper Berth Provision

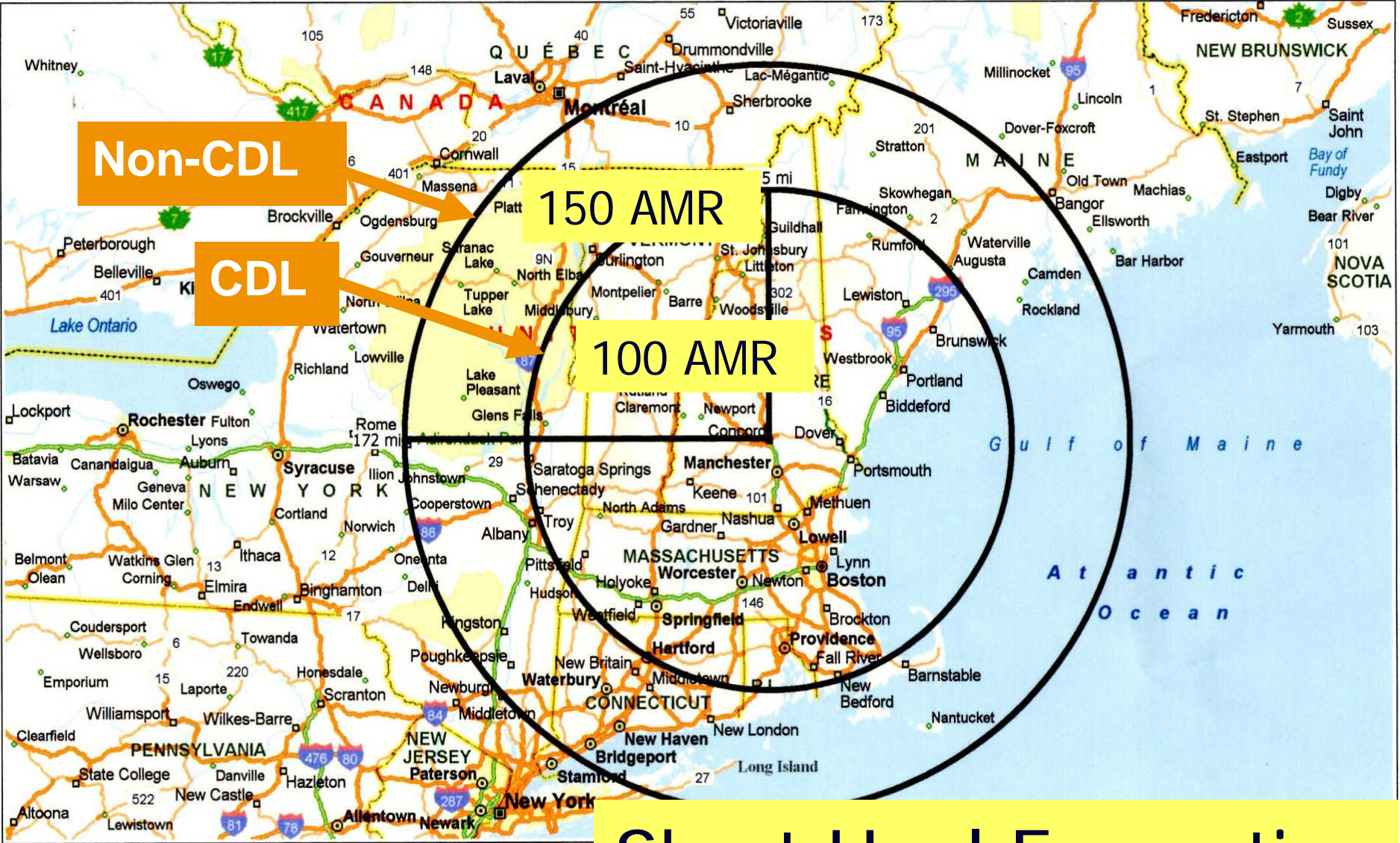
- Must take at least **8 hours** in the sleeper berth
- May split sleeper berth time into 2 periods
- Neither less than 2 hours



Driver Status

- Off Duty
- Sleeper Berth
- Driving
- On Duty Time (Not Driving)

United States, North America



Short Haul Exemption

Exceptions (395.1)

(e) **Short-haul operations** —(1) **100 air-mile radius driver** . A driver is exempt from the requirements of § 395.8 if:

(i) The driver operates within a 100 air-mile radius 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 12 consecutive hours;

(iii)(A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;

separating each 12 hours on duty:

(iii)(A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty

Exceptions (395.1)

- (v) 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.

time or intermittently.

(D) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first

Short Haul Exception – Passenger Carrier (395.1)

(B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and



Short Haul Exception – Property carrier – NON-CDL (395.1)

(2) ***Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license.*** Except as provided in this paragraph, a driver is exempt from the requirements of § 395.3(a)(2) and § 395.8 and ineligible to use the provisions of § 395.1(e)(1), (g), and (o) if:

(i) The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;

(ii) The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work, *i.e.*, the normal work reporting location;

(iii) The driver returns to the normal work reporting location at the end of each duty tour;

(iv) The driver does not drive:

(A) After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and

(B) After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days;

Short Haul Exception – Property carrier NON-CDL (395.1)

(v) 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;

(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.



Exceptions

(cont.)

Adverse Driving Conditions

- 2 additional hours of driving time for both property-carrying and passenger-carrying CMVs
- Does not extend the 14/15 hour rules



Exceptions

(cont.)

Driver-Salesperson

- 60/70 hour rules do not apply whose total hours driving do not exceed 40 hours in any 7 consecutive days (property-carrying CMVs)

Exceptions

(cont.)

Oilfield Operations

- 24 Hour reset for 70 hour rule

Exceptions

(cont.)

Retail Store Deliveries

- Drivers making local deliveries from retail stores between December 10 and December 25

Exceptions

(cont.)

Travel Time

- Property-carrying CMV drivers afforded 10 hours off duty
- Passenger-carrying CMV drivers afforded 8 hours off duty

Exceptions

(cont.)

Ground Water, Construction Materials & Equipment
Utility Service Vehicles

- 24 hour restart to 60/70 hour rule

Exceptions

(cont.)

Emergency Relief

- As defined in 390.5, as per 390.23

Questions...