

An aerial, top-down view of a complex multi-level highway interchange. The roads are dark asphalt with white and yellow lane markings. Several cars in various colors (blue, red, black, white) and two large white semi-trucks are visible on the roads. The scene is captured from a high angle, showing the geometric layout of the overpasses and ramps. The image is partially framed by white triangular shapes in the top-left and bottom-right corners.

motive

Hours of Service rules.

How to make the rules work
to your advantage.

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Introduction

In December 2017, most truck drivers were required to begin logging Hours of Service (HOS) using an electronic logging device (ELD). These devices required strict adherence to the HOS rules laid out by the Federal Motor Carrier Safety Administration (FMCSA). After the ELD rules went into effect, many carriers expressed concern about the limited flexibility and negative impact on productivity. As a result, the FMCSA began to explore modifications to the HOS rules that would provide additional flexibility to drivers, while preserving the safety of our roads. This effort culminated in the Hours of Service rules that went into effect on September 29, 2020.

Navigating all these HOS rules can be complicated. That's why we've put together this comprehensive guide that covers everything you need to know about how you can make the HOS rules work for you and your fleet.



The foundation of Hours of Service

The 2020 HOS changes provide several new flexibilities but preserve the foundation of the 2003 HOS rules. These foundational HOS elements have remained the same:

Start of shift (49 C.F.R. §395.3(a)(1))

A driver may not drive without first taking 10 consecutive hours off duty. In other words, after every shift, a driver must take at least 10 consecutive hours off duty or in the sleeper berth, or any combination of the two, before driving again.

14-hour rule (49 C.F.R. §395.3(a)(2))

A driver may only drive during the first 14 hours of coming on duty. Also referred to as the “driving window,” this rule requires a driver to complete all driving within 14 hours of coming on duty, with limited exceptions discussed later.

11-hour rule (49 C.F.R. §395.3(a)(3)(i))

A driver may not drive more than 11 hours in a shift. Driving must occur within the “driving window.” When combined, these two rules mean a driver can drive up to 11 hours and must complete all driving within 14 hours of coming on duty.

60/70-hour rule
(49 C.F.R. §395.3(b))

If the motor carrier operates every day of the week, the driver may not drive after accumulating 70 hours of on-duty time over any eight-day period. If the motor carrier operates less than every day of the week, the driver may not drive after having accumulated 60 hours of on-duty time within any seven-day period. The seven- or eight-day period is a “rolling period.” This means that the oldest day’s hours drop off when calculating total on-duty time for the past seven or eight days. To calculate available hours, drivers use a “rolling recap” in which drivers calculate the number of hours available by adding the hours in the last seven days and subtracting by 60. Using an ELD automates this calculation, avoiding errors or confusion.

Under the 60/70-hour rule, a driver may not drive after reaching the accumulated on-duty time limits. They may still perform work, but they may not drive.

	60 hrs in 7 days	
Day	Available	Worked
1	60	14
2	46	10
3	36	0
4	36	12
5	24	14
6	10	10
7	0	0
8	14	

34-hour rest break (49 C.F.R §395.3(c))

A driver may “restart” the weekly time calculation by taking at least 34 consecutive hours off duty. The 34-hour rest break/restart may be taken at any time, and as many times per week as desired.

Special driving categories

A special driving category is a specific circumstance during which the commercial motor vehicle (CMV) is moving faster than 5 mph but that movement isn't being recorded as driving time. Special driving categories are configurable by the motor carrier to allow or disallow their use. There are two special driving categories: yard move and personal conveyance.

Yard move

Yard move is a special driving category that drivers may use to record time spent operating a CMV in a location that's “not open to public travel.” More specifically, it refers to time spent driving a CMV in an area not open to the public without restrictive gates, prohibitive signs, or rules. (See the definition of a highway at [49 C.F.R. §390.5](#).) While driving in a restricted area as defined above, a driver may use the yard move special driving category, which will log their activity as on duty (not driving).

Personal conveyance

Personal conveyance (PC) is a special driving category used to account for the movement of a CMV while the driver is off duty. Motor carriers may, at their discretion, permit the use of PC. PC has been a source of confusion for the industry because rules dictating appropriate use are vague. Compounding matters is law enforcement's keen focus on personal conveyance as a possible source of HOS fraud.

To address this, in 2018, the [FMCSA updated its personal conveyance guidance](#) to clarify misunderstandings. The FMCSA states that what matters most when determining if PC is appropriate is the intent of the move, and not whether the truck was loaded or how far or for how long the personal conveyance lasted. If the purpose of the move is for the commercial benefit of the carrier (e.g., to get closer to the next pick-up or drop-off), then the driver shouldn't log it as PC. On the other hand, if the move is off-duty and for the personal benefit of the driver (e.g., to commute home after a shift), the truck can be thought of more as a personal vehicle and PC can be used. Of course, the use of PC should be of “reasonable” duration. The FMCSA leaves that determination up to the driver, motor carrier, and importantly, law enforcement.

Fortunately, the FMCSA has provided some examples of appropriate and inappropriate uses of PC:

Can I use PC? Here are some examples:

Appropriate	Inappropriate
Traveling to lodging, restaurants, or entertainment	Enhancing the “operational readiness” of the carrier (e.g., passing a resting location to get closer to the next load)
Commuting from terminal to home (provided restorative rest can be achieved)	Returning to the point of origin to pick up a new load
Traveling to a nearby location to rest after unloading	Continuing a trip to fulfill a business purpose
Moving at the request of a safety official	Transporting a CMV to a maintenance facility
Transporting personal property while off duty	After being placed OOS
Traveling home after working at an off-site location	Traveling to or from a home terminal after loading or unloading

Electronic logging devices (49 C.F.R. §395 Subpart B)

Any driver required to maintain a record of duty status (logbook) for more than eight days in any rolling 30-day period is required to do so using an electronic logging device (ELD). Those operating a power unit older than model year 2000 or are driving a commercial motor vehicle that’s the commodity being delivered (drive-away operations) aren’t required to use an ELD.

Supporting documentation (49 C.F.R. §395.11)

Drivers are required to collect and maintain documentation supporting log entries. Any document collected in the normal course of business and can be used to verify compliance with the HOS rules is considered a supporting document. Ideally, supporting documents will contain four basic data elements: location, date, time, and another data element to link the document to the driver, such as a name or identification number. Common examples of supporting documents include toll receipts, bills of lading, fuel receipts, inspection reports, or electronic communications between the driver and motor carrier. Supporting documents must be maintained for six months.

According to the rules (49 C.F.R. §395.11(c)), supporting documents should be maintained in a way that supports matching them with the HOS and fit in the following categories:

- Bills of lading, itineraries, schedule, or equivalent documents that show the origin and destination of a trip.
- Dispatch records or equivalent documents.
- Expense receipts related to on-duty not-driving time.
- Electronic mobile communications records.
- Payroll records, settlement sheets, or equivalent documents that show what and how the driver was paid.



The 2020 rule changes

Following a long listening tour and an expedited rulemaking process, the [FMCSA finalized its changes to the Hours of Service rules](#) on June 1, 2020. While the foundation of the HOS rules remained the same, several important changes were made, which improve operational efficiencies if utilized properly.

Adverse driving conditions exception ([49 C.F.R. 395.1\(b\)](#))

What is it?

The adverse driving conditions exception gives drivers additional time to complete their run if they encounter *unexpected* weather or road conditions. [Adverse driving conditions is defined](#) as:

“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.”

The adverse driving conditions rule allows a driver to add two hours to both the 14-hour work window and the 11-hour driving clock. This means a driver could have up to 16 hours within which to complete 13 hours of driving.

How has it changed?

The FMCSA updated this exception by allowing the driver to have a role in determining if the adverse driving conditions exception is applicable. Specifically, language was added that allows the exception to be used if the conditions weren't immediately known to the driver, when previously only the dispatcher could make that determination. The FMCSA also allowed two hours to be added to the 14-hour driving window when adverse driving conditions are encountered.

How does this impact carrier operations?

The first thing carriers should understand is that this is an optional provision and they'll have a responsibility to ensure the driver isn't operating a CMV while ill or fatigued ([49 C.F.R. §392.3](#)). As such they should consider whether use of the provision may exacerbate fatigue. The carrier may restrict use of this provision as they see fit. Some carriers find the exception to be an important release valve when encountering unexpected circumstances, while others never allow it.

As a part of determining if and under what circumstances to allow the use of this exception, carriers should decide the extent to which they allow drivers to make the determination independently. Each circumstance must be carefully scrutinized to ensure adherence with FMCSA's rule and guidance on its appropriate use.

30-minute rest break ([49 C.F.R. §395.3\(3\)\(ii\)](#))

What is it?

Before reaching eight hours of cumulative driving time during a shift, drivers are required to take a break to obtain needed respite from cumulative fatigue. Drivers using the short-haul exception, explained below, aren't required to take a 30-minute rest break.

How has it changed?

While the 30-minute rest break is still required, when and how a driver can use it has changed significantly. The new rules require a 30-minute rest break only after the driver has accumulated eight hours of driving time, not eight hours of on-duty time as was the case under the prior rule. If the driver doesn't exceed eight hours of driving time in a shift, a 30-minute rest break isn't required. Also, drivers may now count on-duty (not-driving) time toward their rest break. For example, time spent completing paperwork or fueling their truck may be counted as a rest break provided the total break is at least 30 consecutive minutes.

How does this impact carrier operations?

The first thing carriers should consider is whether their drivers are still required to take a 30-minute rest break. The FMCSA estimated only 17.3% of drivers will need to take a rest break, compared to 73.4% under the old rules. Second, carriers should evaluate those routes that will require a rest break and look for on duty (not driving) opportunities that can be counted toward a rest break, negating the need to make an unplanning or inconvenient stop to accommodate a break.

Short-haul exception (49 C.F.R. §395.1(e)(1))

What is it?

The short-haul exception allows some drivers to forgo the requirement to monitor their HOS compliance using a paper or electronic logbook. To be eligible, drivers can't drive beyond a 150 air-mile radius (approximately 172 road miles), must return to their normal work reporting location, and be released from work within 14 hours of coming on duty. Drivers using this exception can monitor HOS compliance through a simple timecard entry. Those using the short-haul exception are still required to abide by all HOS requirements (e.g., the 11-hour driving limit) except the 30-minute rest break.

How has it changed?

The new rules expand the air-mile radius from 100 miles and require eligible drivers to return within 14 consecutive hours, not 12. If a driver drives outside of the 150 air-mile radius, or isn't released from duty within 14 hours, they must track HOS compliance using a record of duty status (i.e., a logbook, either paper or ELD). If this happens more than eight times in any 30-day rolling period, the driver must use an ELD on the ninth day.

How does this impact carrier operations?

The most significant change to the short-haul exception is the extension of the workday to 14 hours. Now, local drivers don't need to sacrifice efficiency to gain the advantage of not having to maintain a detailed logbook. Drivers now have more time to complete their current scheduled routes and have an opportunity to add additional stops or routes because of the expanded operating radius. Carriers should evaluate their routes to see if adding stops or routes improves efficiency, keeping in mind that the HOS rules still apply, limiting drivers to 11 hours of driving in a 14-hour window. The weekly limit also applies.

Motive ELDs have functionality that tracks driver time under the short-haul exception but automatically reverts to a traditional record of duty status if the driver violates the terms of the exception, making the need to monitor and switch to paper logs moot. Carriers also have the option to simplify their recordkeeping with an ELD that improves asset tracking and produces a compliant logbook.

Split sleeper berth rules (49 C.F.R. §395.1(g))

What are they?

The HOS rules say that a driver may not drive unless they've taken 10 consecutive hours off duty. However, if the truck is equipped with a sleeper berth as [defined here](#), drivers are allowed to pause the 14-hour driving window by splitting their 10 hours off-duty time into two separate rest periods provided:

- Neither rest period is shorter than two hours long.
- One rest period is at least seven hours long and taken in the sleeper berth.
- The total of the two separate periods is at least 10 hours long.

Once the second off-duty period is complete, a new “calculation point” is added at the end of the first off-duty period. This is the point from which available driving and on-duty (not driving) hours are now calculated. These off-duty periods “pause” the 14-hour driving window.

How have they changed?

Previously, drivers using the sleeper berth rules could only split their rest periods into one 8-hour segment, taken in the sleeper berth, and one 2-hour segment, taken off-duty. In addition, only the longer period would pause the 14-hour driving window. Verifying compliance is now as easy as adding the driving and on-duty (not driving) time before and after each qualifying rest period and verifying the limits haven’t been exceeded. The new rules also provide significant new flexibilities discussed below.

How does this impact carrier operations?

This change is one of the most significant updates to the HOS rules. For example, under the old rules, because the shorter rest period didn’t pause the 14-hour clock, drivers always took the longer period first. Now, drivers have the flexibility to shut down for up to three hours to avoid traffic congestion or having to log time spent detained at a shipper. This time doesn’t count against the 14-hour driving window provided it’s later paired with a longer sleeper berth period, which, when added to the shorter break, totals at least 10 hours. Furthermore, if the driver then decides to extend the sleeper berth period to 10 consecutive hours (by adding off-duty or SB time), they’ll have a fresh 11 hours of driving and 14-hour window.

Consequences for not following the rules

For drivers who operate a CMV in interstate commerce, not abiding by the HOS rules isn’t an option. Law enforcement officials are focusing on HOS violations both on the roadside and in back-office audits (i.e., compliance reviews).

In the event of a traffic enforcement or roadside inspection stop, law enforcement will review the HOS records of drivers and issue violations and/or citations (tickets) for any violations discovered. In some severe cases, they’ll also place the driver out of service until they have enough hours to proceed.

If the motor carrier is selected for an audit, Hours of Service violations are double-weighted compared to other compliance factors. This means that if an inspector discovers a pattern of HOS violations, the carrier is more likely to receive a conditional or unsatisfactory rating, which, in extreme cases, can result in the carrier losing its authority to operate.

Most common violations

Below are the most common HOS-related violations from FY2020 found during compliance reviews or roadside inspections.

Compliance review	Roadside inspection
Not using the appropriate method to record HOS	Record of duty status (form and manner)
False reports of records of duty status	Record of duty status not current
Failing to preserve supporting docs for 6 months	Driving beyond 14-hour duty period



Summary

The Hours of Service rules now provide more flexibility that, if properly utilized, will improve fleet efficiency and productivity. Most drivers will no longer need to take a 30-minute rest break. Those that do will be able to continue working on non-driving tasks. More flexibilities added to the adverse driving conditions can increase the provision's usefulness and encourage carriers to make good safety-based decisions. Updates to the short haul exception bring it in line with other HOS rules, making managing drivers easier. Finally, split sleeper berth rules now make it easier for drivers to get needed rest mid-shift, in response to changing conditions, without sacrificing productivity. While today's HOS rules have more flexibility, the penalty for violating these rules can be severe. As always, compliance is a must.

Make the Hours of Service rules work to your advantage

Good news. Motive's best-in-class technology supports the Hours of Service changes outlined in this guide. But Motive is much more than ELD compliance. We've helped over 120,000 customers unlock their potential with our AI-powered platform that improves safety, productivity, and profitability. We combine IoT hardware with AI-powered applications to automate vehicle and equipment tracking, driver safety, compliance, maintenance, spend management, and more.

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Motive builds technology to improve the safety, productivity, and profitability of businesses that power the physical economy. The Motive Automated Operations Platform combines IoT hardware with AI-powered applications to automate vehicle and equipment tracking, driver safety, compliance, maintenance, spend management, and more. Motive serves more than 120,000 businesses, across a wide range of industries including trucking and logistics, construction, oil and gas, food and beverages, field services, agriculture, passenger transit, and delivery. Visit gomotive.com to learn more.