

## Hours-of-Service FAQ's

Summary: FAQ's for several items ...

### Detailed News

### Personal Conveyance

#### **May a driver use personal conveyance when they run out of available (driving/on-duty) hours?**

No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the HOS rules before beginning to drive. If something causes a driver to go into violation before getting to a spot to park, they must continue under normal driving status to the safe spot to park and enter a notation explaining the cause of the violation.

#### **May a driver, who drops his or her last load at a receiver's facility use personal conveyance to return to their normal work location (i.e., home or terminal)?**

No. Returning home or to the terminal (terminal not applicable to AMMF business model) from a dispatched trip is a continuation of the trip and therefore cannot be considered personal conveyance.

### Sleeper Berth

#### **How does the split sleeper provision work?**

Drivers are allowed take their required 10 hours of off-duty time in two periods as long as one off-duty period (whether in or out of the sleeper berth) is at least two hours long and the other involves at least seven consecutive hours spent in the sleeper berth. Both periods added together must equal at least 10 hours. When paired correctly, neither qualifying period counts against the 14-hour duty clock. An 8-hour sleeper berth period by itself can no longer be excluded from the 14-hour driving window. After you complete your first required rest period, you will have to calculate how many hours you have available after that.

**Example:** You come to work at 7:00 a.m. You begin driving at 10:00 a.m. and at 2:00 p.m. you spend 8 hours in your sleeper berth. At 10:00 p.m. you resume driving. Those 8 hours in the sleeper berth do not count as part of the 14 hours. This means that you only used 7 of your 14 hours so far, and your 14-hour limit gets extended to 5:00 a.m. the next morning. Your driving limit is still 11 hours and so far, you have only driven 4 hours. That means you have 7 hours of driving time still available, allowing you to drive from 10:00 p.m. until 5:00 a.m. At 5:00 a.m. you take your second rest period, going off duty for 2 hours. That brings you to 7:00 a.m.

After that you must again recalculate how many hours you will have available. Your new calculation point will be from the end of the 8-hour sleeper berth period you took earlier (10:00 p.m.). Remember that you are allowed to do non-driving work after the 14-hour limit is reached, just no more truck driving (but the additional on-duty time would count toward your weekly 70-hour limit). Each time you take one of the two required rest periods, you will need to recalculate the on-duty and driving hours available. You could continue using the sleeper-berth regulation and recalculating your hours available or you could take at least 10 consecutive hours off duty. Only after 10 consecutive hours off duty, will you have 11 hours of driving time and a 14 consecutive hour driving window.

#### **May a 10-consecutive hour off-duty period be paired with a subsequent qualifying 7+-consecutive hour sleeper berth period?**

No. A 10-hour off-duty period cannot be paired for use of the split-sleeper provision. At the completion of a 10-hour off-duty period, the driver has reset both the 11- and 14-hour "clocks."

**If a driver takes 3 hours off-duty and then 10 consecutive hours in the sleeper berth, will the 3 hours count against the driver's 14-hour "driving window"?**

No. Any off-duty period of 2 hours or more may be paired with a sleeper berth period that is 7 hours or more, provided the two periods total at least 10 hours when added together. As these periods meet all the requirements, this would be a compliant pairing. However, 10- consecutive hours in the sleeper berth would reset the 11-hour driving time and 14-hour "driving window" moving forward.

**What is a "qualifying rest break or sleeper berth period" under the definition of adverse driving conditions?**

A qualifying rest break or sleeper berth period is either the sleeper berth period of at least 7 hours or the rest period of at least 2 hours in the sleeper berth or off-duty as described under the sleeper berth exception, as well as any 10-consecutive hour or more break. The 30-minute break is not a qualifying rest break or sleeper berth period under the adverse driving conditions definition.

**Are off duty and sleeper berth interchangeable?**

No. Sleeper berth means the driver is resting (not necessarily sleeping) in the sleeper berth compartment of the vehicle. A driver who is in the sleeper berth and logs off duty can be found in noncompliance for either a false log or a form and manner violation.

## **Adverse Driving Conditions**

**How may a driver utilize the adverse driving conditions exception, or the emergency conditions exception to preclude an hours-of-service violation?**

An absolute prerequisite for any such claim must be that the trip involved is one which could normally and reasonably have been completed without a violation and that the unforeseen event occurred after the driver began the trip. Drivers who are dispatched after the motor carrier has been notified or should have known of adverse driving conditions are not eligible for the two hours additional driving time. The term "in any emergency" shall not be construed as encompassing such situations as a driver's desire to get home, shippers' demands, normal traffic delays, or mechanical failures.

**Are drivers required to annotate an adverse driving condition they encountered on their ELD?**

Yes. A driver is required to annotate the use of the adverse driving conditions exception on the ELD. If the roadside officer can prove there was no adverse driving condition, the driver may be cited, receive a CSA violation or be placed out-of-service.

**If it only takes an hour for a driver to get through the adverse driving conditions, do they still get to use the full 2 hours of the exception?**

No. Drivers are allowed *up to* an additional two hours. If it only took an hour for the driver to get through the adverse driving condition, then that is all the additional time the driver is allowed.

**May a driver use the adverse driving conditions exception if he/she has accumulated driving time and on-duty (not driving) time, that would put the driver over 70 hours in 8 consecutive days?**

No. The adverse driving conditions exception applies only to the 11-hour and 14-hour rule.

## **30 Minute Rest Break**

### **Am I exempt from the 30-minute rest break rule?**

Yes – only if you are currently under an over-dimensional load running under permits. You are subject to the 30-minute break requirement when empty, bobtailing or hauling a legal, or non-permitted load.

### **Can a driver satisfy the 30-minute rest break by time spent on-duty fueling?**

Yes. The 30 minutes must be consecutive but can be satisfied by any combination of off-duty, in sleeper berth or on-duty, not driving.

## **Logging a drug and/or alcohol test**

### **How should I log my time at the clinic for a drug or alcohol test?**

On-duty for all time spent providing a breath, saliva, or urine sample to comply with DOT testing requirements when directed by your carrier.

### **How should I log my time getting to and returning from the testing facility?**

On-duty Driving if using your CMV, On-duty Not Driving if traveling in any other vehicle.