

INFORMATION BULLETIN



December 18, 2020

2020 INTERSTATE DRIVERS' HOURS-OF-SERVICE CHANGES

A final drivers' hours-of-service (HOS) rule, affecting drivers of commercial motor vehicles engaged in interstate commerce, was published in the Federal Register, Volume 85, Number 105, on June 1, 2020, which includes changes to Title 49, Code of Federal Regulations (CFR), Sections 395.1, Scope of Rules in this Part; 395.2, Definitions; and 395.3, Maximum Driving Time for Property-Carrying Vehicles. The final rule became effective on September 29, 2020. The HOS changes for interstate commercial motor vehicle drivers are as follows:

Section 395.1(b)(1) *Adverse driving conditions*. Permits the driver to extend their maximum allowable on-duty time and/or driving time by up to two additional hours (previously only driving time could be extended). The change applies to both drivers of property-carrying and passenger-carrying commercial motor vehicles. This allows for driving later in the work day, potentially extending the hours and vehicle miles driven.

Section 395.1(e)(1) *Short-haul operations*. Expands the short-haul exception for a commercial driver, extending the maximum duty period allowed under the short-haul exception from 12 to 14 hours and extending the distance limit from a 100 air-mile radius to a 150 air-mile radius.

Section 395.1(g) *Sleeper berths*. Modifies the sleeper berth exception to allow a driver of a property-carrying motor vehicle to meet the ten-hour minimum off-duty requirement by splitting their required off-duty period into two periods, provided one off-duty period is at least two hours long (in or out of the sleeper berth), and the other period is at least seven consecutive hours spent in the sleeper berth, with both periods totaling at least ten hours. Additionally, neither qualifying rest period will count against the maximum 14-hour on-duty limit.

Section 395.2 *Definitions*. Changes the definition of the adverse driving conditions for the purposes of utilizing the hours-of-service exception in Title 49, CFR, Section 395.1(b)(1). The definition now includes adverse weather conditions or unusual road or



traffic conditions that were not known or could not have reasonably been known to the driver, prior to resuming operation or immediately prior to the dispatching of the driver.

Section 395.2 (4)(iii) *Definition of on-duty time.* Excludes up to three hours riding in the passenger seat of a property-carrying vehicle, immediately before or after a period of at least seven consecutive hours in the sleeper berth.

Section 395.3(a)(3)(ii) *Interruption of driving time.* Requires drivers of property-carrying vehicles to have at least a 30-minute uninterrupted break within every eight hours of driving (instead of the previous eight hours of on-duty time). Additionally, the change allows for any on-duty, not-driving period of 30 consecutive minutes, or by a combination of off-duty, sleeper berth and on-duty, not-driving time, to qualify for the 30-minute break.

These changes only affect drivers engaged in interstate commerce, or intrastate drivers transporting hazardous substances or hazardous waste, as those terms are defined in Title 49, CFR, Section 171.8. Drivers engaged in intrastate commerce, not transporting hazardous substances or hazardous waste, must continue to comply with the HOS rules contained in Title 13, California Code of Regulations, which remain unchanged. The text of the final rule, frequently asked questions, and a comparison between the existing requirements and the changes may be viewed at the Federal Motor Carrier Safety Administration Web site at <http://www.fmcsa.dot.gov>.

Questions regarding this Information Bulletin may be directed to the Commercial Vehicle Section, at (916) 843-3400.

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