

# INFORMATION BULLETIN



(October 2, 2024)

## HOURS-OF-SERVICE AND ADVERSE DRIVING CONDITIONS

The purpose of this Information Bulletin (IB) is to provide guidance regarding the application of the adverse driving conditions exceptions for drivers operating vehicles described in Section 34500 of the California Vehicle Code (CVC) who are required to comply with *interstate* or *intrastate* hours-of-service (HOS) regulations.

NOTE: The adverse driving conditions exceptions outlined in this IB do not apply to drivers subject to HOS requirements pursuant to Section 21702 CVC.

### Interstate Adverse Driving Conditions

Title 49 of the Code of Federal Regulations (CFR), Section 395.2, defines adverse driving conditions to mean “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.” Title 49, CFR, Section 395.1, allows a driver who encounters adverse driving conditions and cannot, due to those conditions, safely complete the run within the HOS limits established by Title 49, CFR, Sections 395.3 or 395.5, to drive not more than two additional hours beyond the HOS limits to complete that run or reach a place of safety.

### Intrastate Adverse Driving Conditions

Title 13 of the California Code of Regulations (CCR), Section 1201, defines adverse driving conditions as “snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.” Title 13, CCR, Section 1212, allows a driver who encounters adverse driving conditions and cannot, due to those conditions, safely complete the run within the maximum driving time limits established by Title 13, CCR, Section 1212.5, to drive not more than two hours beyond the maximum driving time limits to complete that run or reach a place of safety.



## Electronic Logging Devices

Drivers using an electronic logging device are required by Title 49, CFR, Section 395.28(c), to annotate the adverse driving conditions on their record of duty status and include details about the conditions. Drivers using paper logs or alternative logging systems are encouraged to similarly note when they utilize an adverse driving conditions exemption.

## Guidance and Examples

The interstate and intrastate definitions cover conditions that are unknown, or could not reasonably have been known prior to the start of a duty day or before resuming driving after a qualifying sleeper berth rest break. Examples where the adverse driving conditions exemptions *would* apply include, but are not limited to:

- As a commercial motor vehicle (CMV) is approaching a location, an avalanche or rockslide occurs and blocks the road resulting in traffic backup.
- A serious crash which blocks the path of the CMV suddenly occurs.
- An unexpected off-season snowstorm occurs and results in traffic backup.

Examples where the adverse driving conditions exemptions *would not* apply include, but are not limited to:

- An anticipated winter storm occurs, as expected, and results in chain restrictions and traffic delays.
- Typical traffic backup during peak travel times during holidays or commute hours.
- Road closures, due to a natural disaster, which have been televised or discussed extensively on social media.

Questions regarding this IB should be directed to Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

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