



# SAFETY FOCUS | HOURS OF SERVICE FINAL RULE ADVERSE DRIVING CONDITIONS

## HOS Changes

### HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service (HOS) final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The HOS final rule provides greater flexibility and productivity for drivers without adversely effecting safety.

Drivers and carriers must operate under the HOS final rule starting September 29, 2020 at 12:01 AM EST, and not before.

## Adverse Driving Conditions Exception Changes

The adverse driving conditions exception is extending the duty day by two hours when adverse driving conditions are encountered. This is in addition to the extra two hours of driving time already allowed.

When unforeseen adverse driving conditions affect their route, drivers can:

### Previous

Drive for up to 2 hours beyond the **driving limits**

- ✔ Property carrier 11-hour driving limit

### New

2-hour extension applies to **both driving limit and on-duty limit**

- ✔ **Property carrier** 11-hour driving limit and 14-hour driving window

When using adverse driving conditions exception, drivers can drive up to:

- ✔ **Property:** 13 hours within a 16-hour driving window

The definition of adverse driving conditions now considers the role of the driver:

### Previous

Adverse driving conditions means snow, sleet, fog, or 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.**

### New

Adverse driving conditions means 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:

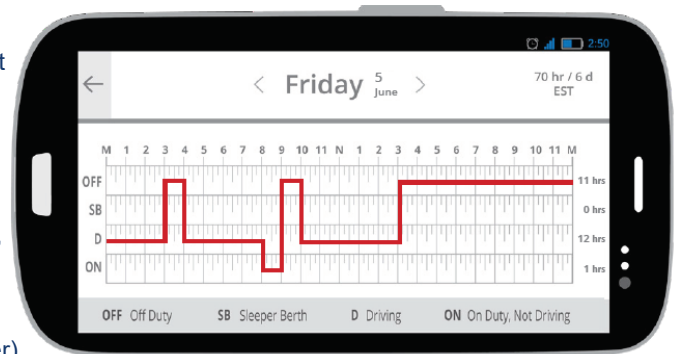
- ✔ **a driver** immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or
- ✔ **a motor carrier** immediately prior to dispatching the driver.

## Example

In this example, there is **no violation**

Calculation of the 11- and 14-hour limits for this driver begin at mid-night after the driver has taken 10 consecutive hours off-duty on the prior day.

The driver drives for 3 hours, is off-duty for 1 hour, drives for 4 hours, and is on-duty for 1 hour. The driver then hears that there is an accident and road closure ahead (the road ahead is the only way to the customer).



The driver takes 1-hour off-duty from 9 a.m. to 10 a.m. to wait at a rest area while the road is cleared, then drives for 5 more hours to the customer. This results in the driver driving for 12 hours, and also operating beyond the 14-hour driving window by 1 hour between 2 p.m. and 3 p.m. There is no violation of either the 11- or 14-hour limits under the new HOS final rule when using the adverse driving conditions exception.