



HOURS OF SERVICE (HOS) FACT SHEET

30-MINUTE BREAK

HOS Changes

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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 rule includes four changes designed to offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads, and was developed based on extensive public and industry input.

Web:
<https://www.fmcsa.dot.gov/regulations/hours-of-service>

Email:
hoursofservice@dot.gov

30-Minute Break Changes

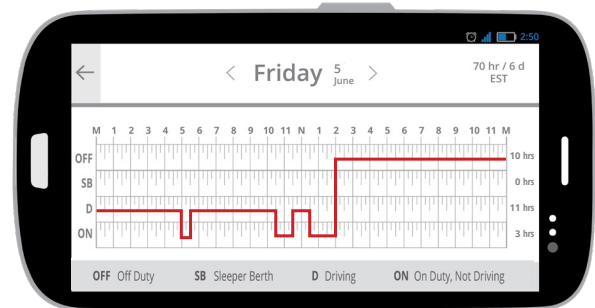
This fact sheet explains the difference between how the 30-minute break requirement is satisfied under the previous HOS rule and the new rule that takes effect on September 29, 2020.

Per **§395.3(a)(3)(ii)**, property-carrying CMV drivers are required to take a 30-minute break after:

Previous	New
8 hours on-duty	8 hours of driving without at least a 30-minute break
30-minute break is satisfied by time:	30-minute break is satisfied by time:
<ul style="list-style-type: none"> ✔ Off-duty ✔ In sleeper berth 	<ul style="list-style-type: none"> ✔ Off-duty ✔ In sleeper berth ✔ On-duty, not driving
	30 minutes must be consecutive, but can be satisfied by any combination of the above activities

Examples

No Violation After 10 hours off-duty the driver comes on-duty at midnight and drives for 5 hours, goes on-duty (not driving) for a ½ hour, drives for 5 more hours, goes on-duty (not driving) for 1 hour, drives for 1 hour, goes on-duty (not driving) for 1 ½ hours, and then takes 10 consecutive hours off-duty. Under the new HOS rule, the 30-minute on-duty break taken between 5 and 5:30 a.m. will suffice for the mandatory 30-minute break, and the property-carrying driver is allowed to drive up to the maximum of 11 hours (6 more hours in this example), before needing 10 consecutive hours off-duty.



Violation There is a violation between 9 and 9:30 a.m. After 10 hours off-duty, the driver comes on-duty (not driving) at midnight for 1 hour, drives for 8 ½ hours, goes on-duty (not driving) for a ½ hour, drives for 2 hours, goes off-duty for 1 hour, goes on-duty (not driving) for a ½ hour, drives for a ½ hour, and then takes 10 consecutive hours off-duty. The violation occurs at 9 a.m., as the driver drives for more than 8 consecutive hours without at least a 30-minute rest break. A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth, or on-duty (not driving) time; or by a combination of off-duty, sleeper berth, and on-duty (not driving) time. That did not happen in this example, which led to the violation.

