



HOURS OF SERVICE (HOS) FACT SHEET 30-MINUTE BREAK

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

8 hours on-duty

30-minute break is satisfied by time:

- ✓ Off-duty
- ✓ In sleeper berth

New

8 hours of driving without at least a 30-minute break

30-minute break is satisfied by time:

- ✓ 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

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.

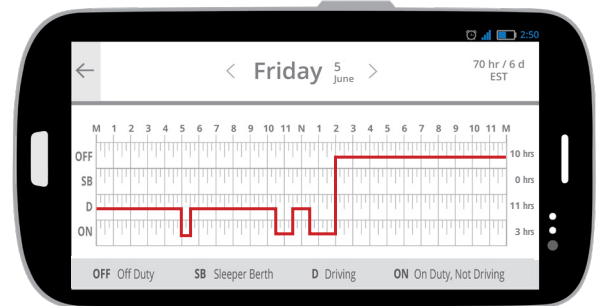
The rule includes changes designed to offer drivers greater flexibility, while maintaining the highest safety standards on our Nation's roads, and was developed based on extensive public and industry input.

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

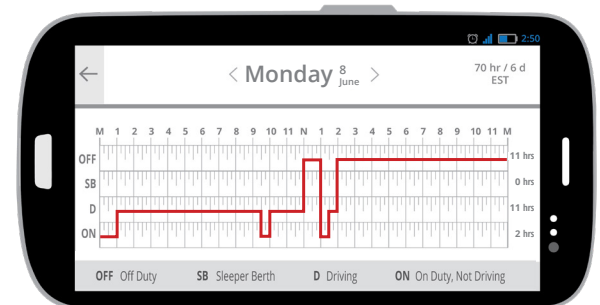
hoursofservice@dot.gov

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.





HOURS OF SERVICE (HOS) FACT SHEET SLEEPER BERTH

Sleeper Berth Provision Changes

This fact sheet explains the differences between the sleeper berth provision under the previous HOS rule and the new rule that takes effect on September 29, 2020.

The sleeper berth provision ([§395.1\(g\)](#)) allows property-carrying* drivers to split their 10-hour off-duty period when the following requirements are met:

Previous

- ✓ Minimum of 8 hours are in the sleeper berth, and this period is **excluded** from the calculation of the 14-hour driving window
- ✓ The other rest period of 2 or more hours is **included** in the 14-hour driving window

New

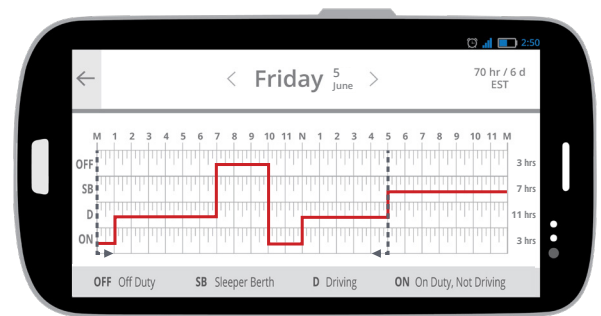
- ✓ One off-duty period (whether in or out of the sleeper berth) is **at least 2 hours long**, and
- ✓ The other involves **at least 7 consecutive hours in the sleeper berth**
- ✓ Both periods added together must equal at least 10 hours
- ✓ When paired, **neither time period counts against the 14-hour driving window**
- ✗ 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window

*The new rule does not change sleeper berth provisions unique to the drivers of CMVs transporting passengers found in [§395.1\(g\)\(3\)](#).

Example

No Violation In this example, we are going to look at how the sleeper berth provision affects both the 11-hour driving limit and the 14-hour driving window for a property-carrying CMV. There are no violations in this example.

The driver comes on-duty at midnight after having 10 consecutive hours off-duty, which means he or she can drive for up to 11 hours within a 14-hour window (indicated by the arrows). The driver used those 11 hours by 5 p.m. then entered the sleeper berth for 7 consecutive hours. Because the driver accumulated at least 10 hours of rest using a combination of 3 consecutive hours off-duty (7-10 a.m.) and 7 consecutive hours in the sleeper berth (5 p.m. to midnight), the driver has not violated the 11-hour driving limit. Because both periods are qualifying rest breaks, when used together, they can both be excluded from the 14-hour driving window, so there is no 14-hour violation.



NOTE: When using the sleeper berth provision, the order of the qualifying breaks does not matter—the break of “at least 2 hours” can fall before or after the sleeper berth period of “at least 7 hours.”

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