



## HOURS OF SERVICE (HOS) FACT SHEET

# ADVERSE DRIVING CONDITIONS

### 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>

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## Adverse Driving Conditions Exception Changes

This fact sheet explains the differences between the adverse driving conditions exception under the previous HOS rule and the new rule that takes effect on September 29, 2020.

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

Previous	New
<p>Drive for up to 2 hours beyond the <b>driving limits</b></p> <ul style="list-style-type: none"> <li>✓ Property carrier 11-hour driving limit</li> <li>✓ Passenger carrier 10-hour driving limit</li> </ul>	<p>2-hour extension applies to <b>both driving limit and on-duty limit</b></p> <ul style="list-style-type: none"> <li>✓ <b>Property carrier</b> 11-hour driving limit and 14-hour driving window <a href="#">§395.3(a)(2)</a></li> <li>✓ <b>Passenger carrier</b> 10-hour driving limit and 15-hour on-duty limit <a href="#">§395.5(a)(2)</a></li> </ul>
	<p>When using adverse driving conditions exception, drivers can drive up to:</p> <ul style="list-style-type: none"> <li>✓ <b>Property:</b> 13 hours within a 16-hour driving window</li> <li>✓ <b>Passenger:</b> 12 hours within a 17-hour on-duty period</li> </ul>

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

Previous	New
<p>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, <b>none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>✓ <b>a driver</b> immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or</li> <li>✓ <b>a motor carrier</b> immediately prior to dispatching the driver.</li> </ul>

### Example

**No Violation** Calculation of the 11- and 14-hour limits for this property carrier begin at midnight 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 a bridge on the route ahead is closed due to a gravel spill, and the bridge is the only way to get to the destination. The driver takes 1-hour off-duty from 9 a.m. to 10 a.m. to wait at a rest area while the bridge is cleared, then drives for 5 more hours to the destination. 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.

