



# HOURS OF SERVICE (HOS) FACT SHEET SLEEPER BERTH

## 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](mailto:hoursofservice@dot.gov)

## 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)(1)) allows property-carrying\* drivers to split their 10-hour off-duty period when the following requirements are met:**

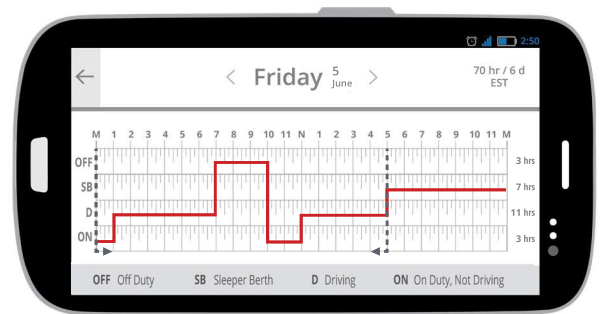
Previous	New
<ul style="list-style-type: none"> <li>✓ Minimum of 8 hours are in the sleeper berth, and this period is <b>excluded</b> from the calculation of the 14-hour driving window</li> <li>✓ The other rest period of 2 or more hours is <b>included</b> in the 14-hour driving window</li> </ul>	<ul style="list-style-type: none"> <li>✓ <b>One off-duty period</b> (whether in or out of the sleeper berth) is <b>at least 2 hours long</b>, and</li> <li>✓ <b>The other involves at least 7 consecutive hours in the sleeper berth</b></li> <li>✓ Both periods added together must equal at least 10 hours</li> <li>✓ When paired, <b>neither time period counts against the 14-hour driving window</b></li> <li>✗ 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window</li> </ul>

\*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.”