

FMCSA HOURS OF SERVICE RULEMAKING, RIN 2126-AB-26
Primary Changes Proposed for Property-Carrying Drivers

PROVISION	CURRENT RULE	PROPOSED RULE	NOTES
“DAILY” DUTY PERIOD			
Off-duty period	10 consecutive hrs.	No change	
“Driving Window”	<p>For most drivers, 14 consecutive hrs. (may continue on-duty/not driving after 14 hrs.);</p> <p>“Regional” allowed one 16-hr. period “weekly” but release from duty required after 16 hrs;</p> <p>Non-CDL w/i 150 miles allowed two 16-hr. periods “weekly” (may continue on-duty/not driving after 16 hrs.).</p>	<p><i>For all property-carrying CMV drivers(unless excepted):</i></p> <p>14 consecutive hrs. with release from duty required at end of driving window;</p> <p>16 consecutive hrs. no more than twice “weekly” with release from duty required at end of driving window.</p>	<u>Any on-duty time</u> after 14th hour constitutes use of a 16-hr. period.
Maximum on-duty within driving window	Normally 14 hrs; 16 hrs. once per week for “regional” drivers; 16 hrs. twice per week for non-CDL w/i 150 miles.	13 hrs.	Proposal not applicable to non-CDL 150 mile short-haul drivers. 13 hrs. during 14- or 16-hour driving windows for others.
Maximum driving within driving window	11 hrs.	10 or 11 hrs. (Both being considered)	
Limit on consecutive hours of driving	None	May drive only if it has been 7 hours or less since last off-duty period of at least 30 minutes.	Proposal not applicable to non-CDL 150 mile short-haul drivers.

PROVISION	CURRENT RULE	PROPOSED RULE	NOTES
“WEEKLY” DUTY PERIOD			
Maximum on-duty hours	60 hrs. in 7 days/ 70 hrs. in 8 days	No change	
“Restart”	34 consecutive hrs.	See “limits on restarts” below.	
Limits on Restarts	None	(1) Must include two periods between Midnight-6 a.m.; (2) May only be used once per week.	Driver must designate the period being used as a restart.
SLEEPER BERTH			
When used as substitute for 10 consecutive hrs. off duty	Two periods: One at least 8 consecutive hrs. in SB; other at least 2 hrs. SB or off-duty. The shorter period does NOT extend the driving window.	Continue 8/2 hr. periods, but apply same new driving, on-duty, and duty-period limits as proposed for non-SB drivers.	
DEFINITION OF ON-DUTY TIME			
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a parked CMV. In moving CMV, does not include up to 2 hrs. in passenger seat immediately before or after 8 consecutive hrs. in sleeper-berth.	Also applies to passenger-carrying drivers.
OILFIELD EXEMPTION			
Oilfield exemption	“Waiting time” for certain drivers at oilfields (which is off-duty but does extend 14-hr duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	“Waiting time” for certain drivers at oilfields must be shown on RODS or electronic equivalent as off duty and identified by annotations in “remarks” or a separate line added to “grid.”	“Waiting time” is not included in on-duty time or the calculation of the 14 or 16-hr. driving window.