Hours of Service Exemptions

**§395.1 Scope of the rules in this part.**

## Guidance Q&A

***Question 5:*** How may a driver utilize the adverse driving conditions exception or the emergency conditions exception as found in §395.1(b), to preclude an hours of service violation?

***Guidance:*** An absolute prerequisite for any such claim must be that the trip involved is one which could normally and reasonably have been completed without a violation and that the unforeseen event occurred after the driver began the trip.

Drivers who are dispatched after the motor carrier has been notified or should have known of adverse driving conditions are not eligible for the two hours additional driving time provided for under §395.1(b), adverse driving conditions. The term “in any emergency” shall not be construed as encompassing such situations as a driver’s desire to get home, shippers’ demands, market declines, shortage of drivers, or mechanical failures.