Hours of Service Exceptions

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

## Guidance Q&A

***Question 27:*** After accumulating 8 consecutive hours of off-duty time, a driver of a property-carrying vehicle spends 4 hours in the sleeper berth. The driver then drives a commercial motor vehicle (CMV) for 11 hours, then spends 6 hours in the sleeper berth. May the driver combine the two sleeper berth periods to meet the required 10 consecutive hours of off-duty time per §395.1(g), then drive for up to 11 more hours?

***Guidance:*** No. The 11 hours of driving time between the first and second sleeper berth periods must be considered in determining the amount of time that the driver may drive after the second sleeper berth period. Sleeper berths are intended to be used between periods of on-duty time. When a driver has already been off duty for more than 10 consecutive hours, and has therefore had adequate opportunity to rest, he/she may not “save” additional hours before going on duty and add them to the next sleeper berth period. In short, a driver must be on duty before he/she begins to accumulate sleeper berth time. The driver in your scenario is operating in violation of the hours of service regulations for the entire second 11-hour driving period until that driver is able to secure at least 10 consecutive hours of off-duty time.