Hours of Service Maximum Driving Time

**§395.3 Maximum driving time for property-carrying vehicles.**

## Guidance Q&A

***Question 1:*** May a motor carrier switch from a 60-hour/7-day limit to a 70-hour/8-day limit or vice versa?

***Guidance:*** Yes. The only restriction regarding the use of the 70-hour/8-day rule is that the motor carrier must have commercial motor vehicles (CMVs) operating every day of the week. The 70-hour/8-day rule is a permissive provision in that a motor carrier with vehicles operating every day of the week is not required to use the 70-hour/8-day rules for calculating its drivers’ hours of service. The motor carrier may, however, assign some or all of its drivers to operate under the 70-hour/8-day rule if it so chooses. The assignment of individual drivers to the 60-hour/7-day or the 70-hour/8-day time rule is left to the discretion of the motor carrier.