Hours of Service Maximum Driving Time

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

## Guidance Q&A

***Question 9:*** May time spent in resting or sleeping in motor homes being delivered be recorded as off-duty time?

***Guidance:*** The FMCSA believes the time drivers spend resting or sleeping in the motor homes while stopped or parked (e.g., at a rest area or parking lot) could be considered off-duty time. Drivers may take at least 10 consecutive hours off-duty for the purpose of obtaining restorative sleep. The driver may also take less than 10 hours off-duty and take a nap. This time would not count toward the required 10 consecutive hours off-duty. There are certain conditions which must be met in order for this time (less than 10 consecutive hours) to qualify as off-duty time.

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| 1. | The driver must have been relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying. |
| 2. | The duration of the driver’s relief from duty must be a finite period of time which is of sufficient duration to ensure that the accumulated fatigue resulting from operating a commercial motor vehicle will be significantly reduced. |
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| 3. | During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated. |