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Mastering HOS & PC Rules: Split-Sleeper in Action

TUESDAY / **NOVEMBER 17** / 1-2PM CT



Chris Caldwell
Safety Consultant, SMSC

Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions using the question tab within the GoToWebinar panel.

Q&A at the end of the webinar.

Any additional questions, any requests for information, or requests for documents can be sent to: ccaldwell@smscsafety.com

A recorded copy of the webinar and slides will be made available to all attendees.

Today's Presenter



Christopher Caldwell

Transportation Safety Consultant
SMSC



Quick Bio:

- 11+ years inspecting commercial motor vehicles for WI State Patrol
- 4 years as a compliance investigator for WI State Patrol
- 4 years as a DataQ Analyst for WI State Patrol
- Over 20 comprehensive compliance reviews and over 200 New Entrant Safety Audits conducted
- Instructor for CVSA for 9 years; instructor of NAS Part A (Driver) for 6 years, instructor for General HazMat for 9 years, instructor for Cargo Tank Inspections for 7 years, instructor for Other Bulk Packaging for 8 years
- Instructor for WI State Patrol's Inservice Program for 8 years


SMSC
Hours of Service Rules
Proper Use of Personal Conveyance
Managing the Sleeper Berth Provision (Split Sleeper)

Today's Agenda

1. **Hours of Service**
   Basic rules and common speak definitions
2. **HOS OOS**
   Current OOS and 2026 changes
3. **Proper Use of PC**
   What FMCSA says and proposed changes
4. **Enforcement**
   Discuss how PC use is enforced roadside
5. **SB Provision**
   Understanding the sleeper berth provision
6. **Pilot Programs**
   Review the recent publication from FMCSA and discuss the 2 pilot programs moving forward

Hours of Service - Limitations

Basic Rules for Interstate Carriers:

- ***11-hour rule:*** The maximum limit for driving time within the 14-hour on-duty window. *This does not grant a driver 11-hours each duty shift which is how it is sometimes interpreted.*
- ***14-hour rule:*** The maximum amount of time a driver may be on-duty prior to requiring 10-hours in an off-duty status.
- ***8-hr rule:*** The maximum amount of ***accrued*** driving time prior to requiring a 30-minute consecutive and uninterrupted period in a duty status other than driving.
- ***60/70-hour rule:*** The maximum amount of on-duty time in either a 7-day or 8-day period prior to needing a rest period to gain back eligible hours to drive.

*****Note:*** *Most Interstate carriers operate under the 70-hour rule as they have at least 1 truck on the road every day of the week.*

Hours of Service – Out of Service Conditions

Common OOS Conditions for Interstate Carriers:

- ***False Log:*** When the driver log is not accurate. This can be to conceal an hours of service violation related to a limitation *OR* if an incorrect duty status is selected.
- ***False Log-Improper Use of PC:*** This violation was split out from a "generic" False Log to address the growing use of Personal Conveyance (PC) outside of the parameters.
- ***False Log- ELD Manipulation(New 2026):*** This was added in April 2026 to the Out of Service (OOS) criteria. If the inspector can prove the ELD time record has been manipulated, it then creates a separate violation.
- ***Exceeding an Hours of Service Limitation:*** Noted during a roadside inspection as either an 11-hr, 14-hr, or 8-hr violation. The OOS part applies only to 11-hr and 14-hr violations that are active at the time of inspection.
- ***No Previous 7 Days:*** Not having all required days of logbook pages. The OOS part applies only when the driver does not have the first 6 days (does not apply to current and previous day)

Hours of Service – Proper Use of Personal Conveyance

The basics of Personal Conveyance:

- FMCA does not provide a definition of personal conveyance in regulation (390 or 395).
- The best place to find a framework is in 395.8, Interp Q#26.
- The driver must be relieved from all work-related responsibilities.
- If used properly, Personal Conveyance is an off-duty status.
- Must be used for personal reasons only.

Hours of Service – Enforcement of the Personal Conveyance doctrine

What do roadside inspectors/compliance investigators look for:

- *Was the nature of the movement purely personal?*
- *Was the driver moving the vehicle at the behest of the carrier or advancing the load?*
- *Did the driver move to obtain rest, to find a safe haven, or to find legal parking after being removed from a shipper/receiver facility?*
- *Has the driver been using personal conveyance on a regular basis over the last several days and if so, what was the nature of the use?*
- *Are there any company guidelines related to use of personal conveyance?*

Using the Sleeper Berth Provision (Split Sleeper) – The Do's and Dont's

Basic Rules for Interstate Carriers:

- Make sure that drivers are trained in use of the sleeper berth provision before permitting use of this rule. While drivers may have been using this for years, it still falls to the carrier of record to ensure that all drivers are properly trained in hours of service.
- Proper use of the sleeper berth provision can provide a benefit on a regular basis by excluding the qualifying rest breaks that are paired together. Improper use of the sleeper berth provision can lead to multiple hours of service violations including out of service violations.
- Review logs as frequently as possible to ensure that this provision is being utilized properly.

Hours of Service – Using the Sleeper Berth Provision

Example #1 (real-world):

Driving: 9:10 hours

On Duty: 0:22 hours

Sleeper: 11:20 hours

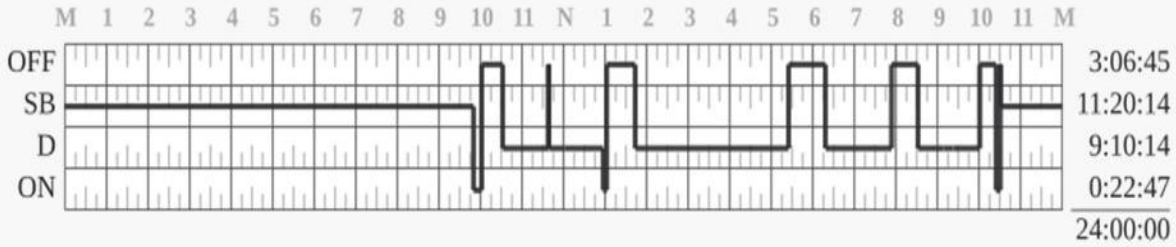
Off Duty: 3:06 hours

From: 1.7 mi NW Laramie, WY

To: 23.3 mi WNW Savannah, MO

Distance: 603.4 miles

24 Hours Start Time: 000000



Date	7/27	7/26	7/25	7/24	7/23	7/22	7/21
Total Hours On Duty	9:56	0:00	8:14	10:38	10:05	8:50	10:58

Hours of Service – Using the Sleeper Berth Provision

Example #1 (real-world):

Driving: 7:09 hours

On Duty: 0:27 hours

Sleeper: 11:12 hours

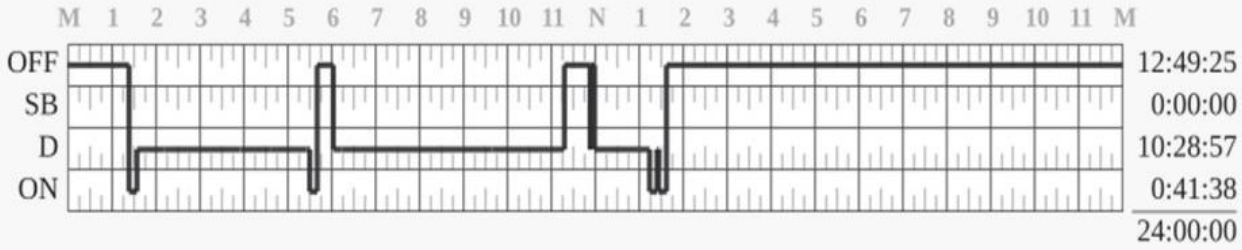
Off Duty: 5:09 hours

From: 23.3 mi WNW Savannah, MO

To: 0.6 mi NW Perryville, MO

Distance: 410.9 miles

24 Hours Start Time: 000000



Date	7/28	7/27	7/26	7/25	7/24	7/23	7/22
Total Hours On Duty	9:33	9:56	0:00	8:14	10:38	10:05	8:50

Hours of Service – Using the Sleeper Berth Provision

Example #2 (real-world):

Driving: 10:28 hours

On Duty: 0:41 hours

Sleeper: 0:00 hours

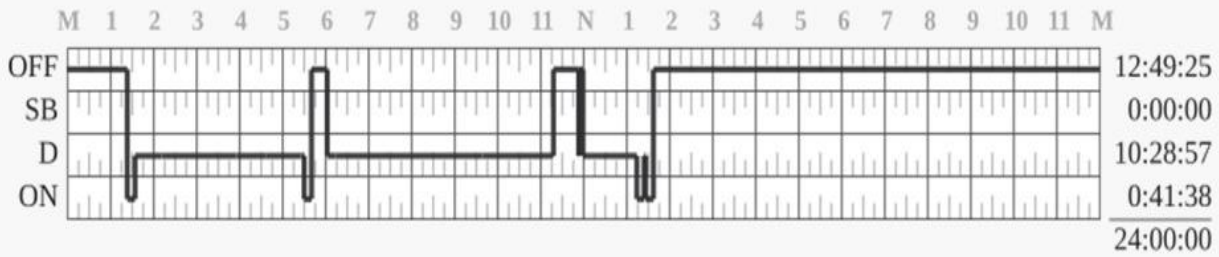
Off Duty: 12:49 hours

From: 3.9 mi WNW Gettysburg, PA

To: 7.9 mi W Danville, IL

Distance: 660.0 miles

24 Hours Start Time: 000000



Date	7/28	7/27	7/26	7/25	7/24	7/23	7/22
Total Hours On Duty	11:03	7:06	0:00	2:59	5:56	5:15	8:32

Hours of Service – Using the Sleeper Berth Provision

Example #2 (real-world):

Driving: 8:58 hours

On Duty: 0:38 hours

Sleeper: 5:45 hours

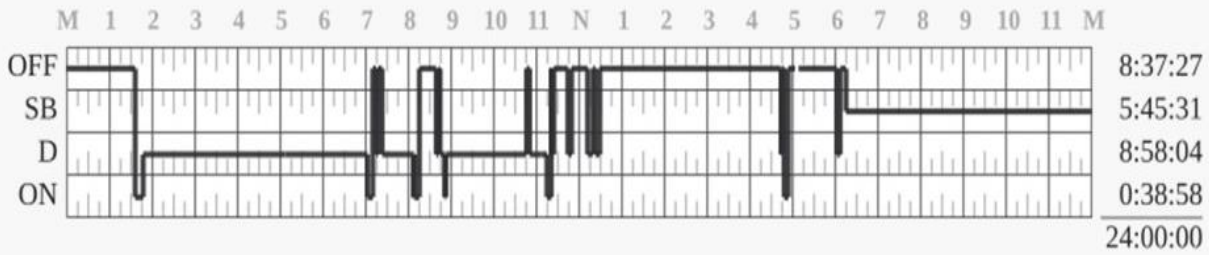
Off Duty: 8:37 hours

From: 7.9 mi W Danville, IL

To: 3.8 mi S Omaha, NE

Distance: 532.0 miles

24 Hours Start Time: 000000



Date	7/29	7/28	7/27	7/26	7/25	7/24	7/23
Total Hours On Duty	11:10	11:03	7:06	0:00	2:59	5:56	5:15

Hours of Service – Using the Sleeper Berth Provision

Example #3 (real-world):

Driving: 4:25 hours

On Duty: 0:23 hours

Sleeper: 10:17 hours

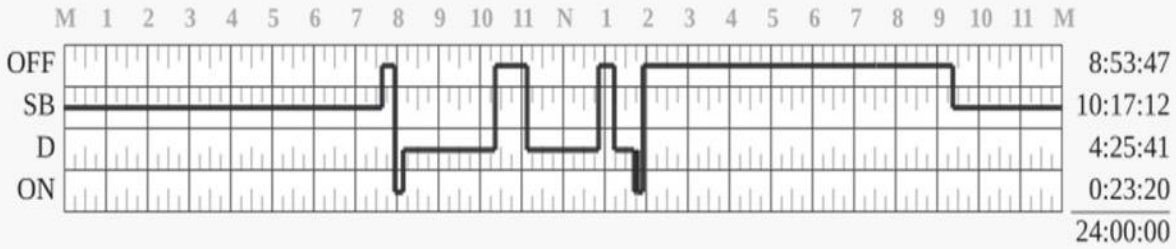
Off Duty: 8:53 hours

From: 9.3 mi NNW Aurora, MO

To: 24.2 mi SSW Poplar Bluff, MO

Distance: 256.4 miles

24 Hours Start Time: 000000



Date	7/28	7/27	7/26	7/25	7/24	7/23	7/22
Total Hours On Duty	9:56	0:00	0:00	0:00	0:00	8:28	9:02

Hours of Service – Using the Sleeper Berth Provision

Example #3 (real-world):

Driving: 9:09 hours

On Duty: 0:41 hours

Sleeper: 7:16 hours

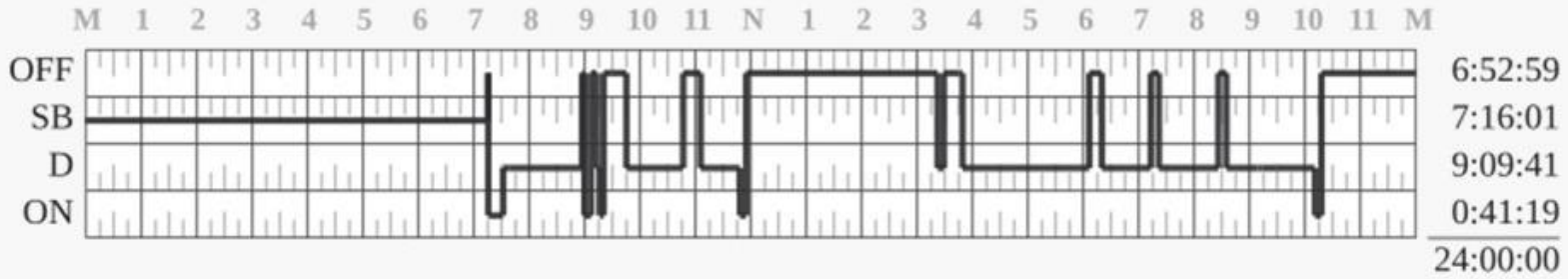
Off Duty: 6:52 hours

From: 24.2 mi SSW Poplar Bluff, MO

To: 5.1 mi N Calhoun, GA

Distance: 528.6 miles

24 Hours Start Time: 000000



Date	7/29	7/28	7/27	7/26	7/25	7/24	7/23
Total Hours On Duty	4:49	9:56	0:00	0:00	0:00	0:00	8:28

Hours of Service – Using the Sleeper Berth Provision

Example #4 (real-world):

Driving: 1:14 hours

On Duty: 0:34 hours

Sleeper: 10:29 hours

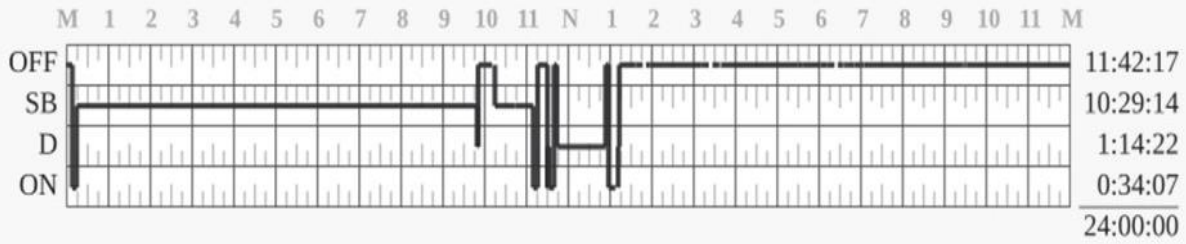
Off Duty: 11:42 hours

From: 4.3 mi ESE Dublin, GA

To: 4.4 mi SSW Macon, GA

Distance: 70.7 miles

24 Hours Start Time: 000000



Date	7/28	7/27	7/26	7/25	7/24	7/23	7/22
Total Hours On Duty	8:27	0:56	0:00	0:00	0:00	0:00	2:01

Hours of Service – Using the Sleeper Berth Provision

Example #4 (real-world):

Driving: 9:41 hours

On Duty: 0:12 hours

Sleeper: 1:24 hours

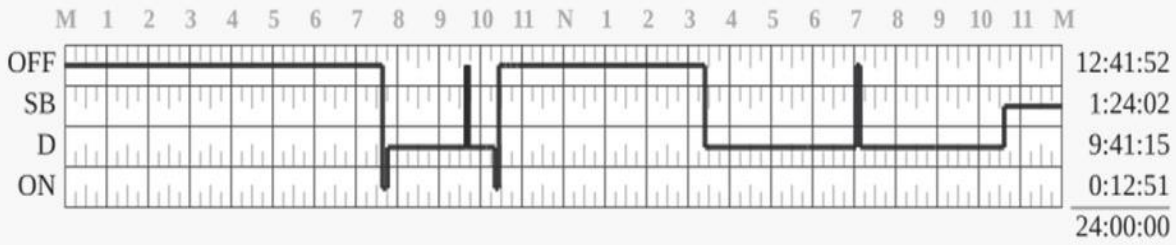
Off Duty: 12:41 hours

From: 4.4 mi SSW Macon, GA

To: 15.3 mi N Ashland, VA

Distance: 600.1 miles

24 Hours Start Time: 000000



Date	7/29	7/28	7/27	7/26	7/25	7/24	7/23
Total Hours On Duty	1:47	8:27	0:56	0:00	0:00	0:00	0:00

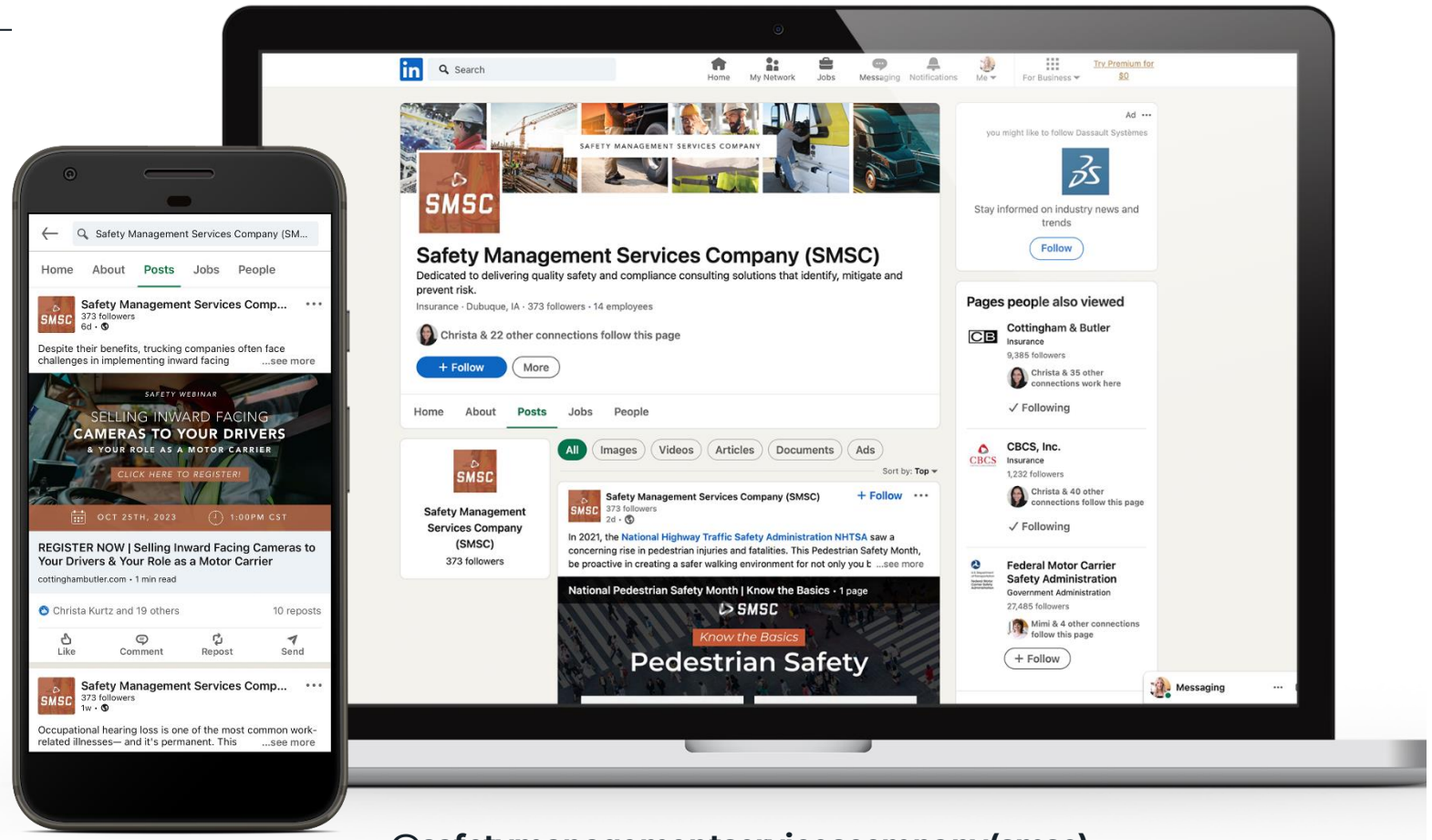
Hours of Service – The FMCSA Pilot Programs

- In late August 2026, FMCSA published a notification indicating their intent to push forward 2 pilot programs listed under the “Pro Trucker Package” guidelines established by an Executive Order
- The first program is called the “Split Duty Shift”
- The second program is called the “Flexible Sleeper Berth”
- Let’s review what FMCSA has published (link below):

FMCSA Advances Hours of Service Pilot Programs for America’s Truck Drivers | FMCSA

Questions

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