

# What are the exceptions to the HOS regulations?

## Question:

What are the exceptions to the HOS regulations?

## Answer:

### Exceptions From the Hours-of-Service Regulations

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
100 air-mile radius driver (Also see driver salesperson)	<ul style="list-style-type: none"> <li>Logbook not required</li> </ul>	<ul style="list-style-type: none"> <li>Report and return to work reporting location within 12 consecutive hours</li> <li>Stay within 100 air-mile radius of work reporting location</li> <li>Keep time records showing time in, time out, and total number of hours</li> </ul>	§395.1(e)(1)
150 air-mile radius driver	<ul style="list-style-type: none"> <li>16-hour driving windows allowed twice per 7-day period, or after any 34-hour restart</li> <li>Logbook not required</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle does not require CDL</li> <li>Report and return to normal work reporting location every day</li> <li>Stay within 150 air-mile radius of work reporting location</li> <li>Keep time records showing time in, time out, and total number of hours</li> </ul>	§395.1(e)(2)
Adverse driving conditions	<ul style="list-style-type: none"> <li>Up to 2 additional hours of driving time</li> </ul>	<ul style="list-style-type: none"> <li>Additional driving time must fall within 14-hour driving window</li> <li>Weather or traffic condition must be unknown at start of run</li> </ul>	§395.1(b)(1) §395.2
Agricultural operations	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Transporting agricultural commodities or farm supplies</li> <li>Within 150 air-miles of farm supplies or commodities origin</li> <li>During a State's declared planting and harvesting season</li> </ul>	§395.1(k) §395.2
Agricultural [Farm Vehicle Operations; 10,001 through 26,000 lbs. GVW/GVWR]	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>Driven by the owner or operator of a farm or ranch (or by a family member or employee of that person)</li> <li>Transporting agricultural commodities, livestock, machinery or supplies to or from the farm or ranch</li> <li>License plate or some other means of identifying it as a farm vehicle to enforcement personnel</li> <li>Not for-hire</li> <li>Not transporting hazardous materials requiring placarding</li> <li>No limitation on distance for these lighter vehicles (see next row in table)</li> </ul>	§390.5 §390.39(a)(3)
Agricultural [Farm Vehicle Operations; 26,001 lbs. or GREATER GVW/GVWR]	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>Driven by the owner or operator of a farm or ranch (or by a family member or employee of that person)</li> <li>Transporting agricultural commodities, livestock, machinery or supplies to or from the farm or ranch</li> <li>License plate or some other means of identifying it as a farm vehicle to enforcement personnel</li> <li>Not for-hire</li> <li>Not transporting hazardous materials requiring placarding</li> <li>Anywhere in the vehicle's home State or extending into another State within a 150 air-mile radius (172.6 land miles) of the operator's farm or ranch</li> </ul>	§390.5 §390.39(a)(3)
Alaska	<ul style="list-style-type: none"> <li>15 hours of driving time</li> <li>20 hours of duty time</li> <li>70 hours/7 days or 80 hours/8 days</li> </ul>	<ul style="list-style-type: none"> <li>Driving a commercial motor vehicle in Alaska</li> </ul>	§395.1(h)
Construction materials and equipment	<ul style="list-style-type: none"> <li>24 consecutive hours off duty restarts 60-hour/7-day or 70-hour/8-day limit</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle used to transport construction and pavement materials, construction equipment, and construction maintenance vehicles</li> <li>To or from active construction site</li> <li>Stay within 50 air-miles of normal work reporting location</li> <li>Does not apply to vehicles placarded for hazardous materials</li> </ul>	§395.1(m)
Driver-salesperson	<ul style="list-style-type: none"> <li>60-hour/7-day limit</li> <li>70-hour/8-day limit</li> <li>Modified 100 air-mile radius logbook provision</li> </ul>	<ul style="list-style-type: none"> <li>Sell goods or services</li> <li>Stay within 100 miles of work reporting location</li> <li>No more than half of all working time spent driving</li> <li>Driving time does not exceed 40 hours in any 7 consecutive days</li> </ul>	§395.1(c) §395.2

# What are the exceptions to the HOS regulations?

Emergency relief	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>Declared national, regional, State, or local emergency</li> </ul>	§390.23
Emergency driving conditions	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Legal run could have been completed if there wasn't an emergency</li> </ul>	§395.1(b)(2)
Federal government operated	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	§390.3(f)(2)
Fire and rescue, emergency operation (non government)	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	§390.3(f)(5)
Ground water well drilling	<ul style="list-style-type: none"> <li>24 consecutive hours off duty restarts 60-hour/7-day or 70-hour/8-day limit</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle used primarily in transportation and operations of a groundwater well drilling rig</li> </ul>	§395.1(l)
Hawaii	<ul style="list-style-type: none"> <li>Logbook not required</li> </ul>	<ul style="list-style-type: none"> <li>Keep time records showing time in, time out, and total number of hours</li> </ul>	§395.1(i)
Local government operated	<ul style="list-style-type: none"> <li>All hours-of-service regulations, among others</li> </ul>	<ul style="list-style-type: none"> <li>None* *Intrastate exceptions may be different. Check with State enforcement for details.</li> </ul>	§390.3(f)(2)
Movie and television production	<ul style="list-style-type: none"> <li>10 hours driving time</li> <li>15-hours extendable driving window</li> <li>8 consecutive hours off duty</li> </ul>	<ul style="list-style-type: none"> <li>Transportation of property or passengers to or from a theatrical or television or motion picture production site</li> <li>Stay within 100 air-miles of normal work reporting location</li> </ul>	§395.1(p)
Oilfield operations	<ul style="list-style-type: none"> <li>24-hour "restart" of 70 hours in 8 days calculations</li> </ul>	<ul style="list-style-type: none"> <li>CMVs used exclusively in transportation of oilfield equipment and servicing field operations gas and oil industry</li> <li>Accurate time records must be available for inspection</li> </ul>	§395.1(d)(1)
Oilfield operations	<ul style="list-style-type: none"> <li>Waiting time at natural gas or oil well site not counted as on-duty time</li> </ul>	<ul style="list-style-type: none"> <li>Specially trained drivers operating specially constructed vehicles used to service gas or oil wells</li> <li>Waiting time must be shown separately on log</li> </ul>	§395.1(d)(2)
Personal property occasional transportation	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Transportation unrelated to any commercial activity</li> </ul>	§390.3(f)(3)
Propane winter heating fuel; pipeline emergencies	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Emergency conditions as defined in §390.5</li> </ul>	§390.3(f)(7)
Railroad signal employees	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Provisions do not apply to a signal employee, as defined in §395.2, who operates a commercial motor vehicle, is engaged in installing, repairing, or maintaining signal systems, is employed by a railroad carrier or a contractor or subcontractor to a railroad carrier, while regulated by the Federal Railroad Administration.</li> </ul>	§395.1(r)
Retail store deliveries	<ul style="list-style-type: none"> <li>All time limits on driving, duty periods, breaks, time off</li> </ul>	<ul style="list-style-type: none"> <li>Local deliveries from retail stores and/ or catalog businesses to the ultimate consumer</li> <li>Stay within 100 air-miles of normal work reporting location</li> <li>Only December 10 through December 25</li> </ul>	§395.1(f)
School bus – contractor operated	<ul style="list-style-type: none"> <li>All hours-of-service regulations</li> </ul>	<ul style="list-style-type: none"> <li>Transportation of school children and/or school personnel from home to school and from school to home</li> </ul>	§390.3(f)(1)
School bus government operated	<ul style="list-style-type: none"> <li>See "Local government operated" entry above</li> </ul>		

# What are the exceptions to the HOS regulations?

Short-haul exception (16-hour) Also see the "100 air-mile radius driver" and "150 air-mile radius driver" entries at beginning of this Table	<ul style="list-style-type: none"><li>• 16-hour duty period allowed once per 7-day period, or after any 34-hour restart</li></ul>	<ul style="list-style-type: none"><li>• Return to work reporting location that day and for last 5 duty tours</li><li>• Be released from duty within 16 consecutive hours</li><li>• Use once every 7 consecutive days or after a 34-hour restart</li><li>• Does not apply if driver is eligible for 150 air-mile radius exception (see above)</li></ul>	§395.1(o)
State government operated	<ul style="list-style-type: none"><li>• All hours-of-service regulations, among others</li></ul>	<ul style="list-style-type: none"><li>• None* *Intrastate exceptions may be different. Check with State enforcement for details.</li></ul>	§390.3(f)(2)
Tow truck responding to emergency	<ul style="list-style-type: none"><li>• All hours-of-service regulations, among others</li></ul>	<ul style="list-style-type: none"><li>• When responding to government request for wrecked/disabled vehicles</li></ul>	§390.3(f)(2)
Utility service vehicles	<ul style="list-style-type: none"><li>• All hours-of-service regulations</li></ul>	<ul style="list-style-type: none"><li>• Vehicle being used to repair, maintain, deliver public utility services including electric, gas, water, sanitary sewer, telephone, television cable, or community antenna service</li><li>• Includes travel to and from activity sites</li><li>• Operates primarily within service area of utility's subscribers or consumers</li><li>• Does not include new construction activity</li></ul>	§395.1(n)