



Hours of Service Readiness:
From Regulation to Real-World Compliance



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Gary Petty
President & CEO
National Private Truck Council



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Thank You for Joining Us!

• This webcast will cover ...

• A regulatory overview

• Best practices in compliance

• A case study in implementation

• Question & Answer session

• You will be muted during the event.

• Please use the Q&A feature to send in questions. We'll try to answer them during the Q&A period if they are not covered in the presentation.

• The slides and recording will be posted within 7 days at:
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Meet Your Speakers



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ELD Usage

- Applies to all drivers required to prepare a Record of Duty Status
 - Short-Haul exception
 - 8 in 30 Exception
 - Driveaway–Towaway operation
 - Pre-2000 Model year vehicles
- Not limited to CDL vehicles

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ELD Usage

- Common mistakes
 - Adverse driving conditions
 - 16-hour short haul exception
 - 150 air mile Ag exemption
 - Emergency Declarations
 - Personal conveyance

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Exemptions and Exceptions

- Allows drivers to operate under modified HOS requirements
- Over 30 exemptions and exceptions
- Drivers must know which they are operating under
 - And why they qualify
- Some carriers provide a letter

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Exemptions and Exceptions

- When using an ELD
 - Driver must manually enter any special driving categories (PC / Yard move)
 - Must manually remove the category when completed
 - Must annotate any exemption or exception used
- While not required on paper logs it helps officers understand better



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Personal Use (PC)

- To qualify as personal use:
 - Carrier must have a written policy authorizing PC
 - Driver must be legitimately off-duty during the move
 - The destination must be purely personal
 - There can be no benefit to the company
 - This includes ending in a better position
- Can be used when required to move by LEO or shipper/receiver, after limits have been reached



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150 Air Mile Exemption

- Short-haul exemption
 - Often used by local drivers
 - Must operate with 150 air-miles of the normal reporting location (172.6 miles)
 - Return to the same duty location and be released from duty within 14 hours



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150 Air Mile Exemption

- Drivers are not required to use a paper log or ELD
- 30-minute break is not mandatory
- Starting location can change
 - Driver must log time when changing reporting locations
- If a driver does not meet these requirements, they must create a log for that day

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16 Hour “Big” Day

- Driver must be released from the normal reporting location for the 5 previous days
- Can only be used under the 150 air-mile exemption
- CDL drivers can use it once in a 7- day period
- Non-CDL drivers can use it twice in a 7- day period
 - In either case a 34-hour break will reset the limits
- Only applies to property carrying vehicles

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Adverse Driving Conditions

- Allows a driver to drive up to 2 additional hours due to conditions
- This can extend the 11 or 14 hour limits
- Unforeseen conditions only
 - Sudden weather or, unusual traffic conditions
- Adverse conditions are not
 - Expected bad weather, rush hour traffic or, loading/unloading delays
- May be used by property or passenger vehicle operators

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What's the Difference

- Adverse driving allows the driver to extend both driving and working limits
- Big day only extends total working hours
- Big day can be scheduled
- Adverse driving must be unexpected
- Adverse driving has unlimited use
- Big day can be used 1 or 2 times in 7 days (depending on weight)



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Train Your Team

- Drivers and dispatch should understand any exemptions
- Not all exemptions apply all the time
- Exemptions do not extend the 60/70 limits in most cases
- Emergency provisions could have specific exemptions



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How Fleets Are Combatting
Fatigue

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National Private Truck Council

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Driver Fatigue Stats

- Driver fatigue has been recognized as a major safety concern and a contributing factor to fatal truck crashes for more than 70 years
- 13% of CMV drivers were considered to have been fatigued at the time of their crash
- The National Sleep Foundation recommends that a healthy adult sleeps 7-9 hours per day, 30% of adults report they get less than 6
- CMV drivers average less than 5 hours of sleep per night
- Lack of sleep mimics blood alcohol concentration, 18 hours without sleep is equivalent to a blood alcohol concentration level of 0.05%

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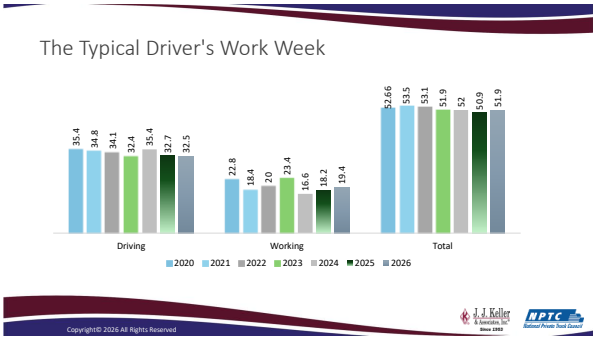
Fatigue Management Strategies

- One size does not fit all
- Understand work and lifestyle factors
- Know what fatigue looks like
- Driver education, training and management
- Use technology
- Driver wellness
- Corporate responsibility

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Driver Management

- Know your drivers
- Develop a culture of safety across all departments
- Ensure fatigue is considered when planning routes and scheduling drivers
 - keeping day drivers on days, keeping night drivers on nights, building routes that can keep drivers productive and restful
- Educate and train drivers and encourage them to rest when they feel fatigued
- Ensuring incident and accident investigations take fatigue into consideration

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Understand Work and Lifestyle Factors

- Work Factors
 - Hours worked, inadequate rest or sleep, harsh environmental conditions
 - Individual susceptibility – day vs. night driving
- Lifestyle Factors
 - Poor quality of sleep, family commitments, social life, length of commute, poor health or sleep disorders
 - The previous amount of sleep
 - Time of day
 - Elapsed time since the previous sleep

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Know What Fatigue Looks Like

- Signs of fatigue may include:
 - Headaches or dizziness
 - Difficulty keeping eyes open
 - Frequent yawning
 - Muscle weakness
 - Lack of energy
 - Frequent repositioning in seat
- Immediate signs of fatigue include:
 - Microsleeps
 - Lack of concentration
 - Reduced short-term memory
 - Increased errors
- Slower reaction times
- Impaired decision making and judgement (including being unaware of being fatigued)
- Reduced immune system functions
- Longer-term effects can include:
 - High blood pressure and/or heart disease
 - Depression or anxiety
 - Diabetes and/or gastro-intestinal disorders

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Training Best Practices – Driving Within the Regulations

- What: Structured training on fatigue risks, countermeasures, and safe practices
 - They own their hours of service – Captain of the Ship policy
 - Recognize the symptoms associated with fatigue
 - Review the regulations
 - The role of technology
 - How to conduct fatigue self assessments and fit for duty
- Who: Drivers, Managers, and Dispatchers
- How: Training is Delivered
 - Online training through Learning Management System platform
 - In-Person Toolbox Safety Talks
 - Completed initially during new hire on-boarding
 - Completed annually following an annual safety compliance calendar
- Consider NAFMP Modules
 - Driver Education
 - Manager Education
 - Family Education

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Supporting Drivers with Innovation

- Fatigue detection systems (camera-based, eye tracking, behavior modeling)
- Wearable alertness trackers
- ELDs for tracking HOS compliance
- Apps for sleep tracking and alertness monitoring
- Driving performance sensors (lane departure warnings, braking variability)
- In-cab alerts and manager notifications
- Telematics and driver behavior analytics
- Fatigue risk scoring tools

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Driver Wellness Initiatives



Corporate Responsibility

- Doing your part as shipper and receiver – become a destination that drivers appreciate and value
 - Good loading appointments allow the driver to schedule some sleep time rather than staying on the clock.
 - Having safe parking areas
 - Good check-in and out processes
 - Training shippers and receivers on where there are truck parking areas around, restrooms, truck friendly restaurants, etc.
- Conducting an annual audit of fatigue management and updating the plan when required

The R.O.I. of Fatigue Management

- Improved safety record: Lower crash and near-miss rates
 - Safety starts with rest
- Reduced insurance costs, claims, and litigation exposure
- Higher driver satisfaction, retention, and productivity
- Enhanced regulatory compliance and public reputation



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Understanding the HOS Exceptions and Exemptions and what to look for

Auditing and monitoring of your drivers Record of Duty Status (RODS) is critical now, more than ever. Inadvertently applying a provision or special category incorrectly, entering an exception or exemption incorrectly, failing to declare the exception or exemption in time, using an exception or exemption when not eligible, and using an exception or exemption to extend driving hours are just a few examples of issues needing management’s attention.

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Do you know the difference between EXEMPTION and EXCEPTION, as it pertains to the Hours-of-Service Regulations?

- In the FMCSR Hours of Service (HOS) regulations; **exemptions, exceptions, provisions, and special driving categories** are distinct concepts, however, all of them allow flexibility from the standard rules contained in FMCSR Part 395, if used properly.

Exemption

- An **exemption** means the driver is **not required to follow a specific HOS rule** under certain conditions. It removes the obligation entirely, rather than just allowing a temporary increase or decrease to the regulation.
- **Example:** The **short-haul exemption** (often referred to as exempt drivers) allows certain drivers to be exempt from the ELD mandate if they meet criteria such as staying within a 150-air mile radius, starting and ending at the same terminal, on duty no more than 14 hours and driving no more than 11 hours, and taking a 10-hour off-duty break before the next duty tour. Also, no mandate for the 30-minute break.

Exception

- An **exception** means the driver is **allowed to exceed a preset limit** under very specific circumstances, but the rule still applies. It's a temporary override for a set period or condition.
- **Example:** The **16-hour short-haul exception** lets a qualifying driver extend their 14-hour duty window to 16 hours once every seven consecutive days. No extension of the 11-hour driving limit.
- **Example:** **Adverse driving conditions** which allows a two-hour extension to the maximum driving time and 14-hour duty time when certain weather or road conditions are met.

Exceptions are narrower in scope and are only available when the exact conditions are met.

Key Differences

- **Exemptions:** Removes the rule entirely if conditions are met.
- **Exceptions:** Allows a temporary increase above the rule's limit under specific circumstances.
- **Provisions and Special Categories:** Specific rules outlined within the regulations, as it pertains to specific operations and/or locations.

***Practical Tip:** Drivers and fleet managers must be trained to distinguish between them and use them correctly. Misusing exemptions (going beyond the 150 air radius miles in a short-haul operation) or exceptions (using them to extend driving time) can lead to violations, out-of-service time, and fines*



Exemption: Are You Eligible For That?

Let's look at the Short Haul Exemption. It is detailed in two different parts of the Part 395(395.1(e) and 395 Definitions; Notations 3.1.3 in the ELD section) and references Part 383 as a basis for the exemption.

- **Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license.** Except as provided in this paragraph, a driver is exempt from the requirements of §§ 395.3(a)(2), 395.8, and 395.11 and ineligible to use the provisions of § 395.1(e)(1), (e), and **Property-carrying driver**. A property-carrying driver is exempt from the requirements of § 395.3(a)(2) if:
 - 1) The driver has returned to the driver's normal work reporting location and the carrier released the driver from duty at that location for the previous five duty tours the driver has worked;
 - 2) The driver has returned to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty following 10 consecutive hours off duty; and
 - 3) The driver has not taken this exemption within the previous 6 consecutive days, except when the driver has begun a new 7- or 8-consecutive day period with the beginning of any off-duty period of 34 or more consecutive hours as allowed by § 395.3(c).



Exception: If I Do This, Can I Do That?

1. **Adverse Driving Conditions Exception (§ 395.1(b)(1)).** A driver may drive up to 2 additional hours beyond the maximum allowable driving time in § 395.3(a) or § 395.5(a) and extend the duty time by two hours if:
2. **Adverse driving conditions.** Except as provided in paragraph (h)(3) of this section, a driver who encounters adverse driving conditions, as defined in § 395.2, and cannot, because of those conditions, safely complete the run within the maximum driving time or duty time during which driving is permitted under § 395.3(a) or § 395.5(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than two additional hours beyond the maximum allowable hours permitted under § 395.3(a) or § 395.5(a) to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo.



Other Exceptions

- 3. **Emergency Conditions Exception (§ 395.1(b)(2))**
 - In an emergency, a driver may complete their run without violating HOS rules if the run reasonably could have been completed without the emergency [eCFR](#).
- 4. **Driver-Salesperson Exception (§ 395.1(c))**
 - § 395.3(b) (rest break requirements) does **not** apply to a driver-salesperson whose total driving time in any 7 consecutive days does not exceed **40 hours** [eCFR](#).
- 5. **Oilfield Operations Exception (§ 395.1(d))**
 - Specific provisions for drivers in oilfield operations, allowing certain driving time extensions under defined conditions [eCFR](#).
- 6. **State Law Preemption**
 - Exceptions in § 395.1(l) and (m) do **not** preempt state laws governing the safe operation of commercial motor vehicles [eCFR](#).

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Provisions or Special Categories

- Think of provisions as parts of the main regulation that apply to some, but not to others at all times. In order for the regulation to be followed, the questions to ask are;
 - What am i doing?
 - Where am i at doing it?
 - And can it apply to me?

Look for them and how they can benefit the operation.

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§ 395.28 Special Driving Categories; Other Driving Statuses

- (a) **Special driving categories** —
 - (1) **Motor carrier options.** A motor carrier may configure an ELD to authorize a driver to indicate that the driver is operating a commercial motor vehicle under any of the following special driving categories:
 - (i) **Authorized personal use;** and
 - (ii) Yard moves

For this discussion, we will tackle the most misused and abused of all; personal conveyance

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Question 26: Under what circumstances may a driver operate a commercial motor vehicle (CMV) as a personal conveyance?

Guidance: A driver may record time operating a CMV for personal conveyance (i.e., for personal use or reasons) as off-duty only when the driver is **relieved from work and all responsibility for performing work by the motor carrier**. The CMV may be used for personal conveyance even if it is laden, since the load is **not being transported for the commercial benefit of the carrier at that time**. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, this guidance, such as banning use of a CMV for personal conveyance purposes, imposing a distance limitation on personal conveyance, or prohibiting personal conveyance while the CMV is laden.

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There is an enormous list of valid and invalid uses of Personal Conveyance, but here are just a few simple rules to follow

1. OFF PC or Personal Conveyance is not a regulation; it is a Special Driving Category, and the Motor Carrier does not have to grant permission to its drivers to use it.
2. If the Motor Carrier allows the use of Personal Conveyance, it does not have to be accessible to the drivers all the time in operation. The driver may have to ask for permission.
3. Since there are numerous ways to violate this special category, the Motor Carrier should control under what circumstances it can be used. Here are two:
 - a. The driver ran out of hours at a loading or unloading facility and the driver is given permission, by the company to log OFF PC and continue to the next nearest place of rest, in order to obtain the required ten hours of rest or complete the ten hours of rest.
 - b. The driver is resting in an area where their rest in the sleeper berth is interrupted, and the company could grant permission for the driver to log OFF PC to go to the next nearest place of rest to complete the required ten hours of remainder of the rest from the previous location.

Don't Let Your Drivers Tell You That You Have To Allow Them To Use OFF PC. IT IS NOT A REGULATION; IT IS A SPECIAL CATEGORY!

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Understanding The Split-Sleeper Berth Option- Do you know how to explain it to your drivers?

- **Sleeper berth.** A driver may accumulate the equivalent of at least 10 consecutive hours off-duty by taking not more than two periods of either sleeper berth time or a combination of off-duty time and sleeper berth time if:
 - A. Neither rest period is shorter than 2 consecutive hours;
 - B. One rest period is at least 7 consecutive hours in the sleeper berth;
 - C. The total of the two periods is at least 10 hours; **and**
 - D. Driving time in the period immediately before and after each rest period, when added together:
 - 1) Does not exceed 11 hours under § 395.3(a)(3); and
 - 2) Does not violate the 14-hour duty-period limit under § 395.3(a)(2).

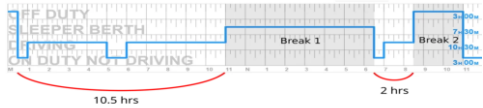
- (iii) **Calculation** —
- A. **In general.** The driving time limit and the 14-hour duty-period limit must be re-calculated from the end of the first of the two periods used to comply with paragraph (e)(1)(i)(E) of this section.
 - B. **14-hour period.** The 14-hour driving window for purposes of § 395.3(a)(2) does not include qualifying rest periods under paragraph (e)(1)(iii) of this section.

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What does a legal Split Sleeper Berth look like on the graph?



He was on duty for 10.5 hours before, and 2 hours after break 1. Since these hours add up to 12.5 hours, he didn't violate the 14-hour duty limit.

He drove for 9 hours before, and 1.5 hours after break 1. Since these hours add up to 10.5 hours, he didn't violate the 11-hour driving limit.

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Questions and Answers



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More Questions?



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Driver Screening Protocols:
Hiring Drivers with Confidence

August 26 – 10:00 AM Central



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