



The Bottom Line

MAY 2020 | VOL. 39

FMCSA ISSUES REVISED HOURS-OF-SERVICE RULE

Summary

Hours of Service (HOS) regulations are issued by the Federal Motor Carrier Safety Administration (FMCSA) and govern the working hours of anyone operating a commercial motor vehicle in the United States. These rules limit the number of daily and weekly hours spent driving and/or working and regulate the minimum amount of time drivers must spend resting between driving shifts.

Background

Although the Department of Transportation has been regulating drivers' hours of service since 1938, the Hours of Service of Drivers Final Rule in use today was published in the Federal Register on December 27, 2011 with an effective date of February 27, 2012. These rules cover commercial drivers in the United States, including Canadian and Mexican drivers who cross the U.S. border to make deliveries.

These rules generally limited a driver's day to 14 hours on, 10 hours off. Within the 14 hours "ON," up to 11 hours may be spent driving. The hours that a driver spends on-duty, off-duty, driving, and doing other non-driving tasks must be recorded using an Electronic Logging Device (ELD). Drivers that do local deliveries (short-haul) are exempt from the ELD requirement and are subject to a geographic limit (radius) from their home terminal.

Current Status

The new rules alter the regulations in three specific areas. First, it changes the requirement that a driver's 10-hour "off" period be consecutive. While a driver must still take 10 hours off in any 24-hour period, he may split the time between two breaks of 8 hours and 2 hours, or 7 hours and 3 hours.

Currently, once a driver's on-duty time starts, they must go off-duty 14 hours later. Once the new rules go into effect, taking a 2-3 hour break to rest where a driver is completely off-duty (either away from the tractor or in the sleeping berth), will pause the 14-hour clock to resume

once the driver goes back on duty. Proponents argue that this will allow the driver more flexibility to rest when he is fatigued, rather than postponing rest to the end of his 14-hour shift to avoid wasting on-duty time.

Second, a driver is required to take a 30-minute break after eight hours of operating a truck. Currently, this break must be taken completely off-duty—away from the truck or in the sleeping berth. Under the new rules, a driver would be able to count time spent doing things like waiting for the truck to be loaded as break time.

Third, the maximum on-duty time for local (short-haul) drivers has been extended from 12 to 14 hours and the distance limit from 100 to 150 miles. Driving time for both short-haul and long-haul drivers remains the same at 11 hours. The remainder of the "on-duty" hours applies to time needed for stops, such as loading and unloading or other on duty, non-driving tasks.

Impact

The final rule and its revisions are set to take effect 120 days from the date the rule is published in the Federal Register. The expected publish date will be soon. Although the FMCSA contends that the rule changes will increase driver flexibility and generate \$274 million in cost-savings for the U.S. economy, the Teamsters Union opposes it, saying the changes will lead to reduced roadway safety for drivers and the traveling public at large. Given the contentious history of the agency's Hours of Service rulemaking proceedings, it would not be entirely surprising if this final rule is ultimately challenged in court by various safety advocacy groups that previously commented on it. This could ultimately impact the effective date.

RESOURCES:

[Hours of Service of Drivers](#) (FMCSA)

[Teamsters Denounce New Trucker HOS Rules](#) (PR Newswire)

[U.S. Eases Rules for Truck Drivers](#) (NY Times)