Hours of Service Regulations

On December 27th, 2011 the Federal Motor Carrier Safety Administration announced a final rule to change the the hours of service regulations. The final rule will affect drivers who operate property-carrying commercial motor vehicles that weigh 10,001 pounds, or more, and are involved in interstate commerce.

Passenger-carrying drivers will be affected by the changes to the on-duty definition, which allows time spent resting in a parked commercial motor vehicle to be considered off duty, and the penalties provision, which categorizes as “egregious” any violation of the driving-time limit by 3 or more hours (thus invoking maximum penalties).

The changes are summarized below.

<table>
<thead>
<tr>
<th>PROVISION</th>
<th>CURRENT RULE</th>
<th>FINAL RULE – COMPLIANCE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving Time</td>
<td>11 Hours of Driving, following 10 consecutive off duty</td>
<td>No change</td>
</tr>
</tbody>
</table>
| Limitations on minimum "34-hour restarts" | None                                                                      | (1) Must include two periods between 1 a.m.- 5 a.m. home terminal time.  
<pre><code>                                                                                 | (2) May only be used once per week.                                         |
</code></pre>
<p>| Rest breaks                     | None except as limited by other rule provisions                             | May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory &quot;in attendance&quot; time may be included in break if no other duties performed] |</p>
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<tbody>
<tr>
<td>On-duty time</td>
<td>Includes any time in CMV except sleeper-berth.</td>
<td>Does not include any time resting in a parked CMV. In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth. Also applies to passenger-carrying drivers.</td>
</tr>
<tr>
<td>Penalties</td>
<td>&quot;Egregious&quot; hours of service violations not specifically defined.</td>
<td>Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.</td>
</tr>
<tr>
<td>Oilfield exemption</td>
<td>&quot;Waiting time&quot; for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.</td>
<td>&quot;Waiting time&quot; for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in &quot;remarks&quot; or a separate line added to &quot;grid.&quot;</td>
</tr>
</tbody>
</table>

**34-Hour Restart**

- The rule limits the use of the “34-hour restart” to once a week (168 hours)
- The restart must include 2 night periods between 1 and 5 AM.

§395.3 (c)(1) and (c)(2) Through June 30th, 2013 a period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. After June 30, 2013 any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours that includes two periods from 1 a.m. to 5 a.m.

§395.3 (d) After June 30, 2013, a driver may not take an off-duty period of 34 hours to restart the calculations of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period.

**Rest Breaks**

- If a driver has been on duty for more than 8 consecutive hours since a period of off duty then he/she is required to take a 30 minute break before resuming driving duties.

§395.3(a)(3)(i) A driver may drive a total of 11 hours during the 14-hour period. (ii) After June 30, 2013 driving is not permitted if more than 8 hours have passed since the end of the driver’s last off-duty or sleeper-berth period of at least 30 minutes.
**On-duty Time**

395.2 (4)(i)(ii)(iii) On-duty time shall include all time in or on a CMV, other than:

- Time spent resting in or on a parked vehicle,
- Time spent resting in a sleeper berth; or
- Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth.

**Effective Date:**

February 27, 2012

**Compliance Date:**

For 34-hour restart and rest breaks: July 1st, 2013

For on-duty time, penalties, and Oilfield Exemption: February 27th, 2012

For more information or if you have any questions regarding this material please call the IBT Safety and Health Department at (202) 624-6960. Additional education and training materials are currently available on the FMCSA web site ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)).