

Gallagher Sharp LLP Trucking Newsflash: Changes to Hours of Service Regulations May be Coming

By Attorneys Joe Pappalardo and Rob Boroff

The Federal Motor Carrier Safety Administration's (FMCSA) proposed changes to certain hours of service regulations have finally arrived. Today, the FMCSA issued a Notice of Proposed Rulemaking that addresses the following proposed changes to the existing hours of service regulations found in the Federal Motor Carrier Safety Regulations (FMCSRs):

- Increase safety and flexibility for the 30 minute break rule by tying the break requirement to eight hours of driving time without an interruption for at least 30 minutes, and allowing the break to be satisfied by a driver using on duty, not driving status, rather than off duty.
- Modify the sleeper berth exception to allow drivers to split their required 10 hours off duty into two periods: one period of at least seven consecutive hours in the sleeper berth and the other period of not less than two consecutive hours, either off-duty or in the sleeper berth. Neither period would count against the driver's 14-hour driving window.
- Allow one off-duty break of at least 30 minutes, but not more than three hours, that would pause a truck driver's 14-hour driving window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.
- Modify the adverse driving conditions exception by extending by two hours the maximum window during which driving is permitted.
- Modify the short-haul exception available to certain commercial drivers by lengthening the drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

The above proposed changes are just that—*proposed* changes and are not yet in effect. The FMCSA will be accepting comments for the next 45 days before a decision is ultimately made on whether to enact the proposed changes. If you would like to submit a comment to the FMCSA within the next 45 days, please visit the following link for directions:

<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/hours-service/474821/nprmfile08-08-2019-131534.pdf>



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We will continue to monitor this issue and provide updates as additional information about the hours of service regulations is disseminated.

If you have any questions, contact:

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