



Serving the Vending and Refreshment Services Industry

US Dept. of Transportation “Hours of Service” Rules

ISSUE:

In July 2013, the Federal Motor Carrier Safety Administration’s (FMCSA) new hours-of-service (HOS) rules went into effect. The HOS rules applied to drivers of commercial motor vehicles (CMVs) that are engaged in either *interstate* or *intrastate* commerce. The HOS rules are applicable to the refreshment service industry, as many companies utilize CMVs as part of the range of their businesses, from route drivers to long-distance product distributions. A summary of the current, relevant HOS rules is:

- Limitations on “34-Hour Restart” Period: The proposed restriction on the use of the 34-hour restart provision to one time per week was retained; however, the FMCSA made minor adjustments to the parameters from the proposed rulemaking, including requiring two consecutive 1 a.m. to 5 a.m. rest periods.
- “30-Minute Break” Periods: Long-haul drivers are not permitted to drive after *working 8 (eight) consecutive hours without first taking a break of at least 30 minutes*. Drivers can take the 30-minute break whenever they need rest during the 8-hour window. **Short-haul* drivers (those who drive less than 150 miles) are not required to take a 30-minute break.
- “14-Hour Limit: Applies to a driver who also warehouses or fills trucks. That driver may not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.
- “On-Duty Time:” The previous rule held that on-duty time included any time inside of the CMV except in the sleeper berth. *The new rule indicates that on-duty time DOES NOT include any time resting in a parked CMV (also applies to drivers carrying passengers)*. In a moving property-carrying CMV, on-duty designation does not include up to 2 hours in the passenger seat immediately before or after 8 consecutive hours in the sleeper berth.

On December 13, 2014, Congress passed the FY 2015 Omnibus Appropriations bill providing funding for the vast majority of the federal government. This legislation, which was signed by the President, included trucking-related language that provides relief from the two new restrictions of the hours of service restart rule. Specifically, the legislation suspends the requirement that all qualifying restarts contain two consecutive periods of time between 1am and 5am, and that it can only be used once every 168 hours (or seven days). In other words, the restart rule reverts back to the simple 34 hour restart in effect from 2003 to June 2013. Because the language is included in an annual spending bill, its terms expire at the end of the 2015 fiscal year (September 30, 2015).

NAMA POSITION:

- NAMA recognizes the need for adequate regulations to protect both commercial-motor vehicle drivers as well as other motorists while utilizing America’s highways.
- NAMA supports keeping in place the simple 34 hour restart rule for a longer period of time and until the Department of Transportation conducts a study comparing the effectiveness of the rule in place before July 1, 2013, with that which took effect afterward and was suspended by the 2015 Omnibus Appropriations bill.