



REGULATORY ALERT NOTICE...

Hours of Service-Notice of Proposed Rulemaking

Posted: August 14, 2019 (FMCSA)

Hours of Service of Drivers (Part 395) MAJOR CHANGE

Action: Notice of proposed rulemaking (NPRM).

Summary: The Federal Motor Carrier Safety Administration (FMCSA) has published a notice of proposed rulemaking (NPRM) on updates to hours of service (HOS) rules to increase safety and provide additional flexibility for commercial drivers.

The proposed rule on hours of service offers five key modifications to the existing HOS rules:

- The Agency proposes a change 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 Agency proposes to modify the adverse driving conditions exception by extending by 2 hours the maximum window during which driving is permitted.
- The Agency proposes to increase flexibility for the 30-minute break rule by tying the break requirement to 8 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.
- The Agency proposes to modify the sleeper-berth exception to allow drivers to split their required 10-hours off duty into two periods: one period of at least 7 consecutive hours in the sleeper berth and the other period of not less than 2 consecutive hours, either off duty or in the sleeper berth. Neither period would count against the driver's 14-hour driving window.

- The Agency proposes to allow one off-duty break of at least 30 minutes, but not more than 3 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.

All carriers will be greatly impacted by the changes to the 30 minute requirement and the Adverse Driving Conditions.

Regional operations will need to reevaluate their use of ELDs in light of the increase from 100 to 150 mile range and the 12 to 14 hour period.

If you have any questions or concerns regarding this Notice of proposed rulemaking please contact [NATC at 1-609-426-0555](tel:1-609-426-0555).

JFC 8/22/19

