



REGULATORY ALERT

October 28, 2013

Hours of Service Amendment to the 30-Minute Rest Break Requirement

Effective Date : 10/28/13

FMCSA Final Rule

The FMCSA amended its December 27, 2011, final rule entitled “Hours of Service of Drivers” to provide an exception from the 30-minute rest break requirement for short-haul drivers who are not required to prepare records of duty status (RODS). This was required under a court order in the case brought against FMCSA by ATA and others.

What was not in the court order and changed by FMCSA is the new requirement that :

When a driver takes more than one off-duty period of 34 or more consecutive hours within a period of 168 consecutive hours, he or she must indicate in the Remarks section of the record duty status which such off-duty period is being used to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.

This means that effective 10/28/13 it is the driver’s responsibility to identify when he or she is using the 34 hour restart. It also becomes the carrier’s responsibility to make sure the RODS clearly complies with this new change. This clarification from FMCSA confirms the previous position of NATC that the carrier and driver get to determine which 34 hour rest period is being used for the restart if any. Electronic On-board Recorders may pose a real problem complying with this new requirement.

Remember there is no requirement that a restart be used each 168 consecutive hour period if the driver does not exceed the 60 or 70 hour limitation.

If you have any questions you can reach our technical staff through our NJ office at **609-426-0555**.

[\(Click here for a complete copy of the Final Rule.\)](#)

NORTH AMERICAN TRANSPORTATION CONSULTANTS, INC.

YOUR TOTAL TRANSPORTATION AND SAFETY CONSULTANTS

P.O. BOX 1404 - HIGHTSTOWN, NJ - 08520

609-426-0555 - WWW.49CFR.COM