**Trucker Hours of Service Regulation Summery**

The Federal Motor Carrier Safety Administration (FMCSA) has issued an hours-of-service rule for drivers of property-carrying commercial motor vehicles, specifying how long these drivers can operate their trucks before having to take a break.

Major parts of the rule, including the maximum driving and minimum rest requirements, have remained the same. Changes were made, however, for:

* Short-haul operators who do not need a CDL and who stay within a 150-air-mile radius of their home terminals. These drivers will be able to have longer work days twice per week.
* Long-distance drivers who split their off-duty time in sleeper berths. These drivers will have to spend 8 consecutive hours in the sleeper berth, but can go off duty for the remaining 2 hours.

The new rule takes effect October 1, 2005, followed by a three-month “soft enforcement” period that will give drivers and enforcement personnel time to adjust to the new rule. "The research shows that this new rule will improve driver health and safety and the safety of our roadways," said FMCSA Administrator Annette M. Sandberg. "Ensuring drivers obtain necessary rest and restorative sleep will save lives."

As in the hours-of-service rule issued in 2003, the new rule allows 11 hours of driving within a 14-consecutive-hour period after a 10-hour break. Drivers must stop driving after accumulating 60 hours over a 7-day period or 70 hours over an 8-day period. The new rule also retains the 34-hour “restart” provision allowing drivers to reset the 60/70-hour clock after 34 consecutive hours off duty.

The rules for passenger-carrying vehicles do not change under the new rule. Drivers of these vehicles will continue to follow the existing rules in 49 CFR §395.5.

**Major changes**

Sleeper-Berths – One major change in the rule requires truckers who use sleeper berths to rest for at least 8 consecutive hours in the sleeper berth, and take another 2 consecutive hours off duty or in the sleeper berth (or any combination of the two) before resetting their daily driving schedule. The existing rule allows the 10-hour break to be split into any two periods of time as long as the shortest is at least 2 hours. According to the FMCSA, studies show that drivers are less likely to be fatigued if they take a single 8-hour block of rest than if they break their rest into smaller periods of time as they were allowed under the previous rule.

Short-Haul Provision – Another important change under the new rule allows short-haul operators who are not required to hold a commercial drivers license (CDL) and who work within a 150-mile radius of their starting point, to extend their work day twice a week. These drivers will no longer have to maintain logbooks, but must maintain time records similar to those used by drivers under the existing 100-air-mile-radius exception. The existing short-haul exception allows drivers to extend their work day only once per week.

The change was prompted by safety data that show short haul drivers make up over half the commercial fleet, yet are involved in less than seven percent of the nation's fatigue-related fatal truck crashes.

**Soft Enforcement**

Carriers and drivers will not be allowed to operate under the new rule prior to its October 1, 2005, effective date. Sandberg pledged to work with states and the trucking community for the first three months the rule is in effect allowing them time to update educational materials, train employees, and re-program driving schedules.

During this transitional period, the FMCSA and state law enforcement officials will monitor carriers for egregious violations of the new rule and pursue enforcement action where necessary.

**Summary**

The following is a summary of the new rule for property-carrying commercial motor vehicle drivers:

|  |  |
| --- | --- |
| 2003 ruleCompliance through 9/30/05 | 2005 ruleCompliance on and after 10/1/05 |
| 10-hour off-duty rule | No change |
| 11-hour driving limit | No change |
| 14-hour limit | No change |
| 60/70-hour limits | No change |
| Drivers can split their 10 hours of off-duty time in a sleeper berth using two separate sleeper-berth periods, provided neither is less than 2 hours. | Drivers can split their 10 hours of off-duty time in a sleeper berth using two separate periods of time. One of the periods must be at least 8 consecutive hours in the sleeper berth. The other must be at least 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two. |
|  34-hour restart provision | No change, but enforcement will change to allow drivers to use this provision regardless of the number of on-duty hours accumulated. |
| 100-air-mile-radius exception in 49 CFR §395.1(e)  | No change |
| Short-haul provision in §395.1(o) | No change, but additional exception adopted (see below). |

New short-haul exception

Applies to drivers of property-carrying vehicles who:

Do not require a CDL, and

Operate within a 150-air-mile radius of their normal work reporting location.

* After 10 hours off, driver may drive for 11 hours.
* Driver does not have to keep records of duty status (logs).
* On 2 out of any 7 consecutive days, the driver may drive up to the 16th consecutive hour after coming on duty. On the remaining 5 days, the driver must not drive after the 14th consecutive hour after coming on duty.
* Driver must return to the normal work reporting location at the end of each duty tour.
* Employer must maintain time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day.
* Drivers who use this new short-haul provision are not eligible to use the 100-air-mile provision (§395.1(e)) or the current 16-hour exception in §395.1(o).