

The Revised Hours of Service Regulations

Effective January 4, 2004, the Federal Motor Carrier Safety Administration (FMCSA) enacted several revisions to the hours of service (HOS) regulations. These revisions supposedly give commercial motor vehicle (CMV) drivers more time for rest and sleep, and reduce the number of crashes caused by tired CMV drivers. The revisions apply to property-carrying motor carriers and CMV drivers; they do not apply to interstate passenger carriers or to CMVs used for agricultural operations.

Regulation 1:

Under the old law, a CMV operator could drive 10 hours following 8 hours off-duty. Under the new regulations, a CMV operator can drive up to 11 hours, but only following 10 hours off-duty.

Regulation 2:

Under the old law, a CMV operator could not drive after 15 hours on-duty, following 8 hours off-duty. Under the new regulations, a CMV operator cannot drive beyond the 14th hour after coming on duty, following 10 hours off-duty.

Regulation 3:

Under the old law, a CMV operator could not drive after 60 hours on-duty in 7 consecutive days, or 70 hours on-duty in 8 consecutive days. This remains unchanged.

Revisions to the HOS regulations resulted in the addition of several new provisions. First, the new regulations created a formal restart provision. A driver can restart a 7/8-day period only after spending 34 consecutive hours off-duty. However, CMV drivers involved in oil field operations, ground water well drilling, construction materials and equipment, or utility services vehicles retain a 24-hour restart exception for 7/8 day duty periods. Also added was a 16-hour exception. Drivers may extend a 14-hour on-duty period by an additional 2 hours if they: (1) were released from duty at the normal work reporting location for the previous 5 duty tours; (2) return to their normal work reporting location and are released from duty within 16 hours; and (3) have not used the exception within the preceding 7 days, except following a 34-hour restart of a 7/8-day period. The total hours of driving still may not exceed 11 hours.

Additionally, the FMCSA clarified the sleeper-berth exception to the HOS. Drivers may split their on-duty time by using a sleeper berth, but they must still comply with the new regulations. A driver can accumulate 10 consecutive hours of off-duty time by taking 2 periods of rest in the sleeper berth if: (1) neither period is less than 2 hours, (2) cumulative driving time before and after each rest period does not exceed 11 hours, and (3) the cumulative on-duty time in the periods before and after each rest period does not include any driving after the 14th hour. These regulations are online: http://www.access.gpo.gov/nara/cfr/waisidx_03/49cfrv4_03.html#301.

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