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## New Hours of Service Rules Finalized by the FMCSA

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) recently announced its new rule that revises the hours-of-service (HOS) requirements for commercial truck drivers. The final rule for "Hours of Service of Drivers" (HOS) was published on December 27, 2011 and effective **February 27, 2012**. Please note that the compliance date for certain provisions is **July 1, 2013**.

The new HOS final rule reduces by 12 hours the maximum number of hours a truck driver can work within a week. Under the old rule, truck drivers could work on average up to 82 hours within a seven-day period. The new HOS final rule limits a driver's work week to 70 hours. In addition, truck drivers cannot drive after working eight hours without first taking a break of at least 30 minutes. Drivers can take the 30-minute break whenever they need rest during the eight-hour window.

The final rule retains the current 11-hour daily driving limit. However, FMCSA is continuing to conduct data analysis and research to further examine any risks associated with the 11 hours of driving time.

The rule requires truck drivers who maximize their weekly work hours to take at least two nights' rest when their 24-hour body clock demands sleep the most -from 1:00 a.m. to 5:00 a.m. This rest requirement is part of the rule's "34-hour restart" provision that allows drivers to restart the clock on their work week by taking at least 34 consecutive hours off-duty. The rule allows drivers to use the restart provision only once during a seven-day period.

The new rule also defines what is determined to be an "egregious" hours of service violation. Egregious violations result when driving (or allowing to drive) 3 or more hours beyond the driving-time limit of 11 hours. Trucking companies that allow drivers to exceed the 11-hour driving limit by 3 or more hours could face the maximum penalties for each offense which is a fine of up to \$11,000 per offense and the drivers themselves could face civil penalties of up to \$2,750 for each offense.

If you would like additional information, the rule is currently available on FMCSA's website at: [www.fmcsa.dot.gov/HOSFinalRule](http://www.fmcsa.dot.gov/HOSFinalRule)

The table below summarizes the differences between the current HOS Rule and the new HOS Final Rule:

PROVISION	CURRENT RULE	FINAL RULE – COMPLIANCE DATE JULY 1, 2013
<b>Limitations on minimum "34-hour restarts"</b>	None	(1) Must include two periods between 1 a.m.- 5 a.m. home terminal time. (2) May only be used once per week.
<b>Rest breaks</b>	None except as limited by other rule provisions	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]
PROVISION	CURRENT RULE	FINAL RULE – COMPLIANCE DATE FEBRUARY 27, 2012
<b>On-duty time</b>	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a <u>parked</u> CMV (also applies to passenger-carrying drivers). In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth.
<b>Penalties</b>	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.
<b>Oilfield exemption</b>	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."

***For additional information on legal issues in the Trucking Industry, please contact TAMMY MEADE ENSSLIN at 859-963-9049.***

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