

ATA SUMMARY OF FMCSA'S CHANGES TO THE HOURS OF SERVICE REGULATIONS

12/22/2011

On December 22, 2011, FMCSA publicly announced controversial Hours of Service rule changes. The key elements of this rule are described below. This rule will be published in the Federal Register on or around December 30, 2011.

Key Elements of the December 2011 HOS Rule:

Maximum Driving Hours – FMCSA retained the current 11 hour driving time limit, but placed a limit on the number of consecutive driving hours. No driving may occur if more than 8 consecutive hours have passed since the last break of 30 minutes or more.

Restart – Any restart period must include two consecutive nighttime periods (from 1 a.m. to 5 a.m.), and must be at least 34 consecutive hours long. Drivers are permitted to use the restart provision only once in any seven calendar days.

14 Consecutive Hour Day (now called *Driving Window*) – The rule retains a 14 consecutive hour driving window. With 30 minute rest break, maximum on-duty time within the 14 hour window is 13.5 hours. No driving may occur after 14 consecutive hours since coming on duty; non-driving work is allowed past the 14 hour driving window.

Mandatory Rest Break – Drivers will not be permitted to *drive* if 8 hours have passed since their last break of 30 minutes or more. (Only 1 break may be required depending upon timing).

Off-Duty in A Parked CMV or In Passenger Seat – The rule allow drivers to record time spent in a parked CMV as off-duty time. Also, team drivers would be permitted to record up to 2 hours of time spent in the passenger seat of a CMV in operation as off-duty time, if it is just before or after an 8 hour sleeper berth period.

Oilfield Exemption – Waiting time at an oil well or natural gas site will not count toward calculation of the 14 hour window but must be recorded as off-duty on a paper or electronic log.

Egregious Violations – A driver who exceeds, and/or a motor carrier that allows a driver to exceed, the driving time limit by 3 hours or more be considered to have committed an egregious violation and be subject to the maximum civil penalties of \$2,700 for drivers and \$11,000 for motor carriers – for each offense.

Effective Date & Compliance Date – This rule will be effective in late February 2012, and the oilfield exemption change must be implemented by then. However, interstate motor carriers and drivers will not be required to comply with the remainder of the new rules (restart change, rest break requirement, etc.) until July 1, 2013.