



TEAMSTERS Safety & Health **FACTS**

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Hours of Service Regulations

On December 27th, 2011 the Federal Motor Carrier Safety Administration announced a final rule to change the the hours of service regulations. The final rule will affect drivers who operate property-carrying commercial motor vehicles that weigh 10,001 pounds, or more, and are involved in interstate commerce.

Passenger-carrying drivers will be affected by the changes to the on-duty definition, which allows time spent resting in a parked commercial motor vehicle to be considered off duty, and the penalties provision, which categorizes as “egregious” any violation of the driving-time limit by 3 or more hours (thus invoking maximum penalties).

The changes are summarized below.

PROVISION	PRIOR RULE	FINAL RULE - COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None	(1) Must include two periods from 1 a.m. to 5 a.m., home terminal time. (2) May only be used once per week, 168 hours, measured from the beginning of the previous restart.
Rest breaks	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 or sleeper berth period of at least 30 minutes. [49 CFR 397.5 mandatory "in attendance" time for hazardous materials may be included in break if no other duties performed]

PROVISION	PRIOR RULE	FINAL RULE - COMPLIANCE DATE FEBRUARY 27, 2012
On-duty time	Includes any time in CMV except sleeper berth.	Does not include any time resting in a parked vehicle (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.
Penalties	"Egregious" hours-of-service violations not specifically defined.	Driving (or allowing a driver to drive) more than 3 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.
Oilfield exemption	"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."

34-Hour Restart

- The rule limits the use of the "34-hour restart" to once a week (168 hours)
- The restart must include 2 night periods between 1 and 5 AM.

§395.3 (c)(1) and (c)(2) Through June 30th, 2013 a period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. After June 30, 2013 any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours that includes two periods from 1 a.m. to 5 a.m.

§395.3 (d) After June 30, 2013, a driver may not take an off-duty period of 34 hours to restart the calculations of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period.

Rest Breaks

- If a driver has been on duty for more than 8 consecutive hours since a period of off duty then he/she is required to take a 30 minute break before resuming driving duties.

§395.3(a)(3)(i) A driver may drive a total of 11 hours during the 14-hour period. (ii) After June 30, 2013 driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

On-duty Time

395.2 (4)(i)(ii)(iii) On-duty time shall include all time in or on a CMV, other than:

- Time spent resting in or on a parked vehicle,
- Time spent resting in a sleeper berth; or
- Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth.

Compliance Date:

For 34-hour restart and rest breaks: July 1st, 2013

For on-duty time, penalties, and Oilfield Exemption: February 27th, 2012

For more information or if you have any questions regarding this material please call the IBT Safety and Health Department at (202) 624-6960. Additional education and training materials are currently available on the FMCSA web site (www.fmcsa.dot.gov).