New hours-of-service rule published

Basic limits remain intact, other HOS changes made

The basic limits, including 11 hours of driving time, the 14-hour duty window, and 60/70 hour limits for drivers of property-carrying commercial motor vehicles, remain intact under the latest version of the hours-of-service regulations.

Published in the December 27, 2011, Federal Register, the Federal Motor Carrier Safety Administration’s (FMCSA) final rule includes limitations on the 34-hour restart, a mandatory break, and changes to the definition of on-duty time.

For a driver who uses the 34-hour restart provision, two periods of time between 1:00 am and 5:00 am must be included in the 34 consecutive hours off duty. Also the driver may only use the restart once within a period of 168 consecutive hours. According to FMCSA, this change would limit a driver to (on average) no more than 70 hours in a work week.

Also included in the final rule is a provision that requires a driver to take a break of at least 30 minutes once he/she has been on duty for a maximum of 8 hours. The driver may take this break prior to the eighth hour, and meal breaks or any other off-duty time qualifies as a break. The definition of on-duty time for drivers of both property-carrying and passenger-carrying commercial motor vehicles has been amended to no longer include time resting in a parked commercial motor vehicle. Also, for drivers of property-carrying commercial motor vehicles who operate in a team driving situation, the 2 hours spent riding in the passenger seat of a moving commercial motor vehicle before or after a sleeper berth period of 8 hours may count this time as off-duty time.

The compliance date for the amended definition of on-duty time is February 27, 2012. The compliance date for the changes to the 34-hour restart and the mandatory break provision is July 1, 2013.