

Reform of the hours-of-service regulations has been under consideration by the Federal Motor Carrier Safety Administration (FMCSA) for several years. In 1995, Congress, concerned about the effect of fatigue as a contributing factor in commercial motor vehicle crashes, directed the Federal Motor Carrier Safety Administration (FMCSA) to begin a rulemaking to increase driver alertness and reduce fatigue-related incidents.



In response to the Congressional directive, FMCSA analyzed the scientific research, convened expert panels, held hearings and roundtable discussions, and reviewed over 53,000 individual comments submitted during the rulemaking process. In April 2003, FMCSA issued the first significant revision to the HOS regulations in over 60 years. The new regulations provide an increased opportunity for drivers to obtain necessary rest and restorative sleep, and at the same time reflect operational realities of motor carrier transportation. ▶

In the months preceding the compliance date of January 4, 2004, the FMCSA will work with its partners and stakeholders to assure a smooth transition to the new regulations. Additional education and training materials are currently available on the FMCSA web site (www.fmcsa.dot.gov). Please join us in working to implement these new regulations, for the continuing improvement of motor carrier safety.



THE REVISED HOURS-OF-SERVICE REGULATIONS

Many things have changed in the motor carrier industry since 1939 when the original hours-of-service regulations were prescribed for truck drivers. Our roads are better designed, constructed, and maintained in a nationwide network to provide greater mobility, accessibility, and safety for all highway users. Vehicles have been dramatically improved in terms of design, construction, safety, comfort, efficiency, emissions, technology, and ergonomics. These factors, combined with years of driver fatigue and sleep disorder research, have led to a revision of the hours-of-service regulations for drivers, the most important component of trucks operating on the highway.



THE REVISED HOURS-OF-SERVICE REGULATIONS

These regulations only apply to property carriers and drivers. Passenger carriers and drivers will continue operating under the existing rules while fatigue issues specific to the passenger carrier industry are assessed.

Old Hours-of-Service Rules All CMV Drivers	New Hours-of-Service Rules Property-Carrying CMV Drivers
CMV driver may drive 10 hours after 8 hours off-duty.	CMV driver may drive 11 hours after 10 hours off-duty.
CMV driver may not drive after 15 hours on-duty, following 8 hours off-duty.	CMV driver may not drive beyond the 14th hour after coming on-duty, following 10 hours off-duty.
CMV driver may not drive after 60/70 hours on-duty in 7/8 consecutive days.	CMV driver may not drive after 60/70 hours on duty in 7/8 consecutive days. ▶ A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.
Compliance Required Through January 3, 2004	Compliance Required On & After January 4, 2004

Simply stated, this means:

- Drivers may drive up to 11 hours instead of 10 hours, but are limited to 14 hours in a duty period.
- The 14-hour duty period may not be extended with off-duty time for meal and fuel stops, etc. Only the use of a sleeper berth can extend the 14-hour on-duty period.
- Each duty period must begin with at least ten hours off-duty, rather than eight.
- The 60 hours on-duty in 7 consecutive days, or 70 hours on-duty in 8 consecutive days, remains the same, but drivers can “restart” the 7/8-day period by taking at least 34 consecutive hours off-duty.



▼ 16-Hour Exception For Property-Carrying Drivers ▼

Drivers may extend the 14-hour on-duty period by 2 additional hours IF THEY:

Are released from duty at the normal work reporting location for the previous 5 duty tours, **AND**

Return to the normal work reporting location and are released from duty within 16 hours, **AND**

Have not used this exception in the previous 6 days, except following a 34-hour restart of a 7/8 day period.

Total hours driving may not exceed 11 hours.

- **Sleeper Berth Exception:** Drivers may split on-duty time by using sleeper berth periods, but must comply with the new hours-of-service rules. These drivers may accumulate the equivalent of 10 consecutive hours off-duty by taking a combination of at least 10 consecutive hours off-duty and sleeper berth time; or by taking 2 periods of rest in the sleeper berth, provided:

- 1) Neither period is less than 2 hours;
- 2) Driving time in the period immediately before and after each rest period when added together does not exceed 11 hours; and
- 3) The driver does not drive after the 14th hour after coming on duty following 10 hours off-duty, where the 14th hour is calculated by:
 - (A) Excluding any sleeper berth period of at least 2 hours which, when added to a subsequent sleeper berth period, totals at least 10 hours; and
 - (B) Including all on-duty time, all off-duty time not spent in the sleeper berth, all sleeper berth periods of less than 2 hours, and any sleeper berth period not described in paragraph 3(A).

- **Industry Exceptions:** Oil field operations, ground water well drilling operations, construction materials and equipment operations, and utility service vehicle operations must comply with the new 11-hour driving, 10 consecutive hours off-duty, and 14-hours on-duty requirements of the new rule. However, the 24-hour restart provisions applicable to these operations remains in effect.

- **Agricultural Exemption:** Agricultural operations retain their current statutory exemption from driving time requirements for transportation occurring within a 100 air-mile radius of a farm or distribution point during planting or harvesting season within each State, as determined by the State.