

Hours of Service Frequently Asked Questions

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When were the current rules issued?

The latest federal hours-of-service rules appeared in the *Federal Register* on November 19, 2008, and took effect on January 19, 2009. These “new” rules, however, did not contain any substantive changes. In other words, except for the removal of one obsolete section (§395.0), the rules did not change from the way they have been since October 1, 2005. That’s the last time the Federal Motor Carrier Safety Administration (FMCSA) substantively amended the rules.

Why did the FMCSA publish a “new” rule if there were no changes?

Due to a July 24, 2007, court ruling, the FMCSA was required to republish the rules in their entirety, even though there were no changes. The previous rules were due to expire in December 2008.

Why was section 395.0 removed?

Section 395.0 was removed from the hours-of-service rules effective January 19, 2009, because it was obsolete. It stated: “Any regulations on hours of service of drivers in effect before April 28, 2003, which were amended or replaced by the final rule adopted on April 28, 2003 [69 FR 22456] are rescinded and not in effect.”

Are the 11- and 14-hour limits still in effect?

Yes. The 11-hour driving limit and 14-hour duty limit are still in effect for drivers of property-carrying vehicles, as are all the other hours-of-service rules that have been in effect since October 2005.

Has the sleeper-berth provision changed?

No, the sleeper-berth provision in §395.1(g) has not changed since October 2005. If the driver of a property-carrying commercial motor vehicle wants to split his or her 10-hour break into two separate breaks, with driving in between, he or she must spend at least 8 consecutive hours in a sleeper berth, followed or preceded by at least another 2 hours off duty and/or in a sleeper berth, to accumulate a total of at least 10 hours off. Compliance is calculated from the end of the first of the two breaks.

Can a co-driver log “off duty” while riding in the vehicle?

No, you cannot log “off duty” while riding in a commercial motor vehicle. Time spent in a passenger seat must be recorded as “on duty” time, and time spent in a sleeper berth must be recorded as “sleeper berth” time.

Is there another lawsuit?

Yes. On March 9, 2009, several groups filed a new federal lawsuit against the hours-of-service rules. The Teamsters, Public Citizen, Advocates for Highway and Auto Safety, and the Truck Safety Coalition filed a petition for review with the U.S. Court of Appeals for the D.C. Circuit. That’s the same court that tossed out the rules twice before. If the court again rules against the FMCSA, the future could hold more changes for the hours-of-service rules.

What else is pending with hours of service?

The FMCSA issued a proposed rule on electronic on-board recorders (EOBRs) on January 18, 2007. A final rule is expected in early to mid 2009.