

# Dannemiller Bulletin

(August 15, 2013)

**Court Decision on the 30-minute Rest Break Provision** - On August 2, 2013, the U. S. Court of Appeals for the District of Columbia Circuit issued it's ruling on the ongoing Hours-of-Service litigation resulting from challenges to the recent changes effective July 1, 2013,...i.e. 34 hour re-start changes, 30-minute break, egregious violations, ect... The Court upheld the changed regulations in all aspects except for the 30-minute break provisions as it applies to "short haul drivers". Specifically, the following drivers would not be subject to the 30-minute break requirement:

1. All drivers (CDL and non-CDL) that operate within the 100 air mile radius of their normal work reporting location and satisfy the time limitations and recordkeeping requirements part 395.1(e)(1).
2. Non-CDL drivers who operate within 150 air-miles of their normal work reporting location and satisfy the time limitations and recordkeeping requirements of part 395.1(e)(2).

The FMCSA has announced the agency will immediately cease enforcement of this provision, and has requested that states also cease enforcement.