



## **MEAL AND REST BREAKS FOR MOTOR CARRIERS**

### **BACKGROUND**

In 1994, Congress passed a preemption provision of the Federal Aviation Administration Authorization Act (F4A) to provide the trucking industry with a uniform set of rules to operate safely and efficiently in interstate commerce. The provision expressly preempts state laws related to the prices, routes, and services of motor carriers in order to prevent a state-by-state patchwork of multi-faceted rules and regulations that would inhibit the movement of freight. At the time, Congress noted that “the sheer diversity of [state] regulatory schemes is a huge problem for national and regional carriers attempting to conduct a standard way of doing business.” Congress determined that allowing states to impose their individual policy preferences on the trucking industry “causes significant inefficiencies, increased costs, reduction of competition, inhibition of innovation and technology and curtails the expansion of markets.”

However, a federal court's ruling in 2014 narrowed the law, giving states greater latitude to regulate interstate motor carriers, requiring them to adhere to varying state rules governing driver hours. Therefore, a legislative clarification is urgently needed. Such a clarification would allow motor carriers to continue to provide the level of service that the Federal Motor Carrier Safety Administration (FMCSA) has determined is consistent with safe operations and driver welfare.

### **NATIONWIDE UNIFORMITY**

On April 26 2018, the House approved an amendment to the Federal Aviation Administration (FAA) reauthorization bill (H.R. 4) which would prohibit states from setting their own requirements for trucker meal and rest breaks. The amendment, introduced by Reps. Jeff Denham (R-CA), Henry Cuellar (D-TX) and Jim Costa (D-CA), was approved by a vote of 222- 193.

The Denham/Cuellar/Costa amendment would clarify that, since the enactment of the original FAA Authorization bill in 1994 (F4A), federal law has preempted state regulations of interstate motor carriers' meal and rest break obligations.

The provision, would clarify a requirement in the F4A of 1994 to block a 2011 California law that requires employers to provide a “duty-free” 30-minute meal break for employees who work more than five hours a day as well as a second “duty-free” 30-minute meal break for people who work more than 10 hours a day.

PMAA believes enactment of the preemption provision is necessary because it will bring nationwide uniformity to interstate commerce.

**“THE ASK”** *Committees: Senate Commerce, Science and Transportation; House Transportation and Infrastructure*

PMAA thanks the House for passing language that would clarify that federal law preempts state regulations of interstate motor carriers' meal and rest break obligations. PMAA strongly encourages the Senate to pass a preemption provision meant to ensure nationwide uniformity of meal and rest break standards for motor carriers.

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