

117TH CONGRESS
1ST SESSION

S. 3054

To require the Secretary of Transportation to modify certain regulations relating to hours of service requirements for drivers of property-carrying commercial motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to modify certain regulations relating to hours of service requirements for drivers of property-carrying commercial motor vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truck Driver Safety
5 and Flexibility Act”.

6 **SEC. 2. HOURS OF SERVICE REQUIREMENTS; COMMERCIAL**
7 **DRIVER’S LICENSES.**

8 (a) HOURS OF SERVICE REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary of
3 Transportation, acting through the Administrator of
4 the Federal Motor Carrier Safety Administration
5 (referred to in this Act as the “Secretary”), shall re-
6 vise section 395.3 of title 49, Code of Federal Regu-
7 lations—

8 (A) to increase the maximum driving time
9 for a driver of a property-carrying commercial
10 motor vehicle from 11 hours to 12 hours;

11 (B) to establish a maximum on-duty time
12 of 14 hours during any 24-hour period (as de-
13 fined in section 395.2 of that title (or a suc-
14 cessor regulation)) for a driver of a property-
15 carrying commercial motor vehicle;

16 (C) to provide that the on-duty time of a
17 driver of a property-carrying commercial motor
18 vehicle may not begin unless—

19 (i)(I) the driver has first taken 10
20 consecutive hours off duty; and

21 (II) during the period of on-duty time,
22 the driver complies with all applicable re-
23 quirements of section 395.3 of that title,
24 including the requirement described in sub-

1 section (a)(3)(ii) of that section (or a suc-
2 cessor regulation); or

3 (ii) at the election of the driver—

4 (I) the driver has taken 8 con-
5 secutive hours off duty;

6 (II) during the period of on-duty
7 time, the driver complies with all ap-
8 plicable requirements of section 395.3
9 of that title, including the requirement
10 described in subsection (a)(3)(ii) of
11 that section (or a successor regula-
12 tion); and

13 (III) the driver—

14 (aa) takes 2 rest breaks of
15 30 minutes each, which may be
16 taken separately or consecutively,
17 at the election of the driver, dur-
18 ing the period of on-duty time if
19 the driving time of the driver
20 during that period of on-duty
21 time is not more than 8 hours;

22 (bb) takes 3 rest breaks of
23 30 minutes each, which, subject
24 to the requirement described in
25 section 395.3(a)(3)(ii) of that

1 title (or a successor regulation),
2 may be taken separately or con-
3 secutively, at the election of the
4 driver, during the period of on-
5 duty time if the driving time of
6 the driver during that period of
7 on-duty time is more than 8, but
8 not more than 10, hours; or

9 (cc) takes 4 rest breaks of
10 30 minutes each, which, subject
11 to the requirement described in
12 section 395.3(a)(3)(ii) of that
13 title (or a successor regulation),
14 may be taken separately or con-
15 secutively, at the election of the
16 driver, during the period of on-
17 duty time if the driving time of
18 the driver during that period of
19 on-duty time is more than 10,
20 but not more than 12, hours;

21 (D) to provide that any rest break taken
22 by a driver shall be considered to be off-duty
23 time excluded from the calculation of on-duty
24 time; and

1 (E) to provide that, if, at the time that the
2 driver of a property-carrying commercial motor
3 vehicle reaches 14 hours of on-duty time or 12
4 hours of driving time, the driver is within 150
5 miles of the destination of the trip, as estab-
6 lished at the outset of the trip—

7 (i) the driver may continue driving
8 until that destination is reached;

9 (ii) the driving time of the driver shall
10 exclude all time—

11 (I) during the period beginning
12 when the driver reaches 12 hours of
13 driving time and ending on completion
14 of the trip; and

15 (II) that is necessary to reach, or
16 otherwise complete the trip at, that
17 destination; and

18 (iii) the on-duty time of the driver
19 shall exclude all time—

20 (I) during the period beginning
21 when the driver reaches 14 hours of
22 on-duty time and ending on comple-
23 tion of the trip; and

24 (II) during which the driver car-
25 ries out an activity necessary to reach,

1 or otherwise complete the trip at, that
2 destination, including any time de-
3 scribed in paragraph (3) or (5) of the
4 definition of the term “on-duty time”
5 in section 395.2 of that title (or a suc-
6 cessor regulation).

7 (2) REQUIREMENT.—In carrying out paragraph
8 (1), the Secretary shall not modify the limits de-
9 scribed in section 395.3(b) of title 49, Code of Fed-
10 eral Regulations.

11 (3) LIMITATION.—Beginning on the date of en-
12 actment of this Act, if the Secretary revises section
13 395.1(e)(1) of title 49, Code of Federal Regula-
14 tions—

15 (A) the Secretary may not decrease the
16 150 air-mile radius described in that section,
17 but may increase that radius, as the Secretary
18 determines to be appropriate; and

19 (B) the Secretary may not revise any 14-
20 hour period described in that section to a period
21 that is less than 14 hours, but may increase the
22 length of the period beyond 14 hours, as the
23 Secretary determines to be appropriate.

24 (b) COMMERCIAL DRIVER’S LICENSES.—Not later
25 than 90 days after the date of enactment of this Act, the

1 Secretary shall revise section 391.11 of title 49, Code of
2 Federal Regulations, to lower the minimum age for obtain-
3 ing a commercial driver’s license from 21 to 18 years of
4 age.

5 **SEC. 3. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

6 (a) REPORT ON PROCESSES OF THE FEDERAL
7 MOTOR CARRIER SAFETY ADMINISTRATION.—Not later
8 than 180 days after the date of enactment of this Act,
9 the Secretary shall submit to Congress a report detailing
10 the processes—

11 (1) used by the Federal Motor Carrier Safety
12 Administration—

13 (A) to review electronic logging device logs;

14 and

15 (B) to protect proprietary information and
16 personally identifiable information obtained
17 from electronic logging device logs; and

18 (2) through which an operator may challenge or
19 appeal a violation notice issued by the Federal
20 Motor Carrier Safety Administration relating to an
21 electronic logging device.

22 (b) STUDY ON THE COSTS AND EFFECTIVENESS OF
23 ELECTRONIC LOGGING DEVICES.—Not later than 180
24 days after the date of enactment of this Act, the Comp-
25 troller General of the United States shall—

- 1 (1) complete a study on the costs and effective-
- 2 ness of electronic logging devices; and
- 3 (2) submit to Congress a report on the results
- 4 of the study under paragraph (1).

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