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California's Meal and Rest Break Rules

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The trucking industry, through the [American Trucking Association \(ATA\)](#), [submitted a petition](#) to the U.S. Department of Transportation (DOT), requesting a determination that the state of California's meal and rest break rules are pre-empted by federal law. In response, 19 Democratic members of the House of Representatives and the Senate have ["strongly" urged the DOT to deny said petition](#).

The California law requires employers to provide a "duty-free," 30-minute 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. Other states in the U.S. have followed suit after California and enacted their own similar break rules. Nearly 20 states in total have their own separate meal and rest break laws.

In spite of this, the trucking industry has for some time attempted to get legislation passed that would pre-empt and essentially nullify individual state trucking regulations.

Recently, Congress removed an amendment to the Federal Aviation Administration Reauthorization Act of 2018 that would have clarified Congress' intent to have federal regulatory authority over interstate commerce. The amendment was removed after the House and Senate conference committee met to resolve differences between the two bills as passed by their respective chambers.

Within hours of learning that the amendment had been removed, the ATA submitted a petition to the Federal Motor Carrier Safety Administration (FMCSA) requesting a determination under federal law whether California's meal and rest break rules are pre-empted by federal law.

The ATA claimed that California's rules would have "palpable negative impacts on 'commercial motor vehicle safety.'" This claim seems particularly dubious given that the California rules require truck drivers to take more breaks than the current federal regulations, giving them time to recuperate after long hours spent hundreds of miles.

The specific federal law cited by the ATA says that a state may not enforce a state's specific law or regulation on commercial motor vehicle safety that the U.S. Secretary of Transportation decides may not be enforced.

The American Association for Justice (AAJ) released their own comments on the amendment condemning the ATA's request for preemption and explaining, "preemption would not only make for bad public policy; it is also statutorily prohibited."

Further, the AAJ stressed that the FMSCA should "should continue to adhere to its longstanding position that it lacks authority to preempt California's meal-and-rest-break rules because they are not "on commercial motor vehicle safety."

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