



# **A New Year's Gift for California Trucking Companies: Meal Period and Rest Break Laws No Longer Apply**

Insights

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It's official: California's infamous meal period and rest break laws no longer apply to truck drivers regulated by the U.S. Department of Transportation's hours-of-service requirements. Following a petition from the American Trucking Association (ATA), the Secretary of Transportation deemed California's onerous meal and rest break laws to be preempted by federal law on December 21, and therefore no longer enforceable as to any driver whose hours of service are regulated by the Department of Transportation.

Trucking companies have had a long and tortured history with the Golden State's rigid meal and rest break laws and the draconian penalties that come with them. The laws generally require employers to provide drivers with a 30-minute meal period to begin before the driver completes five hours of work; employers must also provide paid 10-minute rest breaks for every four-hour work period or "major fraction thereof." During both meal and rest breaks, drivers are prohibited from having any duties or responsibilities whatsoever. Proving compliance can be a challenging task for any employer, but especially for those involved in the logistics industry. More problematic for employers is that even the most technical violations trigger penalties, which trial attorneys have leveraged to obtain outrageous verdicts and settlements in class action lawsuits.

Some federal district courts initially indulged arguments that California's meal and rest break laws were preempted by the Federal Aviation Administration Authorization Act of 1994. The 9th Circuit federal court of appeals, however, threw cold water on the preemption argument in 2014, holding in *Dilts v. Penske Logistics, LLC*, 769 F.3d 637 (9th Cir. 2014), that California's meal and rest break laws were not preempted. Plaintiff-side class action firms took full advantage, burying trucking companies in class actions seeking lucrative meal and rest break penalties.

The ATA and similar trade groups initially sought a legislative override, asking Congress to pass a federal law expressly preempting the meal period and rest break laws. Congressional gridlock, however, stood in the way.

In 2018, the ATA took a new tack and filed a petition with the U.S. Department of Transportation under 49 U.S.C. section 31141. This is a unique federal law that allows the Transportation Secretary to review state laws applicable to drivers of commercial motor vehicles and deem them preempted by federal law if: (a) the state law has no safety benefit; (b) the state law is incompatible with a

regulation of the Secretary; or (c) enforcement of the state law would cause an unreasonable burden on interstate commerce. A similar petition was filed in 2008, but it was summarily denied.

This time, however, after an exhaustive analysis, the Secretary found all three required elements to be present: California's meal period and rest break laws offer no additional safety benefit beyond the safety benefit generated by the hours-of-service requirements; the laws are incompatible with the hours-of-service regulations enforced by the Department of Transportation; and the meal and rest break laws cause an unreasonable burden to drivers and carriers operating in interstate commerce.

As the Secretary concluded, California can no longer enforce its meal period and rest break laws as to truck drivers regulated by the Department of Transportation's hours-of-service regulations. This is a huge victory for trucking companies operating in California; any such company should immediately work with employment law counsel to determine next steps.

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