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9TH CIRCUIT SAYS FMCSA PREEMPTS CALIFORNIA MEAL AND REST BREAK RULES FOR CMV DRIVERS: KEY TAKEAWAYS FOR PASSENGER CARRIERS

Insights
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9th Circuit Says FMCSA Preempts California Meal and Rest Break Rules for CMV Drivers: Key Takeaways for Passenger Carriers

Motor carriers operating in California received a significant victory after a federal appeals court in California upheld the Federal Motor Carrier Safety Administration's (FMCSA) 2020 determination that California's meal and rest break (MRB) requirements are preempted for certain drivers of commercial motor vehicles (CMVs). The recent decision confirms that covered carriers may rely on the federal hours-of-service (HOS) regulations, not California's MRB rules, to govern driver breaks and fatigue management. This Insight explains what happened, what it means for motor carriers, and steps you should consider taking now.

Quick Background on the FMCSA and HOS Regulations

The FMCSA is an agency within the federal Department of Transportation that establishes and enforces minimum safety standards for CMVs, including the HOS regulations, which limit driving time for CMV drivers and require certain rest periods. The FMCSA also is authorized to block states from enforcing state-level CMV safety laws that the agency determines are preempted by federal law based on certain criteria.

The Clash Between the Federal HOS Rules and California's MRB Rules

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California's MRB rules generally require employers to comply with rest break rules for commercial truck drivers that are stricter than the HOS rules. This conflict of laws has led to a long battle over whether California's MRB rules are preempted by the HOS rules. Here's a snapshot:

- The FMCSA **determined** in 2018 that California's MRB requirements are preempted as applied to **property-carrying CMV drivers** who are subject to the federal HOS rules, such as drivers who transport consumer products across state lines. This was a significant development and provided much-welcomed clarity for motor carriers operating in California.
- Unsurprisingly, the Teamsters union challenged the FMCSA's 2018 determination in federal court. However, the 9th Circuit Court of Appeals **ruled** in 2021 that the FMCSA permissibly determined that California's MRB rules were within its preemption authority and upheld the FMCSA's 2018 determination.
- In the meantime, the FMCSA **determined** in 2020 that the HOS rules also preempted California's MRB requirements as to **passenger-carrying CMV drivers** who are subject to the federal HOS rules – leading to the dispute in *People of California v. FMCSA*.

The Latest: The 9th Circuit's Decision in *People of California v. FMCSA*

The 9th Circuit **issued a decision** on June 4 upholding the FMCSA's 2020 preemption determination regarding California's MRB rules as to passenger-carrying CMV drivers who are subject to the federal HOS rules. The appeals court rejected California's argument that its MRB rules are labor standards rather than CMV safety regulations, and therefore, fall outside FMCSA's preemption authority. The court said that:

- the state's MRB rules are sufficiently connected to driver fatigue and safety to fall within FMCSA's authority over commercial motor vehicle safety; and
- the administrative record supported the FMCSA's finding that applying California's rules to passenger-carrying CMV drivers who are subject to the HOS rules would impose a significant operational burden on motor carriers.



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As a result, the FMCSA's 2020 determination remains in effect, and California may not enforce its MRB requirements as to passenger-carrying CMV drivers who are subject to federal hours-of-service rules.

What This Means for Passenger-Carrying Motor Carriers

If you have operations in California, the 9th Circuit's decision in *People of California v. FMCSA* is a major win. Passenger-carrying motor carriers with CMV drivers subject to the federal HOS rules can rely upon the FMCSA's determination to defend against claims and lawsuits alleging violations of California's MRB rules, so long as this remains the position of the FMCSA. This development also may reduce the operational burdens and costs of trying to comply with both sets of rules, especially given that California's MRB rules impose separate mid-shift break requirements that operate outside that federal framework and could require carriers to alter routes, schedules, staffing, and dispatch practices.

However, you should not treat the decision as a free pass on safety or wage-and-hour compliance. Federal obligations still apply for passenger-carrying CMV drivers, including hours-of-service limits, fatigue rules, and restrictions on coercing drivers to violate safety regulations. In general, passenger-carrying CMV drivers may not drive more than 10 hours after eight consecutive hours off duty or remain on duty for more than 15 hours. (To learn more about the HOS rules for property- and passenger-carrying drivers, check out this [FMCSA summary chart](#).)

4 Steps You Should Consider Taking Now

- Confirm which drivers are covered by the federal HOS rules versus California's MRB rules.
- Continue complying with federal safety obligations.
- Review other California wage-and-hour obligations that may still apply.
- Update policies and training programs as needed.

Conclusion

We will continue to monitor developments in this area, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors

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