

The Ninth Circuit Puts the Brakes on Truckers' California Meal and Rest Break Claims

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After a decade of ups and downs on the question of federal preemption, the Ninth Circuit Court of Appeals has upheld the Federal Motor Carrier Safety Administration's ("FMCSA") decision to preempt California's meal and rest break rules. The long-awaited decision in *IBT v. FMCSA* upholds the FMCSA's December 2018 determination that drivers, who are involved in interstate commerce and subject to federal hours-of-service regulations, are exempt from California's stringent meal and rest break rules because they are "incompatible" with federal regulations. "The FMCSA reached this conclusion because California required more breaks, more often and with less flexibility as to timing," the Court's three-judge panel said in its [January 15 opinion](#).

Background and History

Under California's meal and rest break laws, employees generally must be provided with an off-duty 30-minute break for every five hours worked, and a 10-minute off-duty break for every four-hour period (or major fraction thereof). These requirements are different than, and in excess of, those required by the federal regulations governing truck drivers' hours-of-service. As a result, trucking companies have endured more than a decade of litigation involving tens of thousands of drivers over the question of whether California's break laws are preempted by federal law when applied to drivers subject to such federal hours-of-service regulations, which includes both those who cross state lines and those who are otherwise part of the chain of interstate commerce.

In December 2018, the FMCSA granted petitions from the American Trucking Associations and the Specialized Carriers and Rigging Association to preempt California's break rules. This decision effectively reversed course in California, coming after a series of decisions holding that federal law did not preempt California's break laws.

In support of the decision, then FMCSA Administrator, Ray Martinez, issued a news release stating: "Safety is FMCSA's top priority, and having uniform rules is a key component to increasing safety for our truck drivers." He concluded, "California's meal and rest rules not only pose a safety risk but

also lead to a loss in productivity and, ultimately, hurt American consumers.”

In February 2019, California Attorney General Xavier Becerra and the International Brotherhood of Teamsters petitioned the Ninth Circuit challenging the FMCSA’s determination, arguing the FMCSA didn’t have the authority to preempt California meal and rest break laws. In response, the FMCSA argued that Federal law provides for preemption of state laws on commercial motor vehicle safety, such as California’s meal and rest break laws, which are more stringent than federal regulations if they are incompatible with those regulations, would cause an unreasonable burden on interstate commerce, or have no safety benefit.

The Ninth Circuit’s Decision

As a launching point, the Court cited to the Motor Carrier Safety Act of 1984, which says a state may not enforce a law on commercial motor vehicle safety that the Secretary of Transportation decides may not be enforced.

The petitioners asserted that California’s break laws have adequate flexibility in their design, such that they do not create an unreasonable burden on interstate commerce. When compared to federal safety regulations, the Court agreed with the FMCSA that California’s meal and rest break rules ultimately resulted in truck drivers taking more rest breaks “at greater frequency, and with less flexibility as to when breaks occur.” In its opinion, the appellate panel held the FMCSA did not act “arbitrarily or capriciously” in finding that enforcement of California meal and rest break rules “would cause an unreasonable burden on interstate commerce.”

“In this case, the FMCSA determined that federal law pre-empts California’s meal-and-rest-break rules, as applied to drivers of property-carrying commercial motor vehicles who are subject to the FMCSA’s own rest break regulations,” the panel opined. The appellate panel concluded that the FMCSA properly determined that California’s meal and rest break rules were state regulations “on commercial motor vehicle safety, so that they were within the agency’s pre-emption authority.”

The ruling applies to drivers who are involved in moving interstate freight and who are subject to federal hours-of-service regulations.

Are We There Yet?

Since FMCSA’s original preemption decision in 2018, the agency has made the same determination in two other matters. In [January 2020](#), the FMCSA preempted California’s meal and rest break rules regarding bus drivers. In [November 2020](#), the FMCSA held Washington’s meal and rest break rules were also preempted. The Ninth Circuit’s decision suggests these preemption decisions will also be upheld, if they are challenged.

Absent an unexpected reversal by the U.S. Supreme Court, interstate commercial drivers of motor carriers, who are subject to federal hours-of-service requirements, will satisfy their meal and rest break obligations by following federal regulations without the need to abide by California’s (or Washington’s) state meal and rest period laws. Motor carriers involved in interstate commerce will also not be subject to exposure for violation of such meal and rest period laws, so long as their drivers satisfy the federal hours-of-service requirements.

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