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Placement of Fire Extinguisher and HOS questions answered by law enforcement officials as of April 2007

Warning: Laws are subject to change without notice

Fire Extinguisher

Q: We have been having a little problem with the location of our fire extinguishers. Some are mounted at the driver's seat, and some are under the bunk accessed by the compartment door on the side of the truck. On the one's not by the driver's seat, we have had stickers on the outside of the truck saying where the extinguisher is located, but some driver have been given warnings for it (and some haven't). Can you find out what we need to do about this? Thanks, Don in California.

A. Provided by [Officer Chris Sahagun](#), California Highway Patrol, Commercial Vehicle Section, Sacramento, California:

Section 1162.1(a)(6) of Title 13 California Code of Regulations reads:

"Each fire extinguisher shall be securely mounted on a motor vehicle or trailer in a conspicuous place or in a clearly marked compartment and readily accessible."

If your fire extinguisher is not mounted on the outside of the truck or trailer in a visible location, then you must mark the compartment it is mounted in. If it is mounted at the drivers seat, there should be a label-indicating so on the driver's door. If it is mounted in the sleeper compartment, the marking must be on the access door.



34-Hour Restart & 16-Hour Day

Q: Our operation is working five days a week and off on the weekends. After each and every 34 hour restart am I eligible for a 16-hour day? Rick in Pennsylvania.

A: Provided by [Sgt. Jim Brokaw](#), Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:

According to the FMCSRs, if you are a short haul driver, you may use the 16-hour exception to the 14-hour rule after each 34-hour restart of your 60-hour rule.



This exception only allows you to extend the 14-hour rule by 2 hours once a week or after a 34-hour restart. It allows you to drive after the 14th hour after coming on duty, but not after the 16th hour, if you:

- 1) Have been released from duty at your normal work reporting location for the previous 5 duty tours, and
- 2) Return to that normal work reporting location and are released from duty within 16 hours, and
- 3) Have not used this exception in the previous 6 days, except following your 34-hour restart, and
- 4) Do not drive more than 11 hours after 10 consecutive hours off duty.

Please be aware of these requirements to use the 16-hour Short Haul exception. Using this exception the first day of your week only leaves 44 on-duty hours for the rest of your week. If you normally use the 100-air-mile exception and do not carry a logbook, you will have to complete a log on those days when you use this exception, because you will be working beyond the 12-hour limit and no longer eligible for the 100 air mile radius exception.

HOS on Line 4

Q: Our work can be seasonal due to weather conditions. When the weather is bad, we have drivers work in the warehouse for a week at a time. Can that driver complete just one page of the "Driver's Daily Log" by summarizing on the log as follows: (1) For month, day, and year: put Feb.12-16, 07 to indicate five days in warehouse; (2) For Off Duty: put 16 hours on line #1 under Total Hours; (3) For On Duty: put 8 hours on line #4 under total hours; (4) Then write, "warehouse" in the "Remarks". Is this acceptable or does the driver need to complete a separate page of the Driver's Daily Log for each day worked? Please advise. Thanks, John in Illinois

A: Provided by Senior [Trooper Monty Dial](#), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



There is an interpretation dealing with your specific question. If you are going to use a log sheet to record hours worked, it must have certain information on it and it can be used for only one day. If the driver is off duty, then the driver can record multiple days on it.

Question 19: Regulatory guidance issued by the Office of Motor Carriers states that a driver's record-of-duty-status (RODS) may be used as the 100 air-mile radius time record, "provided the form contains the mandatory information." Is this "mandatory information" that required of a normal RODS under §395.8(d) or that of the 100 air-mile radius exemption under §395.1(e)(5)?

Guidance: The "mandatory information" referred to is the time records specified by §395.1(e)(5) which must show: (1) The time the driver reports for duty each day; (2) the total number of hours the driver is on duty each day; (3) the time the driver is released from duty each day; and (4) the total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

Using the RODS to comply with §395.1(e)(5) is not prohibited as long as the RODS contains driver identification, the date, the time the driver began work, the time the driver ended work, and the total hours on duty.

*The Ask The Law™ programs, which are provided as a public service by Alcoa Wheel Products™, are an ongoing educational effort between Ol' Blue, USA™ and commercial law enforcement agencies. The specific purpose is to have truckers contact Ol' Blue, USA and pose questions to law enforcement officials relating to safety and legal issues concerning commercial vehicles. Truckers may submit questions at www.askthelaw.org. **Warning: Laws are subject to change without notice. These interpretations were made in March 2007.***

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