

“Ask The Law”™ offers Q & A’s

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Logbook, Brakes and On-Board Recorder questions
answered by law enforcement officials as of April 2008

Warning: Laws are subject to change without notice

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GUIDANCE WITH LOGBOOK’S IN REMARKS SECTION

Q: I have a question regarding the bracketing of time periods in the remarks section of the logbook. I was taught that if you are in one location for a period of time (for example 3 hours), you must flag the beginning of that time period and bracket it by drawing a straight vertical line down from the bottom of the graph at the end of the time frame, (for example, if the time period began at 1400 hrs, 1400 would be flagged, and a vertical line would be drawn down from 1700, about 1/2 inch long, and then a horizontal line drawn from the bottom tip of the 1/2 inch line back to the flag at 1400). This indicates that the driver was at that location for the entire time. I was also taught that in lieu of bracketing in that time frame, a flag could be drawn at the beginning of the time period (1400), and another flag drawn at the end (1700). Any time on line 3, of course, cannot be bracketed since the driver is not in one place. I read the FMCSA regulation at this link: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?section=395.8> and it does not specifically state that the bracketing is required, but in the example grid, a form of bracketing is present. **Could you please clarify this for me so that I can have our drivers do it correctly?** Thank you for your help. Scott in Mississippi

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

What you are telling me is indeed shown in the DOT Regulations. But here's where you might run into problems on the road. Some Law Enforcement Officer might take what is written in Part 395.8 where it states that you must show the City and State for each duty status change.

If you bracket them, the Law Enforcement Officer could say that you are not showing the City and State for each duty status change.



BACKING OFF SPRING BRAKES

Q: I had a spring brake fail on my trailer. I was told by the company to make the brake inoperable and told to continue down the road. How long can someone drive like this and where I can find this law? The head mechanic said it was legal. I know this is wrong. Been driving 19 yrs. Donald in Illinois

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



I do not know of any exemption that allows the driver or carrier to back off the brakes on a semi-trailer.

If you are towing just a dolly converter with no trailer attached, then brakes are not required on the dolly converter. Only the lights must work.

If you are stopped roadside and inspected, the vehicle will be placed out-of-service for defective brakes and the brakes must be repaired before the vehicle is allowed to be moved. See Part 393.48.

CLARIFICATION — ABOUT ON-BOARD RECORDING DEVICE

Q: Am I misunderstanding the response you gave or misreading the guidance in the FMCSA's link below? It seems the company can edit data.
http://www.fmcsa.dot.gov/rules-regulations/administration/fmsr/fmsrruletext.asp?rule_toc=764&ion=395.15&ion_toc=1947&guidance=Y Gerry in New Hampshire

A: Provided by [Jim Brokaw](#), formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



In my original response, the question the driver posed involved the company altering electronic records by removing on-duty time from the driver's total hours of service for the day. **This constituted falsification and was the point I wanted to stress.**

Please view our Ask The Law™ Q & A column for February 2008 (see 3rd Q & A down) at <http://www.olblueusa.org/AskTheLaw/Ask The Law Feb 08.pdf>

To answer your question, yes, a company may **amend** (correct) electronic records of duty, but only when mistakes are discovered to ensure they accurately reflect the driver's actual activities, provided both original and amended records are retained. A company may not **alter** electronic records of duty by removing hours or information.

Here's the full guidance from FMCSA's link with emphasis added:

Question 2: May a driver who uses an automatic on-board recording device amend his/her record of duty status during a trip?

Guidance: No §395.15(i)(3) requires automatic on-board recording devices, to the maximum extent possible, be tamperproof and **preclude the alteration** of information collected concerning a driver's hours of service. If drivers, who use automatic on-board recording devices, were allowed to amend their record of duty status while in transit, legitimate amendments could not be distinguished from falsifications. Records of duty status maintained and generated by an automatic on-board recording device **may only be amended** by a supervisory motor carrier official **to accurately reflect the driver's activity**. Such supervisory motor carrier official **must include an explanation of the mistake** in the remarks section of either the original or amended record of duty status. **Both the original and amended record of duty status must be retained by the motor carrier.**

*The Ask The Law™ programs, which are provided as a public service by Ol' Blue, USA™, 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 on March 07, 2008.***

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