

## “Ask The Law”™ offers Q & A’s

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## CVSA Inspection and HOS questions answered by law enforcement officials as of August 2007

**Warning: Laws are subject to change without notice**

### As a Driver, do I have to Help with a CVSA Inspection?

**Q:** Prior to the 72-Hour blitz on Open Road Café, I called in and asked what the ramifications would be if I were to step aside from the truck, and sit down during a CVSA inspection, and say to the officer "fill your boots, have at it". Since I am required to inspect the truck by myself each day, it is only fitting that the inspector does so also. If it takes longer, so be it. Vernon in Halifax, Nova Scotia, Canada

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



Yes, you are correct about not having to help Law Enforcement with the inspections. No one can make you do that. **Let me give you some words of advice, it might take me a pretty long time if I'm having to inspect your vehicle by myself and you might not want that to happen.**

### Can I show Off-Duty when Loading?

**Q:** When making multiple pickups, what is the proper procedure for logging this? I can usually go into the sleeper for the 1st pickup, but what then? If a person makes 4 pickups, and each pick keeps him at the dock for 2-Hours, has he burned up his 11-Hours and not gone anywhere, or can he show Off-Duty when he is not required to be present? I know he can't shut off the 14-Hours without taking an 8-hour break. Mike in Idaho

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



Your record of duty must accurately reflect your activities for the day. According to the definition of “On-Duty Time” in 49 CFR 395.2; subsection (5) includes -

“All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded” - in your On-Duty time. So your pickups normally would be On-Duty time.

If your motor carrier relieves you of duty while loading or unloading; you may use either your sleeper-berth or you may go to an Off-Duty status during this time.

To be considered Off-Duty you must meet the following regulatory guidance:

1. The driver must have been relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.
2. The duration of the driver's relief from duty must be a definite period of time, which is of sufficient duration to ensure that the accumulated fatigue, resulting from operating a CMV, will be significantly reduced.
3. If the driver has been relieved from duty, as noted in (1) above, the duration of the relief from duty must have been made known to the driver prior to the driver's departure in written instructions from the employer. There are no record retention requirements for these instructions on board a vehicle or at a motor carrier's principal place of business.
4. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

**You are correct that only an 8-Hour sleeper break will stop the 14-Hour clock.**

The loading and unloading time does not count against your 11-Hour rule because this rule is based on just your driving time. However, the more time you have to burn up On-Duty loading and unloading does limit the amount of time you have available to drive within that specific 14-Hour duty cycle.

### **Does California have a 34-Hour Restart?**

**Q:** I run California only and I was wondering if the 34-Hour reset applies to California drivers. Thanks for your response, Barry in California

**A. Provided by [Sgt. Pete Camm](#), California Highway Patrol, Commercial Vehicle Section, Sacramento, California:**



The 34-Hour restart would apply if a California driver was transporting an Interstate load (i.e., towing an intermodal container in or out of a port, transporting U.S. mail). The 34-Hour restart does not apply for a California driver if the intent of the shipper was Intrastate (e.g., transporting a mixed load from a distribution center to a grocery store).

**When California adopts the federal HOS regulations within the next 60 to 90 days, the intrastate regulations in Title 13, California Code of Regulations, will allow for a 34-Hour restart, provided the Office of Administrative Law approves the regulation change.**

*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](http://www.askthelaw.org). **Warning: Laws are subject to change without notice. These interpretations were made in July 2007.***

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