

“Ask The Law”™ offers Q & A’s

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Inspection, Logbook and Repairs to CMV questions answered by law enforcement officials as of Dec. 2009

**Warning: Laws are subject to change without notice.
These interpretations were made on November 10, 2009.**

Paperwork Needed for DOT Inspection

Q: During a level 3 inspection what paper work by law do I have to provide to the inspector? What is the law and where might I find this. Thank you for your time.
John in California

A: Provided by Sgt. James Portilla, California Highway Patrol, Commercial Vehicle Section, Sacramento, California:



The commonly asked question “What paperwork is the driver required to have when on a trip?” does not have a standard answer. Driver paperwork requirements vary from state to state. Title 49 of the Code of Federal Regulations (49 CFR) requires a driver to have a valid commercial license, medical card, skill performance certificate, (medical waiver, if applicable) copy of lease agreement (if leased vehicle), log pages with entries for the current day and seven days prior (49 CFR part 395.8) and proof of annual federal periodic inspection. California regulations require a driver to carry a drivers license, medical card, proof of insurance, vehicle registration, medical waiver (if applicable), oversize permit with accompaniments (if oversize load), and hours of service log (logbook). For general freight, there is no federal requirement or California requirement for a driver to carry a bill of lading. Some specific commodities in California (inedible kitchen grease, livestock, hazardous materials, timber products, poultry, crude oil, petroleum products, and farm produce) require load related paperwork. Both federal regulations and California law require loads containing hazardous materials or waste carry shipping papers visible or in the door side pocket, within the drivers reach. Federal rules do require a drivers company to maintain bills of lading, log book pages, and supporting documents for six months. Supporting documents include fuel receipts, trip packs, etc.

An inspector should ask for supporting documents to verify logbook information. A driver is expected to have supporting documents, but a driver is not required to carry or maintain them in the cab of the truck.

Myth About Co-Drivers Logging Off-Duty

Q: This question is regarding the 10-hour sleeper berth requirement for team drivers. Can you show in the sleeper for 2 hours, go off duty for 1 hour, go back in the sleeper for

2 hours, go off duty for 1 hour, go back in the sleeper for 3 hours and then go off duty for 1 hour and then drive your 10-hour shift? Is that legal? Thanks, Chris in Colorado

A: Provided by Jim Brokaw, formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



Since you asked about sleeper berth requirements for team drivers, I'm wondering if you may be going from the sleeper to the passenger seat and logging your time as off duty. If that's the case, time between sleeper-berth breaks spent riding in the jump seat is on-duty. Logging it like your example will leave you with a false log with no legal 10-hour break, and in violation of the hours of service when you take your turn driving again.

To answer the rest of your question, yes that pattern is legal if you are getting out of the truck to go off-duty between your sleeper breaks and not to the passenger seat. The rule can be found in 49 CFR 395.1(g)(1)(i)(A)(3).

Company Rig Not Properly Maintained

Q: I drive for a small company - been there for over 2 years. The owner tells us to write tractor problems on a maintenance sheet, but nothing is being done and there's always an excuse as to why things aren't getting fixed. What are my options? Thank you, Roy in Wisconsin

A: Provided by Senior Trooper Monty Dial (Ret.), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



You are doing what is required of you by the DOT Regulations by doing a daily write up. You do however have the option of filing a complaint with FMCSA or stopping at a scale/inspection location and asking a DOT Trooper/Inspector to perform an inspection.

One thing to keep in mind is this, if for any reason the motor carrier for any reason tries to retaliate against you by terminating you, you have documented the defects on your daily Driver Vehicle Inspection Report (DVIR or post-trip inspection) and that is something you can use against the motor carrier when you file a complaint with US Department of Labor for being wrongfully terminated. Just make sure you keep an extra copy of the DVIR's.

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