

“Ask The Law”™ offers Q & A’s

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**Logbook and Hours-of-Service rules questions answered
by law enforcement officials as of Feb. 2008**

Warning: Laws are subject to change without notice

**Want to keep up-to-date on FMCSA’s Hours-of-Service rules, visit
www.OIBlueUSA.org/HOS/update.html often.**

LOGGING PRE-TRIP INSPECTION TIME

Q: I’m confused, a former company I drove for said to pre trip inspection for 15 mins. But my new company says its 30 mins, which is it? Thanks, Donna in Texas

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

The DOT Regulations does not address the amount of time it takes to comply with 396.11 (Post-Trip) and 396.13 (Pre-Trip).



The DOT Regulations require you to log the amount of time it took you to perform the task. You can find that requirement in 395.8 interpretations.

34-HOUR RULE – WEEK-END MILITARY SERVICE

Q: As a military reservist, how does weekend drilling affect the 34-Hour rule? Rodney in Alabama

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

I found an old interpretation in Part 395.2 dealing with weekend drills. The time maybe counted as Off-Duty. Thus enabling the driver to count their time towards their 34-Hour Reset. See the interpretation below.



Question 28: How should time spent at National Guard meetings and training sessions be recorded for the Hours-of-Service requirements?

Guidance: A member of a military reserve component, serving in either an inactive duty status, such as weekend drills, or in an active duty status, such as annual training, may log that time as "off-duty time" regardless of whether such duty time is paid or unpaid. This

is consistent with the rights and benefit entitlements provided in the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.)

CAN MY COMPANY ALTER ELECTRONIC LOGGING SYSTEM?

Q: Our outfit is converting to a "paperless" electronic logging system. Now we are required to come in 2 to 3 hours early (un-logged and unpaid) to insure that the shop has not screwed up our trailers, etc., and that they are actually ready to load. This naturally requires us to fire up the tractor and move said trailers from the yard to hose bay and shop bays. It is my understanding that electronic logs begin recording on duty as soon as the truck starts moving. Our management tells us, "Oh no, we can go in and alter that". Can my company alter this? Pat in Louisiana

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



No, your managers are “falsifying” records! Your coming in early is On-Duty time and must be logged. 49 CFR 395.2 defines “On-Duty Time” as: “(1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier; (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All driving time...”

“Automatic on-board recording device” is defined in 49 CFR 395.2, with performance requirements found in 49 CFR 395.15. Automatic on-board recording device systems, to the maximum extent practicable, must be **tamperproof** and **not permit altering** of the information collected concerning the driver's Hours-of-Service.”

If your electronic system doesn't meet these requirements, then you must continue to use a logbook.

INTERSTATE HOS RULES IN CALIFORNIA

Q: I am a driver from California. While in another state, I was told routine breaks were considered On-Duty time and I could be cited for not showing them on my logbook. I was also told I have to have all fuel receipts for the last seven days. Does California have different rules? Do I have to show my breaks as On-Duty time and do I need to show receipts from prior trips? Dan from California

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



California regulations mirror the Federal Motor Carrier Safety Regulations (FMCSR) with the exception of the Hours-of-Service rules for intrastate drivers. All interstate drivers must follow federal regulations. In order for a driver to record meal and routine stops as Off-Duty time, the following conditions must be met:

1. The driver must have been relieved of all responsibility for the vehicle.
2. The break must be a finite period of time of sufficient duration to reduce fatigue.

3. The driver must have prior written knowledge of the duration of the break. There are no record retention requirements for these instructions.

4. During the stop, the driver must be at liberty to pursue other activities and to leave the premises where the vehicle is situated.

There is no requirement for a driver to retain fuel receipts. The motor carrier is required to maintain records of duty status and all supporting documents. A driver is only required to retain a copy of each record of duty status for the previous seven consecutive days, and have them available for inspection while On-Duty.

*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 January 08, 2008.***

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