

“Ask The Law”™ offers Q & A’s

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Logbook, Logging Inspections and Overweight questions answered by law enforcement officials as of Jan. 2010

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

Logging Your Correct Status

Q: If I am in the sleeper berth, but logged as off duty, is this falsification?
JR in New Mexico

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

Yes it is. If you are in the sleeper, the time needs to be logged as such.

FMCSA has an answer for you in their interpretation question #26 for Part 395.1: Hours of service of drivers.



Question 26: May a driver record sleeper berth time as off-duty time on line one of the record of duty status?

Guidance: **No.** The driver’s record of duty status must accurately reflect the driver’s activities.

Myth About Logging Inspections

Q: I am having a discussion with my boyfriend about the logging of inspections. He is telling me you need to log a minimum of 15 min. at the beginning and at the end of your day. I'm trying to convince him that's not true. Its only required to log it at the end of the day but needs to be flagged at the beginning but no time is needed on line 4 if it takes less than 15min. Can you please clarify? Thanks and I hope to see you guys at the next truck show! Kristina in Iowa.

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

In Part 396.11 is where you will find the requirements for the Driver Vehicle Inspection Report (Post-Trip), which is required to be documented (completing the inspection report) at the end of the day or trip. There are a minimum of 11 items that must be inspected on the truck-tractor and semi-



trailer. I always tell everybody that it should take them the same amount of time it takes a DOT Trooper or Inspector to do a DOT Level 2 Walk-around Inspection. It would always take me at a minimum about 15 minutes to do a walk-around inspection. So that is what I always tell people that ask me this question. What you need to do is log the amount of time it takes you to do the walk-around inspection while checking the 11 items required. You need to log the time on line 4 and flag the remark section with the city and state of where the inspection was performed.

As for the Driver Inspection found in Part 396.13 (Pre-Trip), all that is required is the driver satisfying themselves that the vehicle is in safe operating condition and review the prior DVIR and make sure any defects noted in the report have been repaired prior to departing. If this takes less than 15 minutes, per interpretation found in Part 395.8, Question #1, all you have to do is flag the city and state and show the amount of time it actually took to perform the inspection.

Driving to the Public Scale When Overweight

Q: I am the owner of a public scale in the City of Industry. We weigh over 100 trucks a day. Many of the drivers enjoy your Ask The Law articles in 10-4 Magazine. You answer a lot of their questions. My question to Ask The Law is, are commercial truck drivers allowed to travel to the nearest public scale to check their weight before they can receive a ticket for being over weight? If possible, can I get an answer from a California Highway Patrol officer? Thank you very much, Jim in California.

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



In California, any vehicle or vehicle combination must be legal height, weight, and length before driving on the road. There is no provision in the law that allows a commercial vehicle driver to drive an overweight vehicle to find a local public scale. A driver of an overweight truck would be subject to enforcement action. The only exception to this is a vehicle with an overweight load permit issued by the California Department of Transportation.

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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.

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