

## “Ask The Law”™ offers Q & A’s

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CSA 2010, Logbook, and Who Chock’s Wheels questions answered by law enforcement officials as of June 2010

**Warning: Laws are subject to change without notice.  
These interpretations were made on May 10, 2010.**

### **Join Us This June In Las Vegas**

Please join our Ol’ Blue, USA “Safety Center”® at the [Great West Truck Show](#) in Las Vegas, NV on June 17, 18 & 19. We are pleased to announce that Trooper Elmer Johnson and his team from the Nevada Highway Patrol will be joining us in Las Vegas again this year. Visit our Website at [www.SafetyTour.org](http://www.SafetyTour.org) for more details.

### **Oversize Load Violation and CSA 2010**

**Q:** I was in Nebraska with a 10 feet wide permit load and the weather was foggy. I was stopped by a Nebraska State Patrol Officer and was found in violation of Nebraska Code Section 39-102 Violation Code 622, cited for Violation of Dept. of Roads Rules and Regs. I was not placed out of service, but was VERY instructed to stop and wait for the fog to lift. Nebraska oversize permits require 1/2 mile visibility or greater. My question is: How does this citation affect my safety record in accordance with the new CSA 2010 regulations? Thank you, Ken in South Dakota

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

The citation won't affect your safety record under the new CSA 2010 unless you are stopped by a Motor Carrier Safety Assistance Program (MCSAP) certified trooper and he includes the violation on a Nebraska Driver/Vehicle Inspection Report as a 49 CFR 392.2 violation of local laws that is then submitted to the Federal Motor Carrier Safety Administration.



At this time, I haven't seen in FMCSA's Driver Safety Management System (DSMS) any descriptions under the Unsafe Driving BASIC that would include violations of over dimension permits. However, considering the circumstances, the trooper could have used 49 CFR 392.14 - Failing to use caution for hazardous driving conditions - that on CSA 2010's severity scale of 1 to 10 for "Unsafe Driving Violations" carries a severity weight of 5.

### **Driver Using Two Logbooks**

**Q:** As a driver, can my company require me to run two logs at once?  
Mike in California

**A:** Provided by Sgt. Pete Camm (Ret.), California Highway Patrol, Sacramento, California:



Only if both logs are filled out exactly the same and the information is correct. If both logs aren't the same and the log entries are for the same days or same trip, then your looking at a violation of possessing a false log. A driver presenting a false log is subject to being cited under 34506(a) VC, 13 California Code of Regulations, § 1213(f) or under federal regulations (§ 395.8(e) CFR) and placed out of service (red-lined).

## Logbook Not Current

**Q:** I recently parked one evening on an off-ramp on I-5 in Kern County. I did not bring my logbook up-to-date. When my 10 hours were up, a CHP officer woke me up and told me I couldn't park on the ramp. He then proceeded to give me a parking ticket and a logbook violation. Am I required to fill out my logbook right when I stop?  
Mike in Canada

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



Title 49, Code of Federal Regulations, Part 395.8(f)(1) and Title 13, California Code of Regulations Section 1213(g)(1), require entries on a driver's record of duty status to be current to the time shown for the last change of duty status.

Prior to, or just after, entering your sleeper berth, you are required to indicate the change of duty status and indicate the name of the city or town, along with the state abbreviation, where the change of duty status occurred. After you leave the sleeper, you would then record the actual time you spent in the sleeper berth and update your logbook to indicate your next change of duty status.

## Who Chock's the Trailer Wheels

**Q:** When a trailer is being unloaded or loaded at a dock, whose responsibility is it to chock the wheels - the driver or the dockworker? Willis in Indiana

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



There is nothing in the DOT Regulations that addresses this issue. It's something that needs to be worked out between you (the driver) and the shipper or receiver.

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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](http://www.askthelaw.org).*

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