

“Ask The Law”™ offers Q & A’s

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DOT Regs., CDL Permit, Lights and CSA 2010 questions answered by law enforcement officials as of March 2010

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

My Motor Carrier is Abusing DOT Regulations

Q: My husband works for a National food distribution corporation. He wants to know, what can he do when the company condones and indirectly encourages drivers to grossly abuse the DOT regulations? Are there steps or a solution to stopping this company from driver abuse? Linda in California

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

The California Highway Patrol (CHP) has jurisdiction over enforcement of motor carrier safety regulations. I can assure you the CHP takes its responsibilities seriously and investigates all safety complaints against a motor carrier. **You may anonymously report specific information regarding a motor carrier engaging in unsafe or illegal activity to your local Motor Carrier Safety Unit, at (323) 644-9557.**



Behind the Wheel with a CDL Permit

Q: My CDL was suspended for 3 years because of a speeding ticket I did not pay. I had to take all of the tests (written and driving) over again. I now have my CDL permit. Should my Instructor (a CDL driver) log this as on-duty not driving or can he log in the sleeper? Jerry in California

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

Your Instructor, (a CDL licensed driver) must be in the "jump seat" at all times when you are behind the wheel.



Also, a person possessing an Instruction Permit for a CDL, would be required to log “on-duty – not driving” if s/he is performing work for the motor carrier, performing a pre-trip inspection, etc., or sitting in the jump seat. You can only log sleeper berth time if you’re actually in the sleeper berth.

Warning of Law Enforcement Ahead with Flashing Headlights

Q: I was recently pulled over in a CMV for flashing my headlights at an oncoming CMV, to warn him that there was a local city cop watching traffic. I was pulled over by a KHP in a time headlights were not needed and told that it was illegal to flash my headlights I always thought it was a common courtesy to do so?

Thank you, Adam in Kansas

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



It varies from state to state as to whether flashing headlights is an illegal practice; but you will find that 49 CFR 393.24(a) requires headlights on commercial vehicles to be steady burning. So it could be construed, headlights that flash would be a violation of the federal safety regulations.

Now I have a question for you. From my past experience in law enforcement, I found the truly professional drivers always drove within the limits of the law. So, why would it be necessary to warn someone who isn't violating the law that there is a police officer ahead of them? If you were to look at it from the officer's point of view, what you consider to be a common courtesy actually interferes with him trying to do the job we pay him to do. The people you end up warning are the very same ones he/she needs to be talking to.

CSA 2010 Driver's Score

Q: If you get a speeding ticket but didn't get an inspection and the ticket is reduced or dismissed, does it get reported on your CSA 2010 driver record?

Thank you, Larry in Missouri

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



Only Roadside Inspection Levels 1, 2, 3, & 4 will be recorded on the driver's or motor carrier's data. If a driver receives a citation that was not recorded on a Roadside Inspection, the citation will affect only your driving record.

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