



## HOS and Weigh Station questions answered by law enforcement officials as of May 2007

**Warning: Laws are subject to change without notice**

### Requirements on a Logbook Page

**Q:** I keep my logs current and complete, except for recording my miles traveled and doing the weekly recap. Can I be fined or put out-of-service for not filling in these two entries? Bob in Nevada

**A:** Provided by [Sgt. Jim Brokaw](#), Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:

Although the weekly recap is included in most logbooks, you are not required by regulation to complete it. The recap is simply a tool to help you keep track of your 60 or 70-hour rule. However, 49 CFR 395.8(d) does state that the following information must be included on the form in addition to the grid:



(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00p.m.); (7) Main office address; (8) Remarks, including locations of duty status changes; (9) Name of co driver; (10) Total hours (far right edge of grid); and (11) Shipping document number(s), or name of shipper and commodity.

**Even though failing to enter the total miles in your log does not meet the out of service criteria; failing to include all the required information does constitute a form and manner violation of the safety regulations and depending on the jurisdiction you happen to be in, may include a fine.**

### Out of Service at the Weigh Station for HOS

**Q:** When a CDL driver is placed out-of-service for 10 hours due to a log violation, can a law enforcement officer shut the driver down in a weigh station that is closed and has no restroom facilities? This seems unlawful since it is illegal to use the outdoors as a bathroom. Vickie in South Carolina

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



I would hope the driver would be escorted to a nearby location that has restrooms and eating facilities available for the driver to use. The DOT Regulations does not require Law Enforcement to escort the driver anywhere if they are placed out-of-service for HOS violations. You would think Law Enforcement would be sensitive to the drivers needs.

Sometimes Law Enforcement refuse to take drivers anywhere because they are afraid the driver will leave once they have left the driver alone. If there is plenty of room at the scale location to place vehicles/drivers out-of-service and continue to work, they may choose to keep the vehicle/driver there so the driver doesn't get rabbit (run off) on them.

If this is the case, I don't know of anything the driver can do except ask if they could escort them to a suitable location that has restrooms and an eating facility.

### **Are all CMV's Required to Stop at Weigh Stations**

**Q:** Hi and thanks for answering my question. I will be moving from Sacramento, CA, to Victoria, BC, Canada. I am going to rent a 26-foot truck with a 20,000-pound GVWR and travel Interstate 5 to the Canadian border. Am I required to stop at weigh stations? Will I need any special paperwork (for example trip permits) in case I am inspected? Steve in California

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



In California, every commercial vehicle is required to stop and submit to an inspection per Vehicle Code Section 2813, which reads:

“Every driver of a commercial vehicle shall stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring the stop. Every driver who fails or refuses to stop and submit the vehicle to an inspection when signs are displayed requiring that stop is guilty of a misdemeanor.”

If a scale facility is open, you must enter the facility and follow the directions given by signal or public address system.

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