

“Ask The Law”™ offers Q & A’s

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Submit your questions to www.AskTheLaw.org.

Questions Regarding HOS, Shipping Papers and a Logbook Myth answered by law enforcement officials as of Nov. 2009

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

Online Logbook Presentation

About 70% of the questions we receive pertain to logbook issues. Did you know that we have a thorough logbook presentation, with pictures, on our Website (<http://www.askthelaw.org/>)? This presentation, which was just expanded to 80 pages, can answer a lot of your questions. Check it out today.

Confused about 34-Hour Restart

Q: I’m confused. I have heard many different ways of getting a 34-hour restart. What is the correct way of doing it? I have heard you can "bounce" between lines 1 and 2 or be on line 2 or be on line 1 and get a 34-hour restart. Is this true? Jon in Texas

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

FMCSA has published an Hour of Service (HOS) frequently asked questions (FAQ’s) immediately after the current rules were published. If you can locate them in writing or on FMCSA's website, locate question G-1, it states that a driver can combine off duty and sleeper berth uninterrupted for 34 or more hours to get the 34-hour reset.



Off-Duty and Sleeper Time for Co-Driver

Q: I came from 3 days off-duty and I went directly to the sleeper, my co-driver drove for 6-hours. Then I drove for 10.5 hours and from there we drove 10.5 hours each. My boss told me that I made a violation because I needed to be in the sleeper for 10 hours before I started driving. Please, help me. Thank you, Victor in California

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

In Part 395.1(g), you will find the 4 rest options. Rest option # 3 states a driver can use both off duty and sleeper berth to get 10 hours of rest. So if



you were showing 3 days off duty and then going into the sleeper berth for 6 hours, this would continue your rest under rest option # 3, so the driver would not need to show additional 10 hours in the sleeper berth.

Traveling Without Shipping Papers

Q: I work for a northwest regional LTL carrier. The company tells us that it is legal for the line drivers (terminal to terminal) to travel without any manifest or copy of the bills as long as we have no HazMat on. This generally happens at "dark" (closed) terminals. Any comments on this? Robert in Oregon

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



Although 49 CFR Part 373 addresses a motor carrier's receipts and bills for property tendered for transportation, I'm not aware of any requirement for them to accompany the load while being transported. Unlike the Hazardous Materials Regulations, which do specify a shipping paper must be prepared and accompany a load of these materials. You may want to check with your state officials to see if there may be state laws that apply in these circumstances.

Myth about Time Limit to Fill Out Logbook

Q: I got a ticket in Anaheim CA for getting out of the sleeper to help my co-driver get back on the highway. I asked the officer if there was a time limit before I had to change my log. I was told no. I was to change my status from sleeper to on duty not driving, and by not doing so I was cheating the system. The ticket cost me \$626.00 dollars. George in North Carolina

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



Every time you change your duty status, regardless of the duration of the change, you must make an entry into your logbook immediately. **There is no grace period.**

California and Federal regulations are the same when it comes to making entries in your logbook. Section 395.8 (f)(4) of Title 49 Code of Federal Regulations states, "Drivers shall keep their record of duty status current to the time shown for the last change of duty status."

When the change of duty status only lasts a short period of time (less than 15 minutes) an interpretation of the section is also included which states, "Short periods of time may be identified by drawing a line from the appropriate on-duty (not driving) or driving line to the remarks section and entering the amount of time, such as "6 minutes," and the geographic location of the duty status change."

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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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