

“Ask The Law”™ offers Q & A’s

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Logbook, DMV Records & HOS questions answered by law enforcement officials as of October 2006

Warning: Laws are subject to change without notice

Company Wrote me up – Logbook Violation

Q. My company wrote me up on a FMCSA’s LOG VIOLATION. I took my vacation the end of July. My last day working in July was 7-21-06. The next log sheet dated 7-22-06 in the remarks, I put off duty 7-22-06 to 8-04-06. My company told me I need to make one page for July and another for the time off I had in August. I attempted to find this out in the FMCSA book but didn't find anything saying that I must do this. I hope you can help me with this dilemma. Who is right? Is it the company or me? Could you tell me where this is stated in the laws? Thank you, yours truly, Ralf in New Mexico

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



Ralf, I had to read and read to find your answer. It's one of the things you remember when you read it, but when you go back and try to find it, you have to tear the book apart to find the answer.

With that being said, the answer is found in **Part 395.8(f)(10)**. It states 2 or more consecutive 24-hour periods off duty can be shown on one (1) log page.

It doesn't say anything about from month to month. If they were all consecutive, then this would be allowed.

(f)(10) Recording days off duty. Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.

DMV’s Driver Records

Q. Is one's driving record considered public record? Thank you. Connie in Arizona

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



The release of information available on any record under the jurisdiction of the Department of Motor Vehicles is governed by the Federal Driver's Privacy Protection Act (18 USC §§2721-2725) and by each state's Department of Motor Vehicles. In my state, it's the Nebraska Uniform Motor Vehicle Records Disclosure Act (§60-2901 through §60-2912).

Nebraska statutes stipulate that all DMV records are protected and are not available to the general public but each state has its own guidelines. The Nebraska DMV may only release driver, vehicle and personal information from their records under the conditions specified in the statutes mentioned above. Information on obtaining a Nebraska Driver Record is available at www.dmv.state.ne.us/dvr/drvrec/drivrecreq.html. To find your state's position on this subject, visit their DMV website directly.

Off Duty All Day Then Drive at Night

Q. It is perfectly legal to be at my house and up all day and leave at night and be able to drive all night. Yes or no? Chris in New Jersey

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



The FMCSA Regulations do not address what a driver does during his off duty time. The intent of the rules are for the driver to obtain rest, but what a driver does during those hours can not be enforced if the driver fails to obtain rest while off duty. So to answer your question, YES, you can be off duty at your home and be up all day and then start driving later on that night.

Now let me caution you on something.

If the above circumstance was to occur and you were involved in a wreck and the wreck was one of those that you'd want to stop and wake up Bubba because Bubba ain't never seen one like this and you and the company are sued and the plaintiff's find out that you were up all day and then chose to drive. I don't think the jury would give you, or your company, a snowball's chance in hell on winning.

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