

“Ask The Law”™ offers Q & A’s

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**Cab Lights, 10-Hour Break and Logbook questions
answered by law enforcement officials as of Oct. 2007**

Warning: Laws are subject to change without notice

What is the California Law on Cab lights?

Q: I am a local driver in Southern California. I travel US101 regularly from Los Angeles up to Santa Barbara. Lately I have been noticing a lot of the rock haulers and transfer trucks have removed all of the marker lamps from the cab roof. It has always been my understanding that the Federal Motor Carrier Safety Regulations require a minimum amount of marker lamps on the cab. Is this not true? Michael in California

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



The lights on the top of a cab are categorized by two types of lights. The two outside lights are clearance lights and the three lights in the center are identification (ID) lights. **Federal law requires both clearance lights and ID lights on commercial motor vehicles.** California Vehicle Code (VC) Section 25100 requires clearance lights and Section 25351 VC permits ID lights. **A California only truck may have the ID lights removed, but must display clearance lights on each side mounted on a forward-facing portion of the vehicle and visible from the front.**

Can an Officer Check me Out during my 10-Hour Break?

Q: If a truck is parked off the side of the road about 30 feet in an area where there are no posted no parking signs is an officer permitted to wake a driver from his break and administer a DOT inspection. Also a driver is on a 10-hour break, can the officer write a citation for a driver not having his logbook current when stopped for that break. David in Texas

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



You are not going to like my answer one bit.

Most states have State Laws prohibiting parking on any portion of the states right of way. The states right of way is from bar ditch to bar ditch. The only time parking is allowed on state property is if signs are clearly posted.

As for your logbook being current, DOT Regulations in Part 398.8(f)(1) requires the driver to be current to their last entry. If you had not drawn your line up to sleeper berth, then your logbook was not current.

Logbook Retention time and Corrections

Q: Wondering if you could answer this question for me. Been talking with truckers about HOS and everyone has a different opinion about the answer to this question. How long does a driver have to retain his old logbooks? I've been told all kinds of things - from 6 months to 2 years. What is the "legal retention time"? Thank you! David in Maryland

Q: Hello, I was in a conversation the other night with other drivers, and the subject of using white out to make corrections on a logbook came up. Some say it is okay, some say it is not. I tried looking it up in the regs, but without any luck. Any information would be helpful. Thanks, Todd in Nevada

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



Logbook retention time:

The answer to your question is found in 49 CFR 395.8(k)(1) **Retention of driver's record of duty status.**

“Each motor carrier shall maintain records of duty status and all supporting documents for each driver it employs for a period of six months from the date of receipt.”

Logbook corrections:

The answer you are looking for is found in Guidance Question 12 of the interpretations to 49 CFR 395.8:

Question 12: May a driver use "white-out" liquid paper to correct a record of duty status entry?

Guidance: Any method of correction would be acceptable so long as it does not negate the obligation of the driver to certify by his or her signature that all entries were made by the driver and are true and correct.

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. **Warning: Laws are subject to change without notice. These interpretations were made in September 2007.**

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