

“Ask The Law”™ offers Q & A’s

Brought to you as a public service by



Submit your questions to www.AskTheLaw.org.

Tire Check, Contaminated Brakes and Idling questions answered by law enforcement officials as of October 2011

**Warning: Laws are subject to change without notice.
These interpretations were made on September 12, 2011.**

Tire Check with Haz-Mat Loads

Q: I'm a tanker driver and I haul Haz-Mat loads. Since 2006 I've been doing tire checks every two hours. I was recently told the law changed a few years ago and it's no longer required to do tire checks every two hours. What is the current law regarding tire checks? Thank you, Travon in California

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



Drivers transporting hazardous material loads must check the tires at the beginning of each trip and every time the CMV is parked. Current regulations are cut and pasted below.

Title 49, CFR, § 397.17 Tires.

"(a) A driver must examine each tire on a motor vehicle at the beginning of each trip and each time the vehicle is parked.

(b) If, as the result of an examination pursuant to paragraph (a) of this section, or otherwise, a tire is found to be flat, leaking, or improperly inflated, the driver must cause the tire to be repaired, replaced, or properly inflated before the vehicle is driven. However, the vehicle may be driven to the nearest safe place to perform the required repair, replacement, or inflation.

(c) If, as the result of an examination pursuant to paragraph (a) of this section, or otherwise, a tire is found to be overheated, the driver shall immediately cause the overheated tire to be removed and placed at a safe distance from the vehicle. The driver shall not operate the vehicle until the cause of the overheating is corrected.

(d) Compliance with the rules in this section does not relieve a driver from the duty to comply with the rules in §§397.5 and 397.7."

Contaminated Brakes

Q: What is the definition of contaminated brakes? How would one determine if brakes are contaminated? *Andy in Illinois*

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



When I was working, if the brake drum was not shiny, it was considered contaminated. I found lots of drums and brake shoes that were coated with wheel grease or rust. The seal would become defective and would leak grease onto the drum and brake linings or the brake linings would not touch the drum causing the drum to rust. I've also seen where a driver would have the seal replaced but the mechanic or shop wouldn't wash the grease off the drum and brake linings. They would merely wipe the grease off and put the drum back on. The grease that was left on the drum or brake lining would cause the drum to have a dull look. This would still be classed as contaminated brakes.

Part 393.47(a) is often used to cite a violation for contaminated drums. It doesn't give you much information about what is considered contaminated brakes. The North American Out-of-Service Criteria uses several descriptions on what is considered contaminated brakes. They talk about oil, grease, brake fluid, and rust.

Pet Exemption for Idling in California

Q: I travel to and from California each week. It has been widely rumored that a way to beat CA's no idling law is to travel with a dog in the cab with you. Is this fact or fiction? John in Texas

A: Provided by Ofc. Jaime Nunez, California Highway Patrol, Commercial Vehicle Section, Sacramento, California:



Currently, CARB regulations do not provide an exemption for a pet in the cab. All diesel-fueled trucks operating in California are prohibited from idling longer than five minutes. The California Air Resources Board (CARB) administers this regulation and is available to answer all questions relating to idling restrictions. Information regarding this, and other CARB regulations, may be found at CARB's Internet website at www.arb.ca.gov. Alternately, CARB may be contacted at (866) 634-3735.

**Warning: Laws are subject to change without notice.
These interpretations were made on September 12, 2011.**

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.

Founded in 1986, Ol' Blue, USA is a non-profit organization dedicated to highway safety education and to improving relations between the motoring public, law enforcement and commercial drivers. "Ask The Law"™ is a registered trademark of Ol' Blue, USA. This column is copyrighted© by Ol' Blue, USA.