

## “Ask The Law”™ offers Q & A’s

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### Hours-of-Service questions answered by law enforcement officials as of Sept. 2006

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

#### **HOURS YOU CAN WORK**

**Q.** The new HOS regulations allow a driver to drive 11 hours per day, but on-duty not driving hours (line 4 of logbook) hours are limitless, provided a driver remain under the 70-hour rule - correct? For example, I drive from midnight to 5 a.m., take an hour break off duty, then drive again from 6 a.m. to 11 a.m., and then unload for 10 hours. Is this legal? Thank you! David in Maryland

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

Part 395.3(a) of Title 49, Code of Federal Regulations states in part: No motor carrier shall permit or require any driver used by it to drive a property-carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle: (2) For any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty, except when a property-carrying driver complies with the provisions of § 395.1(o).



What this means is you will not be in violation unless you DRIVE after being on duty for more than 14 hours. You may work more than 14 hours without re-qualifying as long as you do not drive a property-carrying commercial vehicle in interstate transportation, however any time spent on-duty will count towards your 70 hours in any period of 8 consecutive days.

#### **DOT GUIDANCE ON LOGGING**

**Q.** I need some help in the form of a simplified written guide (with examples) for legal logging, and that has a DOT letterhead, for self-reference and to communicate to my employer. Thank you. Bob in New York

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

**I think we may have just what you are looking for.** The Nebraska State Patrol provided Ol' Blue, USA with our 2005 HOS training materials to be posted on-line on Ol' Blue's website. These are



the same slides the NSP used to train our troops on the "new HOS." Please visit <http://www.cdlsafety.org> and click on the "2005 Hours Of Service Flash Slideshow From NSP & FMCSA" to see it. The slideshow can also be printed from the website for future reference if you should so choose. **Sorry, but it won't be on DOT letterhead as you requested.**

## **LOGBOOK AND MY TEAM DRIVER QUILTS**

**Q.** I am part of a team operation. Half way through a trip, my co-driver quits, and leaves - with everything of his, including all his logs and paperwork. If I get stopped for an inspection, how can I prove I actually had a co-driver and am not fudging my log for extra hours? I was told there is nothing that can be done, other than to fight any citations. Many thanks. Fred in Kentucky

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



**This is a very good question.** I have searched all the regulations and interpretations and can not find anywhere this example used is ever addressed.

**My suggestions to you is this,** when driving as a team, never let the same team member buy all the fuel. Let each member alternate purchasing fuel. The reason being, you have receipts that identify each team member.

Never turn in receipts until you get back to the terminal. By having receipts available in the truck if stopped, you have a way to match fuel receipts to log books and show that there where 2 members originally in this team when the trip started. If one of the team members makes a decision to leave the motor carrier during a trip, by the remaining team member having receipts to show that there used to be another team member, Law Enforcement will recognize this and shouldn't penalize the remaining driver by showing the driver falsified their logs.

Another suggestion is have the motor carrier send the remaining team member a fax that can be carried in the vehicle showing the name of the other team member and the date, time, and location where the team member got out of the vehicle. This again will let Law Enforcement know that after this date, time, and location the vehicle was being operated with only 1 driver.

And lastly, you have to be able to convince Law Enforcement that originally there where 2 members in this team when the trip started. If Law Enforcement is not convinced nor are they convinced with the documentation presented, you will be placed out-of-service for violating the Hours of Service Rules and possibly cited.

*The Ask The Law™ programs, which are provided as a public service by Alcoa Wheel Products™, 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](http://www.askthelaw.org). **Warning: Laws are subject to change without notice. These interpretations were made in August 2006.***

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