

“Ask The Law”™ offers Q & A’s

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Hours-of Service, Logbooks and Medical Exam questions answered by law enforcement officials as of September 2011

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

Intrastate Hours-of-Service Rule

Q: I drive a cement mixer locally. I was recently reprimanded for taking 10 hours off between shifts. I was told that the 10-hour break rule does not apply to us, and that we can restart a shift after 8 hours off. I was also told that we could still drive up to 15 hours a day. Can you clarify these for me? Thank you, Richard in California

A: Provided by [Ofc. Jaime Nunez](#), California Highway Patrol, Commercial Vehicle Section, Sacramento, California:



FMCSR, Part 395, outlines Interstate drivers hours of service (HOS). Intrastate drivers HOS of each state may differ from the federal guidelines. In California, Title 13, California Code of Regulations, Section 1212.5 outlines maximum driving times. Barring adverse driving conditions, an intrastate driver is not permitted to drive more than 12 cumulative hours following ten consecutive hours off duty; or for any period after the end of the 16th hour after coming on duty following ten consecutive hours off duty.

Logging Multiple Stops in one City?

Q: How do you log multiple stops that include short periods of "on duty time "mixed with "driving time" and various periods of "off duty time" all in the same city occurring over a combined period of 4 hours in total? Arthur in Canada

A: Provided by [Jim Brokaw](#), formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



FMCSA's guidance questions 1 and 6 to 49 CFR 395.8 "Driver's record of duty status" should help answer your question. Paraphrasing FMCSA's guidance answers: Short periods (less than 15 minutes) 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") with the location of the status change.

All your stops made in any one city or municipality may be computed as one. The time of

all stops are shown on a continuous line as on-duty (not driving). Your total driving time between each stop should be entered on your log immediately following the on-duty (not driving) entry. The name of the city or municipality and State abbreviation where all the stops took place must appear in the "remarks" section of your log.

Logging Time for a Pre-Trip

Q: The company I am leased to uses qualcom units with logging software. The company says I must show at least 15 minutes for a pre-trip. Is there a law that says I must use 15 minutes to do my pre-trip? Chuck in Louisiana

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



It takes an average of 20 minutes for a commercial vehicle inspector to complete an inspection of a "clean" combination, not including entering CDL, license plate, operating authority numbers, etc., on a form or into a PC. Federal regulations do not specify a time requirement to complete a pre-trip and do not require any paperwork to be completed. However, you are required to follow the company policy, unless their policy is illegal. In 49 CFR, 392.7, **Question 1:** Must a driver prepare a written report of a pre-trip inspection performed under 392.7, **Guidance:** No.

Failed DOT Medical Exam

Q: I recently failed a pre-employment DOT medical exam due to glucose in my urine. I've been to the doctor and am now on medicine. What are the actual federal DOT requirements in order for me to re-take the physical exam? Thank You, Renee in California.

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



DOT Regulation Part 391.43 states that a urinalysis is required. It goes on to state that sugar in the urine indicates that a problem may exist and should be further reviewed. I was hoping the Regulations would state what the cut-off level was when sugar was found. Unfortunately, it did not give the cut-off limits.

If you've contacted your primary care physician and they have the problem under control, there is nothing that would prohibit you from re-taking the DOT Medical Exam again.

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