

Electronic Logging Devices

Who must comply with the electronic logging device (ELD) rule?

- The ELD applies to most motor carriers and drivers who are currently required to maintain records of duty status (RODS) per Part 395, 49 CFR 395.8(a). The rule applies to commercial buses as well as trucks, and to Canada- and Mexico-domiciled drivers.
- The ELD rule allows limited exceptions to the ELD mandate, including:
 - Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs.
 - Drivers who use paper RODS for not more than 8 days out of every 30-day period.
 - Drivers who conduct drive-away-tow-away operations, in which the vehicle being driven is the
 - commodity being delivered.
 - Drivers of vehicles manufactured before 2000.

What electronic logging device (ELD) user documentation must be onboard a driver's commercial motor vehicle?

Beginning on December 18, 2017, a driver using an ELD must have an ELD information packet onboard the commercial motor vehicle (CMV) containing the following items:

- 1. A user's manual for the driver describing how to operate the ELD;
- 2. An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hours-of-service records to an authorized safety official;
- 3. An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
- 4. A supply of blank driver's records of duty status (RODS) graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days.

Prior to December 18, 2017, FMCSA recommends that drivers have the user's manual, malfunction instruction sheet, and graph-grids.

Can the ELD information packet be in electronic form?

- **Yes**

The user's manual, instruction sheet, and malfunction instruction sheet can be in electronic form. This is in accordance with the federal register titled "Regulatory Guidance Concerning Electronic Signatures and Documents" (76 FR 411).

Can an electronic logging device (ELD) be on a smartphone or other wireless device?

- **Yes.**

An ELD can be on a smartphone or other wireless device if the device meets the ELD rule's technical specifications.

Can a driver use a portable electronic logging device (ELD)?

- **Yes.**

A driver may use a portable ELD. A portable ELD must be mounted in axed position during commercial motor vehicle (CMV) operation (CMV) and visible to the driver from a normal seated driving position. This information can be found in the ELD Rule section 395.22(g).

What is the carrier's responsibility in ensuring that they are using a registered device?

- The motor carrier is responsible for checking that their device is registered. This includes checking both the registration and revocation list periodically. The list of registered and revoked ELDs can be found on the following link:

<https://3pdp.fmcsa.dot.gov/ELD/ELDList.aspx>.

- In the event that an ELD is removed from the registration list, FMCSA will make efforts to notify the public and affected users. Motor carriers and drivers are encouraged to sign-up for ELD updates to receive notifications on when an ELD has been listed on the Revocation List.

How must a driver reflect their record of duty status for the previous 7 days during a roadside inspection, if he or she is employed by multiple motor carriers that are using ELDs?

- The driver can either,
 - (1) print out their hours-of-service from the other motor carrier,
 - (2) if operating with compatible devices the ELD data can be transferred between the motor carriers with the driver's approval, or
 - (3) manually add the hours of service while operating for that motor carrier into the current ELD using the editing and annotation functions of the ELD.

How must a driver who is starting to work for a new motor carrier present their prior 7 days' records of duty status to the new carrier?

- Section 395.8(j)(2) provides that “(2) Motor carriers, when using a driver for the rest time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.” In the alternative, the driver may present copies of the prior 7 days' records of duty status or a print-out of the prior 7 days from the prior carrier's ELD system.

Electronic Logging Device

Exemptions

Who is exempt from the ELD rule?

- Drivers who use the timecard exception are not required to keep records of duty status (RODS) or use ELDs. Additionally, the following drivers are not required to use ELDs; however, they are still bound by the RODS requirements in 49 CFR 395 and must prepare logs on paper, using an Automatic On-Board Recording Device (AOBRD), or with a logging software program when required:
 - Drivers who use paper RODS for not more than 8 days out of every 30-day period.
 - Drivers of vehicles manufactured before 2000.
 - Drivers who are required to keep RODS not more than 8 days within any 30-day period.
 - Drivers who conduct drive-away-tow-away operations, where the vehicle being driven is the commodity being delivered, or the vehicle being transported is a motor home or a recreation vehicle trailer with one or more sets of wheels on the surface of the roadway.
 - Drivers of vehicles manufactured before the model year 2000. (As reflected on the vehicle registration)

What time periods can be used to determine the 8 days in any 30-day period?

- The 30-day period is not restricted to a single month, but applies to any 30-day period. For example, June 15 to July 15 is considered a 30-day period.

What information may be requested to support the exemption for drivers not required to use records of duty status (RODS) more than 8 days in any 30-day period?

- Authorized safety officials may inspect and copy motor carrier records and request any records needed to perform their duties.

If a motor carrier's operation is exempt from the requirements of 49 CFR Part 395.8, is the motor carrier also exempt from the ELD rule?

- **Yes.**

Motor carriers with operations that are exempt from the requirements of 395.8 are exempt from the ELD rule.

Can drivers operate commercial motor vehicles (CMVs) equipped with electronic logging devices (ELDs), if they are not required to use them due to an exception?

- **Yes.**

Drivers can drive CMVs equipped with ELDs and still use their exception. A motor carrier may configure an ELD to show the exception for drivers exempt from using the ELD, or use the ELD annotation to record the status.

Are motor carriers that meet the agricultural exemption defined in 395.1(k) or the covered farm vehicle 395.1(s) subject to the ELD rule?

- The ELD rule does not change any of the current hours of service exemptions. Therefore, motor carriers that meet the exemptions defined in 395.1 are not subject to Part 395, including the ELD rule while
- they are operating under the terms of the exemption. The duty status of the driver may be noted as either off-duty (with appropriate annotation), or “exempt.” Click here for additional information on the agriculture exemption. THEY START AT 0 WHEN THEY REACH MILES***

Voluntary Usage
&
Compliance Phases

What is a “grandfathered” automatic onboard recording device (AOBRD)?

- A “grandfathered” AOBRD is a device that a motor carrier installed and required its drivers to use before the electronic logging device (ELD) rule compliance date of December 18, 2017. The device must meet the requirements of 49 CFR 395.15. A motor carrier may continue to use grandfathered AOBRDs no later than December 16, 2019. After that, the motor carrier and its drivers must use ELDs. See Section 395.15 (a) of the ELD final rule.

What will be the enforcement procedures for “grandfathered” automatic onboard recording devices (AOBRDs) and electronic logging devices (ELD) during the two-year period following the compliance date of the ELD rule?

- During the period when both “grandfathered” AOBRDs and ELDs will be used (December 18, 2017 to December 16, 2019), authorized safety officials will enforce ELD rule requirements for ELDs and the requirements in 49 CFR 395.15 for “grandfathered” AOBRDs. The supporting document requirements for drivers and motor carriers using either device will take effect on the ELD rule compliance date of December 18, 2017.

According to § 395.8, if a motor carrier “installs and requires a driver to use an AOBRD...before December 18, 2017 they may continue to use the AOBRD until December 16, 2019.” Does this mean I can move an AOBRD from one vehicle to another after December 18, 2017?

- If your operation uses AOBRDs before December 18, 2017, and you *replace vehicles in your fleet you can install an AOBRD that was used in the previous CMV. However, you may not purchase and install a new AOBRD in a vehicle after December 18, 2017.

Editing
&
Annotations

What is the difference between “paper records of duty status (RODS)” and printouts of RODS from electronic logging devices (ELDs)?

- “Paper RODS” means RODS that are not kept on an ELD or automatic onboard recording device (AOBRD), but that are either recorded manually (in accordance with 49 CFR 395.8(f)) or on a computer not synchronized with the vehicle or that is otherwise not qualified to be an ELD or AOBRD. Printouts of RODS from ELDs are the reports that ELDs must be able to generate upon request from an authorized safety official, per section 4.8.1 of the ELD rule.

What is the difference between an “edit” and an “annotation”?

- An edit is a change to an electronic logging device (ELD) record that does not overwrite the original record, while an annotation is a note related to a record, update, or edit that a driver or authorized support personnel may input to the ELD. Section 49 CFR 395.30(c)(2) requires that all edits, whether made by a driver or the motor carrier, be annotated to document the reason for the change. For example, an edit showing time being switched from “off duty” to “on-duty not driving” could be annotated by the carrier
- to note, “Driver logged training time incorrectly as off duty.” This edit and annotation would then be sent to the driver for approval.

Can a driver annotate the electronic logging device (ELD) record?

• **Yes.**

A driver can use annotations to indicate the beginning and end of a period of authorized personal commercial vehicle use, or yard moves, as well as other special driving categories, such as adverse driving conditions (49 CFR 395.1(b)) or oil field operations (49 CFR 395.1(d)).

Can a user edit or change driving time that has been recorded by an electronic logging device (ELD) to non-driving time?

• **No.**

An ELD automatically records all of the time that a CMV is in motion as driving time that cannot be edited or changed to non-driving time.

How can a driver record their on-duty not driving status, such as working in a warehouse, on an ELD, prior to operating a commercial motor vehicle equipped with an ELD?

- All of the driver's hours of service must be accounted for when subject to the HOS rules. Prior to operating a commercial motor vehicle equipped with an ELD, the driver can manually add any on-duty not driving time accrued prior to.

Are drivers allowed to edit their records of duty status (RODS) using the electronic logging device (ELD) back office support systems once they leave the commercial motor vehicle (CMV)?

- **Yes.**

Drivers may edit their RODS using ELD back office support systems. While these edits or corrections are allowed to ensure an accurate record of the driver's duty status, the electronic record must retain what was originally recorded, as well as the date, time, and identity of the individual entering the corrections or edits.

What procedure should be followed if multiple, compatible electronic logging devices (ELDs) are used to record a driver's record of duty status (RODS) within a motor carrier's operation?

- If multiple, compatible ELDs are used to record a driver's RODS within a motor carrier's operation, the ELD in the vehicle the driver is operating must be able to produce a complete ELD report for that driver, on demand, for the current 24-hour period and the previous 7 consecutive days.

What procedure should be followed if multiple, incompatible electronic logging devices (ELDs) are used to record a driver's record of duty status (RODS)?

- The motor carrier and the driver are responsible for ensuring that all of the RODS information required by the HOS rules is available for review by authorized safety officials at the roadside. If the driver uses multiple ELDs that are not compatible (e.g., the data from one system cannot be uploaded into the other system), the driver must either manually enter the missing duty status information or provide a printout from the other system(s) so that an accurate accounting of the duty status for the current and previous seven days is available for the authorized safety official.

What must a driver do with unassigned driving time when he or she logs into the electronic logging device (ELD)?

- A driver must review any unassigned driving time when he or she logs into the ELD. If the unassigned records do not belong to the driver, the driver must indicate that in the ELD record. If driving time logged under this unassigned account belongs to the driver, the driver must add that driving time to his or her own record.

What must a motor carrier do with unassigned driving records from an electronic logging device (ELD)?

- A motor carrier must either explain why the time is unassigned or assign the time to the appropriate driver. The motor carrier must retain unidentified driving records for at least six months as a part of its hours of service (HOS) ELD records and make them available to authorized safety officials.

If a driver is permitted to use a Commercial Motor Vehicle (CMV) for personal reasons, how must the driving time be recorded?

- The driver must identify the driving time as personal conveyance on the device.

Harassment

Where should a driver file a harassment complaint?

- The driver's must file a written complaint with the National Consumer Complaint Database at

<http://nccdb.fmcsa.dot.gov>

or with the

FMCSA Division Administrator for the State where the driver is employed

<http://www.fmcsa.dot.gov/mission/field-offices>

ELD Functions

What information is automatically recorded by an electronic logging device (ELD)?

- An ELD automatically records the following data elements at certain intervals: date; time; location information; engine hours; vehicle miles; and identification information for the driver, authenticated user, vehicle, and motor carrier.

When is location data recorded by an electronic logging device (ELD)?

- Location data must be recorded by an ELD at 60-minute intervals when the vehicle is in motion, and when the driver powers up and shuts down the engine, changes duty status, and indicates personal use or yard moves.

Is an electronic logging device (ELD) required to collect data about vehicle performance?

• **No.**

ELDs are not required to collect data on vehicle speed, braking action, steering function or other vehicle performance parameters. ELDs are only required to collect data to determine compliance with hours of service (HOS) regulations.

What is the level of accuracy for commercial motor vehicle (CMV) location information recorded by an electronic logging device (ELD)?

- During on-duty driving periods, the location accuracy is approximately within a 1-mile radius. When a driver operates a CMV for personal use, the position reporting accuracy would be approximately within a 10-mile radius.

What does engine synchronization mean for the purposes of electronic logging device (ELD) compliance?

- An ELD must be integrally synchronized with the engine of the commercial motor vehicle (CMV). Engine synchronization means monitoring engine operation to automatically capture the engine power status, vehicle motion status, miles driven, and engine hours.

Will GPS-derived data for mileage be allowed as a substitute for data that cannot be readily obtained from a vehicle electronic control module (ECM)?

•**No.**

The ELD must be able to monitor engine operation to automatically capture required data. A GPS is not integrally synchronized with a vehicle's engine, and cannot be a substitute for required ECM data to comply with the ELD rule.

When will an electronic logging device (ELD) automatically start to record a driving mode or status?

- An ELD must automatically switch to driving mode once the commercial motor vehicle (CMV) is moving up to a set speed threshold of five miles per hour. As a result, the in-motion state must not be configured greater than five miles per hour. The vehicle will be considered stopped once its speed falls to zero miles per hour and stays at zero miles per hour for three consecutive seconds.

When will an electronic logging device (ELD) automatically change the duty status from driving to the default duty status of on-duty not driving?

- When the duty status is set to driving, and the commercial motor vehicle (CMV) has not been in motion for five consecutive minutes, the ELD must prompt the driver to confirm a continued driving status or enter the proper duty status. If the driver does not respond to the ELD prompt within one minute, the ELD must automatically switch the duty status to on-duty not driving.

ELD Data Transfer

How will safety officials receive data electronically from the two different types of ELDs with options for different methods of electronic data transfer (“telematics” and “local”)?

- Authorized safety officials who conduct roadside enforcement activities (i.e., traffic enforcement and inspections) or compliance safety investigations will have the option of choosing a minimum of one electronic data transfer method (wireless Web services or email) and one “local” electronic data transfer method (USB2.0 or Bluetooth) for the electronic transfer of ELD data, depending on the type of ELD.

What is the process for transferring data via email?

- If the driver is using a “telematics” ELD with email capabilities, the authorized safety official will request that the electronic data transfer be sent as an attachment to an e-mail. This e-mail address is preprogrammed in the ELD by the vendor. The safety official will provide the driver with a routing code to reference in the email.

What is the process for transferring data via web services?

- If the driver is using a “telematics” ELD with wireless Web services capabilities, the authorized safety official will give the driver a routing code to assist the official in locating the data once transmitted, and the driver will initiate a web transfer to an FMCSA server to be retrieved by the safety official’s software.

Would an electronic logging device (ELD) be non-compliant with the ELD rule if the data cannot be sent electronically to an authorized safety official at roadside?

•**No.**

If the electronic means for transferring data is unavailable or fails, the driver can still be compliant by showing either a printout or the actual ELD display of their RODS.

ELD Malfunctions and Data Diagnostic Events

What must a driver do if there is an electronic logging device (ELD) malfunction?

- If an ELD malfunctions, a driver must:
 - 1. Note the malfunction of the ELD and provide written notice of the malfunction to the motor carrier within 24 hours;
 - 2. Reconstruct the record of duty status (RODS) for the current 24-hour period and the previous 7 consecutive days, and record the records of duty status on graph-grid paper logs that comply with 49 CFR 395.8, unless the driver already has the records or retrieves them from the ELD; and
 - 3. Continue to manually prepare RODS in accordance with 49 CFR 395.8 until the ELD is serviced and back in compliance. The recording of the driver's hours of service on a paper log cannot continue for more than 8 days after the malfunction; a driver that continues to record his or her hours of service on a paper log beyond 8 days risk being placed out of service.

What must a motor carrier do if there is an electronic logging device (ELD) malfunction?

- If an ELD malfunctions, a motor carrier must:
 - 1. Correct, repair, replace, or service the malfunctioning ELD within eight days of discovering the condition or a driver's notification to the motor carrier, whichever occurs first; and
 - 2. Require the driver to maintain paper record of duty status (RODS) until the ELD is back in service.

In the event of a malfunction that requires a driver to reconstruct his/her previous 7 days, can a driver use a printed copy of their previous 7 days, such as a PDF copy, instead of manually recording their previous 7 days?

- **Yes.**

In the event that the driver experiences a malfunction that impairs the ELD ability to present the driver's previous 7 days, the driver may present their previous 7 days by way of any printed copy, or in an electronic form, such as a PDF.

ELD Accounts

Can a motor carrier set up a driver account as an “exempt driver” and have another account for the same driver as a regular driver account?

- **No.**

The ELD rule prohibits multiple driver accounts for one driver. The motor carrier must proactively change the driver’s status to and from exempt and non-exempt.

Differences between AOBRDs and Logging Software Programs

What are the differences between automatic onboard recording devices (AOBRDs) and devices using logging software programs?

- A key difference between devices with logging software programs and AOBRDs relates to connectivity with the commercial motor vehicle (CMV) operations. An AOBRD must be integrally synchronized with the specific operations of the CMV on which it is installed. AOBRDs must also record engine use, speed, miles driven, and date and time of day, as specified in 49 CFR 395.2. AOBRDs automatically record engine data for driving time versus the use of Global Positioning System (GPS) data or a driver inputting his or her driving status hours.
- The display and output from devices using logging software must meet the requirements in 49 CFR 395.8. Drivers can manually enter their hours of service (HOS) information using the application or software program on the device, and then manually or electronically sign the RODS at the end of each 24-hour period to certify that all required entries are true and correct. During a roadside inspection, drivers using logging software programs can hand their device to the safety official to review their RODS. Additionally, officers conducting inspections can request a printed copy of the driver's log with the current and prior seven days HOS information.