

Electronic Logging Devices Compliance

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What is an electronic logging device (ELD)?

Technology that:

- Automatically records a driver's driving time and other aspects of the hours-of-service (HOS) records.
- Monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours).


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What does the Electronic Logging Device (ELD) rule address?

The ELD rule:

- Requires ELD use by commercial drivers who are required to prepare hours-of-service (HOS) records of duty status (RODS).
- Sets ELD performance and design standards, and requires ELDs to be certified and registered with FMCSA.
- Establishes what supporting documents drivers and carriers are required to keep.
- Prohibits harassment of drivers based on ELD data or connected technology (such as fleet management system). The rule also provides recourse for drivers who believe they have been harassed.





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Who do ELDs apply to?

Motor carriers and drivers who are currently required to keep records of duty service (RODS) on paper or with an Automatic Onboard Recording Device (AOBRD) under the (HOS) regulations.

Drivers who use the timecard exception, and don't keep paper RODs, will not be required to use ELDs.


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What exceptions are allowed by the ELD rule?

Drivers who are not required to keep records of duty status (RODS) are not required to use ELDs. In addition, the following drivers are not required to use ELDs, but must maintain paper logs when required:

- Drivers who keep RODS no more than 8 days during any 30-day period.
- Driveaway/towaway drivers (transporting an empty vehicle for sale, lease, or repair), provided that the vehicle driven is part of the shipment.
- Drivers of vehicles manufactured before model year 2000.



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

Yes!

A motor carrier can configure an ELD to show an exception for a driver who is exempt from using an ELD. The carrier can also use the ELD notes (annotation) capability to record the driver's exempt status.

Contact your ELD provider to ensure the local exemptions status is working or available.



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The Benefits

Tracking HOS is easier and more accurate. This helps:

- Prevent HOS violations and helps drivers avoid fines due to mistakes in paper logs
- Support carrier business operations, such as effective dispatching.

To track IFTA only if your ELD provider retains the records for the required IFTA retention time period.



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Can an ELD warn drivers about approaching hours of service limits?

Yes!

- The ELD rule allows, but does not require, warning or notification to drivers when they are nearing their HOS limits.


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Common ELD Providers

- Keep Truckin
- People Net
- Omnitrac
- Fleetmatics
- JJ Keller
- Samsara
- Verizon Connect
- Big Road

There are many providers that are not compliant with the ELD Mandate and are causing problems for many companies. Make sure to check FMCSA's revoked ELD version list.




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Common Non-Compliance Problems With ELD's

- Connection Errors/Loss of Signal
 - Phone or tablet to truck connection
 - Truck to Satellite/Cell Tower
 - No ELD disconnection report
- Cell tower data verses satellite date creating inaccurate city location
- Unassigned miles have lag time of 48 miles or higher even up to a month or more.
- Unassigned miles generated because satellite moved and truck did not
- Unassigned miles creating duplicate driving events - Corrections need to be annotated
- No Form and manner reports
- No missing pre/post trip reports
- Driver remarks not accessible to back office staff
- ELD not switching to on-duty status unless on-duty button is pushed (yard move)
- Out of date app creates bad data
- Can't determine if log was edited

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What to look for when shopping for a system

- Is ELD on FMCSA **Self Certified List**?
- Are you using a system that is on the revoked list?
- Is there ample training videos available for office staff and drivers?
- Is it a true ELD software, or a ELD box with AOBDR software?
- Can your office staff see logs in real time or is a USB stick required?
- Internal ELD messaging system?
- Do they have a mapping feature?
- Do they have a short-haul?



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Certifying and Registering ELDs

Manufacturers are responsible for certifying and registering their ELDs.



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How many supporting documents must be retained by motor carriers, and when must drivers submit them to the motor carrier?

Motor carriers must retain up to eight supporting documents for each 24-hour period that a driver is on-duty. Drivers must submit RODS and all their supporting documents to the motor carrier no later than 13 days after receiving them.






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Supporting Documents Categories

- Bills of lading, itineraries, or schedules
- Dispatch records or trip records
- Expense receipts related to "on-duty/not driving" periods (meals, lodging, fuel, etc.)
- Fleet management system communication records;
- Payroll records, settlement sheets, or equivalent documents showing payment to a driver.
- Drivers using paper RODS must also keep toll receipts – which do not count toward the eight-document cap.





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What information should be in the supporting documents?

- Driver name (or a carrier-assigned identification number) on the document or on another document that allows the carrier to link the first document to the driver. The vehicle unit number may also be used, if that number can be linked to the driver.
- Date
- Location (including the name of the nearest city, town, or village)
- Time



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How are unassigned miles created

Unassigned miles are created when:

- A truck is moved when no one is logged into the ELD (yard move, mechanic move, repair service move)
- Phone or tablet loses connection to ELD
- ELD loses connection with cell tower or satellite
- ELD malfunctions and create duplicate driving events

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What must a motor carrier do with unassigned driving records from an ELD?

Review any unassigned records and either annotate them to explain why the time is unassigned, or assign them to the appropriate driver(s).

If assigned to one or more drivers, each driver must re-certify the records if the assignment is correct.

Carriers must retain unassigned driving records for at least six months, and make them available to safety officials.

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Can an ELD record be set to record minimum duty status durations, such as 15 minutes?

No!

There is no minimum amount of time for ELD duty status recording.


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What information is automatically recorded by an ELD?

- Date
- Time
- Location
- Engine hours
- Vehicle miles
- Identification information for the vehicle (some systems require manual entry of vehicle/trailer number)
- motor carrier, driver, and other users authorized by the motor carrier



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When will an ELD automatically start to record a driving mode or status?

An ELD will switch to driving mode once the vehicle starts moving.

It will not change from driving to on-duty until 5 minutes after you stop unless you manually press the on-duty button.



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

If a driver is relieved from all work responsibilities, time traveling between a driver's home and terminal (or normal work reporting location) may be considered Personal Conveyance/off-duty time.

Traveling short distances from lodging (terminals or motels) to restaurants may also be considered Personal Conveyance/off-duty time.

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Can a logged-in, co-driver make entries over their records using the ELD when they're not driving?

Yes!

The driver who is not operating the vehicle may make entries over his or her own records when the vehicle is in motion. However, co-drivers cannot switch driving roles on the ELD when the vehicle is in motion.

NOTE: This option is not available on all systems.

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Editing an ELD Record

Both the driver and authorized carrier staff can make limited edits to an ELD record to correct mistakes or add missing information. All edits must include a note (annotation) to explain the reason for the edit. In addition, the driver must confirm (certify) that any carrier edit is accurate, and resubmit the records. If the driver chooses not to re-certify RODs, this is also reflected in the ELD record.

The ELD keeps the original, unedited record, along with the edits.

Not all ELD systems will allow you to add missing drive-time, however you can annotate that your on-duty time was driving but you must include location and miles.

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Can a user edit or change driving time that has been recorded by an ELD to non-driving time?

No!

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



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Are drivers allowed to edit their RODS once they leave the CMV?

Yes!

A driver can make corrections or additions to ensure accurate RODS on an individual ELD or at the system level if the system allows you to. (Tablets vs. Cell Phone)

The system **will retain** the original record, the edits, and the date, time, and identity of the individual who made the edits.

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What is the difference between an "edit" and an "annotation"?

An **edit** is a change to an ELD record to add missing information or correct a mistake.

An **annotation** is a note to explain information in the record, or provide the reason for an update or edit. All edits must have notes (annotation), whether made by a driver or carrier.

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Who is responsible for the integrity of RODS in regards to the editing and certification rights of drivers and motor carriers?

The driver and the carrier share this responsibility.

Driver certification is intended to help protect drivers from inaccurate carrier changes. However, if a driver is not available or willing to recertify a record, the carrier's proposed edit and annotation will remain part of the record (along with the original, unedited record).

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Are the original ELD records retained after edits are made to them and available for drivers to access them?

Yes!

Each original record is kept, even after any edits and entries are made. A driver has the right to access the records for six months, either through the ELD, or another means of access that the carrier must provide.

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How can drivers access their RODS from an ELD?

All ELDs will allow drivers to export data into a comma-delimited file (or CSV file) that can be used in PDF, Microsoft Excel, Word, notepad, and other common tools.

- Drivers can also access their records through the ELD display screen or a printout, depending on the ELD's design.

If the RODS are no longer on the ELD in the vehicle, motor carriers must still make the data available for a period of six months.

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What procedure should be followed 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 currently operating **must** be able to produce a complete ELD report for that driver for the current 24-hour period and the previous 7 consecutive days.

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What procedure should be followed if an ELD is replaced or reset?

The driver must be able to provide safety officials data or documents for the current 24-hour period and the past 7 days in that vehicle, either as RODS loaded into the new or reset ELD or in paper format.

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What are the options for ELDs to electronically transfer data?

An ELD must be able to either:

- Transmit data using wireless Web services and email, or
- Transfer data locally using a thumb or flash drive (USB2.0) or Bluetooth®.

A driver must also be able to provide either the display or a printout to an authorized safety official on request.

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ELD Common Roadside Violations

395.15(b)	Onboard recording device information requirements not met	2	0	5	HOS Compliance
395.15(c)	Onboard recording device improper form and manner	1	0	1	HOS Compliance
395.15(g)	On-board recording device information not available	10	0	1	HOS Compliance
395.15601	Driver failed to have instructions on-board CMV for installed automatic on-board recording device.	2	0	1	HOS Compliance
395.15602	Driver failed to have on-board a CMV a sufficient supply of blank records of duty status graph grids.	5	0	1	HOS Compliance
395.3A2-PROP	Driving beyond 14 hour duty period (Property carrying vehicle)	4	1	7	HOS Compliance
395.3(a)(3)(ii)	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	1	0	7	HOS Compliance
395.8	Driver's record of duty status (general/form and manner)	1	0	1	HOS Compliance
395.8(e)	False report of driver's record of duty status	6	1	7	HOS Compliance
395.8(k)(2)	Driver failing to retain previous 7 days' logs				

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Would a motor carrier be non-compliant with the ELD rule...

...if the data cannot be sent electronically to an authorized safety official at roadside?

No!

If electronic transfer is unavailable or not working, the driver can comply by showing the ELD display or a printout of the RODS as long as the ELD is functioning.

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Is an ELD required to monitor its compliance with the ELD technical requirements?

Yes!

An ELD must detect malfunctions and data problems due to power issues, data synchronization, missing data, timing, positioning, data recording, data transfer, unidentified driver records and tampering.

The ELD will identify diagnostics and malfunctions, and display their status as "detected" or "cleared". A driver can typically follow ELD instructions or carrier recommendations to resolve diagnostic events. A carrier must usually correct a malfunction.

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What must a driver do if there is an ELD malfunction?

If an ELD malfunctions, the driver must:

- Notify the carrier of the malfunction in writing within 24 hours;
- Create paper logs of RODS for the current 24-hour period and previous 7 days – unless the driver already has the records or retrieves them from the ELD; and
- Continue to prepare paper RODS until the ELD is repaired and compliant.



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What must a motor carrier do if there is an ELD malfunction?

If an ELD malfunctions, a motor carrier must either:
 Repair or replace the ELD within 8 days of a driver's notification or carrier's discovery of the malfunction, whichever comes first.

Request an extension, if needed, by notifying the carrier's State FMCSA Division Administrator within 5 days of the driver's notification, providing:

- Name, address, and telephone number of the carrier filing the request;
- Make, model, and serial number of each ELD;
- Date and location of each ELD malfunction as reported by the driver; and
- Brief statement describing the carrier's efforts to repair or replace the ELDs, including why the extension is needed.

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What is the definition of harassment in the ELD rule?

Harassment is action taken by a motor carrier that the carrier knew (or should have known) would result in a driver violating the HOS rules or a situation where the driver is operating while ill or fatigued.

The carrier's action must be based on information from an ELD or other technology used in combination with an ELD. FMCSA explicitly prohibits a motor carrier from harassing a driver [49 CFR 390.36].

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Drivers Need To Know

- What to do if they forget to log off duty.
- What will happen if the truck moves when driver is not logged on.
- What to do when they run out of time on the road.
- How to Personal Convey (If the company allows PC).
- How to plan their time.
- How to send logs to enforcement.
- How they will be audited against the ELD's
- When a driver needs to log off of the truck.
- What information a driver is expected to input.


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Auditing ELD's

- An organization should audit for unassigned miles
- Yard move outside of a yard
- PC abuse
- ½ hour break on line 1 or 2
- On duty functions logged on line 4
- Hourly violations
- Pre/post trip inspections
- Form and manner violations




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Questions?



Thank you for attending!

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