

ELD Mandate

Frequently Asked Questions



A FEW BASICS ABOUT THE ELD RULING:

How many trucks are needed in a business to be required by law to have electronic log book devices?



There is no minimum/maximum limit. All regulated drivers who currently are required to use a paper Record of Duty Status will be required to transition to an ELD.

Is it true that the new ELD rule does NOT apply to carrier's under 20 trucks, and they can continue to use paper logs?



No. The ELD mandate applies to all carriers (even one truck owner operators) that, due to the nature of operations, require a record of duty status to be maintained.

Is this for all CMVs or only 26,000 lbs. or greater?



All regulated CMVs operated in interstate commerce are affected by the ELD mandate, unless the driver meets the requirements of an applicable HOS exception. Refer to the definition of a CMV as found under § 390.5.

Are intrastate drivers required to comply?



The ELD mandate is a federal (or interstate) rule and therefore would not be applicable to a solely intrastate carrier. In this case the carrier would defer to the individual states motor carrier safety regulations.

If some, but not all, of a company's fleet currently has ELD devices, when are they required to be compliant?



Any fleet vehicle that is not currently equipped with a compliant AOBDR (Automatic on-board recording device) or an EOBR (electronic on-board recording device) must be equipped with an ELD by 12/2017. Whereas, any fleet vehicle that is currently equipped with an AORB or EORD has until 12/2019 to implement a compliant ELD solution.

Do displays have to be secured while wheels are in motion? How would validation be done?



If the device is portable, it must be mounted. According to the rule, § 395.22 *Motor carrier responsibilities—In general(g) Portable ELDs*: if a driver uses a portable ELD, the motor carrier shall ensure that the ELD is mounted in a fixed position during the operation of the commercial motor vehicle and visible to the driver when the driver is seated in the normal driving position.

If an ELD is permanently mounted in dash and can be seen from the drivers window, does this meet law enforcement access where CAB access is not needed (when wireless and print out is not available)?

With regard to "Data Transfer," the FMCSA provided the following response: Although areas within the United States where data connectivity is not available are shrinking, FMCSA understands that some areas of the country do not have such access. Today's rule allows for alternative methods of data transfer including Bluetooth and USB 2.0. Where data transfer is not practical, the driver can still show enforcement compliance via a printout or the ELD display. Due to potentially hazardous conditions (i.e., weather, traffic, etc.) during roadside inspections, authorized safety officials may ask drivers to hand them their ELD outside of the CMV so that they may examine the ELD display of data at a safe distance outside of the CMV. Absent a printout, an ELD must be designed so that its display may be reasonably viewed by an authorized safety officer without entering the CMV.

How long must motor carriers retain records of duty status and supporting documents?

The retention requirements for RODs and supporting documents did not change with the publication of the ELD mandate. RODs and all supporting documentation must be retained for a period of six (6) months.

If a company purchases a product between now and Dec 2017, does it need to meet ELD rules now, or by Dec 2017?

The solution must be compliant by 12/18/17. The 02/16/19 extension provision was designed for carriers that have an existing, but non-compliant solution already implemented.

**Is there a limit to Personal Conveyance in time or miles per day for company drivers?
For owner-operators?**

No. As with pre-ELD mandate requirements, there are no specific time or mileage limits associated with personal conveyance.

According to the ELD published rule, is it correct that drivers must submit their RODS and supporting documents to the motor carrier no later than 13 days after receiving them?

Correct. The Record of Duty Status (daily log) submission requirements did not change with the ELD mandate.

How do we know in advance where to buy compliant equipment and who to buy it from?

The FMCSA will publish a list of registered ELD providers on their website starting on 02/16/16. www.fmcsa.dot.gov/hours-service/elds/equipment-registration

Can supporting documents be kept in an electronic form?

Yes

Do mobile applications need to be physically tied into the tractor or how will that work?

No, the ELD does not need to be tied to a specific vehicle, but it must use engine information to confirm movement.

When would a driver need copies of logs after quitting or termination?

There are no Federal Motor Carrier Safety Regulations that require a driver to retain/keep copies of his/her logs after separating from a carrier.

Can the 8 documents required be kept electronically in the truck on a tablet?

Yes

Is there a minimum speed specified for driving versus non driving? Like fueling, hooking up etc.

No. Compliant ELD solutions must allow the driver to change his/her status for events such as this (i.e. staying on line 3 - on-duty/not driving), even when the vehicle may be in motion at low mph.

For Canadian carriers, does the date of 12/18/17 affect Canadian companies carrying freight in the US?

There are no official interpretations or guidance at this point. However, the Canadian government will likely implement ELD regulations of their own soon. For now, they will most likely need to comply with ELD rules even if they only go into the US irregularly. Generally, Canadian drivers operating in the United States must comply with Part 395. In other words, drivers from Canada and Mexico who drive in the U.S. need to be in full compliance with the U.S. hours-of-service rules upon crossing the border, just like any U.S. driver. *Refer to federal interpretations under § 395.8.*

If a special purpose equipment vehicle only operates on public roads a couple of times a month, is it required to have an ELD?

Currently, there are only three (3) exceptions to the ELD mandate. So the answer depends on the scope of operation. If the operation of the special purpose vehicle meets the requirements of the inter- or intrastate short-haul exceptions, then it does not need an ELD.

If a carrier has all 3 classifications of delivery vehicles (class c, class b, class a) do all vehicles need an ELD?

No. Only regulated commercial motor vehicles (CMV) as defined under § 390.5.

Can a short haul driver use an ELD if they are between the 1 - 8 days out of 30, or should they just be using paper if they breach their exemption?

The carrier can choose either option. In other words, the carrier may choose whether the driver defers to a paper log or an ELD solution.

If the engine manufacture date is different than the truck manufacture date, which date dictates the ELD regulation?

The ELD mandate states drivers of vehicles manufactured before model year 2000, are exempt.

In the winter months, such as in MN, some trucks are running twenty-four hours a day to keep the driver warm even when the truck isn't moving, how would this be handled?

The ELD solution is required to provide the driver the option of changing his/her status (to line 2 - Sleeper Berth) even if the vehicle is idling.

If the driver is at a dock for 3 hours and then needs to move and park the truck, how do ELDs handle this?

Time spent driving within the confines of a carrier's or customer's yard is considered on-duty/not driving. The ELD solution is required to provide the driver the option of changing his/her status to line 4 (on-duty/not driving) even if the vehicle is moving.

If a company has multiple drivers using the same truck but in different shifts, how should this be handled?

Drivers are required to have a unique username to sign in and out of the ELD. Refer to federal interpretations under § 395.22 *Motor carrier responsibilities—In general.*

At times there may be a driver who operates multiple vehicles in a work period. What type of ELD is going to be most beneficial? Tablet type or a vehicle mounted style with a driver USB key?

A compliant mobile device application is recommended, where the driver would record each vehicle they are driving at that time.

QUESTIONS AROUND THE 100 AIR-MILE RADIUS STIPULATION

Is a company with delivery trucks that usually stay within a 50 air-mile radius of the home office and run 8-10 hours a day 5-6 days a week subject to ELDs?

No, as these drivers would fall under the federal 100 air-mile radius exception, they are exempt for the ELD mandate.

For drivers who operate inside the 100 air-mile radius exemption and are not currently required to use a log book, will they be required to have an ELD inside the tractor.

No. Drivers who normally operate within the parameters of the federal interstate 100 air-mile radius or intrastate short-haul exceptions are exempt from the ELD mandate. However, these exemptions may not be used if a driver exceeds does not meet the requirements more than 8 days in any rolling 30-day period. If they exceed the 8-day in a rolling 30-day period, an ELD solution would be required.

Is a company required to have ELD if the company is within 100 air-miles radius and only travels outside this radius 5-6 times a month?

No. An ELD is not required IF the driver operates no more than 8 days in any rolling 30-day period outside the parameters of the interstate or intrastate short-haul exception.

If a driver is based out of the main office but works month long projects at a temporary facility over 100 air-miles away, do they need an ELD?

Yes. An ELD is not required IF the driver operates no more than 8 days in a rolling 30-day period outside the parameters of the interstate or intrastate short-haul exception.

THE ELD MANDATE'S IMPACT ON COMPANIES THAT RENT OR LEASE VEHICLES

How will the mandate apply to commercial rental vehicles?

Because the ELD rule provides a performance-based standard for ELDs, motor carriers will have a number of options to choose from the market place of ELD providers. This includes portable units that stay with the driver as opposed to being installed in the vehicle. Motor carriers that rely upon long-term leases of CMVs can work with the leasing companies to identify options and implement solutions to the challenge of using ELDs with leased vehicles. Therefore, the FMCSA has not included an exception for leased or rented CMVs.

However, FMCSA does not regulate truck-rental companies. There is no requirement or prohibition for a rental agreement or short-term lease to include an ELD. A rental company might choose to include an ELD as a part of the agreement, just as they might include another piece of equipment. The ELD mandate does not apply to vehicle leasing companies.

How do I deal with a Sub truck from a lessor?

The answer is dependent on whether or not the lessor is operating under its own US DOT authority.

CLARIFICATION ON WHAT HAPPENS WHEN THE ELD BREAKS OR THE TRUCK IS IN THE SHOP

What do you do when the truck is in the shop for a day or two and the shop workers drive the truck around for repairs? ▶

Generally, a mechanic would not be operating the vehicle outside the interstate (100 air-mile radius) or intrastate (150 air-mile radius) short-haul exception to either test drive the vehicle, or transfer it to a different repair facility. Therefore, the provisions of the ELD mandate would not apply, and the mechanic/shop worker would be exempt.

What if your ELD breaks while driving? Can you use a paper log until it is fixed? ▶

Yes, drivers are required to carry a paper log in the event of an ELD malfunction or break down.

§ 395.34 *ELD malfunctions and data diagnostic events*, states:
(b) Inspections during malfunctions. When a driver is inspected for hours of service compliance during an ELD malfunction, the driver must provide the authorized safety official the driver's records of duty status manually kept as specified under paragraphs (a)(2) and (3) of this section.

QUESTIONS REGARDING WHAT QUALIFIES FOR AN EXEMPTION

What are the exceptions or exemptions to the ELD mandate? ▶

There are only three (3) exceptions noted in the ELD mandate:

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

Does the exemption include heavy duty tow trucks? ▶

No.

Is there an exemption for construction material delivery drivers that make deliveries into rural off-highway areas? ▶

No, however, off-road driving may be considered as "on-duty/not driving," since Part 395 applies only to a "highway" as defined under § 390.5 - *Highway* means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates.

How will the ELD handle a CMV that is on "exempt" customer harvesting for 6 months and then regular commercial driving for 6 months? ▶

Use of the ELD would not be required during exempt harvest time periods as determined by individual intrastate regulations.

CLARIFICATION ON WHAT QUALIFIES FOR THE 12/16/19 EXTENSION

If an individual truck(s) in a fleet has an Automatic On-board Recording Devices (AOBRDs), is the individual truck(s) granted the extension on implementation or is the entire fleet allowed the extension?

Trucks that are equipped with a 395.15 compliant AOBRD (Automatic on-board recording) device within a fleet may take advantage of the 12/2019 extension. In other words, in a fleet of 100 trucks, if 10 are equipped with an AOBRD device and the rest of fleet is not, the carrier may choose to take advantage of the 12/2019 extension for those 10 trucks. The remaining 90, would need to comply with the 12/2017 deadline.

What type of on-board recording devices are acceptable for the December 16, 2019 extension date.

Any solution that meets the definition of an AOBRD as found under § 395.2 - *Automatic on-board recording device* means an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically as required by § 395.15. The device must be integrally synchronized with specific operations of the commercial motor vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date, and time of day, qualifies a carrier for the 12/16/19 deadline.

If the company is currently using paper logs, what is the deadline to be using ELD on CMVs, December 18th, 2017 or December 16, 2019?

For carriers that do not currently have an AOBRD (Automatic on-board recording) device or ELD, they must implement a compliant ELD no later than 12/16/17.

If a company has devices now but they do not have the Hours of Service turned on, does this qualify for the two-year extension (compliance by 12/16/19)?

The mandate does not specifically address this situation. If a carrier has compliant AOBRD or EOBRs, technically they can take advantage of the 12/2019 exception. However, after 12/2017, they would definitely need to activate the fleet for HOS.

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