

ELECTRONIC LOGGING DEVICES (ELD) FINAL RULE

On December 16, 2015, the Federal Motor Carrier Safety Administration (FMCSA) published its final rule requiring Electronic Logging Devices (ELDs) to replace paper logbooks. The compliance date to have an ELD installed is December 18, 2017. For drivers and motor carriers who are currently using Automatic Onboard Recorders, (AOBRDs), they will be allowed an additional 2 years to come into compliance – until December 18, 2019.

ELDs will be required to have the ability to transfer data. This data can be transferred by a wireless internet connection and email, or by a local connection such as a Bluetooth or USB. ELDs will be required to display data showing a driver's hours of service status for enforcement purposes. As a backup in case of connectivity issues, an ELD must be able to produce a digital display or have the ability to produce a paper printout. If a device is not able to print, the digital display must be reasonably viewable without the inspector having to enter the vehicle.

Compliant devices will be required to record the following items at certain intervals:

- date
- time
- location information
- engine hours
- vehicle miles
- ID information for the driver, authenticated user, the vehicle, and the motor carrier

The rule does not required precise location tracking information.

Any ELD that makes an audible sound must have a "mute" function, so the driver can rest uninterrupted. Drivers and motor carriers will be allowed limited ability to edit ELD records, but any edit must be accompanied by a notation indicating why the edit was necessary and the original record must be retained. ELDs will not be required to have the ability to communicate between the driver and motor carrier.

FMCSA requires ELD providers to register through an FMCSA website to ensure their products meet the specifications. FMCSA will make available compliance test procedures to assist ELD providers, but they will not be required to use FMCSA's procedure. FMCSA will maintain a list of provider-certified ELD devices on their website.

The new rule makes changes to the supporting document requirements for motor carriers. The motor carrier must retain up to eight supporting documents for every driver for each 24-hour period. Motor carriers shall retain these documents for six months. Drivers must submit these documents within 13 days of receiving them.

Examples of documents include:

- Bills of lading
- Dispatch records, trip records
- Expense receipts
- Electronic communications that show information transmitted through a fleet management system
- Payroll records

Supporting documents must include:

- Driver name or ID number, either on the document or on another document linking the document to the driver, or the vehicle unit number if the vehicle can be linked to the driver
- Date
- Location (nearest city, town, village)
- Time

If a driver has fewer than eight documents that include the four elements above, a document that has all elements except “time” is considered a supporting document. If a driver submits more than eight documents for one day, the motor carrier must include the first and last document for that day. It is not required for a driver to keep these documents in the vehicle, but they must make any document in possession available to an enforcement official if requested.

Most motor carriers and drivers required to complete paper logs to comply with hours of service rules will be required to use ELDs; however, there are a couple exemptions:

- Drivers who use paper logs for not more than eight days in a 30-day period
- Drivers who conduct driveaway-towaway operations, when the vehicle being driven is the cargo
- Drivers of vehicles manufactured before the year 2000

Exempted drivers must still document their hours with either paper logs or ELDs, whichever they choose.