ELD
ELECTRONIC LOGGING DEVICES
SUMMARY OF REGULATORY MANDATE RULE

ZONAR®
December 2015 - Overview of FMCSA's Final Rule to Mandate Electronic Logging Devices

If your transport operation is using paper logs today, you may soon be required by federal regulation to move to electronic logging devices (ELDs). On March 13, 2014, the Federal Motor Carrier Safety Administration (FMCSA) issued a Supplemental Notice of Proposed Rulemaking (SNPRM) to require the adoption of ELDs by all drivers currently required to complete paper records of duty status (logs). On December 16, 2015, the final rule was published. The following is a summary of the ruling’s main points and how these changes will affect your business.

Does the ELD rule apply to you?

On December 16, 2015, FMCSA published its final rule requiring the adoption and use of electronic logging devices (ELD) by all drivers required today to complete paper records of duty status.

What does this mean?

The rule requires adoption and use of compliance ELDs within two years from the date the final rule was published, which would be December 2017. FMCSA will, however, allow fleets and drivers to use “ELD-like” devices that meet the current standard for Automatic On-Board Recording Devices (AOBRD) (49 CFR 395.15) until December 2019. This is a two-year grandfather clause from the final deadline for adoption of ELD. If the device can be upgraded to meet ELD requirements, the device can be continued to be used.

Zonar’s tablet is self-certified and meets the AOBRD standards and can be used for years.

Who is exempt?

Short haul drivers not required to complete logs today are exempt from using ELDs because they meet one of the short haul exemptions in 395.1 (e). If drivers do use paper logs more than 8 days in any 30-day period they are required to use ELD.

There are also limited exceptions to the ELD mandate, including:

- Drivers who use paper logs for not more than 8 days during any 30 day period;
- Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered;
- Drivers of vehicles manufactured before model year 2000 (due to vehicle connectivity concerns; this is a change from the original proposed rule);
- Drivers who operate using the logbook timecard exception (i.e. short-haul 100/150-air mile drivers)

Recording Truck Location

ELDs are required to record vehicle location at every change of duty status and at a minimum of 60-minute intervals. The ELD will record location during on-duty time at a precision of approximately one mile, and during off-duty time (personal conveyance) at a precision of within ten miles. It should be noted that fleets who employ devices that record location more precisely for fleet management systems can continue; FMCSA has imposed the one and ten-mile precision limits on information that is reported to enforcement officials when electronic logs are being verified.

Do drivers own control of their log entries?

Drivers will be able to make edits and annotations to their electronic logs, but they cannot overwrite or erase the original record. The employer or dispatcher will be able to request and edit or annotate, but the driver must approve the changes. The driver is responsible for the electronic log.
Can I just hand over my ELD device to the inspector?

Yes, and the ELD must be able to be handed out of the vehicle to the inspector to review the display. Also, ELDs must be able to transfer data electronically to enforcement at the roadside in a one-step method via either:

- a “telematics” approach capable of wireless Web service AND email, OR
- a “local” method capable of Bluetooth AND USB 2.0 transfer.

**ELD providers select one method to transfer data, meaning “telematics” or “local.”**

In all circumstances, drivers must be able to show a roadside inspection officer a graph-grid of his/her hours of service compliance, either on the ELD’s display or on a hardcopy paper printout. This is now the back-up method and the rule spells out the display must be handed to the officer.

**Zonar’s tablet is detachable with a roadside display that will meet all the requirements of the rule.**

What data do I have to transfer?

All ELDs must be able to export the data captured in the daily logs in a standard flat file format.

How can the driver rest in the sleeper berth with an ELD on?

There are a number of provisions to guard against harassment of drivers. It requires ELDs to either automatically mute or allow a driver to turn off or mute the volume on the ELD when they have logged into the sleeper berth status on the ELD. Also, the rule prohibits carriers from using information from the ELD to pressure drivers into violating the law.

**Zonar’s tablet has a volume control to allow the driver to mute the device.**

Is there a new driving status?

Yes, the rule allows authorized use of a commercial motor vehicle for personal conveyance; it will be recorded as off-duty time. Also, the rule created a category defined as Yard Moves, which records vehicles used in a closed facility with restricted access as on-duty, not driving. (This is very important because the ELD senses motion and starts a drive status which will need to be accounted for.)

What if my ELD stops working?

The ELD is required to have the ability to notify the driver of a malfunction or a data diagnostic event. When there is a malfunction the driver is required to begin completing a paper log to reconstruct logs for each of the past 7 days, unless they can be retrieved from the ELD. The ELD must be repaired in 8 days, and extension can be given by FMCSA.

What is a certified ELD?

Manufacturers are required to test and certify to FMCSA that their devices meet the new standards. FMCSA will create a public (i.e. Internet) registry of compliant devices and conduct tests to verify manufacturers’ claims.

What do I need to have supporting documents?

ELDs effectively negate the need for supporting documents to verify driving time, FMCSA has implemented new document retention requirements to verify on-duty, not driving time. The final rule requires fleets to retain up to eight supporting documents from several categories per driver for each 24-hour period.
USING PAPER LOGS TODAY? YOU MAY NEED TO MOVE TO ELDS SOON.

KEY POINTS:

- **TRACKING**
  ELDs would be required to record vehicle location at every change of duty status and at a minimum of 60 minute intervals.

- **OFFICE**
  Unidentified Driving: All motion will be detected, accounted for, and assigned to the appropriate driver.

- **SECURITY**
  An ELD must provide secure access to data recorded and stored on the system. Driver accounts must only have access to data associated with that driver.

- **DRIVER**
  Drivers would be able to make edits and annotations to their electronic logs; however, the driver will not be able to overwrite or erase the original record.

- **CERTIFICATION**
  Manufacturer will be required to test and certify to FMCSA the ELD meets the new standards and register as a self-certified device on the FMCSA page.

- **ROADSIDE DATA TRANSFER**
  - Local: Bluetooth & USB 2.0
  - Telematics: wireless Web service & Email

**ELD COMPLIANCE TIMELINE**

- **2015**
  - AOBRD or ELD Device may be installed
    - 2 Years

- **2016**
  - All CMVs must have either an AOBRD or ELD installed 12/18/2017

- **2017**
  - Only ELD devices may be installed
    - 2 Years
  - Continue to use AOBRD devices installed
    - 2 Years

- **2018**
  - All devices must be ELD compliant 12/16/2019

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Zonar will assist with Motor Carrier responsibility:

Registered ELD required: A motor carrier required to use an ELD must use only an ELD that is listed on the Federal Motor Carrier Safety Administration’s registered ELDs list, accessible through the Agency’s website, www.fmcsa.dot.gov/devices.

User rights management:

Users are defined as motor carrier drivers who use ELDs and the motor carrier’s support personnel who have been authorized by the motor carrier to access ELD records and make or suggest authorized edits.

A motor carrier must:
- Manage ELD accounts, including creating, deactivating, and updating accounts, and ensure properly authenticated individuals have ELD accounts with appropriate rights;
- Assign a unique ELD username to each user account with the required user identification data;
- Ensure a driver’s license used in the creation of an ELD driver account is valid and corresponds to the driver using the ELD account; and
- Ensure information entered to create a new account is accurate.

Driver identification data:

The ELD user account assigned by the motor carrier to a driver requires the following data elements:
- A driver’s first and last name, as reflected on the driver’s license
- A unique ELD username selected by the motor carrier;
- The driver's valid driver's license number; and
- The state or jurisdiction that issued the driver’s license.

The driver’s license number or Social Security number must not be used as, or as part of, the username for the account created on an ELD.

Motor carrier support personnel identification data:

The ELD user account assigned by a motor carrier to support personnel requires the following data elements:
- The individual’s first and last name, as reflected on a government issued identification; and
- A unique ELD username selected by the motor carrier.
- The motor carrier must require that its drivers and support personnel log into the ELD system using their proper identification data.
- A motor carrier must ensure that an ELD is calibrated and maintained in accordance with the provider’s specifications.

Portable ELDs:

If a driver uses a portable ELD, the motor carrier shall ensure the ELD is mounted in a fixed position during the operation of the commercial motor vehicle and is visible to the driver when the driver is seated in the normal driving position.

In-vehicle information:

A motor carrier must ensure that its drivers possess onboard a commercial motor vehicle an ELD information packet containing the following items:
- A user's manual for the driver describing how to operate the ELD;
- An instruction sheet for the driver describing the data transfer mechanisms supported by the ELD and step-by-step instructions for the driver to produce and transfer the driver's hours-of-service records to an authorized safety official;
- An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
- A supply of blank driver's records of duty status graph-grids sufficient to record the driver's duty status and other related information for a minimum of eight days.

**Record backup and security:**
A motor carrier must retain for six months a back-up copy of the ELD records on a device separate from that on which the original data are stored. A motor carrier must retain a driver's ELD records so as to protect a driver's privacy in a manner consistent with sound business practices.

**Record production:**
When requested by an authorized safety official, a motor carrier must produce ELD records in an electronic format either at the time of the request or, if the motor carrier has multiple offices or terminals, within the time permitted under 390.29 of this subchapter.

**The Driver's responsibility:**
In general, a driver must provide the information the ELD requires as prompted by the ELD and as required by the motor carrier.

**Driver's duty status:**
A driver must input the driver's duty status by selecting among the following categories available on the ELD:
- “Off duty”
- “Sleeper berth”
- “Driving”; or
- “On duty, not driving”

**Miscellaneous data:**
A driver must manually input the following information in the ELD:
- Annotations, when applicable;
- Driver's location description, when prompted by the ELD; and
- Output file comment, when directed by an authorized safety officer.
- A driver must manually input or verify the following information on the ELD:
  - Commercial motor vehicle power unit number;
  - Trailer number(s), if applicable; and
  - Shipping document number, if applicable.

**Driver use of ELD:**
On request by an authorized safety official, a driver must produce and transfer from an ELD the driver's hours-of-service records in accordance with the instruction sheet provided by the motor carrier.

**Questions?**
Zonar is well-versed in the ELD mandate provisions and is pleased to answers your questions. Simply email us at: compliance@zonarsystems.com.