

ELDS AND ME!

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BASIC PREMISE

Most drivers that currently have to use paper logs will need to be switched to a compliant electronic log (either an AOBRD or an ELD) by December 18, 2017

If the driver does not have to use paper logs, or is exempt from the mandate, the driver will not have to use an electronic log

TERMINOLOGY: WHAT IS AN AOBRD?

- Most present devices are AOBRDs
- Fairly simple technical standards written in the mid-1980's (see §395.15)
- Must be “integrally synchronized” with the vehicle to automatically determine when the driver is driving
- Automatic location not required
 - Driver can manually enter location
- Scheduled “pings” not required

WHAT IS AN AOBRD?

- Officer is just shown the display during roadside inspection
 - No printing or data exchange required at roadside
- Manufacturer provides letter stating compliance with §395.15
- Can be installed until 12/18/17
 - If installed prior to 12/18/17, can be used as an AOBRD until 12/16/19
- Most are updateable to the ELD technical requirements

TERMINOLOGY: WHAT IS AN ELD?

- Must connect to vehicle ECM to get vehicle data
- Over 100 pages of technical requirements
- Examples of the requirements:
 - Automatic data captures required at start up, shut down, log in, log out, at each duty change, and once per hour during operation and must include date, time, location (accurate to 1 mile), vehicle miles, engine hours, driver, and vehicle and company information
 - Starting and stopping driving are the only two “automatic” duty changes and changes are based on “hard” numbers; all other duty changes must be made by the driver
- New editing processes required
 - Driver must accept changes made by others

WHAT IS AN ELD?

- Display or printout must include header, grid-graph, and detailed list of all data captures
- Driver must be able to print or show display outside of vehicle AND send records directly to officers
 - Telematic (email or web service)
 - Local transfer (Bluetooth or USB)
- Two “special driving categories” to reduce unassigned miles/driving
 - All unassigned driving time in system must be assigned or explained (if it cannot be assigned)
- Devices placed into initial service must be on ELD registry as of 12/18/17

WARNING ABOUT “DIGITAL LOGS”

Laptop, smartphones and tablets logs that are NOT getting data from the vehicle are NOT compliant ELDs or AOBDRDs

- Must comply with §395.8 (the paper logging requirements)
- Must be printed at the end of the day or upon demand of an officer, depending on “signature protocol”

Can only be used by drivers that can use paper logs as of Dec. 18, 2017

- Occasional, driveaway/towaway, pre-2000, etc.

DOES THIS APPLY TO ME?

Common questions:

- Who is covered by the ELD requirements?
 - Basic question: Is your driver required to log?
 - Yes: Probably covered
 - No: Probably not covered
- Are there exceptions?
 - Yes. HOS exemption or ELD exemption may apply.

FIRST QUESTION

Is the driver covered by the safety regulations?

- Basic premise: Any driver operating a “commercial vehicle” on the “public roadways” is covered by the safety regulations, unless an exemption applies
 - Exemptions
 - Government (§390.3)
 - Propane and pipeline emergencies: §390.3
 - Transportation of sick, injured, or deceased: §390.3
 - 9 to 15 passenger vans that are under 10,001 pounds AND there is no compensation involved: §390.3
 - Declared emergencies (disasters): §390.23
 - Police request for tow truck: §390.23

SECOND QUESTION

Is the driver covered by the hours-of-service regulations?

- Any driver that is subject to the safety regulations is also subject to the HOS regulations, unless an exemption applies
 - Exemptions:
 - Agricultural operations: §395.1(k)
 - Utility service vehicles: §395.1(n)
 - Railroad signal employees: §395.1(r)
 - “Covered farm vehicles”: §395.1(s)
 - Pipeline welding trucks: §395.1(x)

THIRD QUESTION

Is the driver covered by the “record of duty status” (logging) requirements

- Any driver that is subject to the hours-of-service regulation is also subject to the logging requirements, unless an exemption applies
 - Exemptions
 - 100 air-mile “short-haul” driver
 - 150 air-mile “short-haul” driver
 - Drivers in Hawaii
 - Drivers at non-business PMCPs

100 AIR-MILE EXEMPTION

Allows driver to use a time record instead of log (and disregard the 30-minute break) if the driver:

- Stays within 100 air miles of the starting location for the day
- Returns to starting location for the day and is released within 12 hours
 - Special exceptions change this for driver salespersons and ready-mix concrete drivers
- Driver must follow all other HOS rules (11 hours driving, 10 hour break, 60/70 limit, etc.)
- All other safety regulations apply

COVERED?

If the driver is...

- Covered by the safety regulations
- Covered by the hours-of-service regulations
- Covered by the “record of duty status” (logging) regulations

...the driver is not covered by the ELD mandate unless one of the “ELD-specific” exemptions apply

FINAL QUESTION

Is one of the ELD-specific exemptions applicable to the driver?

- ELD-Specific exemptions:
 - Drivers that only occasionally have to log
 - Certain driveaway/towaway drivers
 - Drivers of vehicles older than model year 2000
 - AOBRDs in service before December 18, 2017 can be used in place of ELDs

DRIVERS THAT OCCASIONALLY LOG

Driver logs no more than 8 days per 30 days (roughly twice per week or less)

- ELD is required if driver had to log on 9 or more days in the last 30-consecutive-day period
- May use paper when logs are required
- Includes:
 - Drivers that are normally entirely exempt from the safety and/or logging regulations
 - Drivers who log infrequently (intermittent and casual drivers)

PRE-MY 2000 VEHICLES

Driver can use paper logs rather than an ELD if the CMV was manufactured *before* model year 2000

- Based on 10th position in the VIN
 - VIN taken from registration
- Engine MY based on serial number will also be considered
- ELD use is “optional” due to ECMs not being standard in pre-2000 vehicles
 - If ELD cannot be connected to ECM, rule allows device to get data from another source on the vehicle

AOBRDS ALREADY IN SERVICE

AOBRD in service prior to Dec. 17, 2017 can remain in service until Dec. 16, 2019

- If AOBRD fails and must be replaced, will need to be replaced with ELD as of 12/18/17

Device must comply with §395.15

- Carrier must have certification from vendor showing that the devices meet the requirements in §395.15

AOBRDs must be updated to meet the ELD standards as of December 16, 2019 (or replaced)

COVERED/NOT COVERED?

1. If the driver is not covered by the safety regulations due to an exemption, the driver is not covered by the ELD mandate
2. If the driver is not covered by the hours-of-service regulations due to an exemption, the driver is not covered by the ELD mandate
3. If the driver is not covered by the “record of duty status” (logging) regulations due to an exemption, the driver is not covered by the ELD mandate
4. If the driver is covered by one of the ELD-specific exemptions, the driver is not required to use an ELD when the mandate goes into effect

COVERED/NOT COVERED?

If the driver is...

- Operating a commercial vehicle on the public roadways,
- Covered by the safety regulations,
- Covered by the hours-of-service regulations,
- Covered by the logging regulations, and
- Is not covered by one of the ELD-specific exemptions...

The driver must be using a compliant e-log (AOBRD or ELD) as of December 18, 2017

INSPECTIONS AS OF 12/18/17

Driver, I need your log

- If driver claims he/she is not required to use an AOB RD/ELD, officer will investigate
- If driver is not using an AOB RD/ELD when required, driver will be:
 - Written a violation on the roadside inspection report for no log
 - Ticketed for not having a log (based on state practices)
 - Placed out of service for 10 hours as of April 1, 2018*
- Violation for “no log” will go into carrier’s Hours-of-Service Compliance BASIC data
- Too many violations will lead to an intervention and penalties (FMCSA is NOT suspending carrier selection and enforcement during audits)

INSPECTIONS AS OF 12/18/17

Driver says he/she is using an AOB RD or “automatic onboard,” officer says...

- Show me today and the previous seven days (or give me the device and instruction card)
 - Device is only required to have a “text” list of duty changes and hours for the current and previous seven days
- Show me the instruction card and your blank logs
- I want a hard copy of these records
 - Driver/carrier have 48 hours to provide records to officer
 - No printout or immediate transfer requirements if driver is using an AOB RD

INSPECTIONS AS OF 12/18/17

Driver says he/she is using an ELD, officer says...

- Show me **or** print for me today and the previous seven days (display must be provided outside of vehicle)
- Show me the user's manual, data transfer instruction card, malfunction code card, and eight blank logs
- I want a hard copy of these records
 - Driver must provide them immediately using:
 - Telematic (email or web service)
 - Local transfer (Bluetooth or USB)
 - Driver tells officer what the device uses (telematic or local) and officer chooses specific transfer method

INSPECTIONS AS OF 12/18/17

Officer's computer will audit records when received

- Possible violations will be investigated based on data
 - Operating over hours
 - Unassigned driving time
 - Missing data
 - Data errors/malfunctions
- Officer will verify device is on ELD registry
- Audits will be using the same process in the future
 - “Just send me the data!”

INSPECTIONS AS OF 12/18/17

If the driver tells the officer he/she is using an “ELD” the driver will be written a violation if:

- The device is not on the ELD registry
- The driver cannot present a display that has the required elements (header, grid-graph, detailed list)
- The driver cannot send the data directly to the officer, or
- The driver does not have all of the supporting materials

Officers that know the systems well may be able to correct the driver (hey driver, you have an AOB RD), but do not rely on it!

INSPECTIONS AS OF 12/18/17

The driver needs to know

- What type of electronic log he/she is using (AOBRD or ELD)
- How to display/present today and the previous seven days
- How to send the records to the officer based on type of device
 - AOBRD: Provide through any means acceptable to the officer within 48 hours
 - ELD: Provide immediately using telematics or local transfer
- What other materials are required based on type of device

REVIEW OF THE DEADLINES

Key dates

- 12/18/17: Paper logs “sunset” for most drivers
 - Driver must be using a AOBRD or ELD if none of the exceptions apply
 - New roadside inspection procedures begin
- 12/18/17: All devices placed into initial service must be ELDs that are on the registry
 - AOBRDs can no longer be placed into service
- 12/16/19: AOBRDs that were in service before 12/18/17 must be updated to ELDs or replaced

QUESTIONS?

Think of any later, feel free to contact me!

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