

ELD Question and Answers

January 2017

Q1. What are the compliance dates for the ELD rule?

A1. The required use of ELDs takes effect on December 18, 2017 for motor carriers that do not meet one of the limited ELD exemptions. Carriers that employ AOBRDs before this date have the option of continuing to use AOBRDs in lieu of ELDs through December 16, 2019.

Q2. As an ELD manufacturer, how can I make sure that my product is compliant?

A2. As an ELD manufacturer, you should review the technical specifications included in the final rule along with the compliance test procedures provided by FMCSA. You are required to self-certify your device, stating that it is in compliance with all of the technical specifications. The compliance test procedures are designed to assist manufacturers in determining whether their product meets the requirements of the ELD rule. While ELD manufacturers are not required to use the compliance test procedure offered by FMCSA, they are required to ensure that their product is compliant with the ELD rule.

Q3. As a motor carrier, how can I be sure an ELD is compliant?

A3. As a motor carrier you should only purchase an ELD that is self-certified by the manufacturer to be compliant and is registered and listed on the FMCSA web site. The list of registered ELDs can be found at <https://3pdp.fmcsa.dot.gov/ELD/ELDLList.aspx>. Motor carriers should also familiarize themselves with the ELD checklist and the ELD rule, located at <https://www.fmcsa.dot.gov/hours-service/elds/drivers-and-carriers>.

Q4. What if an ELD is found to be non-compliant after it is in use?

A4. As a motor carrier, you have 8 days from being notified to replace your noncompliant device with a compliant one, this is the same time allowed for ELDs that need to be repaired, replaced, or serviced. In the event of a widespread issue, FMCSA will work with affected motor carriers to establish a reasonable timeframe within which to replace the non-compliant devices with ELDs that meet the requirements.

Q5. Is the ELD vendor/manufacture required to notify motor carriers if their device is removed from FMCSA's ELD registration list because the device has been determined to be non-compliant?

A5. No, ELD vendors/manufactures are not required to notify motor carriers if a device has been removed from the ELD registration list, however a list of devices that are removed from the list will be maintained on the website, and FMCSA will make every effort to ensure the industry is aware.

Q.6 As we transition to the December 2017 compliance date, how is the carrier required to present the previous 7 days logs (i.e., December 11-17, 2017)? Will drivers be required to present their records of duty status on an ELD?

A6. No, drivers will not be required to present their records of duty status on an ELD from December 11, 2017 to December 17, 2017. Drivers can present their previous 7 days by way of paper records of duty status, an electronic printout, or a device installed with logging software with electronic signature capabilities, or by having the information available by entering it into an ELD, or continuing use of a grandfathered device.

Q7. How must the ELD present a driver's Hours of Service to enforcement personnel?

A7. An ELD must be capable of transferring data to a law enforcement officer either through a Telematics option using email or web services; or by a Local Transfer using a USB or Bluetooth connection. In addition, the ELD must have the ability to display a driver's hours through a printout or a display screen that must be able to be read outside the cab of the vehicle.

Q8. According to § 395.8 if a motor carrier "installs and requires a driver to use an AOB RD....before December 18, 2017 they may continue to use the AOB RD until December 16, 2019." Does this mean I can move an AOB RD from one vehicle to another after December 18, 2017?

A8. If your operation uses AOB RDs and you replace vehicles in your fleet with new commercial motor vehicles you can install the existing AOB RDs in the new commercial motor vehicles. However, a new AOB RD may not be purchased and installed in a vehicle after December 18, 2017.

Q9.If the vehicle registration for a commercial motor vehicle reflects a model year of 2000 or newer, but the connections and motor vehicle components (such as the engine) are older than model year 2000, is the vehicle exempt from the ELD rule?

A9. If a commercial motor vehicle has a vehicle identification number (VIN), as recorded on the vehicle registration, reflecting a model year of 2000 or newer then an ELD is required. In the case of glider kits, NHTSA provides guidance as to when a vehicle is considered "new."