

HOURS OF SERVICE REVIEW WITH ELECTRONIC LOGGING DEVICES

**Texas Department of Public Safety
Lt. John Cottle and CRP Field Manager Belinda
Garcia**

WHAT TO DO BEFORE A COMPLIANCE REVIEW:

- Know how to access and have records available and data ready to be presented.
- Assign someone to review and verify all unassigned driving miles in the system and available to answer questions, if needed.
- Review Special Driving Categories.
- Review edits and ensure all required annotations are present.
- Have paper RODS available, if used.
- Know if you qualify for any exemptions.

- Ensure needed personnel are available and have the ability to:
 - Access and display logs and data information
 - Transfer logs and data
 - Provide supporting documentation
 - Have access all related HOS documents

WHAT HAS NOT CHANGED:

- Sampling Parameters have not changed.
 - 30-day periods reviewed per driver
- Factors considered in driver selection:
 - Involved in an accident
 - Placed out of service
 - Violations cited on roadside inspections
 - Pattern or history of non-compliance
 - Hired within the previous 12 months

ELD EXEMPTIONS:

- Drivers using a “grandfathered automatic on-board recording device (AOBRD) that complies with 395.15 and was installed and in use before 12/18/17. 395.8(a)(1)(ii)
- Driver complying with 100 Air-Mile Short-haul exemption. 49 CFR 395.1(e)(1)
- Driver complying with non-CDL 150 air-mile exception and is exempt from needing RODS. 49 CFR 395.1(e)(2)
- Drivers who are required to keep RODS no more than 8 days during any 30-day period. 49 CFR 395.8(a)(1)(iii)(A)(1)
- Drivers of vehicles manufactured before model year 2000. 49 CFR 395.8(a)(1)(iii)(A)(4)

ELD EXEMPTIONS:

- ELD unit in vehicle has malfunction and driver is eligible to use paper logs for up to 8 days. Carrier may request extension within 5 days to the FMCSA Division Administrator for State of the motor carrier's PPOB, if malfunction continues. 49 CFR 395.34(b)
- Drivers who are involved in driveaway-towaway operations engaged in the delivery of the vehicle being driven, or transportation of an RV trailer or motor home. 49 CFR 395.8(a)(1)(iii)(A)(2)-(3)
- Driver and vehicle are operating under a rental agreement with a term of 8 days or less. The driver is required to carry the rental agreement. The driver is eligible to use paper logs during the term of the rental. FMCSA exemption notice 10/11/17 - 10/11/22
 - ++This is not the limited 90 day waiver that expires 4/19/18 for motor carriers and drivers operating property-carrying CMVs that are rented for a period not exceeding 30 days . Carrier must have a Satisfactory Safety Rating.

EXEMPTIONS:

- Driver is providing transportation to and from a motion-picture production site and is eligible to use paper logs. FMCSA exemption notice. 01/19/18 to 01/19/23
- United Parcel Service – 10/20/17 to 10/20/22 See website for specific requirements for 4 requests and decisions made.

TRANSFER METHODS:

- **State Personnel Transfer Method**

- **Telematics**

- **Web Service**
 - **Email**

- **eRODS – records imported will locate and flag any:**

- **Missing logs**
 - **Missing information**
 - **Limit violations**
 - **Malfunction data, unassigned driving time and any other inconsistencies in the data.**

Investigators will verify all flagging information and inconsistencies with the motor carrier, if needed.

ITEMS REVIEWED DURING AN INVESTIGATION:

- **User Accounts - 395.22**

- Drivers (Driver's first and last name, DL#, State/jurisdiction issues and unique ELD username)
 - Ensure no ghost or generic accounts
- Support Personnel (Individual's first and last name, as reflected on government issued identification and unique ELD username) These accounts are only authorized to access ELD records and suggest edits.

- **Unidentified Driver Miles - 395.32**

- annotation must be present explaining why they were or were not assigned.

ITEMS REVIEWED DURING INVESTIGATION:

▶ Malfunctions and data diagnostics - 395.34

- Driver must provide written notification to carrier within 24 hours. Can be text, email, fleet management message, etc.
- Driver/motor carrier should take actions to correct a malfunction of the ELD within 8 days of discovery
- If malfunction continues, request extension to FMCSA within 5 days.
- FMCSA will provide written notice to the motor carrier of the determination.

▶ Edits - 395.30

- Driver must review the records, edit and correct inaccurate records, enter missing information and certify the accuracy of the information.
- Using the certification function, the driver must certify by affirmatively selecting "Agree".
- If additional edits and/or annotations made after the driver submits the records, the driver must recertify

****Motor carriers may only suggest edits. All edits are made, accepted and certified by the drivers. An annotation must be made with all edits.**

RODS WILL BE REVIEWED FOR:

- **Hours of Service Rules - (395.3)**
 - 11 Hour Rule
 - 14 Hour Rule
 - 60/70 Hour Rule

- **False Records of Duty Status - (395.8(e)(1))**

- **Proper use of paper logs - (395.8(a)(1)(iii))**

- **Use of “Special Driving Categories” – (395.28)**
 - Personal Conveyance
 - Yard Moves
 - Exempt drivers
 - Other driver statuses – drivers operating under any exception under 390.3(f) or 395.1 who is not covered under paragraph (a) and (b). Must include annotation to explain the applicable exemption.

SUPPORTING DOCUMENTS

What is a supporting document?

- 395.2 Supporting document means a document, in any medium, generated or received by a motor carrier in the normal course of business as described in § 395.11 that can be used, as produced or with additional identifying information, by the motor carrier and enforcement officials to verify the accuracy of a driver's record of duty status.

SUPPORTING DOCUMENTS

■ 395.11

- (b) a driver must submit to the driver's employer the driver's supporting documents within 13 days of either the 24-hour period to which the documents pertain or the day the document comes into the driver's possession, whichever is later.
- (c) retain each supporting document generated or received in the normal course of business in accordance with § 395.8(k) – 6 months.
- (e) A motor carrier must retain supporting documents in such a manner that they may be effectively matched to the corresponding driver's record of duty status.
- (f) No motor carrier or driver may obscure, deface, destroy, mutilate, or alter existing information contained in a supporting document.

REVIEW OF SUPPORTING DOCUMENTS (395.11):

- **5 Required Categories**

- Each bill of lading, itinerary, schedule, or equivalent document that indicates the origin and destination of each trip;
- Each dispatch record, trip record, or equivalent document;
- Each expense receipt related to any on-duty not driving time;
- Each electronic mobile communication record, reflecting communications transmitted through a fleet management system; and (pings, reports generated)
- Each payroll record, settlement sheet, or equivalent document that indicates payment to a driver.

SUPPORTING DOCUMENTS--REQUIRED DATA ELEMENTS:

- Driver's name or personal identification number or a unit number if it can be associated with the driver.
- The date, which must be the date at the location it is recorded,
- The location, which must include the name of the nearest city, town or village to quickly determine a vehicle's location on a standard map or road atlas,
- The time, which must be convertible to the local time at the location where it is recorded.

**If the carrier has less than 8 supporting documents for the day, documents only missing the time element must be retained and presented as a supporting document.

SUPPORTING DOCUMENTS:

- Motor carrier is only required to maintain 8 supporting documents for a 24 hour period.
- If the motor carrier has more than 8 supporting documents, the first and last supporting documents must be retain and presented for this 24 hour period
- Each electronic mobile communication record counts as one document
- If the motor carrier has less than 8 supporting documents, then all must be presented.

++No need to create “special” documents.

Note: Toll receipts are only required to be maintained by the motor carrier for drivers that complete a paper record of duty status

AFTER REVIEW OF HOURS OF SERVICE RECORDS

- Investigator should review any violations found and allow for explanation(s).
- Electronic records – cannot use “flash drives”. Should review all records with the motor carrier.
- Educate and make recommendations for improvements.
- We are here to help you!!

RESOURCES:

Frequently Asked Questions (FAQ):

<https://www.fmcsa.dot.gov/hours-service/elds/faqs>

Electronic Logging Device Exemptions, Waivers and Vendor Malfunction Extensions:

<https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-device-eld-exemptions-and-waivers>

Training and Webinars

<https://www.fmcsa.dot.gov/hours-service/elds/resources>

Registered ELDs

<https://csa.fmcsa.dot.gov/ELD/List>