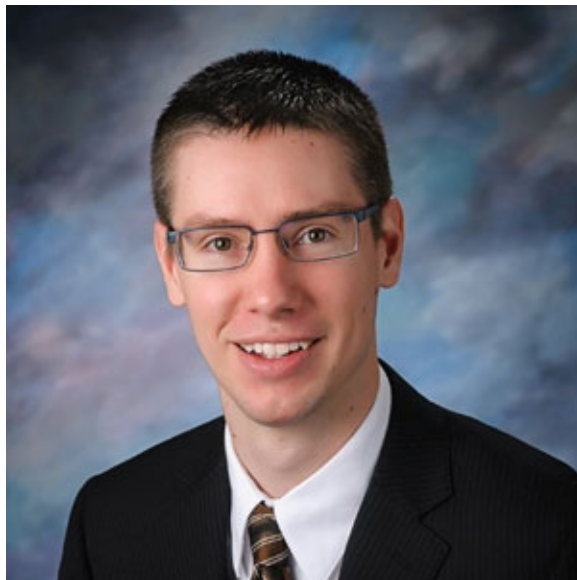


ELD Compliance and Violations Issues

February 21, 2019

Presented By | Justin Smoot





JUSTIN SMOOT, CSS, CDT
Safety Consultant

jsmoot@smcsafety.com
563.451.0322



After Dec 16, 2019

PHASE 3

Full Compliance Phase

All drivers and carriers subject to the rule must use self-certified ELDs that are registered with FMCSA.



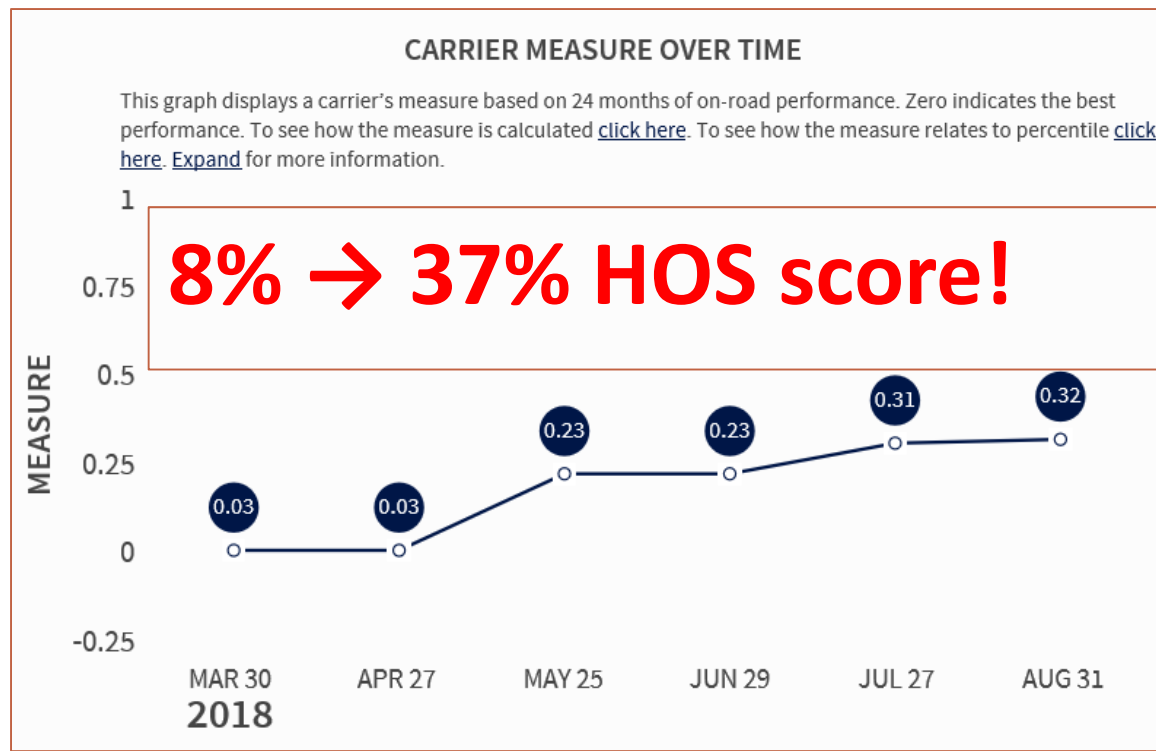
A Phased Approach

As the ELD rule is implemented, motor carriers will be allowed time to transition to full adoption of ELDs. This table illustrates which recording methods are acceptable during each phase implementation.

	PHASE 1	PHASE 2	PHASE 3
ELD			
AOBRD			
LOGGING SOFTWARE			
PAPER			

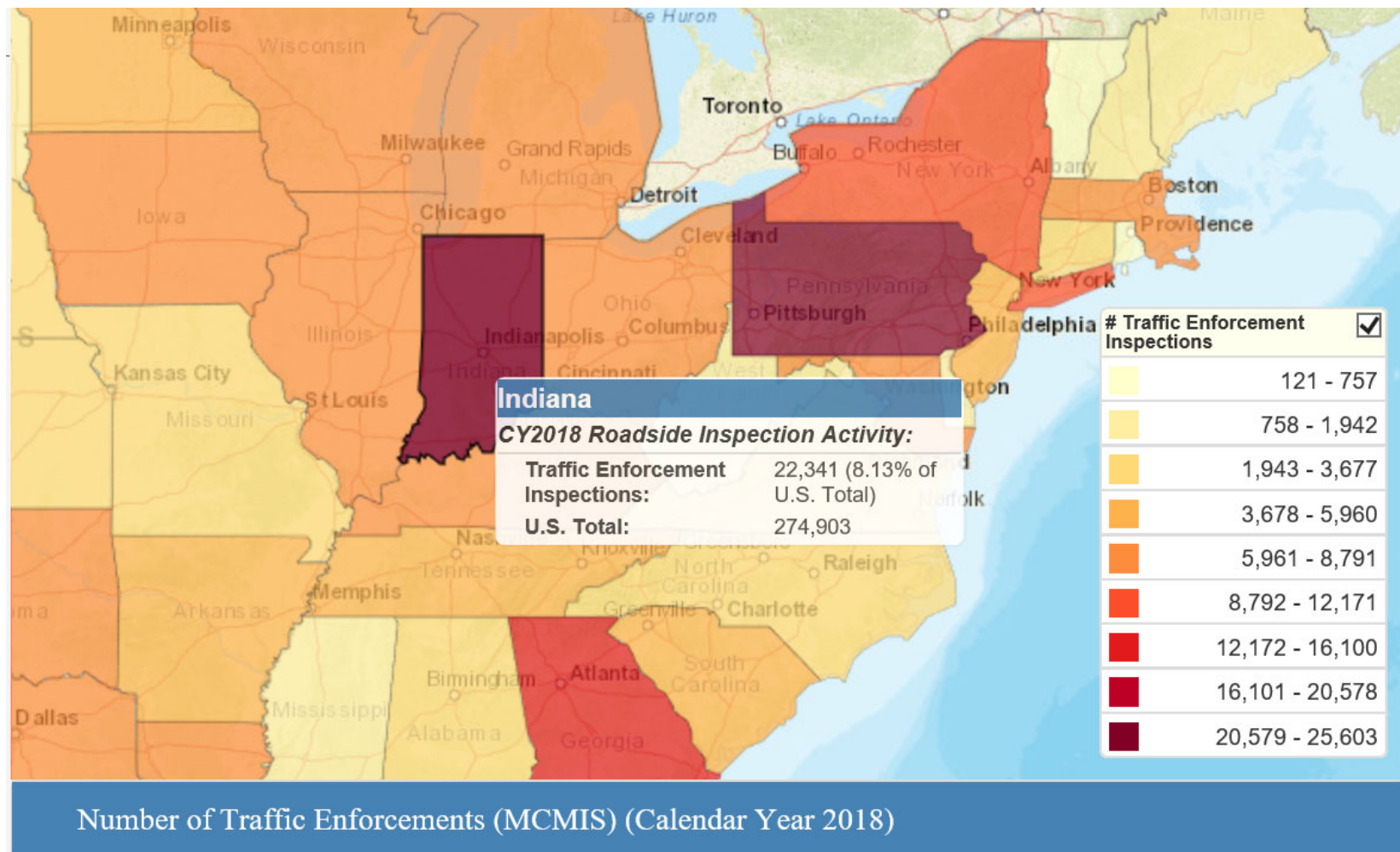
WORST HOS VIOLATION

Number	GA0337004891
Row Labels	Sum of Total Pts.
Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	27
Driving beyond 14 hour duty period (Property carrying vehicle)	27
Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	21
Grand Total	75



HEAT MAP OF SPEED VIOLATIONS FOR ALL CARRIERS

NOTICE MOST VIOLATIONS OCCUR IN INDIANA



[NEWS](#)[BLOGS](#)[LIFE](#)[CUSTOM RIGS](#)[EQUIPMENT](#)[BUSINESS](#)[REGULATIONS](#)[GEAR](#)[Reader Rigs photo gallery](#)[Overdrive Extra](#)[Partners in Business manual](#)[CSA's Data Trail](#)[Overdrive Radio](#)[Truck vids](#)[Voices](#)

Best way to avoid inspection in Indiana: Slow down

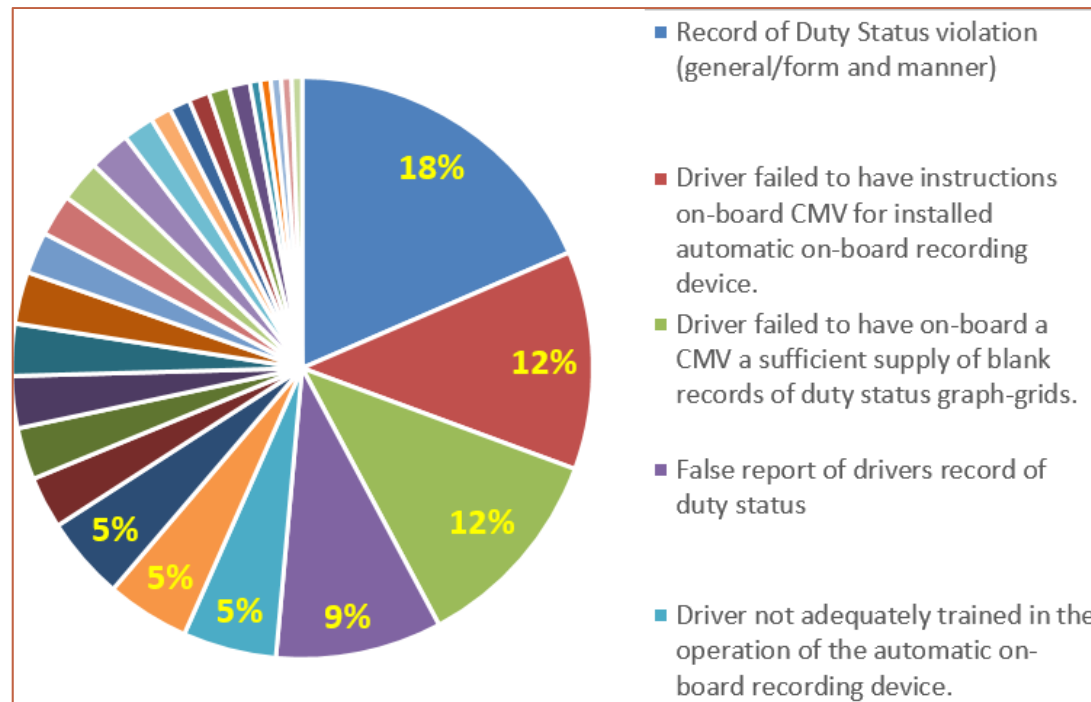
**CSA'S DATA TRAIL**

Todd Dills | December 30, 2014

If you want to avoid an inspection in Indiana, keep a close eye on the speedometer when traveling in and out of the state, and stay well within all traffic laws. Indiana State Police 1st Sgt. Tyler Utterback, leading the state's truck-enforcement program, puts it this way: "I have no problem with motor carriers being afraid of getting stopped in Indiana."

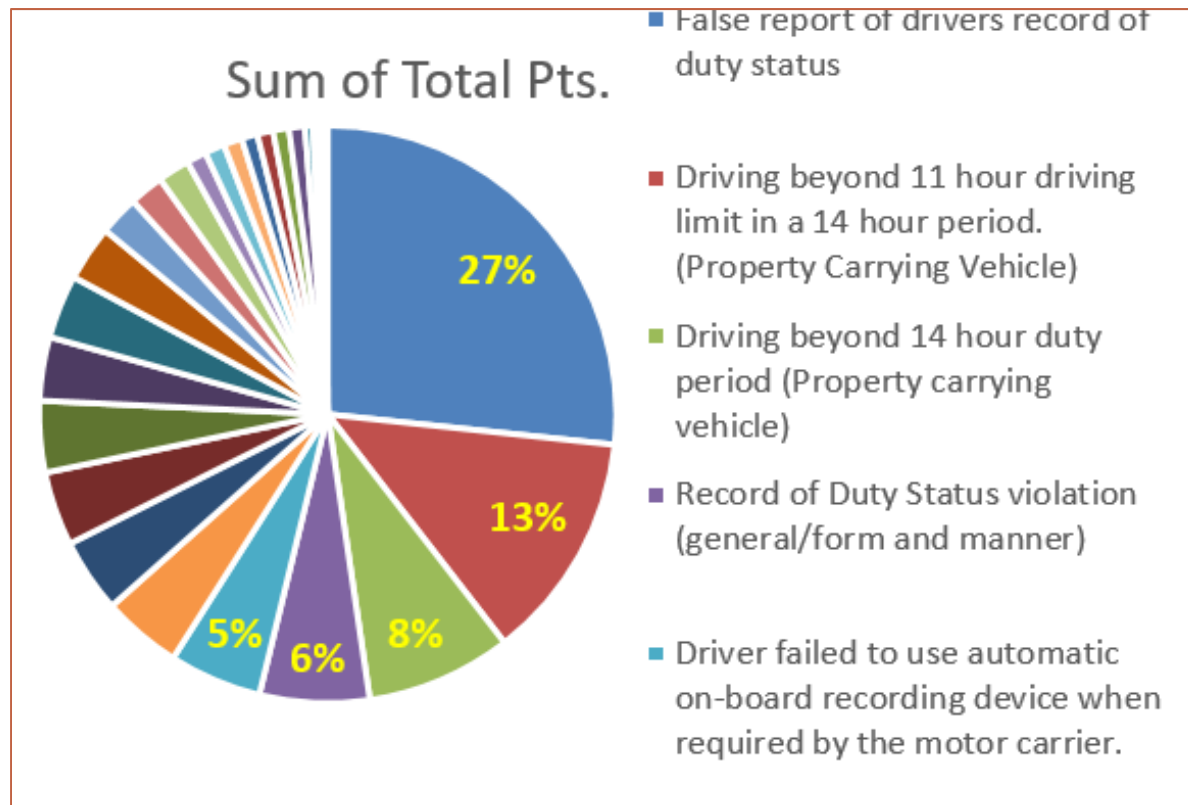
FREQUENT HOS VIOLATIONS

Violation	Count	% of total
Record of Duty Status violation (general/form and manner)	32	18.50%
Driver failed to have instructions on-board CMV for installed automatic on-board recording device.	21	12.14%
Driver failed to have on-board a CMV a sufficient supply of blank records of duty status graph-grids.	20	11.56%
False report of drivers record of duty status	16	9.25%
Driver not adequately trained in the operation of the automatic on-board recording device.	9	5.20%



HOS VIOLATIONS CAUSING THE MOST POINTS

Violation	Sum of Total Pts.	% of total pts.
False report of drivers record of duty status	360	26.69%
Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	173	12.82%
Driving beyond 14 hour duty period (Property carrying vehicle)	110	8.15%
Record of Duty Status violation (general/form and manner)	83	6.15%
Driver failed to use automatic on-board recording device when required by the motor carrier.	70	5.19%



395.15(C) ONBOARD RECORDING DEVICE IMPROPER FORM AND MANNER

(c) The duty status and additional information shall be recorded as follows:

- (1) “Off duty” or “OFF”, or by an identifiable code or character;
- (2) “Sleeper berth” or “SB” or by an identifiable code or character (only if the sleeper berth is used);
- (3) “Driving” or “D”, or by an identifiable code or character; and
- (4) “On-duty not driving” or “ON”, or by an identifiable code or character.
- (5) Date;
- (6) Total miles driving today;
- (7) Truck or tractor and trailer number;
- (8) Name of carrier;
- (9) Main office address;
- (10) 24-hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.)
- (11) Name of co-driver;
- (12) Total hours; and
- (13) Shipping document number(s), or name of shipper and commodity.



Violation
Severity
Weight §

FORM & MANNER

395.8	Record of Duty Status violation (general/form and manner)	Other Log/Form & Manner	1
-------	--	----------------------------	---



LOCATION IDENTIFIER CODES

395.15(d)(2) ^Ψ	Driver failed to produce location identifier codes for AOB RD as required.	Other Log/Form & Manner	1
---------------------------	--	-------------------------	---

(d) *Location of duty status change.* (1) For each change of duty status (e.g., the place and time of reporting for work, starting to drive, on-duty not driving and where released from work), the name of the city, town, or village, with State abbreviation, shall be recorded.

(2) **Motor carriers are permitted to use location codes** in lieu of the requirements of paragraph (d)(1) of this section. **A list of such codes showing all possible location identifiers shall be carried in the cab** of the commercial motor vehicle and available at the motor carrier's principal place of business. Such lists shall be made available to an enforcement official on request.



DRIVER QUESTIONS

Are you using an ELD or AOB RD?

What is your required in-cab documentations?

How will you provide your logs for review?
Alternative methods?

When was your AOB RD installed?

Is your ELD on the FMCSA Registry?

How will you complete your DVIR?



This document is provided by PeopleNet as a service to its customers, and is intended to assist professional drivers in providing important and accurate electronic logging system information to roadside inspectors. This document is NOT required by FMCSA's Electronic Logging Device (ELD) rules. If helpful, and after completion by a company representative, this document may be copied and put in one or more of the company's trucks.

_____ **The driver of this truck is using a grandfathered Automatic On-Board Recording Device (AOBRD).** The AOBRD complies with Section 395.15 of the FMCSRs, and was installed and used prior to Dec. 18, 2017.

_____ **Malfunctioning AOBRD - The AOBRD in this truck is malfunctioning,** and the driver is eligible to use paper records of duty status (i.e., paper logs).

Date: _____
Name of Motor Carrier: _____
Motor Carrier Address: _____

SAMPLE ELD EXEMPTION DECLARATION STATEMENT

- ☐ The driver is using a “grandfathered” automatic on-board recording device (AOBRD) that complies with §395.15 and that was installed and in use before December 18, 2017 (§395.8(a)(1)(ii)).
- ☐ The logging device in this vehicle is part of a fleet running grandfathered AOBRDs but was added after December 18, 2017. It is ELD-capable but is running compliant AOBRD software as allowed under FMCSA guidance issued March 9, 2018.
- ☐ The vehicle/engine is from model year _____ (§395.8(a)(1)(iii)(A)(4)).
- ☐ The driver has not been required to log more than 7 days out of the last 29 consecutive days and therefore is eligible to use a paper record of duty status today (§395.8(a)(1)(iii)(A)(1)).
- ☐ The driver is complying with the terms of the 100-air-mile exception and is exempt from needing a record of duty status (§395.1(e)(1)).
- ☐ The driver is complying with the terms of the non-CDL, 150-air-mile exception and is exempt from needing a record of duty status (§395.1(e)(2)).



Sample ASPEN Report

DRIVER/VEHICLE INSPECTION REPORT

Aspen 3.0.0.1



State Police
Commercial Vehicle Enforcement Division
123 Safety Lane
Anywhere, USA 54545
Ph: (515) 555-5555 Fax: (414) 444-4444

Report Number: 0013047145
Inspection Date: 04/01/2018
Start: 09:18 PM MT End: 10:33:36 PM MT
Inspection Level: 1 - Full Inspection
HM Inspection Type: None

JOHN J. KELLER TRUCKING INC
P.O. BOX 456
NEENAH, WI 54917
USDOT#: 00555555
MC/MX#: 285656
State#:
Location: EB EXIT 104 OFF RAMP
Highway: I-94
County: HANCOCK, WI

MilePost: 48
Origin: NEENAH, WI
Destination: CHICAGO, IL

Driver: KELLER, JOHN A
License #: 98765W4321 State: WI
Date of Birth: 07/26/1967
CoDriver:
License #: State:
Date of Birth:
Shipper: J.J.K. Produce
Bill of Lading: 07845383
Cargo: REFRIGERATED FOODS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate#	Company#	VIN#	GVWR	CVSA#	OOS#
1	TT	JUNO	2016	TX	123T4	974723	4V4NC9EHX3346	52,000	(22)	(23)
2	ST	VANC	2013	OK	543E21	310775	3H3V532C345C4	68,000	(20)	(21)

BRAKE ADJUSTMENTS:

Axle# 1 2
Right 1 1/8 1 5/8
Left 1 1/4 1 1/2
Chamber C-20 C-30

VIOLATIONS

Section Code	Type	Unit	OOS	Citation#	Verify	Crash	Violations Discovered
392.2	F	D	N	S5368196	N	N	Local Laws (general) - Parking on interstate
395.8	F	D	N	WARNING	N	N	Record of Duty Status violation (general/form and manner) - fail to log city/state on the grid. No shipment/commodity info
383.23A2	F	D	Y		N	N	Operating a CMV without a CDL - GVWR over 26000 lbs.
396.17C	F	2	N		N	N	Operating a CMV without periodic inspection-none.

HazMat: No HM Transported

Placard: No

Cargo Tank:

Special Checks: Traffic Enforcement

Comments: The subject was advised that time spent in a sleeper-berth cannot be logged as off duty.

Status Information:

CDL Checked: YES; Pre-Pass Carrier?: NO

"I hereby declare JOHN KELLER "OUT OF SERVICE." No motor carrier shall permit or require this driver to operate any motor vehicle upon the highways until: Properly licensed.

I certify that the above violation(s) was/were corrected.

Signature of Repairer: Facility: Date:

NOTICE TO DRIVER/MOTOR CARRIER: The motor carrier name that appears on this report must sign the certification and MAIL to the State Patrol Commercial Vehicle Enforcement Division, 123 Safety Lane, Anywhere, USA 54545 within 15 days. NO FAX ACCEPTED.

Failure to return this report with the required certification can result in penalties up to \$1,000 for each day the violation continues, up to a total of \$10,000.

“ON-DUTY” MEMO

Attention all Drivers and Employees

It is important for us to frequently review hours-of-service requirements to both comply with the FMCSA and to prevent fatigue-related crashes. To help eliminate any confusion on what time must be taken as “on-duty” please read the following definition as found under Section **395.2**:

What Is On-Duty Time?

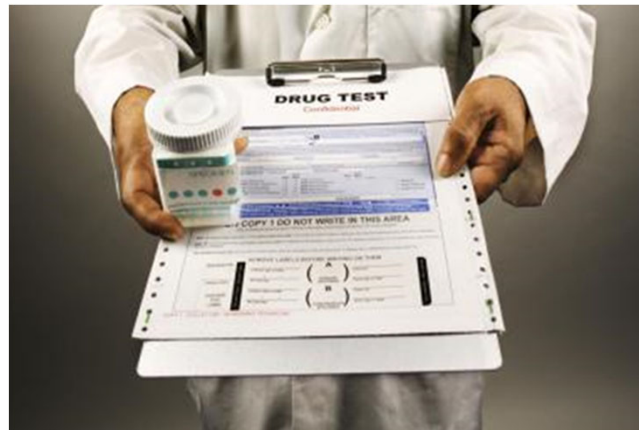
The 60-hour/7-day limit and 70-hour/8-day limit are based on how many hours you work over a period of days. Just what kind of work is included in on-duty time? It includes all time you are working or are required to be ready to work, for any employer. It includes the following activities:

- All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless you have been relieved from duty by the motor carrier;
- All time inspecting, servicing, or conditioning any truck, including fueling it and washing it at any time;
- All driving time, as defined in the term driving time;

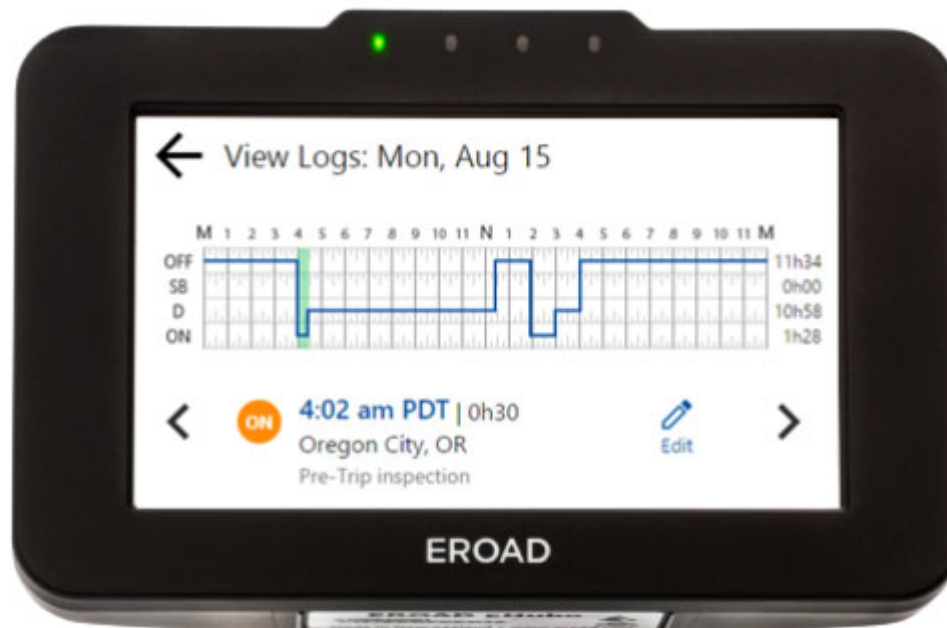


ON-DUTY

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1: OFF DUTY																									
2: SLEEPER BERTH																									
3: DRIVING																									
4: ON DUTY NOT DRIVING																									



ANNOTATIONS / “REMARKS”



PERSONAL CONVEYANCE & LOG FALSIFICATIONS

(a) Examples of appropriate uses of a CMV while off-duty for personal conveyance

include, but are not limited to:

1. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
2. Commuting between the driver's terminal and his or her residence, between trailer drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.



DVIR VIOLATIONS

BOUND EDGE Rev. 9/13

DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE U.S. DEPARTMENT OF TRANSPORTATION

CARRIER: _____

ADDRESS: _____

DATE: _____ TIME: _____ A.M. _____ P.M.

CHECK ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER REMARKS

TRACTOR/ TRUCK NO. _____ ODOMETER READING _____

☐ Air Compressor	☐ Front Axle	☐ Safety Equipment
☐ Air Lines	☐ Fuel Tanks	☐ Fire Extinguisher
☐ Battery	☐ Horn	☐ Flags/Flares/Fuses
☐ Belts and Hoses	☐ Lights	☐ Reflective Triangles
☐ Body	☐ Head/Stop	☐ Spare Bulbs and Fuses
☐ Brake Accessories	☐ Tail/Dash	☐ Spare Seal Beam
☐ Brakes, Parking	☐ Turn Indicators	☐ Starter
☐ Brakes, Service	☐ Clearance/Marker	☐ Steering
☐ Clutch	☐ Mirrors	☐ Suspension System
☐ Coupling Devices	☐ Muffler	☐ Tire Chains
☐ Defroster/Heater	☐ Oil Pressure	☐ Tires
☐ Drive Line	☐ Radiator	☐ Transmission
☐ Engine	☐ Rear End	☐ Trip Recorder
☐ Exhaust	☐ Reflectors	☐ Wheels and Rims
☐ Fifth Wheel		☐ Windows
☐ Fluid Levels		☐ Windshield Wipers
☐ Frame and Assembly		☐ Other

TRAILER(S) NO.(S) _____

☐ Brake Connections	☐ Hitch	☐ Suspension System
☐ Brakes	☐ Landing Gear	☐ Tarpaulin
☐ Coupling Devices	☐ Lights - All	☐ Tires
☐ Coupling (King) Pin	☐ Reflectors/Reflective Tape	☐ Wheels and Rims
☐ Doors	☐ Roof	☐ Other

Remarks: _____

☐ CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE: _____

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: _____ DATE: _____

DRIVER'S SIGNATURE: _____ DATE: _____

ORIGINAL

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USA • (800) 327-4888 • Printed in the United States

1854



DVIR VIOLATIONS

- Question 25: Section 396.11 requires the driver, at the completion of each day's work, to prepare a written report on each vehicle operated that day. Does this section require a "post trip inspection" of the kind described in §396.15?
- Guidance: No. However, **the written report must include all defects in the parts and accessories listed in §396.11(a) that were discovered by or reported to the driver during that day.**



DVIRS: PAPER OR DIGITAL

BOUND EDGE Rev. 9/13

DRIVER'S VEHICLE INSPECTION REPORT
AS REQUIRED BY THE U.S. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

CARRIER: _____

ADDRESS: _____

DATE: _____ TIME: _____ A.M. _____ P.M.
CHECK ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER "REMARKS"

TRACTOR/ TRUCK NO. _____ **ODOMETER READING** _____

☐ Air Compressor	☐ Front Axle	☐ Safety Equipment
☐ Air Lines	☐ Fuel Tanks	☐ Fire Extinguisher
☐ Battery	☐ Horn	☐ Flags/Flares/Fuses
☐ Belts and Hoses	☐ Lights	☐ Reflective Triangles
☐ Body	☐ Head/Stop	☐ Spare Bulbs and Fuses
☐ Brake Accessories	☐ Tail/Dash	☐ Spare Seal Beam
☐ Brakes, Parking	☐ Turn Indicators	☐ Starter
☐ Brakes, Service	☐ Clearance/Marker	☐ Steering
☐ Clutch	☐ Mirrors	☐ Suspension System
☐ Coupling Devices	☐ Muffler	☐ Tire Chains
☐ Defroster/Heater	☐ Oil Pressure	☐ Tires
☐ Drive Line	☐ Radiator	☐ Transmission
☐ Engine	☐ Rear End	☐ Trip Recorder
☐ Exhaust	☐ Reflectors	☐ Wheels and Rims
☐ Fifth Wheel		☐ Windows
☐ Fluid Levels		☐ Windshield Wipers
☐ Frame and Assembly		☐ Other

TRAILER(S) NO.(S) _____

☐ Brake Connections	☐ Hitch	☐ Suspension System
☐ Brakes	☐ Landing Gear	☐ Tarpaulin
☐ Coupling Devices	☐ Lights - All	☐ Tires
☐ Coupling (King) Pin	☐ Reflectors/Reflective Tape	☐ Wheels and Rims
☐ Doors	☐ Roof	☐ Other

Remarks: _____

☐ CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE: _____

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: _____ DATE: _____

DRIVER'S SIGNATURE: _____ DATE: _____

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REQUIRED DOCUMENTS

The FMCSA requires drivers who run **AOBRD**s to carry with them the following documents:

- An instruction sheet on how to retrieve and present the data during roadside inspections.
- Enough blank logs to complete the current trip.

When the fleet transfers over to running the **ELD** devices in a manner that meets the ELD mandate, the following must be carried by the driver:

- A user's manual.
- An instruction sheet on data transfer during roadside inspections.
- An instruction sheet detailing malfunctions and actions to take in case of certain malfunctions.
- A supply of blank paper logs (at least eight days) to be used if the device fails.



CONTACT FMCSA



FMCSA ELD Information Line

1200 New Jersey Avenue SE
Washington, DC 20590
United States

ELD@dot.gov

Phone: 800-832-5660





Tue 02/19/2019 7:49 AM

ELD <ELD@dot.gov>

RE: ELD user's manual required (paper form only or also digital?)

To JUSTIN SMOOT

 You forwarded this message on 02/19/2019 10:32 AM.

[EXTERNAL SENDER: United States]

Thank you for your inquiry.

The user's manual for the driver describing how to operate the ELD; the instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hours-of-service records to an authorized safety official; and the instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions may be in electronic format.

However, the driver must maintain a supply of blank driver's records of duty status (RODS) graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days on board the vehicle.



NOTICES



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02/19/2019

[Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders](#)

EXEMPTIONS JUST THIS YEAR

American Pyrotechnics Association (APA) an exemption from the HOS regulations.

Automobile Carriers Conference of the ATA for a limited 5-year exemption.

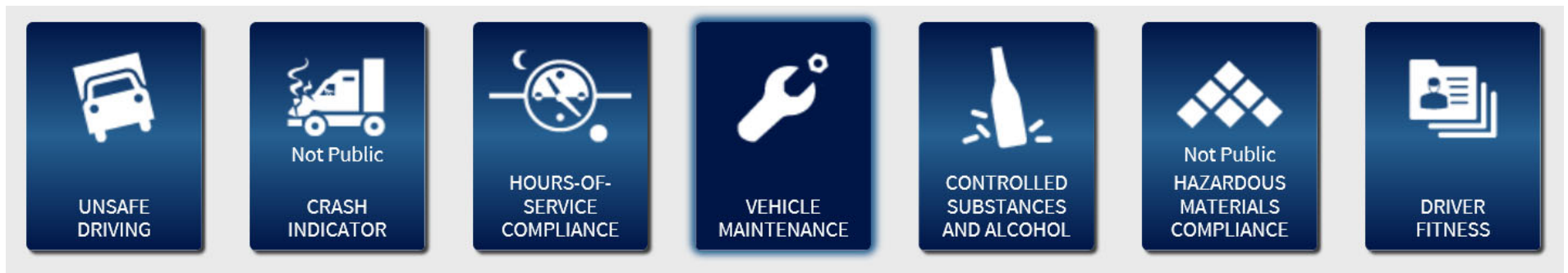
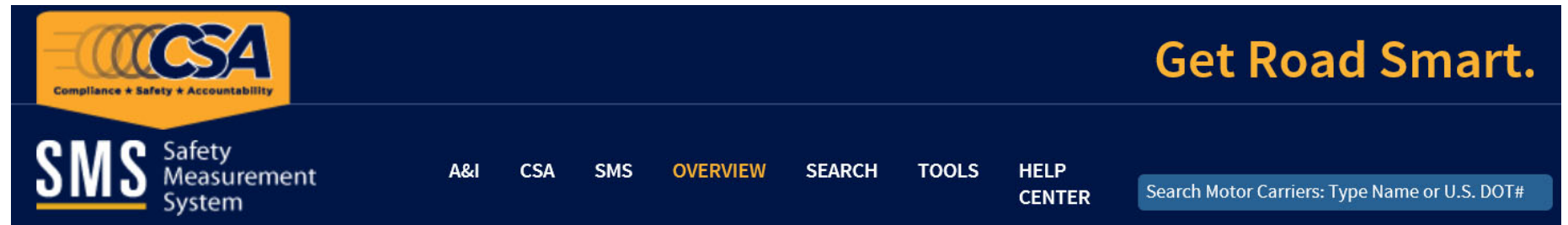
Notice of application for exemption:

National Cattlemen's Beef Association, Livestock Marketing Association, American Farm Bureau Federation, American Beekeeping Federation, American Honey Producers Association and the National Aquaculture Association

American Concrete Pavement Association, Inc. exemptions.



SMS METHODOLOGY



Tools/Resources

SMS Methodology



TABLE A-3

Table A–3. SMS HOS Compliance BASIC Violations*

Section	Violation Description Shown on Driver/Vehicle Examination Report Given to CMV Driver after Roadside Inspection	Violation Group Description	Violation Severity Weight ^s	Violation in the DSMS (Y/N)
392.2H	State/Local Hours of Service	Hours	7	Y
392.3	Operating a CMV while ill or fatigued	Jumping OOS/Driving Fatigued	10	Y
392.3-FPASS	Fatigue - Operate a passenger-carrying CMV while impaired by fatigue.	Jumping OOS/Driving Fatigued	10	Y
392.3-FPROP	Fatigue - Operate a property-carrying CMV while impaired by fatigue.	Jumping OOS/Driving Fatigued	10	Y



HOS ACCOUNTABILITY POLICIES

A common question I hear from fleet managers with other carriers is how progressive should the disciplinary steps be made, regardless of how steep disciplinary steps are, the FMCSA will look more favorably on carriers with HOS accountability policies when they are strictly followed.



**** The process may be *accelerated* based on the severity of the violation****



Are You Ready for a Vehicle and/or Driver Inspection?

To facilitate the inspection process, motor carriers and drivers must ensure that required documents maintained in the vehicle and carried by the driver are current prior to being dispatched.

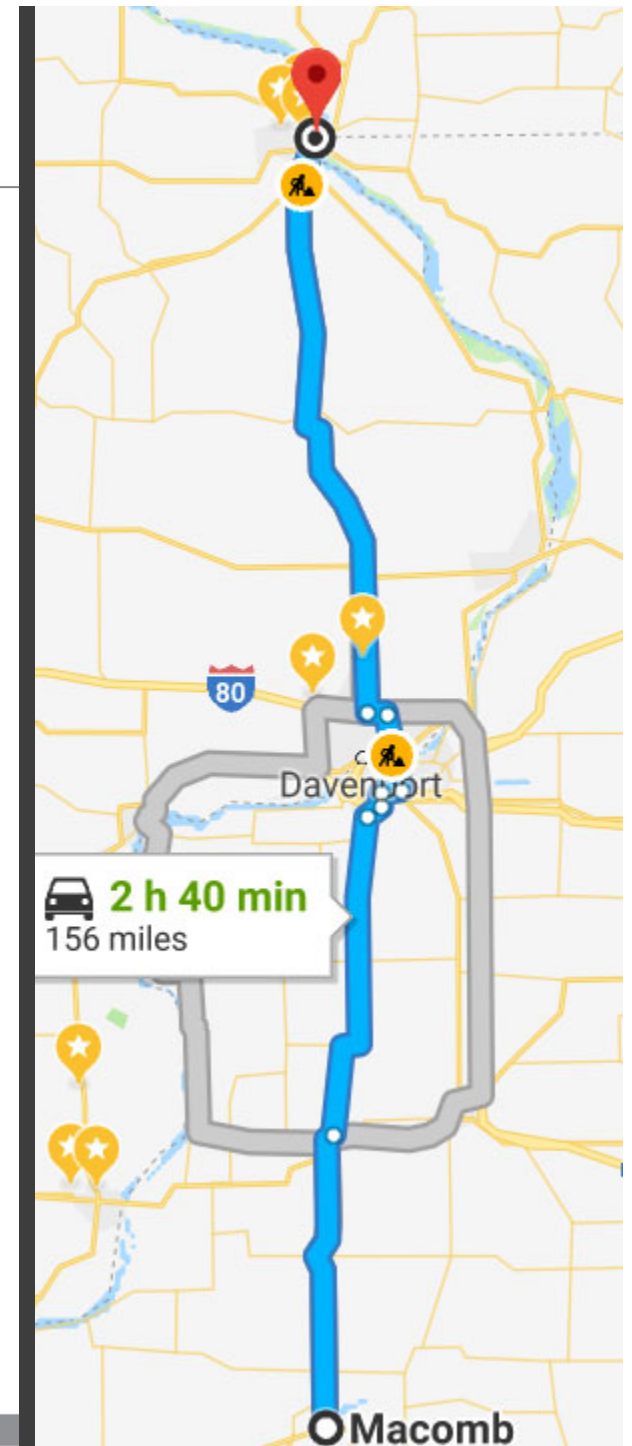
Documents include but may not be limited to:

- ✓ State driver's license or commercial driver's license (CDL)
- ✓ Medical Examiner's Certificate or waiver and Skill Performance Evaluation Certificate (if applicable)
- ✓ Record of duty status (paper logs allowed if exempt from an electronic logging device (ELD))
- ✓ Vehicle registrations for the truck or tractor and trailer (if applicable)



“DRIVER EXEMPT STATUS”





Questions?

