

1 **Indiana State Police**
Commercial Motor Vehicle Enforcement Division
 ELD Mandate – Towing Industry

2 **Hours of Service Review:**

395.3 Maximum driving time for property-carrying vehicles

- (a) Except as otherwise provided in §395.1, no motor carrier shall permit or require any driver used by it to drive a property-carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, unless the driver complies with the following requirements:
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 - (1) Start of work shift. A driver may not drive without first taking 10 consecutive hours off duty;
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 - (2) 14-hour period. A driver may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. The driver may not drive after the end of the 14-consecutive-hour period without first taking 10 consecutive hours off duty.
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 - (3) Driving time and rest breaks. (i) Driving time. A driver may drive a total of 11 hours during the 14-hour period specified in paragraph (a)(2) of this section.
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 - (ii) Rest breaks. Except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

3 **Hours of Service Review:**

395.3 Maximum driving time for property-carrying vehicles

- (b) No motor carrier shall permit or require a driver of a property-carrying commercial motor vehicle to drive, nor shall any driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after—
 - (1) Having been on duty 60 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
 - (2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.
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- (d) A driver may not take an off-duty period allowed by paragraph (c) of this section to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period. When a driver takes more than one off-duty period of 34 or more consecutive hours within a period of 168 consecutive hours, he or she must indicate in the Remarks section of the record of duty status which such off-duty period is being used to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.

4 **Short Haul Exemption: 395.1**

- (e) Short-haul operations—(1) 100 air-mile radius driver. A driver is exempt from the requirements of §§ 395.8 and 395.11 if:
 - (i) The driver operates within a 100 air-mile radius of the normal work reporting location;
 - (ii)(A) The driver, except a driver-salesperson or a driver of a ready-mixed concrete delivery vehicle, returns to the work reporting location and is released from work within 12 consecutive

hours:

- - (iii)(A) A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, has at least 10 consecutive hours off duty separating each 12 hours on duty;
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 - (iv)(A) A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, does not exceed the maximum driving time specified in § 395.3(a)(3) following 10 consecutive hours off duty; 11 hours of driving.
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 - (v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (A) The time the driver reports for duty each day;
 - (B) The total number of hours the driver is on duty each day;
 - (C) The time the driver is released from duty each day; and
 - (D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.
- 5 **What does "Short Haul" Exempt you from?**
- (e) Short-haul operations—(1) 100 air-mile radius driver. A driver is exempt from the requirements of §§ 395.8
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 - 395.8 Driver's record of duty status.
 - (a)(1) Except for a private motor carrier of passengers (nonbusiness), as defined in § 390.5 of this subchapter, a motor carrier subject to the requirements of this part must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed in paragraphs (a)(1)(i) through (iv) of this section, as applicable.
- 6 **So how do ELD's fit in?**
- ELD – Electronic Logging Device
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 - If you are required to run a log book, then you will need an electronic version after the mandate.
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- 7 **What is the ELD mandate?**
- The Electronic Logging Device (ELD) mandate is the common name for a comprehensive final rule published by the Federal Motor Carrier Safety Administration (FMCSA) on December 16, 2015, in the Federal Register.
 - The e-log mandate sets who must use electronic logging devices, the required technical standards of ELDs, new supporting document requirements, and prohibition from driver harassment using the information from an electronic logging device.
- 8 **When does the e-log mandate take effect?**
- The ELD mandate requires the use of an electronic logging device by all interstate drivers of commercial motor vehicles (CMVs) to record their hours of service (HOS) who are currently required to log and who are not otherwise exempt by December 18, 2017.
- 9 **ELD Timeline**

10 **Do I need to comply with the electronic logs mandate?**

- The ELD rule applies to most motor carriers and drivers who are currently required to maintain records of duty status (RODS) per 49 CFR 395.8(a).
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- If you are currently using the short haul – time card system nothing will change.....

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Who will be exempt from having to use ELDs?

- Specific ELD exemptions exist for:
- Drivers who only had to log 8 days (or fewer) out of the last 30 days – rolling 30 day period.
- Driver operating a driveaway/towaway vehicle that is part of a delivery
- Driving or towing a recreational vehicle in a driveaway/towaway operation
- Driver operating a vehicle that is older than model year 2000 (1999 or older)
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12 **ELD vs. Glider Kits**

- 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?
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- Yes. When a vehicle is registered, the model year should follow the criteria established by the National Highway Traffic Safety Administration (NHTSA). There may be instances where the model year reflected on the vehicle registration is not the same as the engine model year, most commonly when a vehicle is rebuilt using a "glider kit." In this circumstance, an inspector/investigator should use the model year on the engine to determine if the driver is exempt from the ELD requirements. If the engine model year is older than 2000, the driver is not subject to the ELD rule. In instances in which the engine model year is 2000 or newer, and the vehicle registration reflects a model year older than 2000, the driver is subject to the ELD rule. While the driver is not required to possess documentation that confirms the vehicle engine model year, 49 CFR Part 379 Appendix A, requires motor carriers to maintain all documentation on motor and engine changes at the principle place of business. If a determination cannot be made at the roadside, Law Enforcement should refer the case for further investigation.
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13 **What are the key requirements of the ELD mandate?**

- The electronic logs mandate:
- Requires use of electronic logging devices (ELDs) by most commercial drivers who are required to prepare hours-of-service records of duty status.
- Sets ELD performance and design standards, and requires ELDs to be certified and registered with FMCSA.
- Establishes what supporting documents drivers and carriers are required to keep.
- Prohibits harassment of drivers based on ELD data or connected technology (such as fleet management system). The rule also provides recourse for drivers who believe they have been harassed.
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- 14 **What is AOBRD? What is EOBR? What is ELD? What is ELog?**
- The term "AOBRD," or "Automatic On-board Recording Device," has been defined since the 1980s as "an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically as required by §395.15. The device must be integrally synchronized with specific operations of the commercial motor vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date, and time of day."
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- 15 **When is the Transition Date from AOBRDS to ELD's?**
- Phase 2: Phased-In Compliance Phase: The two-year period from the Compliance Date to the Full Compliance Phase (four years following ELD rule publication) December 18, 2017 to December 16, 2019.
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 - Carriers and drivers subject to the rule can use:
 - AOBRDS that were installed prior to December 18, 2017
 - Self-Certified and registered ELDs with FMCSA
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- 16 **What does a driver using an ELD have to do at a roadside inspection?**
- The ELD mandate requires drivers to electronically transfer the records for the last 7 days and the current day to an inspector. The primary methods of doing so are either telemetrically through a web address or an email account, or locally through a USB 2.0 or a Bluetooth® connection.
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 - In addition, the driver must provide any supporting documents that he or she has in possession to the inspector upon request.
- 17 **Do drivers using ELogs (AOBRDs or ELDs) ever have to print out logs for an inspector?**
- - Drivers that are using an AOBRD never need to print logs as long as the device meets the requirements found in §395.15.
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 - Drivers that are using ELDs may need to print their logs if the primary method of supplying the logs to a roadside inspector fails and the officer cannot review the logs from the driver's electronic interface without entering the vehicle.
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- 18 **What happens if an ELD stops working?**
- - If an ELD fails, the driver must:
 - Note the failure of the device;
 - Reconstruct his/her logs for the current day and the previous 7 days, less any days for which the driver has records;
 - Continue to prepare a handwritten log until the device is working again; and
 - Notify the carrier in writing within 24 hours of the failure.
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- 19 **What has to be carried on the vehicle in addition to the ELD itself?**

- A driver using an ELD must also carry:
- A user's manual for operating the ELD;
- An instruction sheet with step-by-steps instructions for transferring hours-of-service records to an authorized safety official;
- An instruction sheet on reporting ELD malfunctions and recordkeeping procedures during ELD malfunctions; and
- A supply of paper grid graphs to record driver duty status and related information for at least 8 days, in case of ELD malfunction.

20 **How will this affect Wrecker Operators?**

- 390.23: Relief from regulations

Question 5: When an interstate tow truck operator responds to a request for assistance from a Federal, State or local police officer to move wrecked or disabled motor vehicles, what should the Record of Duty Status (RODS) required by Section 395.8 reflect for the time spent in the exempt status?

Guidance: The time spent responding to the police call is exempt under Section 390.23(a)(3). The entry on the RODS for the time spent in this activity should be entered as "exempt," or "exempt under Section 390.23(a)(3)." Any time logged by the driver while engaged in activities that are NOT exempt must be accounted for on the RODS, but exempt time is not included in the computation of maximum driving time under Section 395.3. Please note that this exemption is only operative during the time that the tow truck operator is providing direct assistance to the emergency, or twenty-four hours from the time of the request, whichever is less. The driver and the motor carrier are also at all times subject to the prohibitions of Section 392.3 pertaining to ill or fatigued drivers. Section 390.23(c) applies to local and regional emergencies, not tow truck emergency operations.

21 **In conclusion:**

- Most Wrecker and Recovery Companies operate in the following manner:
 - Local Driving: Within 100 air miles, 12 hour day or less. Keep time records
 - Only us Log Book when going outside of the 100 airmiles:
 - Will you need an ELD?
 - Only if that driver logs more than 8 days in a rolling 30 days cycle and the truck is newer than a 2000 model year.

22 **Thanks you for your time:**

- Any Questions:
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- Commercial Vehicle Enforcement Division
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