

INFORMATION BULLETIN



August 28, 2019

UPDATE: CLARIFICATION OF TERMINAL INSPECTIONS WHICH INCLUDE THE REVIEW OF ELECTRONIC LOGGING DEVICE RECORDS

Effective December 18, 2017, motor carriers must require drivers subject to Title 49, Code of Federal Regulations (CFR), Part 395.8, to record drivers' hours-of-service (HOS) using an electronic logging device (ELD), unless otherwise excepted in Title 49, CFR, Part 395.8(a)(ii) or (iii). This Information Bulletin (IB) is intended to provide clarification regarding terminal inspections conducted by Motor Carrier Specialist personnel when ELDs are required or otherwise in use. Commercial Vehicle Section (CVS) has identified four scenarios which may be encountered during a terminal inspection.

Scenario 1: The carrier is subject to Title 49, CFR, ELD requirements, but provides paper records of duty status (RODS) for inspection.

Upon determination that an interstate carrier is subject to ELD requirements and the motor carrier presents paper RODS, the carrier will be deemed not in compliance with Title 13, California Code of Regulations (CCR), Section 1213(a)(4).

Scenario 2: The carrier is subject to Title 49, CFR, ELD requirements, but is using a nonregistered, nonmanufacturer-certified device.

Registered and manufacturer-certified compliant ELDs are identified via the Federal Motor Carrier Safety Administration (FMCSA) Web site, <https://eld.fmcsa.dot.gov/List>, or via FMCSA Electronic Record of Duty Status software. When an interstate carrier, subject to ELD requirements, presents electronic RODS from a nonregistered device, as verified by either of the aforementioned methods, the carrier will be deemed not in compliance with Title 13, CCR, Section 1213(a)(4).

Scenario 3: The carrier is subject to Title 49, CFR, ELD requirements and provides HOS records via the ELD or other electronic means.



Regulations contained in Title 13, CCR, Section 1213(a)(4), indicate that interstate drivers subject to and in compliance with the HOS recordkeeping requirements of Title 49, CFR, Part 395.8, are deemed in compliance with Title 13, CCR, Section 1213.

Scenario 4: An intrastate carrier or an interstate carrier, who is exempt from Title 49, CFR, ELD requirements, uses an ELD to record RODS.

Title 13, CCR, does not contain specific requirements for intrastate carriers using an ELD. Therefore, the ELD will be treated as an automatic onboard recording device and inspected for compliance with Title 13, CCR, Section 1213.2.

Regardless of the type of driver RODS presented during terminal inspections, violations discovered, including, but not limited to, drivers exceeding HOS limits, falsified driver timekeeping records, or failure to properly document required information on a graph grid, will be documented in the terminal inspection report. Additionally, no violation of Title 13, CCR, Section 1234(a), will be noted if ELD data is uploaded to the FMCSA web service at the time of, or during, an inspection. In this situation, RODS will be inspected as outlined in one of the four scenarios listed above. Questions concerning this IB may be directed to the CVS, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

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