



FMCSA Adds ELD Violation to the Safety Measurement System

On Dec. 16, 2022, the Federal Motor Carrier Safety Administration (FMCSA) announced the Safety Measurement System (SMS) would now include an electronic logging device (ELD) violation. Now, under 49 CFR 395.24(d), the inability of an ELD to transfer ELD records electronically is a violation.

The FMCSA stated that this change would further align the SMS with the latest changes to violations recorded as part of the FMCSA's roadside inspection program.

ELD Overview

The ELD rule requires commercial motor vehicle (CMV) drivers to install and use the ELD if they are required to create and maintain a driver log, known as a "record of duty status."

Under the rules, a driver must be able to have their ELDs electronically transfer data to an officer using either a telematics transfer type ELD or a local transfer type ELD. The telematics option must electronically transfer data to an authorized safety official on demand via wireless web services or email.

The second option for transfer, local, means that, at a minimum, the ELD must be able to electronically transfer data on demand via USB or Bluetooth to an officer when requested.

Drivers must make sure they are able to provide either the ELD display or printout when an authorized safety official requests a physical display of information; otherwise, drivers can be placed out of service.

ELD Violation Overview

The new ELD violation has been added to the SMS, which is a scoring mechanism under the Compliance, Safety, Accountability program. Any violation of 49 CFR 395.24(d) that is given on or after Dec. 1, 2022, will be used in the scoring for the Dec. 28, 2022, SMS data run. The ELD violation will affect the Hours-of-Service Compliance BASIC with a severity weight of 3.

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