

**FMCSA ELD & Regulatory Update**  
South Carolina Trucking Association  
Fall Management Conference  
Myrtle Beach, SC  
November 10, 2018

## Topics

- **National Registry II Extension**
- **Entry-Level Driver Training**
- **Drug and Alcohol Clearinghouse**
- **Part 40 Final Rule**
- **Electronic Logging Device (ELD) Update**
- **Updated Personal Conveyance Guidance**



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## National Registry II Extension

*Docket No. FMCSA-2018-0152*



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## National Registry II Extension

*Docket No. FMCSA-2018-0152*

### *Extension of Compliance Dates for Medical Examiner's Certification Integration*

- Interim Final Rule Published June 21, 2018
- Delays Several Provisions from June 22, 2018 to June 22, 2021



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## National Registry II Extension

*Docket No. FMCSA-2018-0152*

### What does this mean for certified medical examiners?

- Continue issuing the original paper Medical Examiner's Certificate, Form MCSA-5876 to all qualified drivers including Commercial Learner's Permit/Commercial Driver's License applicants/holders.

*The interim final rule does not change the requirement for medical examiners to report results of all CMV driver physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. **The compliance date for this provision remains as June 22, 2018.***



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## Drug and Alcohol Clearinghouse

*Docket No. FMCSA-2011-0031*



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## Drug and Alcohol Clearinghouse

*Docket No. FMCSA-2011-0031*

### Overview of the Clearinghouse Rule

- Effective December 2016; compliance date of January 4, 2020
- Establishes a national Clearinghouse that will be a database containing CDL drivers' drug and alcohol program violations and whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process
- Clearinghouse requirements fall into two major categories:
  - Reporting and
  - Querying



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## Drug and Alcohol Clearinghouse

*Docket No. FMCSA-2011-0031*

### Reporting

- Employers, consortia/third party administrators (C/TPAs) and/or medical review officers (MROs) will be required to report drug and alcohol testing program violations to the Clearinghouse
- SAPs will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process
- Each time information is added to, modified or removed from the Clearinghouse, FMCSA will notify the affected driver
  - To receive electronic notification, drivers will have to register with the Clearinghouse



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## Drug and Alcohol Clearinghouse

*Docket No. FMCSA-2011-0031*

### Querying

- Employers will be required to query the Clearinghouse for covered drivers for two purposes:
  - Pre-employment screening
  - Annual verification
- **Pre-employment**
  - Purpose: to ensure that the prospective employee is eligible to drive
  - Query-type: full queries would be conducted which means that FMCSA must verify specific driver consent prior to releasing information
- **Annual Queries**
  - Purpose: to ensure that a driver did not violate the drug and alcohol program with another employer
  - Query-type: limited queries to determine whether any data exists for a driver would be allowed and will only require general driver consent, subject to FMCSA audit



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## Drug and Alcohol Clearinghouse

*Docket No. FMCSA-2011-0031*

### Fees

- There will be no fees for a driver to access their own record in the Clearinghouse
- Motor Carriers will pay a fee to query the Clearinghouse; the fee amount has not yet been determined, but will include options for subscription and batch use



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**Part 40 Final Rule**  
*Docket No. OST-2016-0189*

**Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Certain Schedule II Drugs to the DOT's Drug Testing Panel and Certain Minor Amendments**



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**Part 40 Final Rule**  
*Docket No. OST-2016-0189*

**Overview of Final Rule**

- Effective January 1, 2018
- Added four semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone) to panel
- Revised Custody and Control Form (CCF); "old" CCF cannot be used after June 30, 2018



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## Part 40 Final Rule

*Docket No. OST-2016-0189*

### What does this mean for employees (drivers)?

- Employees are **also** tested for four semi-synthetic opioids (i.e., hydrocodone, oxycodone, hydromorphone, oxymorphone)
- Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®



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## Part 40 Final Rule

*Docket No. OST-2016-0189*

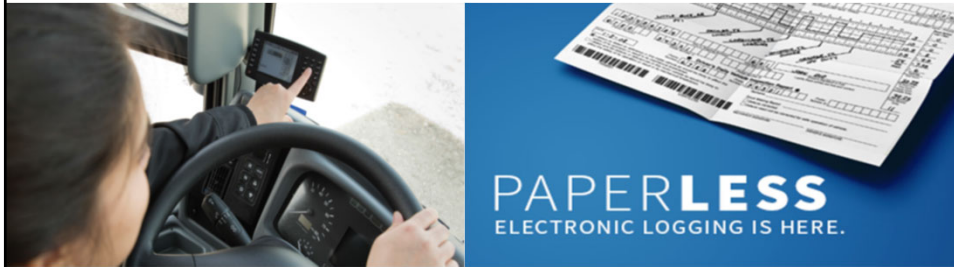
### Revised Custody and Control Form (CCF)

- Required due to four semi-synthetic opioids added to panel
- “Old” CCF cannot be used after June 30, 2018
- The revised CCF includes the following changes:
  - **In Step 1D:** Removal of the checkbox, the letters “DOT” and hash line in front of the text “Specify DOT Agency”
  - **In Step 5A:** Addition of four new analytes; Removal of the analyte methylenedioxyethylamphetamine (MDEA)



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## Electronic Logging Device (ELD) Update ELD Phase II: "Phased-In Compliance"



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## ELD Rule Implementation Timeline

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

The rule is being implemented in three phases over a four-year period:



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## ELD Rule Implementation

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

### Phase 2 “Phased-In Compliance”

- **December 18, 2017 – December 19, 2019**
- Carriers and Drivers Subject to the Rule Can Use:
  - AOBRDs that were installed prior to December 18, 2017
  - or**
  - Certified, registered ELDs

### Phase 3 “Full Compliance”

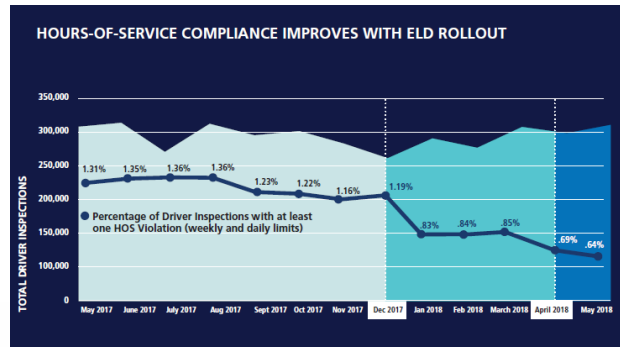
- **After December 19, 2019 ...**
- All carriers and drivers subject to the rule must use certified, registered ELDs that comply with the ELD regulations



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## HOS Compliance Improves with ELD Rollout

Since CVSA OOS went into effect on April 1, 2018, less than 1% (4,720) of all driver inspections (559,940) have resulted in the driver being cited for operating without a required ELD or grandfathered AOBRD



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## Exceptions

395.1 – *Scope of rules in this part*

395.8(a)(1)(iii)(A) – *Driver's record of duty status*

- **NOTE: The ELD final rule did not change any of the HOS exceptions in 395.1**, such as the “Short-haul Operations” exceptions:
  - 100 air-mile radius drivers may continue to use timecards, as allowed by §395.1(e)(1)
  - 150 air-mile radius non-CDL freight drivers may continue to use timecards, as allowed by §395.1(e)(2)
- Drivers using paper RODS for not more than 8 days during any 30-day period do not need an ELD
- Conducting “driveaway-towaway” operations in which vehicle being driven is part of the shipment being delivered or vehicle being transported is a motor home or a recreation vehicle trailer
- Vehicle engines manufactured before model year 2000



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## In-Vehicle Information

395.22 – *Motor carrier responsibilities*

395.11(g) – *Supporting documents at roadside*

- User's Manual
- Data Transfer Instruction Sheet
- ELD Malfunction Instruction Sheet
- Supply of blank record of duty status graph grids
- Any supporting documents in the driver's possession must be provided to the safety official upon request



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## Editing ELD Data

### *395.30 – ELD record submissions, edits, annotations, and data retention*

- Motor carrier can request edits
  - Annotate
  - Maintain original data
- Driving time **cannot** be shortened



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## Unidentified Driving

### *395.32 – Non-authenticated driver logs*


- Annotate
- Assign
- Maintain Unidentified driving records for 6 Months
- Must provide to requesting safety official
- Unidentified driving prevention
  - Know when to login
  - Make sure you logout
  - Create appropriate accounts (exempt driver)
- Later accepted driving/time can contribute to hours-of-service violations




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## Electronic Data Transfer


*395.24(d) – Driver use of ELD*  
*395.26 – ELD data automatically recorded*




**1. RECORD**  
ELD synchronizes with CMV engine to automatically record data.



**2. CERTIFY**  
Driver certifies records, making any necessary annotations.



**3. TRANSFER**  
Upon request, driver starts data transfer. Data is routed to safety official using secure methods.





**4. REVIEW**  
Data file is sent to safety official with potential HOS violations flagged for review.

**RECORDS:**



- Engine power status
- Vehicle motion status
- Miles driven
- Engine hours
- Identification of driver/authorized user, vehicle, and motor carrier
- Duty status

**OPTION 1**  
Both ELD and safety official must connect to internet


 + 

Web Services      Email

**OPTION 2**  
Data is transferred locally

 + 


USB 2.0      Bluetooth®



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## For More ELD Information

- Visit the website [www.fmcsa.dot.gov/elds](http://www.fmcsa.dot.gov/elds):
  - Sign up for the ELD newsletter to receive email updates;
  - Visit the Training and Events section for upcoming opportunities hosted by FMCSA and view webinar materials;
  - Learn more about using ELDs in the Drivers and Carriers section; and
  - Read the FAQs for an in-depth understanding of the rule
- Email FMCSA directly if you need to contact someone in the ELD program office: [ELD@dot.gov](mailto:ELD@dot.gov)



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

- Revised Regulatory Guidance Published June 7, 2018
- New guidance issued 11/8/2018

### **What is Personal Conveyance?**

Personal conveyance is the movement of a commercial motor vehicle for personal use while off duty. A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier.



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

### **What is the motor carrier's responsibility?**

- Ensure driver is in compliance with the hours of service regulations, and not operating a vehicle while ill or fatigued, regardless of the amount of driving and working time.
- A company may have a policy on Personal Conveyance that is more restrictive than the regulation and guidance
  - Time and/or distance
  - Prohibit laden vehicles from operating under personal conveyance



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

### Proper Use of Personal Conveyance

1. Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading.
2. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
3. 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.



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

4. Moving a CMV at the request of a safety official during the driver's off-duty time
5. Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. No passengers may be on board.
6. Time spent transporting personal property while off-duty.
7. Authorized use of a CMV to travel home after working at an offsite location.



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

### Improper Use of Personal Conveyance

1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
3. Time spent transporting a CMV to a facility for vehicle maintenance.



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## Personal Conveyance

*Docket No. FMCSA-2017-0108*

4. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
5. After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
6. Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
7. Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.



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## HOS Advanced Notice of Proposed Rulemaking

- The four specific areas under consideration for revision are:
  - Expanding the current 100 air-mile “short-haul” exemption from 12 hours on-duty to 14 hours on-duty, in order to be consistent with the rules for long-haul truck drivers;
  - Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions;
  - Revising the current mandatory 30-minute break for truck drivers after 8-hours of continuous driving; and
  - Reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper-berth compartment.



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## HOS Advanced Notice of Proposed Rulemaking

- In addition, the ANPRM was seeking public comment and relevant data on two recently submitted petitions requesting regulatory relief from HOS rules (1) pertaining to the 14-hour on-duty limitation (filed by the Owner-Operators Independent Drivers Association) and (2) pertaining to the 10-hour off-duty requirement (filed by TruckerNation).
- **Closed 10/10/2018**



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# Questions?



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