Cross Border Transportation ELDs

**FAQ004:  What must a Canada/Mexico domiciled motor carrier’s driver do if an ELD malfunction prevents presenting HOS to a safety official at roadside by electronic data transfer, display screen or printout?**

**Answer:**  If an ELD malfunction prevents the driver from presenting HOS to a safety official, the driver must:

* Note the malfunction of the ELD and provide written or electronic notification of the malfunction to the motor carrier within 24 hours;
* Reconstruct the record of duty status (RODS) for the current 24-hour period and the previous 7 consecutive days, and record the RODS on graph-grid paper logs that comply with 395.8, unless the driver already has the records or the records are retrievable from the ELD; and
* Continue to prepare RODS on paper a paper log in accordance with 49 CFR 395.8 until the ELD is back in compliance.
	+ Recording RODS on a paper log cannot continue for more than 8 days after the malfunction unless an extension is given in accordance with 49 C.F.R 395.34 – *ELD Malfunctions and Data Diagnostic Events.*
	+ A driver who records hours of service on a paper log for more than 8 days without proof of an extension from the Federal Motor Carrier Safety Administration may be placed out of service.