**Frequently Asked Questions -- Electronic Logging Devices and Hours of Service –Roadside Inspections**

**Question 16: If a driver is stopped for a roadside inspection and does not have a required ELD installed and in use in the vehicle being operated, what will happen?**

**Guidance:** The inspector will cite the driver for failing to have the proper record of duty status, and will place the driver out of service (OOS) for 10 hours (8 hours for a passenger carrier), in accordance with the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria. At the end of the OOS period, the driver is allowed to complete the current trip to its final destination using paper logs. If the driver is stopped again prior to the final destination, the driver must provide the safety official a copy of the inspection report and evidence (e.g., bill of lading) proving he/she is continuing the original trip. After reaching the final destination, if the driver is dispatched without obtaining a compliant ELD, he/she will again be subject to the OOS procedures. However, a driver may return with an empty CMV to his/her principal place of business or home terminal, as indicated on the roadside inspection report. Violations count against the carrier’s Safety Measurement System (SMS) scores.