FMCSA-ELD-395-Q047(2022-03-10)

**Question:** What is the responsibility of the carrier and driver pertaining to electronic logging device (ELD) diagnostic events or malfunctions that do not interfere with the accurate recording of hours of service? What would the documentation requirements be in those cases?

**Guidance**: If the malfunction and/or event does not hinder the ELD’s accurate recording of the hours of service, the ELD rule does not require a documentation process. Under 49 CFR [395.34](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-395/subpart-B/section-395.34) drivers are still required to report a malfunction to a carrier within 24 hours and the motor carrier is required to repair or replace the malfunctioning ELD within 8 days. However, if the event does not affect hours of service and has been cleared by the ELD itself, the additional reporting requirements under § [395.34](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-395/subpart-B/section-395.34) do not apply. In addition, drivers are required to follow any motor carrier instructions for diagnostic events and must review their records of duty status (RODS) and certify they are true and correct under § [395.30](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-395/subpart-B/section-395.30).  Motor carriers should continue to monitor such short-term diagnostic events and malfunctions to ensure the ELD is operating properly.

**Contact Info:** FMCSA ELD Information, 1-800-832-5660 or ELD@dot.gov.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way.  It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic: ELD Guidance**

Effective Date: Thursday, March 10, 2022

Issued Date: Thursday, March 10, 2022