FMCSA-ELD-395-Q057(2022-03-10)

**Question:** What is a manufacturer required to do when required data is not available from the electronic control module (ECM)?

**Guidance**: If the vehicle does not have an ECM or the ECM does not provide all the information required for**, it** must be acquired using an independent source apart from the positioning services described under sections 4.3.1.6 of [49 CFR part 395, subpart B, Appendix A](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-395#Appendix-A-to-Subpart-B-of-Part-395) and must meet accuracy **levels laid out in the rule. Global positioning systems (GPS) cannot be used to identify the vehicle’s motion status.**

**Please note that if there is a means for retrieving data from the ECM, the provider is obligated to use that means (for example, using a synthesized odometer or entering into an agreement with an original equipment manufacturer [OEM] to access proprietary information). If the Federal Motor Carrier Safety Administration (FMCSA) is made aware that a provider has chosen not to undertake the effort to secure data from the ECM that is, in fact, retrievable, the device would be considered non-compliant and removed from the self-certified and registered ELDs.**

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

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*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**

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