FMCSA-ELD-395-Q16(2018-05-04)-CORR1

**Question:** If a driver subject to the Electronic Logging Device (ELD) rule 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 a required electronic record of duty status (RODS) 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 (CVSA) North American Standard Out-of-Service (OOS) Criteria. At the end of the OOS period, the driver is allowed to complete the current trip to his or her final destination using paper logs. If the driver is stopped again prior to the final destination, the driver will be asked to 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 commercial motor vehicle (CMV) to his/her principal place of business or home terminal, as indicated on the roadside inspection report.

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