FMCSA-HOS-ELD-395-FAQ51(2023-07-31)

**Question**: Can a user edit or change automatically recorded driving time that has been recorded by an electronic logging device (ELD) to non-driving time?

**Guidance:** Under sections 4.3.2.8.2(b) 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), automatically recorded drive time when the commercial motor vehicle (CMV) is in motion cannot be edited or changed to non-driving time.

Edits to automatically recorded driving time are acceptable in the following instances:

1. For team drivers, a driver may edit and reassign driving time records erroneously recorded to their account (see section 4.3.2.8.2(b)(2) of [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)). The drivers must have indicated each other as co-drivers in their record of duty status (RODS). Each co-driver must confirm the change for the edit to take effect.
2. A driver may edit or correct driving time erroneously recorded due to failing to change his or her duty status before powering off the CMV, but only if the driving time was recorded by the ELD while the vehicle was powered off and the vehicle was not in motion during the period that is being edited or corrected. The driver edit limitation found in section 4.3.2.8.2(b) prohibits the editing of automatically recorded driving time. The intent of the specification that requires automatic recording of driving time is to ensure all movement of the CMV is captured. A CMV cannot be driven while powered off. The driving time following the power off cycle of a CMV not in motion, is not recorded to the specifications required by 4.3.1.2 and 4.4.1.1 and therefore may be edited to the correct duty status.
3. Driving time assumed from the unidentified driver profile in error may be returned to the unidentified driver profile so that it can be assumed by the correct driver (see section 4.2.3.8.2(b)(1) of [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)).
4. Drivers may assume a subset of driving time from the unidentified driver profile. The amount of automatically recorded drive time may not change, but can be split between the driver and the unidentified driver profile so that the remaining time can be assumed by the correct driver.
5. Drivers may not assume driving time from the unidentified driving profile and convert it to Off-Duty (PC) or On-Duty Not Driving (YM). Per 395.28, drivers must select the applicable special driving category (YM or PC) before the start of that status and then deselect that category when the indicated status ends. Selection and deselection of the special driving category must be indicated at the time the status changes and cannot be added later. If the status that should have been in effect is either PC or YM, and the driver had not already selected the appropriate driving category, then the unidentified driving time should be annotated because enforcement personnel consider annotations and GPS coordinates to determine if a violation is present.

**Contact Info:** FMCSA ELD Information, 1-800-832-5660 or [ELD@dot.gov](mailto:ELD@dot.gov?subject=ELD%20Question).

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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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