

ELD Questions & Answers from DPS Sgt. Moore

(If you have a specific question you may email me at ttsa@ttsa.org and I will forward the answer to you and also put it up on our Q&A sheet.)

If he gets a call to cross into New Mexico will he be legal to use a paper log (let's assume it is 200 miles from his home or reporting location) for that trip? **Yes, he can use paper as long as the driver does not exceed the 8 times in 30 days exception.**

If He had a call to go into New Mexico and it fell in the 100 Air Mile exemption would he be legal to cross the state line without a paper log or an ELD? **The Texas rule is 150 air miles for intrastate. He could use the exemption for the trip to NM but would be restricted to a 100 air mile radius on that trip. Upon return to Texas this driver would need to stay on interstate rules (100 air mile radius) for 7 days or after a 34 hour restart before he could return to the 150 air mile radius.**

If he is legal using a paper log for the trip in any of the above scenario's will he be required to have the last 7 days of log's too? **A driver using the 100/150 air mile radius log book exception is not required to produce any time records from the previous days unless they were days he was required to log.**

I received several questions pertaining to the use of time cards in lieu of paper logs. Specifically a carrier keeping a time sheet for drivers who operate within a 100 air mile radius when interstate and 150 air miles when operating intrastate. Both interstate and intrastate require a driver to return to the reporting location within 12 hours and released from duty. This exempts a driver from maintaining a Record of Duty Status (log book). The question concerned how to report duty time when called to the scene of a wrecked or disabled vehicle by a law enforcement officer. This exception is found in the Federal Motor Carrier Safety Regulations 390.23(a)(3) and interpretation #5. Time spent responding to the law enforcement request is exempt from the safety regulations and as such drivers are to log this exempt time on the log book in the remarks section.

Question 5: When an interstate tow truck operator responds to a request for assistance from a Federal, State or local police officer to move wrecked or disabled motor vehicles, what should the Record of Duty Status (RODS) required by Section 395.8 reflect for the time spent in the exempt status?

Guidance: The time spent responding to the police call is exempt under Section 390.23(a)(3). The entry on the RODS for the time spent in this activity should be entered as "exempt," or "exempt under Section 390.23(a)(3)." Any time logged by the driver while engaged in activities that are NOT exempt must be accounted for on the RODS, but **exempt time is not included in the computation of maximum driving time under Section 395.3.** Please note that this exemption is only operative during the time that the tow truck operator is providing direct assistance to the emergency, or twenty-four hours from the time of the request, whichever is less. The driver and the motor carrier are also at all times subject to the prohibitions of Section 392.3 pertaining to ill or fatigued drivers. Section 390.23(c) applies to local and regional emergencies, not tow truck emergency operations.

If after the law enforcement assistance, carriers should not allow drivers to drive if they have exceeded the 70 hours in 8 days, 60 hours in 7 days for interstate operations, or 70 hours in 7 days for intrastate operations.

Time card (log book exempt) drivers who exceed the 12 hour duty shift must switch to paper if they exceed or expect to exceed the 12 hour shift. If the law enforcement assistance causes the driver to exceed the 12 hour shift, the driver must switch to paper as soon as this call is complete. This of course will count toward the 8 or less required logging days pertaining to the exemption to ELD use. If during this law enforcement call, the driver exceeded the 12 hour shift, they are still exempt from the regulations and could complete the call and then go off duty for 8/10 hours and no log would be required for the day. If however the driver continued to work, he/she would need to prepare a log book for the entire 24 hour period.

Question 21: When a driver fails to meet the provisions of the 100 air-mile radius exemption ([section 395.1\(e\)](#)), is the driver required to have copies of his/her records of duty status for the previous seven days? Must the driver prepare daily records of duty status for the next seven days?

Guidance:

The driver must only have in his/her possession a record of duty status for the day he/she does not qualify for the exemption. A driver must begin to prepare the record of duty status for the day immediately after he/she becomes aware that the terms of the exemption cannot be met. The record of duty status must cover the entire day, even if the driver has to record retroactively changes in status that occurred between the time that the driver reported for duty and the time in which he/she no longer qualified for the 100 air-mile radius exemption. This is the only way to ensure that a driver does not claim the right to drive 10 hours after leaving his/her exempt status, in addition to the hours already driven under the 100 air-mile exemption.

An example would be a time card driver who began his shift at 7 AM. At 5 PM he/she was dispatched to a crash at the request of the police department. The driver picks up the vehicle and arrives back at the yard at 7:30 PM. Because the police call time was exempt, the driver could simply go off duty for 8/10 hours and no time card would be required. If the driver needed to continue to work he/she would need to start a log book for the day, however the time spent on the police call would not count against the driver's driving time and should be remarked on the log as exempt.

In another example the driver begins the shift at 7 AM and receives a police call at 10 AM to move a wrecked vehicle. The driver would be exempt from all of the safety regulations during this move. However, the shift would need to end by 7 PM or the driver would need to prepare a log for that day if he/she works beyond 7 PM.