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New York State to Enforce the Federal Electronic Logging Device (ELD) Rule for Drivers of Commercial Vehicles

BY:

he United States Department of Transportation, Federal Motor Carrier Safety Administration, developed hours-of-service (HOS) regulations which dictate when and how long an individual may drive a commercial vehicle. For purposes of the HOS regulations, commercial vehicle is defined as a truck or tractor-trailer involved in interstate commerce that: (i) weighs 10,001 pounds or more, (ii) has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more, or (iii) is transporting hazardous materials of certain quantities.

The HOS regulations restrict drivers of commercial vehicles in at least three ways. First, the “14-hour Driving Window Limit” provides drivers a period of fourteen consecutive hours in which to drive after being off duty for at least ten consecutive hours. At the end of a fourteen-consecutive-hour period, a driver cannot drive again until he or she has been off duty for ten consecutive hours. Second, the “11-Hour Driving Limit” prohibits a driver from driving for more than eleven total hours. After driving for eleven hours, a driver must be off duty for ten consecutive hours before her or she is permitted to drive again. In conjunction with the 14-hour Driving Window Limit, a driver who drives eleven total hours must do so within the fourteen consecutive hour limit. Third, the “60/70-Hour Duty Limit” prevents drivers of commercial vehicles from driving more than sixty hours during seven consecutive days, or more than seventy hours during eight consecutive days, depending on a variety of other factors.

These regulations were designed to keep the roadways safe for motorists by preventing drivers of commercial vehicles from operating trucks and tractor-trailers while fatigued. Drivers of commercial vehicles must track their hours of service in a daily log referred to as a “record of duty status.” In 2017, the federal government began enforcing the Electronic Logging Device (ELD) Rule to make it easier and faster for driver’s to accurately track, record, manage and share their hours of service and records of duty status. Prior to the ELD Rule, drivers of commercial vehicles logged their hours manually, on paper, or using automated onboard recording devices.

Electronic logging devices are plugged into a commercial vehicle’s engine control module to track things like whether the vehicle’s engine is running, the vehicle’s odometer, and the vehicle’s GPS location. These devices make it more difficult for drivers to falsify their records of duty status, which occurred frequently when drivers kept manual logs.

States were instructed to incorporate the federal ELD mandate into their own laws after the federal law took effect in 2017. In 2018, the Owner-Operator Independent Drivers Association and other plaintiffs brought suit in the New York Supreme Court against the Acting New York State Commissioner of Transportation, the Superintendent of the New York State Division of State Police, and the Executive Deputy Commissioner for the New York State Department of Motor Vehicles to restrain New York officials from enforcing the federal ELD Rule while lacking a similar, state-level law. 93 N.Y.S. 3d 802 (2018).

Interestingly, the Court found that the State of New York had not been enforcing the federal ELD Rule. Drivers of commercial vehicles were not being stopped, cited, or placed out of service pursuant to the law. On December 31, 2018, the Court dismissed the plaintiffs’ complaint on these grounds.

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The New York State Department of Transportation has since announced that state inspectors will enforce the ELD Rule in compliance with federal regulation and implement the federal mandate into state law.

Many drivers of commercial vehicles believe the ELD Rule hinders their ability to complete deliveries on time and triggers reckless driving. In 2014, however, the Federal Motor Carrier Safety Administration estimated ELDs could prevent up to 1,714 motor vehicle accidents, 522 injuries, and 24 deaths each year.

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