



BI-STATE NEWS

NEWSLETTER FOR THE ASSOCIATION OF BI-STATE MOTOR CARRIERS

October 2017 Volume 4, Issue 10

*** SPECIAL ELD EDITION ***

ELD Compliance Basics & FAQs

On December 18, 2017, commercial drivers and motor carriers must begin complying with the Federal Motor Carrier Safety Alliance's rule regarding the use of Electronic Logging Devices (ELDs).

In response to inquiries from our members, we asked the attorneys at **Genova Burns, LLC**, an Allied Member of the Bi-State Association, to provide a knowledgeable overview of the ELD mandate, and what it means for motor carriers who serve the Port of NY & NJ.

What Is Required By The ELD Rule?

The ELD rule:

- requires commercial drivers to use ELDs in preparing their Record of Duty Status ("RODS");
- sets ELD performance and design standards and requires ELDs to be certified and registered with the FMCSA;
- establishes what supporting documents drivers and carriers must keep; and
- prohibits the harassment of drivers based on ELD data or connected technology.



Who Must Comply With The ELD Rule?

- The ELD Rule applies to interstate commercial drivers and motor carriers that are required to keep RODS. However, there are certain exceptions that apply. The following groups do NOT have to comply with this rule:
- Drivers who operate within a 100-mile radius;
- Drivers who use paper RODS for not more than 8 days in each 30-day period;
- Drivers who conduct tow-away operations; and
- Drivers who operate vehicles manufactured before 2000.

Are There Specific Types of Equipment I Have To Use?

As long as the device meets the FMCSA's technical requirements and is approved, a driver can use any type of device as an ELD, including smartphones, tablets, other wireless devices or portable ELDs

What Are Supporting Documents?

- Supporting documents are used to verify a driver's RODS. They are used in the normal course of business and are divided into five categories:
- Bills of lading, itineraries, schedules or other documents that indicate origin and destination of each trip;
- Dispatch records, trip records, or equivalent documents;
- Expense receipts related to any on-duty non-driving time;
- Electronic mobile communication records, reflecting communications transmitted through a fleet management system; and
- Payroll records, settlement sheets, or other documents that indicate what and how a driver was paid.

ELD Products & Integrated Solutions



see pages 2-3

Drivers must submit their RODS and supporting documents to the motor carrier no later than 13 days after receiving them. Motor carriers must retain up to eight supporting documents for every 24-hour period that a driver is on duty. They must also retain these records for six months.

Who Is Responsible For Compliance?

Both drivers and carriers are responsible for complying with the ELD Rule. Carriers must ensure that their drivers, both employee and contractor, are in compliance.

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ELD Compliance Basics & FAQs (continued)

Does The ELD Rule Change The Nature Of The Owner-Independent Contractor Relationship?

No. The FMCSA states that the ELD Rule does not change the relationship between employer and employee, as well as carrier and contractor.

What Do I Do If My ELD Stops Functioning?

In case of a malfunctioning ELD, you must note the malfunction and reconstruct the current 24-hour period and the preceding seven consecutive days in paper logs. You have eight days to replace the malfunctioning ELD. If you do not, you will risk noncompliance.

What Are The Penalties?

Failure to comply with the ELD Rule is treated as other non-compliance traffic violations. Penalties are determined by level of intent of the offending party, responsibility in the violation and a history of previous offenses. The FMCSA has come up with a formula and has determined that an initial calculated fine per acute violation, which includes a failure to file a RODS, at \$8,672.



The preceding information was provided courtesy of Genova Burns' [Transportation, Trucking & Logistics Law Practice Group](#). For more info, contact Group Chair John Vreeland, Esq., at 973-535-7118, jvreeland@genovaburns.com.

Allied Member Spotlight: ELD Products & Integrated Services

PROFIT TOOLS, INC.

Profit Tools offers an [Intermodal Transportation Management System \(TMS\)](#) that integrates with a number of leading ELD providers including: Geotab, Rand McNally, Forward Thinking, Omnitracs (previously Qualcomm), XRS (owned by Omnitracs), and PeopleNet.



Profit Tools integrates with leading ELD systems for Hours of Service with GPS data, ensuring compliance, increasing safety, and streamlining operations. They offer free ELD consultations to help trucking companies comply quickly and profitably. For more information, visit www.ProfitTools.net

ALLIED MEMBER CONTACT: Account Executive Joseph Gizzi, (774) 219-2613, jgizzi@profittools.net.

SPRINT

Sprint has relationships with many different software providers to meet your business needs, some of which can be billed through Sprint, so you have only one vendor to manage. The following is a short list of partners Sprint works with: Spireon, Actsoft, Agilis, Omnitracs, Forward Thinking, Clicksoftware.

Sprint offers a Nationwide Macro Cellular Network in conjunction with a GPS Satellite Network. Equipment provided: Trailer and Tractor GPS devices, Tablet and/or Cell phones for HOS monitoring.



Features of Note: Fleet Management (includes real-time and near real-time tracking, geofencing, speed monitoring, two-way messaging, and more); Maintenance Management; Safety Management (includes driver behavior monitoring, seatbelt detection, etc.) Compliance (HOS, DVIR, IFTA recording, etc); Order Dispatch / Workflow; and Implementation (API Integration, 24/7 customer service, On-site training, Easy installation).

For additional details visit <https://business.sprint.com/solutions/fleet-management-and-compliance/>

ALLIED MEMBER CONTACT:

Business Solutions Sales Manager for NY/NJ Metro
Chris Whiteside, 201.355.5160,
christopher.whiteside@sprint.com

Fleet Management & ELD Mandate Info Session

Thursday, November 2, 2017 3pm—4pm

Via Web Meeting/Conference Call

Please RSVP via email or phone

Christopher.Whiteside@sprint.com , 201-355-5160

Allied Member Spotlight: ELD Products & Integrated Services

T-MOBILE

In addition to SyncUp FLEET software (powered by GeoTab), T-Mobile is compatible with and sells over a dozen GPS ELD compliant partners, including Forward Thinking Systems, Geotab and GoFleet, just to name a few. If you want to just use T-Mobile for the data, their GPS data plans start at \$5 with unlimited data.

T-Mobile systems work with tablets and cell phones (Android, Apple, Windows)

Other Features of Note: Reports on fuel usage and speed, harsh acceleration, harsh braking, IFTA, Driver Behavior, and much more (SyncUp FLEET tracking software offers over 50 reports and analytics). T-Mobile also provides 24/7 customer service, on-site training, easy installation and deployment, kitting, staging and lockdown of tablets. For more information, visit www.t-mobile.com

ALLIED MEMBER CONTACT: Sales Manager David Kay, 908-838-2138, David.Kay@t-mobile.com



VEHICLE TRACKING SOLUTIONS (VTS) and SilentPassenger

Vehicle Tracking Solutions provides a complete fleet management solution from installation, hardware, and cellular data plans in a flexible model to ensure it fits your fleets requirements. Silent Passenger utilizes simple plug and play devices, trailer tracking or asset tracking units, or professionally installed devices to ensure all your mobile assets are visible on a single user-friendly platform.



Aside from providing IFTA and HUT reports, for fleets that need to comply with the FMCSA ELD mandate - Silent Passenger's SP Logbook® manages Hours of Service (HOS) for your fleet drivers by combining the status of the driver from the SP Logbook Android and iOS mobile application with the required vehicle data. Drivers using the SP Logbook receive a simple Hours of Service (HOS) solution that will automatically record their hours on the app. The app will also communicate with the Silent Passenger web application, providing alerts, reports, and logs to your dispatch and office. For a

free demonstration, [click here](#). For more information, visit <https://vehicletracking.com/sp-logbook/>

ALLIED MEMBER CONTACT: Pete Desiderio, 631-492-1148, Pete@VehicleTracking.com

VERIZON WIRELESS and FLEETMATICS

Verizon Wireless provides Hardware and Data Service, and Fleetmatics is the GPS and Software provider. You may purchase these products together or independently. Compatible with Tablets (*Android or iOS*)

Other Features of Note: Improve safety and stay compliant with Verizon's Fleetmatics GPS management solution. Alerts notify you in near real-time when vehicles are speeding over a predetermined speed, being driven harshly, or start up after hours. Use Driving Style Reports to get visibility into individual driving habits. Fleetmatics LogBook helps you to stay compliant with the ELD Final Rule & track Hours of Service. Use the Multi-State Mileage Report for faster IFTA mileage calculations each month or quarter.



For more information on Fleetmatics, click [HERE](#). For a video demo, follow this link: <https://player.vimeo.com/video/195343121?autoplay=1>

ALLIED MEMBER CONTACT: Account Manager Ehsan Zayed, 908-655-7486, Ehsan.Zayed@VerizonWireless.com

pdvWIRELESS

The DispatchPlus app from pdvWireless enables managers, drivers and dispatchers to stay connected and compliant with HOS rules and other commercial driver regulations, providing the ability to communicate to any device, from any device, at any time. For more information, visit www.pdvwireless.com.

ALLIED MEMBER CONTACT:
Metro NY/NJ Account Manager John Kenworthy, 973-352-6854,
jkenworthy@pdvwireless.com



10th Annual Safety & Compliance Seminar—Nov. 2nd

Allied Member [Marquis Agency](#) will host its [10th Annual Safety & Compliance Seminar](#) on Thursday, November 2nd from 10am to 2pm at The Ramada Plaza, 160 Frontage Road, Newark, NJ. Admission is free, and lunch will be provided. [Reserve a spot HERE](#).

The seminar features four presentations by industry experts on a variety of topics:

- “Training and Supervising the Accountable Driver” presented by John Cheruka, President of Commercial Vehicle Safety & Accident Specialists
- “Anatomy of an Accident” presented by Douglas B. Marcello, Founding partner of Marcello & Kivisto, LLC
- “Understanding the CAB Report” presented by Jean Gardner, CEO of Central Analysis Bureau and Shuie Yankelewitz, COO of Central Analysis Bureau.
- “FMCSA Updates” presented by Chris Rotundo, Division Administrator of the U.S. Department of Transportation FMCSA.

The presentations will be followed by a 30-minute Question & Answer Panel. All participants will receive a certificate of completion. Bi-State Members interested in attending may [RSVP](#) online at [THIS LINK](#) or contact Vice President & Transportation Practice Leader Mike Edwards at 800-272-6771 ext. 7460, medwards@marquisagency.com.



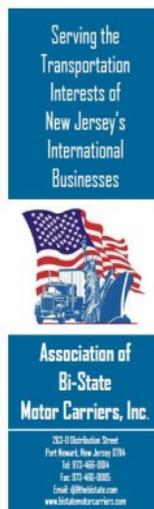
Join us for our next
General Member Meeting
Tuesday, November 14th @ 1000 hours

NYSA Training Ctr. Auditorium
1210 Corbin Street, Elizabeth, NJ

Scheduled Presentation:
“Surviving A DOL Audit In
An Era of Increased Enforcement”

Not a Bi-State Member Yet?
Visit our [website](#) for info on the [Benefits of Membership](#) and a [Membership Application](#).

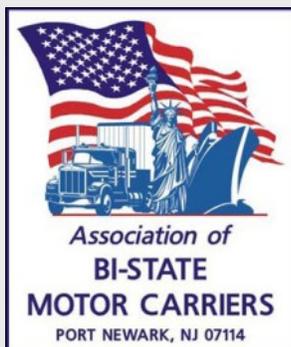
www.bistatemotorcarriers.com



November 5th at 2am
Remember to
turn clocks
BACK one hour!

DATES TO REMEMBER

Oct. 31	Halloween
Nov. 2	Safety & Compliance Seminar
Nov. 5	Daylight Savings Time Ends
Nov. 7	Election Day
Nov. 10	Veteran's Day (Observed)
Nov. 14	General Member Meeting
Nov. 23	Thanksgiving Day
Dec. 12	General Member Meeting



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