



# MEMBER ALERT ACTION REQUESTED

## FMCSA Issues Electronic On-Board Recorder Final Rule

On April 2, 2010, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule entitled "Electronic On-Board Recorders for Hours of Service". The rule becomes effective beginning on June 1, 2012. The complete rule may be viewed on the following web link:  
[http://www.federalregister.gov/OFRUpload/OFRData/2010-06747\\_PI.pdf](http://www.federalregister.gov/OFRUpload/OFRData/2010-06747_PI.pdf).

The FMCSA has also provided a series of FAQs regarding the rule in a Q&A format that may be viewed at:  
<http://www.buses.org/regnewsandnotices>.

According to the FMCSA's April 2 news release, <http://www.fmcsa.dot.gov/about/news/news-releases/2010/Electronic-On-Board-Recorders-for-Truck-and-Bus-Companies.aspx>, the rule will require:

- "Interstate commercial truck and bus companies with serious patterns (greater than 10 percent) of hours-of-service (HOS) violations to install electronic on-board recorders (EOBRs) in all their vehicles. Nearly 5,700 interstate carriers will use EOBRs after the final rule's first year of implementation.
- "Under the EOBR final rule, carriers found with 10 percent or more HOS violations during a compliance review will be required to install EOBRs in all of their vehicles for a minimum of two years. The rule also provides new technical performance standards for EOBRs installed in commercial motor vehicles, including requirements for recording the date, time and location of a driver's duty status.
- "In addition to requiring EOBRs for carriers that have already demonstrated a pattern of hours-of-service violations, the FMCSA will initiate a rulemaking later this year that could establish an initial mandate for a broader population of commercial motor carriers." That notice of proposed rulemaking is expected to be published by the summer of 2011.
- As an incentive for carriers to voluntarily adopt EOBRs the FMCSA will provide relief from the FMCSA's requirements to retain HOS supporting documents, such as toll receipts used to check the accuracy of driver logbooks."
- "The rule will go into effect on June 1, 2012, to ensure EOBR manufacturers have sufficient time to meet the rule's performance standards and to manufacture products to meet industry demand."

In estimating the potential impact of this rule on the motorcoach industry, the American Bus Association noted that only 159 enforcement cases related to hours of service infractions have resulted in fines in the passenger carrier segment under the FMCSA's jurisdiction over the last 5 years, FY 2005 - FY 2009. In the same period, the FMCSA has penalized a total of 24,138 companies across all commercial motor vehicle classifications.

ABA has developed a handy laminated card to help motorcoach owners, drivers, and tour operators

with the hours of service regulations for passenger carriers. To receive a copy of this compliance aid visit <http://www.abaonlinestore.com/hours-of-service-cards.html>.

For further information from the FMCSA regarding this rule, please contact Ms. Deborah M. Freund, and Roadside Operations Division, Office of Bus and Truck Standards and Operations, (202) 366-5377, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.

Also, please feel free to contact ABA with any questions and speak with either Norm Littler at 202-218-7228 [nlittler@buses.org](mailto:nlittler@buses.org) or Clyde Hart at 202-218-7228 [chart@buses.org](mailto:chart@buses.org).

[WWW.BUSES.ORG](http://WWW.BUSES.ORG)

 Find us on  
Facebook