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## OOIDA Seeks ELD Mandate Exemption For Small Businesses

The Owner-Operator Independent Drivers Association (OOIDA) has filed a request to exempt small businesses from the ELD mandate for “no less than five years.” Earlier in the week, the FMCA announced a 90-day extension deadline specifically for agriculture haulers.

Businesses that would qualify under the request must meet the following requirements:

- \$27.5 million or less in gross annual receipts
- Carrier does not have an ‘Unsatisfactory’ Carrier Safety Rating
- Documentation of proven safety performance, including no at-fault accidents



Todd Spencer, executive vice president of OOIDA, stated, “Small-business truckers that have already proven their ability to operate safely should not be subject to purchasing costly, unproven and uncertified [electronic logging] devices.”

A key issue for OOIDA in the request was the self-certification by ELD vendors: “FMCSA has stated that they do not know if the self-certified ELDs listed on their website fulfill regulatory requirements in the mandate. At present, none of the 193 devices listed have been validated by the agency or any unbiased, third-party testing program.”



Another topic of concern for OOIDA was the cybersecurity threat that may be posed by ELDs: “At two recent cybersecurity conferences, a leading research firm released a summary of their findings after analyzing three ELD providers currently listed as self-certified on the FMCSA website. Their general conclusion was that all three devices did very little, if anything at all, to follow best practices and were open to serious compromise.”

OOIDA justifies the five-year contention as, “necessary time for ELD manufacturers to be fully vetted by the agency, which would alleviate small-business motor carriers from learning that they purchased a device that could damage their vehicle’s electronic control module or be hacked.”

OOIDA has also shown support for a bill introduced back in July by Rep. Brian Babin (R-TX), known as the ELD Extension Act of 2017, which would extend the current implementation deadline two years until December 2019.

The likeliness of this request being granted is unknown, but requests for an ELD mandate extension has become a trend. To be safe, owners should still be preparing for a December 2017 deadline.



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