

# Welcome to the Party: California to Require ELDs for Intrastate Drivers

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Beginning January 1, 2024, California intrastate motor carriers and drivers will be required to use an electronic logging device (“ELD”) as generally required by the federal ELD regulations adopted under 49 CFR § 395, Subpart B. The Federal Motor Carrier Safety Administration (“FMCSA”) has required all interstate motor carriers to use an ELD since 2019. Most states have already adopted the federal ELD standards for intrastate operations. California will join those states in just a few weeks.

California’s new intrastate ELD requirement includes a number of exemptions that mirror those provided for under federal law. Drivers meeting any of the following conditions are not required to use an ELD:

- The driver is operating a commercial motor vehicle in a manner requiring completion of a record of duty status (“RODS”) no more than eight (8) days within any 30-day period.
- The driver is driving for a driveaway-towaway operation (transporting empty vehicles for sale, lease, or repair), provided that the vehicle driven is part of the shipment being delivered.
- The vehicle being driven was manufactured before model year 2000, as reflected in the vehicle identification number and as shown on the vehicle’s registration.
- The motor carrier, driver, or vehicle is subject to federal regulatory guidance, a waiver, or an exemption issued by the FMCSA pursuant Title 49, CFR, Part 395, which specifically exempts the use of an ELD.
- Drivers utilizing the California 100 Air-Mile (Local) Driver Radius Exemption for intrastate drivers will not be required to use an ELD. This exemption also limits a driver to working 12 hours before requiring a 10-hour break. **(Note: The federal regulations for interstate drivers exempts drivers who return to their reporting location at the end of each working day if they operate within a 150 air-mile radius and do not exceed a 14 hour workday.)**

When motor carriers and drivers are not required to use an ELD, they must nevertheless keep a RODS. A RODS may be manually recorded using a paper logbook or using an automatic on-board recording device or electronic software.

ELDs must meet the requirements in 49 CFR § 395, Subpart B of the Federal Motor Carrier Safety Regulations (“FMCSR”) and be listed on the FMCSA’s list of approved devices. Drivers must be trained in the proper operation of these devices, must have a unique user account assigned by the

motor carrier, and must certify their ELD entries. The ELDs must be capable of transferring data to law enforcement during a roadside inspection.

The new requirement mandating ELD use in intrastate California operations will have a significant impact on motor carriers and drivers operating intrastate in California. Of course, the proper use of ELDs in intrastate commerce will result in improved compliance with the hours-of-service regulations (*i.e.*, fewer “manner and form” violations) and, presumably, less driver fatigue. ELD’s can also help improve a motor carrier’s operations and recordkeeping procedures. However, this new requirement will also force motor carriers to bear the additional cost of installing the ELDs on their fleets. In these challenging economic times, these costs could have a substantial impact on a motor carrier’s financial performance.

**For questions or assistance, please find the contact information below.**

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