

SENATE CONCURRENT RESOLUTION NO. 14

A CONCURRENT RESOLUTION, Encouraging Congress and the Federal Motor Carrier Safety Administration to overturn the rules regarding electronic logging devices.

WHEREAS, an electronic logging device (ELD) is a device in a motor vehicle that synchronizes with a vehicle engine to automatically record driving times; and

WHEREAS, Congress, as part of MAP.21, required the Federal Motor Carrier Safety Administration (FMCSA) to develop rules mandating the use of ELD in certain commercial vehicles; and

WHEREAS, these rules were intended to create a safer work environment for truck drivers and track, manage, and share records of duty status data; and

WHEREAS, the ELD rules that have been mandated by FMCSA have unintended consequences and place an undue financial and administrative burden on truck drivers and operators; and

WHEREAS, the required use of ELDs impacts thousands of businesses and millions of consumers in this nation; and

WHEREAS, smaller carriers and owner-operators don't have the capital or the technical know-how to purchase and install the devices and smoothly implement their use into their daily activities and monthly service fees could potentially force carriers or owner-operators to increase their trucking rates; and

WHEREAS, a significant detriment with the required use of ELDs is that the device essentially compels a decrease in driving hours and hurts productivity which compounds the problem of an existing shortage of qualified commercial drivers in many areas of this country; and

WHEREAS, if existing truck drivers are held to these strict regulations, the whole industry may suffer which will have a negative effect to the national economy; and

WHEREAS, some estimates show that the required use of an ELD may cost an average of five hundred dollars per truck per year; and

WHEREAS, the total equipment and installation costs for the roughly five hundred thousand United States trucking firms with ELDs is expected to cost about one billion dollars;

WHEREAS, the ELD is an invasion of privacy. Drivers feel as if their every move is being

logged and watched by enforcement personal and fleet operators. The devices track vehicles within a one-mile radius; and

WHEREAS, manufacturers of ELDs are currently responsible for self-certifying their compliance with government standards and there are no effective procedures seemingly yet developed to provide oversight over this required equipment. The truck drivers and operators are left without any means of ascertaining which brands and models of devices ultimately will pass muster. The truck drivers and operators must fly blindly into investing in products that they are being required to purchase:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Third Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Legislature urges Congress to repeal its mandate requiring the use of electronic logging devices and requests the Federal Motor Carrier Safety Administration to work with the trucking industry to alleviate any undue burdens and modify the regulations to accommodate reasonable operations by truck drivers and operators.

Adopted by the Senate,
Concurred in by the House of Representatives,

February 5, 2018
February 7, 2018

Matt Michels
President of the Senate

Kay Johnson
Secretary of the Senate

G. Mark Mickelson
Speaker of the House

Sandra J. Zinter
Chief Clerk of the House