

How to Get Control of Driver Log Falsification

By Deborah Lockridge

Editor and Associate Publisher
dlockridge@truckinginfo.com

Driver log falsification violations rank as one of the most common driver-related violations discovered by enforcement officials in the years since mandatory electronic logging devices for most U.S. truck drivers went fully into effect in late 2019.

Log falsification is a misrepresentation of a commercial driver's duty status or driving time on their daily record of duty status. They can be uncovered during roadside inspections or during Department of Transportation audits of motor carriers. And whether they are deliberate or unintentional, they can be a major problem for fleets.

But there are things you can do to reduce the number of violations.

Nearly 5% of all driver-related roadside inspections involved some kind of a log falsification in the years from 2019 to 2023, according to Federal Motor Carrier Safety Administration statistics — and they rank as the fourth most common driver-related violation.

It's even worse in compliance reviews, AKA DOT audits, where log falsification is actually the second most common violation that's discovered. The FMCSA has reportedly discovered around 21,000 log falsification violations in their DOT audits, which amounts to around 6% of the audits that they conduct, says Brandon Wiseman, president of Trucksafe Consulting.

"Those numbers — 5, 6% — don't seem like all that all that big of a deal, but they are," Wiseman says.

Why can log falsification violations be so bad for motor carriers, why are there so many false log violations, and what can fleets do to fix it?



Log falsifications are one of the most common violations cited during roadside inspections.

PHOTO: CVSA

Your CSA Score

Log falsifications discovered during roadside inspections affect a motor carrier's CSA (Compliance, Safety, Accountability) score in the hours of service BASIC as shown in the FMCSA's Safety Measurement System.

"They are heavily weighted, and they can cause a motor carrier's CSA score in the hours of service BASIC to tick up pretty quickly," Wiseman says. "And in fact, a high hours of service BASIC score is a very common trigger for a DOT audit.

"The more log falsifications you as a fleet are incurring, the more likely it is you're going to have the DOT knocking at your door," he says.

Your Safety Rating

What DOT inspectors discover during an audit will mean the difference between a Satisfactory, Conditional, or Unsatisfactory Safety Fitness Determination (more commonly known simply as a safety rating.)

Wiseman explains that during a DOT audit, investigators are looking for critical-level violations in your hours of service records.

"What they mean by a critical level of violations is a pattern of noncompliance over a certain period of time, or over a certain number of logs that they are sampling," Wiseman explains. "A 10% or higher violation rate in that context, that would amount to a critical level violation."

Investigators are looking for violations of the rules themselves — the 11-hour driving rule, the 14-hour daily rule, the 70-hour rule, etc. — but they're also looking for log falsifications.

"If they find a log falsification violation rate of 10% or more in the DOT audit — which is not that hard to find — then you're going to get a critical-level violation in the hours of service factor for that audit. And if you get a critical-level violation in the hours of service



PHOTO: GETTY IMAGES/ALEXANDER LYAKHOVSKIY

Many truck drivers don't realize that fueling the truck should be logged as on-duty.

factor, you're not getting out of that audit with anything better than a Conditional safety rating."

What he has seen in his years of working with clients on regulatory compliance is that the most common way fleets get a downgraded safety rating is log falsifications.

"Aside from getting a downgraded safety rating, the other thing you can usually expect to receive is a civil penalty," Wiseman adds. Just how much that fine may be will vary based on factors such as the size of your company and how many violations were discovered, but Wiseman said he's seen log falsification fines from \$5,000 up to \$50,000.

See You in Court

And let's not forget the potential for litigation following a crash.

In its 2020 research report on how "nuclear verdicts" affect the trucking industry, the American Transportation Research Institute found that there were five particular factors brought against a defendant that yielded 100% verdicts in favor of the plaintiff.

The top one was hours-of-service or logbook violations.

"If your fleet has a real problem with drivers falsifying their logs, whether it's deliberately or inadvertently, and one of your drivers is involved in a catastrophic accident, you can be sure that the log falsification issue is going to come to light in that litigation," Wiseman says. "And it may very well haunt you in that litigation, particularly if one of the reasons for the accident has to do with driver fatigue."

How do Log Falsifications Happen?

One of the biggest culprits behind log falsification, says Wiseman, is the use and abuse of "personal conveyance" status.

"In fact, it is being widely misused by a lot of drivers to conceal hours of service violations," he says.

"Personal conveyance has always been and continues to be a significant source of misunderstanding among drivers, among carriers, among law enforcement, among the FMCSA itself. Nobody can really get their arms around it."

Personal conveyance, he says, is for a limited circumstance where a commercial driver could legally log their driving time as off duty. When ELDs were implemented, because the device will au-

Your Personal Conveyance Policy

One way motor carriers can address personal conveyance problems is by putting in place a more restrictive company policy than what the DOT guidance outlines.

For instance, the guidance says, a motor carrier could:

- Ban the use of a commercial motor vehicle for personal conveyance purposes.
- Set a distance limitation on personal conveyance.
- Prohibit personal conveyance while under a load.

tomatically log as on-duty driving if the vehicles is moving, officials needed the "personal conveyance" status as an option so that time isn't counted against driver HOS limits by the ELD.

A legitimate use of personal conveyance might be an owner-operator who's not under dispatch and needs to use his truck to help move his brother from Indiana to Florida. Or he has a boat that he needs to take down to the lake.



The personal conveyance exemption can be used to find truck parking only if the driver ran out of hours while loading or unloading.

PHOTO: DEBORAH LOCKRIDGE

“Truly personal reasons,” Wiseman says.

Part of the problem, he says, is that personal conveyance is not written in the official rules but is published as a guidance.

Personal Conveyance Misuse

Drivers can misuse the personal conveyance exemption option in their ELDs, whether it’s from a lack of understanding of the rules or a deliberate falsification.

Wiseman offers the example of a driver who’s under dispatch for a motor carrier and has only 50 more miles to go when he or she hits the 11-hour daily driving limit. Regulations require the driver to shut down for the required rest period right there.

“But if you really want to get the job done, and you want to avoid the appearance of an hours of service violation, the way you get around that is by flipping yourself into personal conveyance status,” Wiseman says.

To someone who’s not digging into it very deeply, he says, it will look like the driver was in compliance with the hours of service rules that day.

However, he says, “it doesn’t take much for law enforcement and for motor carriers to do a little bit of digging

on that personal conveyance segment of your time and figure out if you were legitimately off-duty for personal reasons or not. And if they find out that you weren’t, then it’s a log falsification.”

Ironically, Wiseman says, the driver actually would have been better off to have just violated the 11-hour rule than to be found falsifying driver logs.

PC and Parking

A common misconception is that the personal conveyance status can be used by drivers to get to a safe parking place for their required rest if the first place they stop is full. In fact, Wiseman points out, that is only for right after loading or unloading. The guidance says an accepted use of personal conveyance is “time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading.”

“That’s a very common misunderstanding is that there’s some so-called safe haven allowance in the personal conveyance guidance,” Wiseman says. “It’s not true. If you run out of hours and you’re in the middle of the highway, there’s no way for you to get to a safe location to rest except to go in violation. That’s your only option.

“DOT would tell you, you should have planned better for that situation. And now you’re going to suffer the consequences of your hours violation.”

Other Falsification Types

Some of the other common reasons behind log falsification violations may be inadvertent.

For instance, a driver might put themselves into off duty status in a situation where the regulations require them to be in on-duty/not driving status.

The most common example, he says, is drivers logging off-duty when fueling their trucks. That time is supposed to be logged as on duty/not driving.

“A lot of times drivers just don’t realize that they’re supposed to be an on-duty status during while they’re fueling their vehicles, and so they flip themselves into off duty status. That’s considered a log falsification.”

Another common area where logs are falsified — deliberately or inadvertently — is unassigned driving time when using an ELD.

ELD’s automatically start logging driving time whenever a vehicle starts moving. If nobody is logged in, that goes into the carrier’s back-office access to the ELD software and put on an unassigned driving report.

When the DOT comes to audit you, Wiseman says, “one of the first things they’re going to ask for when they’re looking at your hours of service is your unassigned driving report. And it’s a very common way that carriers run into trouble in those audits.

“They turn over this unassigned driving report, and if it’s got thousands of hours of unassigned driving time, DOT oftentimes considers those to be log falsifications. Because a way for drivers to conceal hours of service violations is just by not logging into the device.”

FMCSA expects motor carriers to be reconciling the time on those unassigned driving reports and assigning them to the driver to whom they belong.

There are certain instances where there’s no driver to whom they belong, like when a technician is taking the

“If you get a critical-level violation in the hours of service factor, you’re not getting out of that audit with anything better than a Conditional safety rating.”

truck out to diagnose or evaluate a problem. In those cases, Wiseman says, it's important to annotate what those unassigned driving time entries are.

What Fleets Can Do

"There's no magic formula to this," Wiseman says. "It takes effort on your part to get these things under control."

"First things first, you can't fix what you're not measuring"

Wiseman recommends fleets watch key safety and compliance metrics. When it comes to log falsifications, he says, safety managers need to watch the carrier's hours-of-service CSA score in the SMS.

"If you see that you're getting a bunch of log falsifications, now's the time to deal with that before it balloons into a big problem and you have DOT knocking at your door," he says.

In addition, monitor key reports that come from your ELD system, such as personal conveyance and unassigned driving time.

Carriers need to regularly audit their driver logs to look for common problems, such as logging fueling time as off-duty.

"Once you know where you are having problems, you actually have to take action to get control of them," Wiseman says.

If a driver is incurring false log violations or a lot of personal conveyance time, the first step is to have a conversation with that driver.


"If it turns out that it's a nefarious reason, then you need to take disciplinary action against them," he says. There needs to be a progressive discipline program in place in fleet policies and it needs to be followed.

But if it turns out that false log violation, an overabundance of unassigned

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driving or personal conveyance time stems from a lack of understanding of the rules, drivers need education.

"You need to be educating your drivers, making sure they understand when they can use personal conveyance and when they can't. Or if it's unassigned driving time that you're having a problem with, making sure that they are being held accountable to logging into their device."

"Holding drivers accountable, giving them the education they need. That's really what goes into getting control of these issues." 



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