

2026-02 – False Records of Duty Status and Electronic Logging Device Tampering

Created: April 1, 2026

Summary

This bulletin provides guidance for determining a false record of duty status (RODS) as outlined in § 395.8(e)(1) or reengineered, reprogrammed or tampered RODS where the electronic logging device (ELD) does not accurately record or retain required data as outlined in § 395.8(e)(2). This guidance will help the inspector determine when to place the driver out of service (OOS) per the CVSA North American Standard Out-of-Service Criteria.

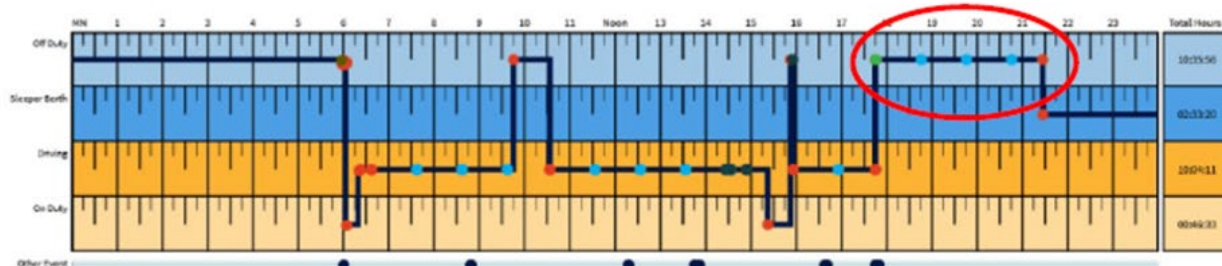
Background

False RODS, where the driver misuses personal conveyance or does not log into the ELD causing unidentified driving time, are normally easy to determine if the driver is over hours at the time of inspection. With these types of false RODS, the inspector can usually determine how much rest the driver received and if they need to be placed OOS.

Inspectors are finding RODS that have been altered or shifted up to several days. There is no indication in the event details that there was any change to the RODS. The only way inspectors find these altered RODS is by comparing supporting documents to the RODS. In these cases, it is not possible to determine the time, duration and location of the rest breaks.

False Record of Duty Status – § 395.8(e)(1)

In the example below, the driver drove 3.75 hours using personal conveyance in the furtherance of their load. This is clearly a false RODS and puts the driver over their 11/14-hour rule. Per CVSA Operational Policy 14 – Enhancing Inspection and Enforcement Data Uniformity, the inspector will document an 11-hour rule violation, a 14-hour rule violation and the false RODS. If the driver is over their hours at the time of the stop, the inspector should declare the driver out of service until such time as eligibility to drive is re-established.



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Another commonly seen false RODS is when the driver does not log into the ELD. In the example below, the driver drove an hour while in sleeper-berth status, which shows as unidentified driving. The inspector can determine that the driver was able to get enough rest and is safe to continue the trip.



Reengineered, reprogrammed or tampered RODS where the ELD does not accurately record or retain data – § 395.8(e)(2)

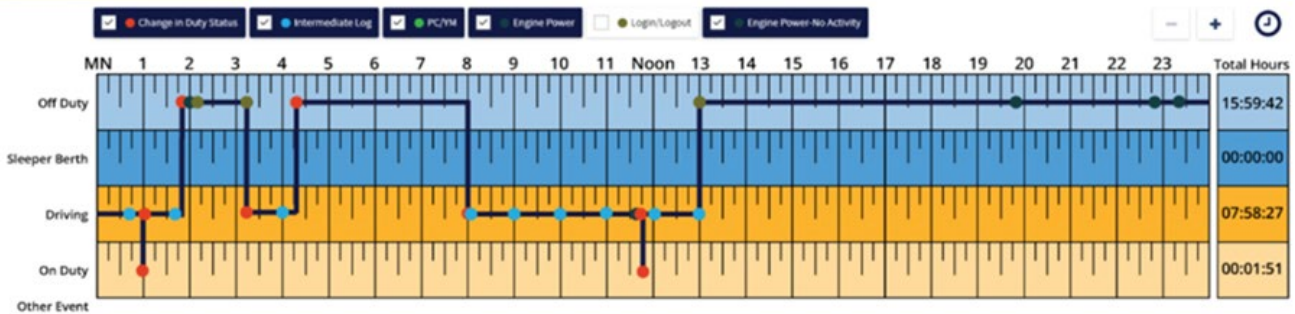
The Oxford Dictionary defines tampering as “interfering in order to cause damage or make unauthorized alterations.” The fraudulent use of driver credentials is an unauthorized alteration of the ELD. An example of this is a motor carrier creating a fictitious driver ELD account to reassign driving time or allow drivers to log in to the device using fraudulent credentials.

In the example below, the motor carrier set up a fictitious ELD account using the same driver’s name but changed the username, used lowercase instead of uppercase for the driver’s name, and changed one digit in the commercial driver’s license. The driver would alternate logging into each account to continue driving after hours-of-service (HOS) limits were met. It is the inspector’s responsibility to prove/verify that a fictitious account was used and document verification efforts in the inspection notes.

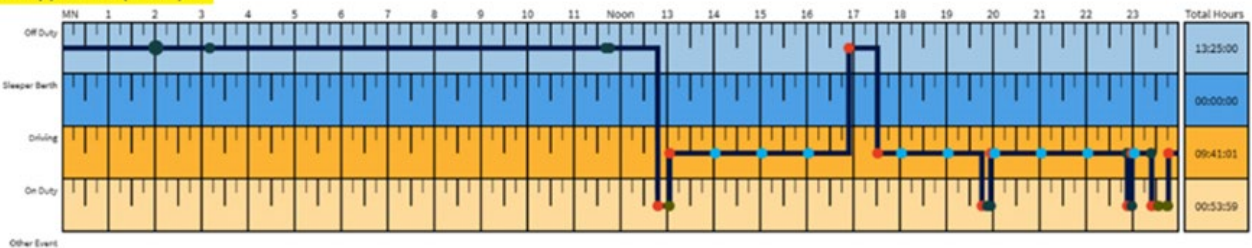
John.Appleseed	John	Appleseed	WDL123456BB
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John Appleseed (9/2/20)

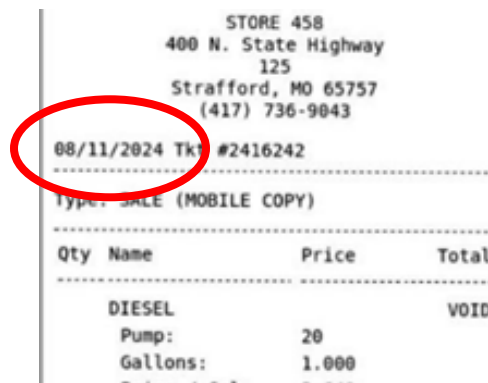


John Appleseed (9/2/20)



Below is an example of a reengineered RODS. The ELD was altered, giving the driver extra hours to drive. This example shows the driver off duty in Tolleson, Arizona, at around 2100 hours on Aug. 10, 2024. The inspector obtained a fuel receipt that showed the driver fueling in Strafford, Missouri, on Aug. 11, 2024, yet the RODS shows the driver off duty all day in Tolleson.

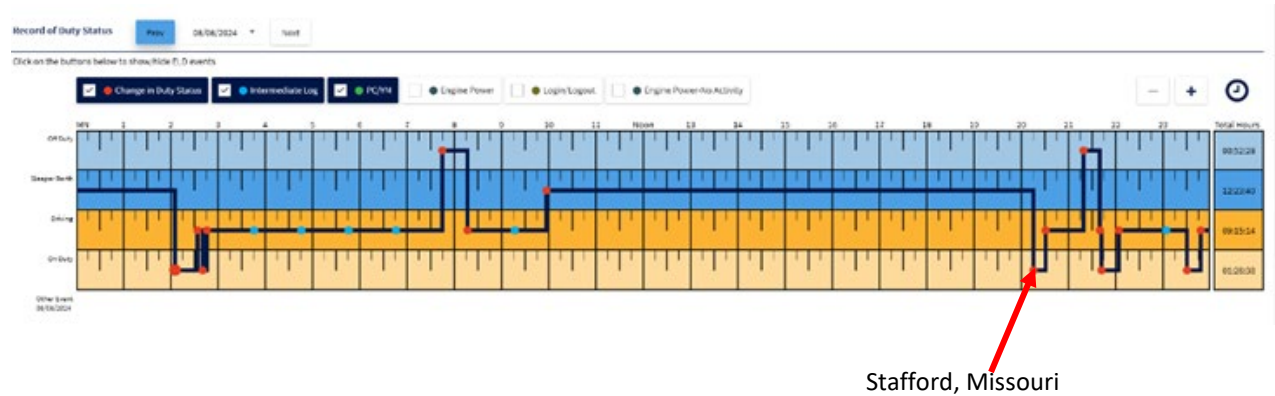
August 10, 2024



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Going back several days to Aug. 8, 2024, the inspector finds where the fueling was logged. The RODS was shifted back by three days. Strafford, Missouri, to Tolleson, Arizona, is 1,304 miles. The driver had almost 21 hours of driving time missing from the RODS. In this case, it is not possible to determine when the actual driving and rest periods occurred.

August 8, 2024



Enforcement Guidance

Inspectors should rely on the driver interview and make every effort to support the OOS violation through motor carrier contacts and the collection of supporting documentation. The goal is to only place drivers OOS who pose an imminent hazard. For standard false RODS, where it is possible for the inspector to determine when the falsification occurred, and the driver is not over hours at the time of inspection, these false RODS should be cited under § 395.8(e)(1), and the driver should be allowed to proceed. If the driver is over the HOS limits at the time of inspection, the driver should be cited under § 395.8(e)(1) and placed OOS until such time as eligibility to drive is re-established.

For drivers whose RODS have been reengineered, reprogrammed or tampered with and the ELD does not accurately record or retain required data, and it is not possible for the inspector to determine when driving occurred, the inspector should cite a § 395.8(e)(2) violation and place the driver OOS for 10 consecutive hours.