

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

375Z0541

## SENATE CONCURRENT RESOLUTION NO. 14

Introduced by: Senators Youngberg, Bolin, Cammack, Cronin, Curd, Ewing, Frerichs, Greenfield (Brock), Haverly, Heinert, Jensen (Phil), Kennedy, Klumb, Kolbeck, Langer, Maher, Monroe, Nelson, Nesiba, Netherton, Novstrup, Otten (Ernie), Partridge, Peters, Rusch, Russell, Soholt, Solano, Stalzer, Sutton, Tapio, Tidemann, White, and Wiik and Representatives Bartling, Beal, Brunner, Campbell, Dennert, DiSanto, Gosch, Greenfield (Lana), Heinemann, Jensen (Kevin), Kaiser, Karr, Kettwig, Lesmeister, Livermont, Marty, May, Otten (Herman), Peterson (Kent), Pischke, Qualm, Rhoden, Rounds, Schoenfish, Smith, Tulson, Wiese, and Zikmund

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

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

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

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

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



1 operators; and

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

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

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

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

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

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

18 WHEREAS, the ELD is an invasion of privacy. Drivers feel as if their every move is being  
19 logged and watched by enforcement personal and fleet operators. The devices tracks vehicles  
20 within a one-mile radius; and

21 WHEREAS, manufacturers of ELDs are currently responsible for self-certifying their  
22 compliance with government standards and there are no effective procedures seemingly yet  
23 developed to provide oversight over this required equipment. The truck drivers and operators  
24 are left without any means of ascertaining which brands and models of devices ultimately will

1 pass muster. The truck drivers and operators must fly blindly into investing in products that they  
2 are being required to purchase:

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