



COMPLIANCE BULLETIN

FMCSA Will Allow Electronic Recordkeeping

OVERVIEW

On **Apr. 16, 2018**, the Federal Motor Carrier Safety Administration (FMCSA) [amended](#) its regulations to allow the use of electronic records and signatures to satisfy regulatory requirements. Specifically, the new rule allows carriers to generate, certify, sign, maintain and exchange records electronically if the electronic records:

- ✓ Provide an accurate representation of required information; and
- ✓ Can be used for their intended purpose.

The new rule applies only to records that carriers and drivers must retain under FMCSA regulations. The rule applies to forms and documentation that must be submitted directly to the FMCSA only if electronic submission is already allowed.

The amendment allowing for the use of electronic records and signatures becomes effective on **June 15, 2018**.

ACTION STEPS

The use of electronic documents and signatures is only optional at this point. No additional action is required at this time.

HIGHLIGHTS

- The final rule gives carriers and drivers the option of using electronic records and signatures.
- The final rule does not create additional requirements.
- The final rule makes 2011 FMCSA guidance official.

IMPORTANT DATES

April 16, 2018

Final rule publication date

June 15, 2018

Final rule effective date

Provided By:

Bankers Insurance, LLC



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THE FINAL RULE

The final rule allows—but does not require—the use of electronic documents and signatures. This means that the FMCSA will accept either printed or electronic copies. The rule does not impose any additional requirements on carriers and drivers. Rather, it allows affected entities and individuals to choose the system that works best to satisfy their recordkeeping and submission requirements.

The final rule includes the following as examples of affected documents:

- ✓ Vehicle maintenance records;
- ✓ Driver qualification files;
- ✓ Bills of lading; and
- ✓ Business records.

The FMCSA published guidance on this topic in 2011. As a result, many carriers have already begun or completed their transition to electronic records. For these carriers, the new amendments only make the use of electronic records and signatures official and permanent.

Electronic Signatures

FMCSA regulations define an electronic signature as “a method of signing an electronic communication that identifies and authenticates a particular person as the source of the electronic communication and indicates such person's approval of the information contained in the electronic communication.”

Though the terms “identifies” and “authenticates” carry distinct meanings in the world of information technology, the FMCSA does not interpret these terms to require a specific level of information or authentication security. Instead, companies and individuals are free to decide for themselves what level of information security they are most comfortable maintaining. For compliance purposes, the FMCSA only requires that the electronic signatures have some level of security that meets the standard set forth in the Government Paperwork Elimination Act (GPEA) performance standard.

The GPEA defines an electronic signature as a method of signing an electronic communication that:

- ✓ Identifies and authenticates a particular person as the source of the electronic communication; and
- ✓ Indicates such person's approval of the information contained in the electronic communication.

The GPEA also requires federal agencies to provide individuals and entities the options of submitting information to or transacting with the agency electronically, and using electronic records retention when practicable.