

FMCSA Set to Strengthen ELD Certification Process: What Commercial Motor Carriers Should Know

Article

Amundsen Davis Transportation Alert

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On December 1, 2025, the Federal Motor Carrier Safety Administration (FMCSA) announced its intent to overhaul the vetting process for electronic logging devices (ELDs). According to the agency, the new, more rigorous process will help ensure that only fully compliant devices appear on the federal registered ELD list.

Commercial motor carriers can expect to see reductions in cost and operational disruptions, but the updated policy may also create new litigation and compliance considerations.

Why FMCSA Is Changing the Vetting Process for ELDs

ELDs are generally mandated to record commercial drivers' hours of service (HOS), with limited exceptions for short-haul operations or older trucks. The purpose of ELDs is to comply with the Federal Motor Carrier Safety Regulations regarding the required hours of service that help prevent the potential for driver fatigue. The strengthened review system is part of a broader safety initiative designed to protect motorists while reducing costs and operational disruptions for commercial motor carriers.

Under the current policy, ELD manufacturers were able to self-certify with the FMCSA. The FMCSA warns commercial motor carriers on the website for the approved list that it "does not endorse any electronic logging devices." Additionally, non-compliant or revoked devices could be re-registered with relative ease, creating recurring compliance burdens for commercial motor carriers suddenly forced to replace faulty units. The new vetting system closes these loopholes by implementing stricter verification of technical specifications, enhanced fraud detection, and a four-tier categorization process ranging from approval to denial.

PROFESSIONALS

Matthew A. Smartnick
Partner

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How These Changes Could Impact Claims Against Commercial Motor Carriers

This policy change carries several implications for the trucking industry regarding claims:

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CLEANER, MORE RELIABLE DATA IN DISCOVERY.

A more rigorous fraud detection and device review system in place by the FMCSA could mean better-quality HOS data. Cleaner data could reduce discovery disputes in litigation over authenticity, spoliation, and potentially narrow the issues in litigation.

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INCREASED SCRUTINY ON COMMERCIAL MOTOR CARRIERS.

If a commercial motor carrier continues to use an ELD that has been flagged for review or revoked, claimant attorneys could argue that the commercial motor carrier failed to comply with FMCSR 395.22, which requires a motor carrier to use an ELD that is listed on the FMCSA's approved list. Commercial motor carriers should plan to be extra vigilant of the FMCSA's lists of approved and revoked ELDs and ensure they are maintaining documentation showing good-faith reliance on the FMCSA's list of registered ELDs.

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INCREASED STRENGTH IN DEFENSE TO CLAIMS THAT INACCURATE ELDs CONTRIBUTED TO FATIGUE OR REGULATOR VIOLATIONS.

Now that the FMCSA will conduct vetting of ELDs, instead of relying on a manufacturer's self-certification, commercial motor carriers can now better rely on the approved ELD to ensure that they are properly monitoring their drivers' HOS. While FMCSR 395.22 only requires the motor carrier to use an ELD on the approved list and not that the ELD is compliant with FMCSA standards, the FMCSA's more stringent vetting process will help commercial motor carriers be more confident that they are appropriately monitoring their drivers' HOS and combating the potential for driver fatigue.

No timeline was established by the FMCSA on when it will implement this overhaul. However, it appears that the FMCSA is taking steps to ensure the reliability of ELDs.

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