



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HIGHWAY TRAFFIC ACT COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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HIGHWAY TRAFFIC ACT
Chapter H-5

COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE REGULATIONS

Pursuant to section 148 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. Definitions

In these regulations

- (a) “**Act**” means the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (b) “**Emergencies Act**” means the *Emergencies Act* (Canada);
- (c) “**Federal Act**” means the *Motor Vehicle Transport Act* (Canada);
- (d) “**Federal Regulations**” means the Commercial Vehicle Drivers Hours of Service Regulations, as set out in the Schedule to these regulations;
- (e) revoked by EC741/07;
- (f) “**Minister**” means the Minister of Transport (Canada). (EC713/06; 741/07; 862/22)

2. Application of Federal Regulations

- (1) Subject to subsection (2), the English component of the Federal Regulations, as made under the *Federal Act* and as amended from time to time, is hereby adopted for the purposes of the Act, with the necessary changes, in respect of the hours of service therein prescribed for drivers of commercial vehicles employed or engaged in extra-provincial transportation.

Definition not adopted

- (2) The definition of “commercial vehicle” in clause 1(c) of the Federal Regulations is not adopted for the purposes of the Act. (EC713/06)

3. Interpretation

For the purposes of these regulations, the provisions of the Federal Regulations shall be construed as if each reference to

- (a) “**commercial vehicle**” has the meaning defined in the Act;
- (b) “**director**” or “**provincial director**” means the “**Director**” as defined in clause 1(d.3) of the Act;
- (c) “**driver**” includes a “**driver**” as defined in clause 1(e) of the Act;
- (d) revoked by EC741/07;

- (e) “**emergency vehicle**” includes an “**emergency vehicle**” as defined in clause 1(e.2) of the Act;
- (f) “**inspector**” means an “**inspector**” as defined in clause 1(h.3) of the Act;
- (g) “**motor-carrier**” includes a “**carrier**” as defined in clause 142(a) of the Act.
(EC713/06)

4. **Application**

- (1) No carrier shall permit a driver to operate a commercial vehicle on a highway for the carrier unless the driver does so in accordance with the Federal Regulations, as outlined in the Schedule to these regulations.

Exception

- (2) Notwithstanding subsection (1), the Minister may, in writing, exempt a carrier or a driver of a commercial vehicle, a specified group of carriers or drivers of commercial vehicles, or specified services from all or a part of these regulations. (EC713/06)

5. **Revocation**

The Commercial Vehicle Drivers (Hours of Work) Regulations (EC226/89) are revoked.
(EC713/06)

SCHEDULE

COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE REGULATIONS

Interpretation

1. Definitions

In these regulations

- (a) “**Act**” means the *Motor Vehicle Transport Act* (Canada);
- (b) “**adverse driving conditions**” means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them;
- (c) “**co-driver**” means a person who is present in a commercial vehicle because of having been, or being about to be, its driver;
- (d) “**commercial vehicle**” means a vehicle that
 - (i) is operated by a motor carrier and propelled otherwise than by muscular power, and
 - (ii) is a truck, tractor, trailer or any combination of them that has a registered gross vehicle weight in excess of 4,500 kg or a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver;
- (e) “**cycle**” means
 - (i) cycle 1, under which on-duty time is accumulated over a period of seven days, and
 - (ii) cycle 2, under which on-duty time is accumulated over a period of 14 days;
- (f) “**daily log**” revoked;
- (g) “**day**”, in respect of a driver, means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver’s cycle;
- (h) “**director**” means a federal director or a provincial director;
- (i) “**driver**”
 - (i) means a person who drives a commercial vehicle,
 - (ii) means, in respect of a motor carrier, a person employed or otherwise engaged by the motor carrier to drive a commercial vehicle, including a self-employed driver, and
 - (iii) for the purposes of section 98, includes a co-driver;
- (j) “**duty status**” means any of the following periods:
 - (i) off-duty time, other than time spent in a sleeper berth,
 - (ii) off-duty time spent in a sleeper berth,
 - (iii) driving time,
 - (iv) on-duty time, other than driving time;
- (k) “**electronic logging device or ELD**” means a device or technology that automatically records a driver’s driving time and facilitates the recording of the

- driver's record of duty status, and that is certified by an accredited certification body under section 79.1;
- (l) “**electronic recording device**” revoked;
 - (m) “**emergency vehicle**” means a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes;
 - (n) “**federal director**” means the Chief of the Motor Carriers Division of the Department of Transport (Canada);
 - (o) “**home terminal**” means the place of business of a motor carrier at which a driver ordinarily reports for work and, for the purposes of recording information related to the driver's record of duty status, includes a temporary work site designated by the motor carrier;
 - (p) “**inspector**” means
 - (i) a person designated under subsection 3(2), or
 - (ii) a peace officer within the meaning of section 2 of the *Criminal Code (Canada)*;
 - (q) “**motor-carrier**” means a person who is engaged in the operation of an extra-provincial bus undertaking or an extra-provincial truck undertaking;
 - (r) “**off-duty time**” means any period other than on-duty time;
 - (s) “**oil well service vehicle**” means a commercial vehicle that is
 - (i) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
 - (ii) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas well facilities or for servicing and repairing those facilities;
 - (t) “**on-duty time**” means the period that begins when a driver begins work or is required by the motor carrier to be available to work, except if the driver is waiting to be assigned to work, and that ends when the driver stops work or is relieved of responsibility by the motor carrier, and
 - (i) includes driving time and time spent by the driver
 - (A) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial vehicle,
 - (B) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth,
 - (C) participating in the loading or unloading of a commercial vehicle,
 - (D) inspecting or checking the load of a commercial vehicle,
 - (E) waiting before and while a commercial vehicle is serviced, loaded, unloaded or dispatched,
 - (F) waiting before and while a commercial vehicle or its load is inspected and the driver's requirements are assessed, and, if relevant, the time spent taking the required remedial actions,
 - (G) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
 - (H) resting in or occupying a commercial vehicle for any other purpose, except
 - (I) time counted as off-duty time in accordance with section 10,
 - (II) time spent in a sleeper berth,

- (III) time spent in a stationary commercial vehicle to satisfy the requirements of subsection 14(3), and
- (IV) time spent in a stationary commercial vehicle that is in addition to the off-duty requirements of subsection 14(3),
 - (I) performing any work for any motor carrier, and
 - (J) performing yard moves of a commercial vehicle within a terminal, depot or port and that is not on a public road, and
- (ii) does not include driving time for the driver's personal use, if
 - (A) the vehicle is not used in the course of the business of the motor carrier,
 - (B) the vehicle has been unloaded,
 - (C) any trailers have been unhitched,
 - (D) the distance travelled does not exceed 75 kilometres in a day,
 - (E) the driver had recorded in the record of duty status the odometer reading at the beginning and at the end of the personal use, and
 - (F) the driver is not the subject of an out-of-service declaration under section 91;
- (u) **“out-of-service declaration”** means a declaration issued by a director or an inspector under section 91;
- (v) **“principal place of business”** means the place or places designated by the motor carrier where records of duty status and supporting documents are stored;
- (w) **“record of duty status”** means a record in which a driver records the information required under section 77 or 82, as the case may be, for each day;
- (x) **“sleeper berth”** revoked;
- (y) **“supporting document”** means any one of the following documents or information received or prepared by a driver in the course of their duties or received or prepared by the motor carrier
 - (i) any electronic mobile communication record reflecting communications between a driver and a motor carrier transmitted through a driver call-in or fleet management system,
 - (ii) any payroll record, settlement sheet or equivalent document that indicates payments to the driver,
 - (iii) any government-issued document indicating the location of the commercial vehicle,
 - (iv) any reports, receipts, records or other documentation relating to the load of the commercial vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip,
 - (v) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial vehicle, and
 - (vi) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time, or location of the commercial vehicle during a trip, including arrival and departure times;
- (z) **“Technical Standard”** means the *Technical Standard for Electronic Logging Devices*, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time, other than provision 4.5.1.11(b)(9) of that standard.

1.1 “HOS Regulations”

For the purposes of these regulations, every reference to “HOS Regulations” in the Technical Standard shall be read as a reference to these regulations.

2. Application

These regulations apply to all commercial vehicles other than the following

- (a) a two- or three-axle commercial vehicle being used for
 - (i) transporting the primary products of a farm, forest, sea or lake, if the driver or the motor carrier is the producer of the products, or
 - (ii) a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest, sea or lake;
- (b) an emergency vehicle; and
- (c) a vehicle engaged in providing relief in the case of a public welfare emergency, as that expression is defined in section 5 of the *Emergencies Act* (Canada).

Directors**3. Designation of director**

- (1) The Minister may designate a person in the province to exercise the duties and functions of a director for the purposes of these regulations.

Designation of inspectors

- (2) A director may designate inspectors for the purposes of these regulations.

Responsibilities of Motor Carriers, Shippers, Consignees and Drivers**4. Prohibition**

No motor carrier, shipper, consignee or other person shall request, require or allow a driver to drive and no driver shall drive if

- (a) [Repealed, SOR/2019-165, s. 4]
- (b) driving would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier;
- (c) the driver is the subject of an out-of-service declaration; or
- (d) the driver, in doing so, would not be in compliance with these regulations.

[5 to 9 reserved]

Travelling as a Passenger - Off-duty Time**10. Off-duty time**

If a driver who has, at the request of the motor carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger, by any mode of transportation, to the destination at which the driver will begin driving takes eight consecutive hours of off-duty

time before beginning to drive, the time spent as a passenger shall be counted as off-duty time.

Scheduling - Driving South of Latitude 60°N

Application

11. Driving south of latitude

Sections 12 to 29 apply in respect of driving south of latitude 60°N.

Daily Driving and On-duty Time

12. Maximum daily driving

- (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving time in a day.

Maximum daily on-duty time

- (2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 14 hours of on-duty time in a day.

Mandatory Off-duty Time

13. Minimum mandatory off-duty time - driving time

- (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving time unless the driver takes at least eight consecutive hours of off-duty time before driving again.

Minimum mandatory off-duty time - on-duty time

- (2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least eight consecutive hours of off-duty time before driving again.

Elapsed time

- (3) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after 16 hours of time have elapsed between the conclusion of the most recent period of eight or more consecutive hours of off-duty time and the beginning of the next period of eight or more consecutive hours of off-duty time.

Daily Off-duty Time

14. Minimum mandatory daily off-duty time

- (1) A motor carrier shall ensure that a driver takes and the driver shall take at least 10 hours of off-duty time in a day.

Blocks of off-duty time

- (2) Off-duty time other than the mandatory eight consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.

Total amount of off-duty time

- (3) The total amount of off-duty time taken by a driver in a day shall include at least two hours of off-duty time that does not form part of a period of eight consecutive hours of off-duty time required by section 13.

[15 reserved]

Deferral of Daily Off-duty Time**16. Maximum deferral of off-duty time**

Despite sections 12 and 14, a driver who is not splitting off-duty time in accordance with section 18 or 19 may defer a maximum of two hours of the daily off-duty time to the following day if

- (a) the off-duty time deferred is not part of the mandatory eight consecutive hours of off-duty time;
- (b) the total off-duty time taken in the two days is at least 20 hours;
- (c) the off-duty time deferred is added to the eight consecutive hours of off-duty time taken in the second day;
- (d) the total driving time in the two days does not exceed 26 hours; and
- (e) there is a declaration in the record of duty status that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day two of that time.

Ferries**17. Exception**

Despite sections 13 and 14, a driver travelling by a ferry crossing that takes more than five hours is not required to take the mandatory eight consecutive hours of off-duty time if

- (a) the time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 kilometres from the point of disembarkation from the ferry combine to total a minimum of eight hours;
- (b) the hours are recorded in the record of duty status as off-duty time spent in a sleeper berth;
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees; and
- (d) the supporting document coincides with the record of duty status entries.

Splitting of Daily Off-duty Time - Single Driver

18. Splitting of daily off-duty time - single driver

- (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 13 and 14 by accumulating off-duty time in no more than two periods if
- (a) neither period of off-duty time is shorter than two hours;
 - (b) the total of the two periods of off-duty time is at least 10 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (c.1) the sleeper berth meets the requirements of Schedule 1;
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;
 - (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on-duty;
 - (f) none of the daily off-duty time is deferred to the next day; and
 - (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.

Calculation of 16th hour

- (2) The 16th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is two hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than two hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.
- (3) [Repealed, SOR/2019-165, s. 6]

Splitting of Daily Off-duty Time - Team of Drivers

19. Commercial vehicle fitted with sleeper berth

- (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 13 and 14 by accumulating off-duty time in no more than two periods if
- (a) neither period of off-duty time is shorter than four hours;
 - (b) the off-duty time is spent resting in the sleeper berth;
 - (c) the sleeper berth meets the requirements of Schedule 1;
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;

- (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty;
- (f) none of the daily off-duty time is deferred to the next day; and
- (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.

Calculation of 16th hour

- (2) The 16th hour is calculated by
 - (a) excluding any period spent in the sleeper berth that is four hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least eight hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than four hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.
- (3) [Repealed, SOR/2019-165, s. 7]

[20 to 23 reserved]

Cycles**24. Cycles**

A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

25. Off-duty time

Subject to section 28, no motor carrier shall request, require or allow a driver to drive and no driver shall drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

26. Cycle 1 accumulation of on-duty time

Subject to section 28, no motor carrier shall request, require or allow a driver who is following cycle 1 to drive, and no driver who is following cycle 1 shall drive, after the driver has accumulated 70 hours of on-duty time during any period of seven days.

27. Cycle 2 accumulation of on-duty time

Subject to section 28, no motor carrier shall request, require or allow a driver who is following cycle 2 to drive, and no driver who is following cycle 2 shall drive, after the driver has accumulated

- (a) 120 hours of on-duty time during any period of 14 days; or

- (b) 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.

Cycle Reset - Off-duty Time

28. Cycle reset

- (1) A driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:
 - (a) for cycle 1, at least 36 consecutive hours;
 - (b) for cycle 2, at least 72 consecutive hours.

Accumulation of hours

- (2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle Switching - Off-duty Time

29. Cycle switching

- (1) No motor carrier shall request, require or allow a driver to switch and no driver shall switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:
 - (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
 - (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

Accumulation of hours

- (2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

[30 to 36 reserved]

Scheduling - Driving North of Latitude 60°N

Application

37. Driving north of latitude

Sections 39 to 54 apply in respect of driving north of latitude 60°N.

38. [Repealed, SOR/2019-165, s. 10]

Mandatory Off-duty Time**39. Minimum mandatory off-duty time**

- (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated more than 15 hours of driving time or 18 hours of on-duty time unless they take at least eight consecutive hours of off-duty time before driving again.

Elapsed time

- (2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive if more than 20 hours of time has elapsed between the conclusion of the most recent period of eight or more consecutive hours of off-duty time and the beginning of the next period of eight or more consecutive hours of off-duty time.

40. [Repealed, SOR/2019-165, s. 11]

Splitting of Daily Off-duty Time - Single Driver**41. Commercial vehicle fitted with sleeper berth**

- (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time requirements of section 39 by accumulating off-duty time in no more than two periods if
- (a) neither period of off-duty time is shorter than two hours;
 - (b) the total of the two periods of off-duty time is at least eight hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (c.1) the sleeper berth meets the requirements of Schedule 1;
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
 - (e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and
 - (f) none of the daily off-duty time is deferred to the next day.

Calculation of 18th hour

- (2) The 18th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is two hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least eight hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than two hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) [Repealed, SOR/2019-165, s. 12]

Splitting of Daily Off-duty Time - Team of Drivers

42. Commercial vehicle fitted with sleeper berth

- (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time requirements of section 39 by accumulating off-duty time in no more than two periods if
- (a) neither period of off-duty time is shorter than four hours;
 - (b) the off-duty time is spent resting in the sleeper berth;
 - (c) the sleeper berth meets the requirements of Schedule 1;
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
 - (e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and
 - (f) none of the off-duty time is deferred to the next day.

Calculation of 18th hour

- (2) The 18th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is four hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least eight hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than four hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) [Repealed, SOR/2019-165, s. 13]

[43 to 48 reserved]

Cycles

49. Cycles

A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

50. Off-duty time

Subject to section 53, no motor carrier shall request, require or allow a driver to drive and no driver shall drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

51. Cycle 1 accumulation of on-duty time

Subject to section 53, no motor carrier shall request, require or allow a driver who is following cycle 1 to drive and no driver who is following cycle 1 shall drive after the driver has accumulated 80 hours of on-duty time during any period of seven days.

52. Cycle 2 accumulation of on-duty time

Subject to section 53, no motor carrier shall request, require or allow a driver who is following cycle 2 to drive and no driver who is following cycle 2 shall drive after the driver has accumulated

- (a) 120 hours of on-duty time in any period of 14 days; or
- (b) 80 hours of on-duty time, without having taken at least 24 consecutive hours of off-duty time.

Cycle Reset - Off-duty Time**53. Cycle reset**

- (1) A driver may end the current cycle and begin a new cycle if they first take the following off-duty time:
 - (a) for cycle 1, at least 36 consecutive hours;
 - (b) for cycle 2, at least 72 consecutive hours.

Accumulation of hours

- (2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle Switching - Off-duty Time**54. Cycle switching**

- (1) No motor carrier shall request, require or allow a driver to switch and no driver shall switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:
 - (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
 - (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

Accumulation of hours

- (2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

[55 to 60 reserved]

Permits

Special Permits

61. Special permit of federal director

- (1) The federal director may issue a special permit to a motor carrier for the purpose of a research or pilot project if the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized.

Application

- (2) Sections 12 to 54 and 76 to 99 do not apply in respect of special permits.

Work plan

- (3) The applicant shall provide to the federal director a detailed work plan that includes at least the following information:
- (a) the nature of the proposed research or pilot project;
 - (b) the objectives of the proposed research or pilot project;
 - (c) the competence of the applicant to participate in the proposed research or pilot project;
 - (d) the criteria and method for measuring results;
 - (e) the safety implications and the approach to addressing any possible risks identified;
 - (f) the duration of the proposed research or pilot project;
 - (g) the manner of and timing for reporting results.

Permits for Commercial Vehicles Other than Oil Well Service Vehicles

62. Permit of provincial director

- (1) A provincial director may issue a permit to a motor carrier in respect of a commercial vehicle other than an oil well service vehicle if
- (a) the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized; and
 - (b) a reduction of off-duty time or an increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods, or
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the motor carrier.

Deviations

- (2) The only deviations from the requirements of these regulations that may be authorised in the permit are
- (a) a reduction of the two hours of daily off-duty time required by subsection 14(3) if the commercial vehicle is driven south of latitude 60°N; and
 - (b) an increase in driving time and on-duty time of up to a total of two hours.

Oil Well Service Vehicle Permits**63. Provincial director may issue permit**

- (1) A provincial director may issue a permit to a motor carrier in respect of an oil well service vehicle if
- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry; and
 - (b) the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized.

Exception

- (2) Sections 24 to 29 and 49 to 54 do not apply in respect of an oil well service vehicle permit, but instead the permit shall require that the driver take
- (a) at least three periods of off-duty time, each at least 24 hours long, in any period of 24 days, the periods being taken consecutively or separated by on-duty time; and
 - (b) at least 72 consecutive hours of off-duty time after ending driving under the provisions of the permit and beginning driving under those sections.

Accumulation of hours in cycle

- (3) When the driver begins to drive again under sections 24 to 29 or 49 to 54, they begin to accumulate hours in the cycle.

Exclusion - on-duty time

- (4) Waiting time and standby time at an oil or natural gas well site or ancillary facility shall not be included as on-duty time if
- (a) the driver performs no work during the time;
 - (b) the time is fully and accurately recorded in the record of duty status as off-duty time and denoted as waiting or standby time; and
 - (c) the time is not included in the mandatory minimum of eight consecutive hours of off-duty time.

No deferral of off-duty time

- (5) None of the daily off-duty time shall be deferred to the next day.

Applications for Permits**64. Application for permit**

- (1) A motor carrier may apply to a director for a permit by providing the following information and documents:
- (a) the name of the motor carrier;
 - (b) the names of the drivers who drive a commercial vehicle for the motor carrier;
 - (c) the driver licence numbers of the drivers and the provinces of issuance;
 - (d) the list of the commercial vehicles operated by the motor carrier;
 - (e) a list of all accidents involving the motor carrier or any driver of the motor carrier that occurred during the six months before the date of the application if they are

required by the laws of the province, state or country in which the accident occurred to be reported to the police;

- (f) the requested duration of the permit;
- (g) in the case of an extra-provincial truck undertaking, a detailed description of the load and the provinces in respect of which the permit is to apply;
- (h) in the case of an extra-provincial bus undertaking, a detailed description of the routes in respect of which the permit is to apply;
- (i) the requested schedule;
- (j) the reasons for the application, with supporting evidence;
- (k) a copy of every permit issued to the motor carrier under these regulations in the previous five years;
- (l) a signed declaration that discloses any other application for a permit under these regulations made by the motor carrier to any director within the six months before the date of the application.
- (m) [Repealed, SOR/2019-165, s. 17]

Production of records

- (2) If requested by the director to do so, the motor carrier shall make available to the director the records of duty status, supporting documents or records of on-duty times, for the six months before the date of the application, of every driver who will drive a commercial vehicle of the motor carrier under the permit.

64.1 Additional information

The director may, at any time after the application has been made, require an applicant to provide additional information in order for the director to evaluate whether the granting of a permit would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier.

Approval of Other Directors

65. Approval of provincial directors

- (1) Before issuing a permit, a director shall obtain the written approval of the provincial directors of the provinces in which the commercial vehicle will be driven under the permit.

Response to request for approval

- (2) A provincial director from whom approval is sought shall
 - (a) respond to the request for approval within 30 days after receiving it; and
 - (b) give their approval if they have no reason to believe that the safety or health of the public, the driver or the employees of the motor carrier would be likely to be jeopardized by the granting of the permit.

Issuance of Permits

66. Permit

A director who issues a permit shall specify in the permit

- (a) the reasons for issuing it;

- (b) its duration, which shall not exceed one year;
- (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the motor carrier; and
- (d) the provinces in respect of which the permit is to apply.

Obligations of Permit Holders

67. Obligation of permit holder

- (1) A motor carrier to whom a permit is issued shall
 - (a) provide the director with a list of the commercial vehicles that will be operated under the permit before undertaking any activity under the permit;
 - (a.1) ensure that a copy of the permit is placed in each commercial vehicle in respect of which it applies;
 - (b) keep the director informed of any changes to the list of the commercial vehicles that will be operated under the permit;
 - (c) make available for inspection by the director, on request, the records of duty status and the supporting documents of the drivers of the commercial vehicles in respect of which the permit applies; and
 - (d) notify the director without delay of any accident involving any of the commercial vehicles to which the permit applies if it is required by the laws of the province, state or country in which the accident occurred to be reported to the police.
- (2) [Repealed, SOR/2019-165, s. 21]

Amendment, Cancellation and Suspension of Permits

68. Amendment, cancellation, suspension of permit

- (1) A director who issues a permit may amend, cancel or suspend it, and a director who approves a permit issued by another director may withdraw the approval, on written notification to the motor carrier, if
 - (a) the motor carrier or the driver contravenes these regulations or any term or condition of the permit; or
 - (b) the director determines that the safety or health of the public, the driver or the employees of the motor carrier are likely to be jeopardized.
- (2) [Repealed, SOR/2019-165, s. 22]

Withdrawal of approval

- (3) When a director withdraws approval for a permit issued by another director, the director who issued the permit shall amend it to remove the authority for a commercial vehicle to be operated under the permit in the province in respect of which approval is withdrawn.

[69 to 75 reserved]

Emergencies and Adverse Driving Conditions

76. Emergency

- (1) The requirements of these regulations in respect of driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.

Adverse driving conditions - south of latitude

- (2) A driver who encounters adverse driving conditions while driving the vehicle during a trip south of latitude 60°N may extend the permitted 13 hours of driving time specified in sections 12 and 13 and reduce the two hours of daily off-duty time required by subsection 14(3) by the amount of time needed to complete the trip if
- (a) the driving, on-duty and elapsed time in the cycle the driver followed is not extended more than two hours;
 - (b) the driver still takes the required eight consecutive hours of off-duty time; and
 - (c) the trip could have been completed under normal driving conditions without the reduction.

Adverse driving conditions - north of latitude

- (3) A driver who encounters adverse driving conditions while driving the vehicle during a trip north of latitude 60°N may extend the permitted 15 hours of driving time specified in section 39 by the amount of time needed to complete the trip if
- (a) the extension of the driving time is no more than two hours;
 - (b) the driver still takes the required eight consecutive hours of off-duty time; and
 - (c) the trip could have been completed under normal driving conditions without the extension.

Record reasons

- (4) A driver who extends their driving, on-duty or elapsed time because of an emergency or adverse driving conditions shall record the reason for doing so in the record of duty status.

ELD Records of Duty Status

Electronic Logging Device

77. Electronic logging device

- (1) A motor carrier shall ensure that each commercial vehicle that it operates is equipped with an ELD that meets the requirements of the Technical Standard, and shall ensure that it is mounted in a fixed position during the operation of the commercial vehicle and is visible to the driver when the driver is in the normal driving position, with the exception of commercial vehicles that are
- (a) operated by a motor carrier under a permit;
 - (b) operated by a motor carrier to which an exemption has been issued under the Act;
 - (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle; or
 - (d) manufactured before model year 2000.

Daily record

- (2) The motor carrier shall require the driver to record, and the driver shall record for each day, in accordance with these regulations and the Technical Standard, all the information associated with their record of duty status as their duty status changes.

Exception

- (3) Subsections (1) and (2) do not apply if
- (a) the driver drives or is instructed by the motor carrier to drive a commercial vehicle within a radius of 160 kilometres of the home terminal;
 - (b) the driver returns to the home terminal each day to begin a minimum of eight consecutive hours of off-duty time; and
 - (c) the motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of six months after the day on which each record was recorded.

Yard moves not on public road

- (4) If a motor carrier authorizes a driver to operate a commercial vehicle for yard moves within a terminal, depot or port and that is not on a public road, the motor carrier shall ensure that the driver's ELD has been configured so that the driver can indicate those moves.

Required information

- (5) A driver shall manually input or verify the following information in the ELD:
- (a) the date and the start time, if different from midnight, and their driver identification number;
 - (b) the cycle that the driver is following;
 - (c) the commercial vehicle licence plates as well as the unit number or trailer number, if applicable;
 - (d) the names and the addresses of the home terminal and the principal place of business of the motor carrier by which the driver was employed or otherwise engaged during that day;
 - (e) the commercial vehicle's location description, if it is not automatically drawn from the ELD's geo-location database;
 - (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
 - (g) any deferral of off-duty time under section 16;
 - (h) if the driver was working for more than one motor carrier during the current day or the previous 14 days
 - (i) for each day during the 14 days immediately before the current day, the total number of hours for each duty status that were accumulated by the driver, and the beginning and end time of each 16-hour period referred to in subsection 13(3), and
 - (ii) the start and end times of each duty status in the current day, before the use of the ELD;
 - (i) any annotation necessary to complete the record of duty status.

Prohibition

- (6) No motor carrier shall request, require or allow a driver to use, and no driver shall use, more than one ELD at the same time for the same period.

Required documents

- (7) The motor carrier shall ensure that each commercial vehicle that it operates carries an ELD information packet containing a current version of the following documents:
- (a) a user's manual;
 - (b) an instruction sheet for the driver describing the data transfer mechanisms supported by the ELD and the steps required to generate and transfer the data with respect to the driver's hours of service to an inspector;
 - (c) an instruction sheet for the driver describing the measures to take in the event that the ELD malfunctions;
 - (d) a sufficient number of records of duty status to allow the driver to record the information required under section 82 for at least 15 days.

Record of information

- (8) The motor carrier shall ensure that the driver records the information related to their record of duty status and the driver is required to record that information in a complete and accurate manner. (EC862/22)

Malfunction

78. ELD - good working order

- (1) A motor carrier shall ensure that any ELD that is installed or used in a commercial vehicle that it operates is in good working order and is calibrated and maintained in accordance with the manufacturer's or seller's specifications.

Required notification

- (2) If a driver of a commercial vehicle becomes aware of the fact that the ELD is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard, the driver shall notify the motor carrier that is operating the commercial vehicle as soon as the vehicle is parked.

Required information

- (3) The driver shall record, in the record of duty status on the day on which the driver noticed the malfunction or data diagnostic code, the following information:
- (a) the malfunction or data diagnostic code as set out in Table 4 of Schedule 2 of the Technical Standard;
 - (b) the date and time when the malfunction or data diagnostic code was noticed;
 - (c) the time when notification of the malfunction or data diagnostic code was transmitted to the motor carrier.

Record of code

- (4) The driver shall record the code referred to in clause (3)(a) in each record of duty status following the day on which the code was noticed, until the ELD is repaired or replaced.

Obligation to repair or replace ELD

- (5) A motor carrier shall, within 14 days after the day on which it was notified of an ELD malfunction or data diagnostic code by the driver or otherwise became aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the ELD.

Register of ELD malfunction

- (6) The motor carrier shall maintain a register of ELD malfunction or data diagnostic codes for ELDs installed or used in commercial vehicles that it operates for which a malfunction was noticed, and that register shall contain the following information:
- (a) the name of the driver who noticed the malfunction or data diagnostic code;
 - (b) the name of each driver that used the commercial vehicle following the discovery of the malfunction or data diagnostic code until the ELD was repaired or replaced;
 - (c) the make, model and serial number of the ELD;
 - (d) the licence plate of the commercial vehicle in which the ELD is installed or used, or the Vehicle Identification Number;
 - (e) the date when the malfunction or data diagnostic code was noticed and the location of the commercial vehicle on that date, as well as the date when the motor carrier was notified or otherwise became aware of the code;
 - (f) the date the ELD was replaced or repaired;
 - (g) a concise description of the actions taken by the motor carrier to repair or replace the ELD.

Requirement to retain ELD malfunction information

- (7) The motor carrier shall retain the information set out in subsection (6) for each ELD for which a malfunction was noticed for a period of six months from the day on which the ELD is replaced or repaired. *(EC862/22)*

Accounts**78.1 System of accounts for ELDs**

A motor carrier shall create and maintain a system of accounts for ELDs that is in compliance with the Technical Standard and that

- (a) allows each driver to record their record of duty status in a distinct and personal account; and
- (b) provides for a distinct account for the driving time of an unidentified driver. *(EC862/22)*

Certification of Record of Duty Status**78.2 Certification of record of duty status**

A driver shall, immediately after recording the last entry for a day, certify the accuracy of their record of duty status. *(EC862/22)*

Verification of Records of Duty Status

78.3 Verification of records of duty status

- (1) A motor carrier shall verify the accuracy of the certified records of duty status that are forwarded by the driver according to the supporting documents provided and shall require from the driver those changes necessary to ensure the accuracy of the records.

Amended records of duty status

- (2) The driver shall either accept or reject the changes required by the motor carrier, make the necessary changes and recertify the accuracy of their record of duty status and forward the amended records of duty status to the motor carrier. (EC862/22)

Accreditation of ELD Certification Bodies

79. Accreditation of certification body

Any person or body that wishes to be accredited as a certification body for the purpose of certifying an ELD model as meeting the requirements set out in the Technical Standard and these regulations shall apply for the accreditation, in writing, to the Minister and shall undergo an assessment to verify

- (a) their compliance with the International Organization for Standardization standard ISO/IEC 17065, entitled *Conformity assessment - Requirements for bodies certifying products, processes and services*, as amended from time to time;
- (b) their knowledge with respect to the certification of ELDs in accordance with the Technical Standard; and
- (c) the validity of their testing methodology and the validity of the results of that methodology.

79.1 Minister to accredit applicant

- (1) If the Minister is satisfied that the applicant meets the requirements of clauses 79(a) to (c), the Minister shall accredit the applicant, provide them with an accreditation number and notify them in writing of the period of validity referred to in subsection (2).

Validity of accreditation

- (2) The accreditation of a certification body is valid for five years beginning on the day on which the Minister accredits the applicant.

79.2 Assignment of certification number

- (1) An accredited certification body shall assign a certification number to every ELD model that meets the requirements set out in the Technical Standard and these regulations.

Information to Minister

- (2) An accredited certification body shall, within seven days after certifying an ELD model, provide the Minister with the following information about that ELD model:
 - (a) the model name;
 - (b) the model number;
 - (c) the model's software version;

- (d) the name of the model manufacturer;
- (e) the email address of the contact person for the model manufacturer;
- (f) the certification number that was assigned to the model.

79.3 Suspension of accreditation

- (1) Subject to subsection (2), the Minister shall suspend the accreditation of a certification body if it does not meet any of the requirements of clauses 79(a) to (c) or section 79.2.

Requirements before suspension

- (2) The Minister shall not suspend an accreditation unless the certification body
- (a) is provided with a written report that sets out the grounds for the suspension and the period within which remedial actions shall be taken in order to avoid the suspension; and
 - (b) has failed to take corrective actions within that period or, if the Minister granted an extension at the written request of the certification body, within any later period specified by the Minister.

Extension

- (3) The Minister may only once grant an extension of the period in which corrective actions are to be taken.

Notice in writing

- (4) The Minister shall notify the certification body in writing of the suspension and the date on which it takes effect.

List of pending applications

- (5) The certification body shall provide the Minister, within 15 days after the day on which the suspension takes effect, with a list of pending applications for certification.

Suspension lifted

- (6) The suspension of an accreditation shall be lifted if the Minister determines that corrective actions have been taken.

79.4 Cancellation of accreditation

- (1) The Minister shall cancel an accreditation if the certification body
- (a) fails to take corrective actions within 30 days after the day on which the accreditation was suspended;
 - (b) made a false or misleading statement to the Minister or provided the Minister with false or misleading information in respect of the application made under section 79 or at any time during the period of validity of the accreditation; or
 - (c) continues, while their accreditation is suspended, to accept applications or make decisions respecting certification.

Notice and opportunity to be heard

- (2) The Minister shall not cancel an accreditation unless the certification body was notified in writing of the grounds for the cancellation and was provided with an opportunity to be heard in respect of the cancellation.

Notice in writing

- (3) The Minister shall notify the certification body in writing of the cancellation and the date on which it takes effect.

Other Records of Duty Status

Interpretation

80. Record of duty status

A requirement that a driver record time in a record of duty status is a requirement to record the time using the local time at the driver's home terminal.

Requirement to Fill Out a Record of Duty Status

81. Requirement

- (1) A motor carrier shall require every driver to fill out, and every driver shall fill out, a record of duty status each day that accounts for all of the driver's on-duty time and off-duty time for that day if
- (a) the driver is driving a commercial vehicle as set out in clauses 77(1)(a) to (d); or
 - (b) the ELD is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard.

Exception

- (2) This section does not apply if
- (a) the driver drives, or is instructed by the motor carrier to drive, a commercial vehicle within a radius of 160 kilometres of the home terminal;
 - (b) the driver returns to the home terminal each day to begin a minimum of eight consecutive hours of off-duty time;
 - (c) the motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of six months after the day on which each record was recorded; and
 - (d) the driver is not driving a commercial vehicle under a permit issued under these regulations or is driving under an exemption issued under the Act.

Content of Records of Duty Status

82. Required entries

- (1) At the beginning of each day, a motor carrier shall require that a driver enters legibly, and the driver shall enter legibly, the following information in a record of duty status, using the grid in the form as set out in Schedule 2:
- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
 - (b) in the case of a driver who is not driving under an oil well service vehicle permit, the cycle that the driver is following;

- (c) the commercial vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial vehicles driven by the driver;
- (e) the names and addresses of the home terminal and the principal place of business of every motor carrier by which the driver will be employed or otherwise engaged during that day;
- (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
- (g) if applicable, a declaration in the record of duty status that states that the driver is deferring off-duty time under section 16 and that clearly indicates whether the driver is driving under day one or day two of that time.

Required entries as they become known

- (2) The motor carrier shall require that the driver records, and the driver shall record, in the record of duty status, using the grid set out in Schedule 2, the following information as it becomes known:
 - (a) the beginning time and ending time for each duty status by drawing a continuous line between the time markers;
 - (b) the name of the municipality or legal subdivision and the name of the province or state where a change in duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number and the nearest kilometre marker as well as the name of the nearest municipality or legal subdivision,
 - (ii) the highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision,
 - (iii) the numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision;
 - (c) the total number of hours of each period of duty status, which total shall equal 24 hours.

Permitted change in hours

- (3) For greater certainty, nothing in subsection (2) prevents the driver from changing the hours at the top of the grid in order to reflect a different start time.

Other motor carriers

- (4) The driver shall record in the record of duty status, as this information becomes known, the names and addresses of any other motor carriers by which they have been employed or otherwise engaged during the day.

Periods of driving time combined

- (5) If a driver is engaged in making deliveries in a municipality that results in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined on the grid.

Required entries at end of day

- (6) A motor carrier shall require that the driver records at the end of each day, and the driver shall record at the end of each day, on the grid, the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the

driver's personal use of the vehicle, as well as the odometer reading at the end of the day and the driver shall sign the record of duty status certifying the accuracy of the information recorded in it.

83. [Repealed, SOR/2019-165, s. 29]

Possession, Distribution and Keeping of Records of Duty Status

Possession of Records of Duty Status and Supporting Documents by Drivers

84. Possession of records of duty status

No driver who is required to fill out a record of duty status shall drive and no motor carrier shall request, require or allow the driver to drive unless the driver has in their possession

- (a) a copy of the records of duty status for the preceding 14 days and, in the case of a driver driving under an oil well service vehicle permit, for each of the required three periods of 24 consecutive hours of off-duty time in any period of 24 days;
- (b) the record of duty status for the current day, completed up to the time at which the last change in the driver's duty status occurred; and
- (c) any supporting documents that the driver received in the course of the current trip.

Distribution and Keeping of Records of Duty Status

85. Distribution

- (1) A driver shall, within 20 days after completing a record of duty status, forward the record of duty status and supporting documents relating to that record to the home terminal and the motor carrier shall ensure that the driver does so.

Record of duty status to home terminal

- (2) A driver who is employed or otherwise engaged by more than one motor carrier in any day shall forward, within 20 days after completing a paper record of duty status, and the motor carriers shall ensure that the driver forwards, the original record of duty status to the home terminal of the last motor carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked, as well as the supporting documents relating to that record to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting documents.

Obligations of motor carrier

- (3) The motor carrier shall
 - (a) deposit the records of duty status and the supporting documents relating to those records at its principal place of business within 30 days after receiving them; and
 - (b) keep them in chronological order for each driver for a period of at least six months after the day on which they are received.

Tampering

86. One record of duty status only

- (1) No motor carrier shall request, require or allow a driver to keep and no driver shall keep more than one record of duty status in respect of any day.

Prohibition

- (2) No motor carrier shall request, require or allow any person to enter, and no person shall enter, inaccurate information in a record of duty status or falsify, mutilate, obscure, alter, delete, destroy or deface the records or supporting documents.

Tampering with device

- (3) No motor carrier shall request, require or allow any person to, and no person shall, disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the device does not accurately record and retain the data that is required to be recorded and retained.

Monitoring by Motor Carriers

87. Monitoring

- (1) A motor carrier shall monitor the compliance of each driver with these regulations.

Non-compliance

- (2) A motor carrier that determines that there has been non-compliance with these regulations shall take immediate remedial action and record the dates on which the non-compliance occurred and the action taken.

[88 to 90 reserved]

Out-of-service Declarations

91. Out-of-service declaration

- (1) A director or an inspector may issue an out-of-service declaration in respect of a driver if
- (a) the driver contravenes clause 4(b);
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 12 to 29 and 39 to 54 or of a term or condition of a permit;
 - (c) the driver is unable or refuses to produce their records of duty status in accordance with section 98;
 - (d) there is evidence that shows that the driver has completed more than one record of duty status for a day, has entered inaccurate information in a record of duty status or has falsified information in a record of duty status;
 - (e) the driver has falsified, mutilated, obscured, altered, deleted, destroyed or defaced a record of duty status or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 12 to 29 and 39 to 54 or of a term or condition of a permit; or

- (f) the driver uses an ELD that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception, or uses an ELD that has been re-engineered, reprogrammed or otherwise tampered with so that it does not accurately record and retain the data that is required to be recorded and retained, in such a way that the director or inspector is unable to determine whether the driver has complied with the driving time and off-duty time requirements of sections 12 to 29 and 39 to 54 or of a term or condition of a permit.

Notice in writing

- (2) The director or inspector shall notify the driver and the motor carrier in writing of the reason that the driver has been made the subject of an out-of-service declaration and the period during which it applies.

Application of out-of-service declaration

- (3) An out-of-service declaration applies
 - (a) for 10 consecutive hours, if the driver contravenes clause 4(b);
 - (b) for 10 consecutive hours, if the driver contravenes section 12;
 - (c) for eight consecutive hours, if the driver contravenes sections 13 or 39;
 - (d) for 72 consecutive hours, if the driver contravenes section 86; or
 - (e) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of sections 14 to 29 and 41 to 54 or of a term or condition of a permit or with the requirements of section 98.

Length of application

- (4) The out-of-service declaration in respect of a driver who contravenes section 86 continues to apply beyond the 72 hours until the driver rectifies the record of duty status, if applicable, and provides it to the director or inspector so that the director or inspector is able to determine whether the driver has complied with these regulations.

[92 to 95 reserved]

Inspections

Proof of Authority

96. Inspector

An inspector shall, at all times during the exercise of their functions, produce on request proof of their designation and title.

Authority to Stop and Enter for Inspections

97. Authority of inspector

- (1) An inspector may, during business hours, enter a motor carrier's home terminal or principal place of business, other than living quarters, for the purpose of verifying compliance with the requirements of these regulations.

Verifying compliance

- (2) An inspector may, at any time, enter a commercial vehicle, or stop and enter it, for the purpose of verifying compliance with the requirements of these regulations.

Entry into sleeper berth

- (3) An inspector may, at any time, enter a sleeper berth, or stop a commercial vehicle and enter its sleeper berth, for the purpose of verifying that the sleeper berth meets the requirements of Schedule 1.

Obstruction**97.1 Obstruction**

No person shall obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to an inspector who is engaged in carrying out their duties and functions under these regulations.

Production of Records of Duty Status and Supporting Documents**98. Requirement to produce for inspection**

- (1) At the request of an inspector, a driver shall produce for inspection records of duty status for the current day and the preceding 14 days, the supporting documents for the current trip in their existing format as well as any permit under which the driver may be driving.

Electronic format

- (2) If the records requested by the inspector are in electronic format, the driver shall produce either the display or a printout of the records and, if requested by the inspector to transmit the records of duty status, shall transmit them by the transfer method identified by the inspector that is provided for in the Technical Standard and is supported by the ELD.

Production of documents

- (3) The driver shall, at the request of an inspector, give the inspector a copy of the paper records of duty status and supporting documents for the current day and the preceding 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any permit under which the driver may be driving.

Receipt

- (4) The inspector shall provide the driver with a receipt in the form set out in Schedule 3 for the paper records of duty status and supporting documents received.

99. Make available for inspection

- (1) A motor carrier shall, during business hours, at the request of an inspector, produce the following documents for inspection at the place specified by the inspector:
- (a) records of duty status and the supporting documents relating to those records that are in its possession;
 - (b) records of driving time of an unidentified driver;
 - (c) the documents referred to in subsection 77(7);
 - (d) the register of ELD malfunction or data diagnostic codes set out in subsection 78(6);

- (e) any permit under which a driver is driving or was driving during the period for which the inspector makes the request;
- (f) the information recorded under subsection 87(2).

Transmission of electronic records

- (2) The motor carrier shall transmit to the inspector the electronic records of duty status in the format, and using one of the transfer methods, prescribed in the Technical Standard.

Duties of inspector

- (3) The inspector shall
 - (a) immediately return the permit if it is still a current permit and provide a receipt in the form set out in Schedule 3 for any expired permit as well as for the paper records of duty status and supporting documents; and
 - (b) return the expired permits, paper records of duty status and supporting documents within 14 days after the day on which they were received.

(EC713/06; 862/22)

SCHEDULE 1*(Section 1 and subsection 97(3))***SLEEPER BERTHS**

- 1. An area of a commercial vehicle is a sleeper berth if**
- (a) it is designed to be used as sleeping accommodation;
 - (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
 - (c) it is not located in or on a semi-trailer or a full trailer;
 - (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
 - (e) in the case of a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 m in length, 60 cm in width and 60 cm in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area;
 - (f) in the case of a commercial vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 cm in width, measured on the centre line of the transverse axis, and
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area;
 - (g) it is constructed so that there are no impediments to ready entrance to or exit from the area;
 - (h) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
 - (i) it is protected against leaks and overheating from the vehicle's exhaust system;
 - (j) it is equipped to provide adequate heating, cooling and ventilation;
 - (k) it is reasonably sealed against dust and rain;
 - (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep; and
 - (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial vehicle, the means being designed, installed and maintained to withstand a total force of 2 700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

(EC713/06; 741/07)

DUTY STATUS — ACTIVITÉ

NAME / NOM _____
DATE

Cycle 1 (7 days — 7 jours) OR / OU Cycle 2 (14 days — 14 jours)

(Hour at which day begins — Use local time at home terminal)

_____ (Heure à laquelle la journée commence — Utiliser l'heure locale à la gare d'attache)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours Total des heures
1. Off-duty time other than time spent in a sleeper berth / Heures de repos, à l'exclusion du temps passé dans une couchette																										
2. Off-duty time spent in a sleeper berth / Heures de repos passées dans une couchette																										
3. Driving time / Heures de conduite																										
4. On-duty time other than driving time / Heures de service, à l'exclusion des heures de conduite																										

Remarks / Observations _____

Total distance driven / Distance totale parcourue _____

Signature

INSTRUCTIONS

Fill out the grid as follows:

- (a) for each duty status,
 - (i) mark the beginning time and the end time, and
 - (ii) draw a continuous line between the time markers;
- (b) record the name of the municipality or give the location on a highway or in a legal sub-division and the name of the province or state where a change in duty status occurs;
- (c) if the driver is engaged in making deliveries in a municipality that result in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined; and
- (d) enter on the right of the grid the total number of hours of each period of duty status, which total must equal 24 hours. (EC713/06; 862/22)

SCHEDULE 3

(Subsection 98(4) and clause 99(3)(a))

RECEIPT

It is hereby acknowledged that, pursuant to subsection 98(4) or clause 99(3)(a) of the *Commercial Vehicle Drivers Hours of Service Regulations*, the following records of duty status and supporting documents were provided by

(Name of person)
at
(Number, street, municipality, location, province of motor carrier)
on
(Day, month, year)
namely
(Description of records of duty status and supporting documents received)
Dated at
(Municipality, location)
on
(Day, month, year)

Inspector's signature

(EC713/0; 862/22)