

PROVINCE OF BRITISH COLUMBIA


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

090

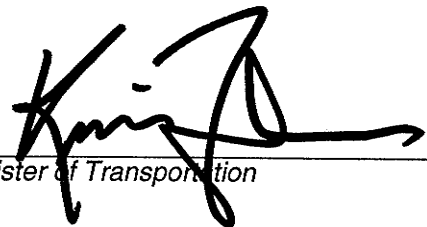
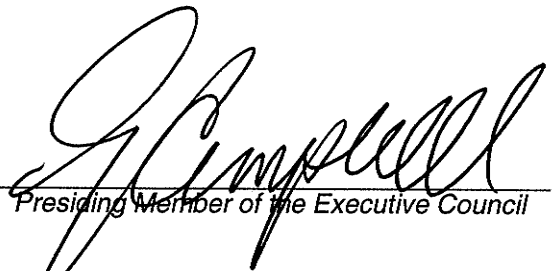
, Approved and Ordered

FEB 21 2007


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 1, 2007, the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended as set out in the attached Schedule.


Minister of Transportation
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 212

Other (specify):- oic 1004/58

January 22, 2007

Resub R/64/2007/15

SCHEDULE

I Section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended

(a) by adding the following definitions:

“co-driver” means a person who is present in a commercial motor vehicle because he or she has been, or is about to be, its driver;

“cycle” means

(a) cycle 1, under which on-duty time is accumulated over a period of 7 days, and

(b) cycle 2, under which on-duty time is accumulated over a period of 14 days;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial motor vehicle and is capable of accurately recording, in accordance with section 37.18.03, each period of duty status, in whole or in part;

“oil well service vehicle” means a commercial motor vehicle that is

(a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and

(b) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;

“principal place of business” means the place identified in writing by the carrier to the director, and approved by the director, where daily logs, supporting documents and the records required to be maintained by section 37.29 are kept by the carrier. , *and*

(b) by repealing the definitions of “daily log”, “home terminal”, “on-duty time”, “sleeper berth” and “supporting documents” and substituting the following:

“daily log” means a record in the form set out in Schedule 2 of this Part containing the information required by section 37.18.02;

“home terminal” means the place of business of a carrier at which a driver ordinarily reports for work and, for the purposes of sections 37.18 to 37.18.02 and Schedule 2 of this Part, includes a temporary work site designated by the carrier;

“on-duty time” means the period that begins when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver

(a) inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle,

- (b) travelling in a commercial motor 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 motor vehicle,
- (d) inspecting or checking the load of a commercial motor vehicle,
- (e) waiting for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched,
- (f) waiting for a commercial motor vehicle or its load to be inspected,
- (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (h) resting in or occupying a commercial motor vehicle for any other purpose, except
 - (i) time counted as off-duty time in accordance with section 37.13,
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of sections 37.13.02 and 37.13.03, and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.13.03, and
- (i) performing any work for any carrier;

“sleeper berth” means an area of a commercial motor vehicle that meets the requirements of Schedule 1 of this Part;

“supporting document” means a document or information recorded or stored by any means required by the director to assess compliance with this Part.

2 *Section 37.11 is amended*

(a) by adding the following paragraphs:

- (a.1) a 2 or 3 axle commercial motor vehicle that is being used for 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;
- (g) a commercial motor vehicle within the definition of “commercial motor vehicle” in section 37.01 but for personal use if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 km in a day, and
 - (iv) the driver makes a notation in the daily log indicating the odometer reading at the beginning and end of the personal use, and
- (i) the driver is not the subject of an out-of-service declaration;
- (h) vehicles and other equipment while engaged in highway or public utility construction or maintenance work on, under or over the surface of a highway while at the site of the work, but does apply to him or her while travelling to or from that site. , **and**

(b) by repealing paragraph (b).

3 *Sections 37.12 to 37.21 are repealed and the following substituted:*

Responsibilities of carriers, shippers, consignees and drivers

- 37.12** A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive if
- (a) the driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive,
 - (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the 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 this Part.

Travelling as a passenger – off-duty time

- 37.13** If a driver, who has, at the request of the carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger in a commercial motor vehicle to the destination at which the driver will begin driving, takes 8 consecutive hours of off-duty time before beginning to drive, the time spent as a passenger must be counted as off-duty time.

Daily driving and on-duty time

- 37.13.01** (1) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 13 hours of driving time in a day.
- (2) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 14 hours of on-duty time in a day.

Mandatory off-duty time

- 37.13.02** (1) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.
- (2) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.
- (3) A carrier must not request, require or allow a driver to drive and a driver must not drive after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.
- (4) A carrier must not request, require or allow a driver to drive and a driver must not drive if the driver has not taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Daily off-duty time

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

- (2) Off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no fewer than 30 minutes each.
- (3) The total amount of off-duty time taken by a driver in a day must include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time required by section 37.13.02.

Deferral of daily off-duty time

37.13.04 Despite sections 37.13.01 and 37.13.03, a driver who is not splitting off-duty time in accordance with section 37.16 or 37.16.01 may defer a maximum of 2 hours of the daily off-duty time to the following day if

- (a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time,
- (b) the total off-duty time taken in the 2 days is at least 20 hours,
- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day,
- (d) the total driving time in the 2 days does not exceed 26 hours, and
- (e) there is a declaration in the "Remarks" section of the daily log 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

37.14 Despite sections 37.13.02 and 37.13.03, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 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 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours,
- (b) the hours are recorded in the daily log 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 daily log entries.

Logging truck hours

37.15 (1) If a driver is driving a commercial motor vehicle designed exclusively for the transportation of logs or poles,

- (a) the driver must not drive after 13 hours of driving time or 15 hours of on-duty time unless the driver first takes at least 9 consecutive hours of off-duty time,
- (b) sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
 - (i) 15 hours have not elapsed since the end of the most recent period of 9 or more consecutive hours of off-duty time, and

- (ii) the driver takes at least 24 consecutive hours of off-duty time at least once in every period of 7 consecutive days, and
 - (c) the off-duty time referred to in paragraphs (a) and (b) is recorded in the daily log as off-duty time and as "operating under logging truck hours" in the "Remarks" section of the daily log.
- (2) A carrier must not allow a driver operating under this section to drive and a driver must not drive after having completed a cycle of
 - (a) 65 hours of driving time, or
 - (b) 80 hours of on-duty time
 during any period of 7 consecutive days.
- (3) Despite section 37.16.05, a driver who drives a commercial motor vehicle in accordance with this section must not reset the cycle.
- (4) Despite section 37.13.04, a driver who drives a commercial motor vehicle in accordance with this section must not defer off-duty time.

Oil well service vehicle hours

- 37.15.01** (1) If a driver is driving an oil well service vehicle, sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
- (a) in addition to complying with daily off-duty requirements of section 37.13.03, the driver takes, in any period of 24 days, at least 3 periods of off-duty time
 - (i) each of which is at least 24 hours long, and
 - (ii) that may be taken consecutively or separated by on-duty time, and
 - (b) the driver takes at least 72 consecutive hours of off-duty time after the completion of driving in accordance with this subsection and before beginning to follow a cycle in accordance with section 37.16.02, 37.16.03 or 37.16.04.
- (2) Waiting time and standby time at an oil or natural gas well site or ancillary facility must not be included as on-duty time if
 - (a) the driver performs no work during the time, and
 - (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the "Remarks" section.
 - (3) The time referred to in subsection (2) must not be included in the mandatory minimum of 8 consecutive hours of off-duty time.

Splitting of daily off-duty time – single driver

- 37.16** (1) A driver who is driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 by accumulating off-duty time in no more than 2 periods if
- (a) neither period of off-duty time is shorter than 2 hours,
 - (b) the total of the 2 periods of off-duty time is at least 10 hours,
 - (c) the off-duty time is spent resting in the sleeper berth,

- (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.
- (2) The 16th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 2 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 fewer than 2 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) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

Splitting of daily off-duty time – team of drivers

- 37.16.01** (1) A team of drivers driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 by accumulating off-duty time in no more than 2 periods if
- (a) neither period of off-duty time is shorter than 4 hours,
 - (b) the total of the 2 periods of off-duty time is at least 8 hours,
 - (c) the off-duty time is spent resting in the sleeper berth,
 - (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,
 - (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, and
 - (h) the total of off-duty time in the day is at least 10 hours.

- (2) The 16th hour is calculated by

- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours, and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of fewer than 4 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) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

Cycles

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

Cycle 1

37.16.03 Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended.

Cycle 2

37.16.04 Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 must not drive after the driver has accumulated

- (a) 120 hours of on-duty time during any period of 14 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended, 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

- 37.16.05** (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.
- (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

- 37.16.06** (1) A carrier must not request, require or allow a driver to switch and a driver must not 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.
- (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.

Exemption for commercial motor vehicles other than oil well service vehicles

- 37.17** (1) The director may, by permit in writing and unconditionally or on conditions the director considers desirable, make an exemption in respect of a carrier and substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety, provided that
- (a) the exemption is for no longer than one year,
 - (b) the exemption relates to a commercial motor vehicle other than an oil well service vehicle,
 - (c) the exemption only does one or both of the following:
 - (i) reduces the 2 hours of daily off-duty time required by section 37.13.03 (3);
 - (ii) increases driving time and on-duty time of up to a total of 2 hours,
 - (d) the reduction of off-duty time or the increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach his or her 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 carrier, and
 - (e) the safety and health of the public, the driver or the employees of the carrier are not or are not likely to be jeopardized.
- (2) In order to apply for an exemption under this section, the carrier must provide to the director
- (a) an application in the form established by the director, and
 - (b) information, forms and records the director requires, in the form required by the director, relating to the road safety history of the carrier and of the commercial motor vehicles and drivers of the carrier.

Exemption by director in unforeseen event

- 37.17.01** Despite anything in this Part, the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of this Part in circumstances where the director can reasonably form the opinion that the carrier cannot, because of an unforeseen event or emergency or because of accident, fire, explosion, technical failure or the forces of nature, comply with the requirement.

Obligations of carrier with exemption

- 37.17.02** (1) A carrier to whom an exemption is given by the director must
- (a) require that a copy of the exemption is placed in each commercial motor vehicle in respect of which it applies,
 - (b) provide the director with a list of the commercial motor vehicles in respect of which the exemption applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles,
 - (c) make available for inspection by the director or a peace officer, immediately on request, the daily log and the supporting documents of the drivers of the commercial motor vehicles in respect of which the exemption applies, and
 - (d) notify the director in writing without delay of any accident involving any of the commercial motor vehicles to which the exemption 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) A driver who is driving in accordance with an exemption given by the director must drive, and the carrier must ensure that he or she drives, in accordance with the conditions or requirements of the exemption.

Emergencies and adverse driving conditions

- 37.17.03** (1) The requirements of this Part 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 motor vehicle and for other users of the road or the security of the commercial motor vehicle and its load.
- (2) A driver who encounters adverse driving conditions while operating the vehicle may extend the allowed 13 hours of driving time specified in sections 37.13.01 and 37.13.02 and reduce the 2 hours of daily off-duty time required by section 37.13.03 (3) by the amount of time needed to complete the trip if
- (a) the driving, on-duty and elapsed time in the elected cycle is not extended more than 2 hours,
 - (b) the driver still takes the required 8 consecutive hours of off-duty time, and
 - (c) the trip could have been completed under normal driving conditions without the reduction.
- (3) A driver who extends his or her driving, on-duty or elapsed time because of an emergency or adverse driving conditions must record the reason for doing so in the "Remarks" section of the daily log.

Local time to be used in daily log

- 37.18** A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver's home terminal.

Requirement to fill out a daily log

- 37.18.01** (1) A carrier must require every driver to fill out and every driver must fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.
- (2) This section does not apply if
- (a) the driver operates or is instructed by the carrier to operate a commercial motor vehicle within a radius of 160 km of the home terminal,
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time, and
 - (c) the carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded.
- (3) Despite subsection (2), this section applies to an oil well service vehicle whether or not paragraphs (a) to (c) are met by the driver of and carrier for the oil well service vehicle.

Content of daily logs

- 37.18.02** (1) At the beginning of each day, a carrier must require that a driver enters legibly and the driver must enter legibly the following information in the daily log:
- (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 in accordance with an oil well service vehicle exemption, the cycle that the driver is following;
 - (c) the commercial motor vehicle licence plates or unit numbers;
 - (d) the odometer reading of each of the commercial motor vehicles operated by the driver;
 - (e) the names and the addresses of the home terminal and the principal place of business of every carrier by whom the driver was employed or otherwise engaged during that day;
 - (f) in the "Remarks" section of the daily log, if the carrier or driver was not required to keep a daily log 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 "Remarks" section of the daily log that states that the driver is deferring off-duty time under section 37.13.04 and that clearly indicates whether the driver is driving under day one or day two of that time.
- (2) The carrier must require that the driver records and the driver must record in the daily log the hours in each duty status during the day covered by the daily log, in accordance with Schedule 2 of this Part, and the location of the driver each time his or her duty status changes, as that information becomes known.

- (3) At the end of each day, the carrier must require that the driver records and the driver must record 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 sign the daily log attesting to the accuracy of the information recorded in it.

Use of electronic recording devices

37.18.03 A driver may use an electronic recording device for recording his or her duty status if

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format,
- (b) when requested to do so by the director or a peace officer, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a printout or any other intelligible output, or any combination of these,
- (c) the device is capable of displaying
 - (i) the driving time and other on-duty time for each day on which the device is used,
 - (ii) the total on-duty time remaining and the total on-duty time accumulated in the cycle being followed by the driver, and
 - (iii) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used,
- (d) the driver is capable, if so requested by the director or a peace officer, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used,
- (e) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences,
- (f) the device records the time spent in each duty status of the driver,
- (g) any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy, and
- (h) the carrier provides blank daily log forms in the commercial motor vehicle for the driver's use.

Possession of daily logs and supporting documents by drivers

37.18.04 A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has in his or her possession

- (a) a copy of the daily logs for the previous 14 days or, in the case of a driver to whom section 37.13 applies or who is driving an oil well service vehicle, for the previous 24 days,
- (b) the daily log 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 or other relevant records that the driver received in the course of the current trip.

Distribution and keeping of daily logs

- 37.18.05** (1) A driver must, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the carrier must ensure that the driver does so.
- (2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a daily log, and the carriers must ensure that the driver forwards
- (a) the original of the daily log to the home terminal of the first carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked, and
 - (b) the original supporting documents to the home terminal of the applicable carrier.
- (3) The carrier must
- (a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them, and
 - (b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

Tampering

- 37.18.06** (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than one daily log in respect of any day.
- (2) A carrier must not request, require or allow any person to enter and a person must not enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

Monitoring by carrier

- 37.19** (1) A carrier must monitor the compliance with this Part of each driver.
- (2) A carrier that determines there has been non-compliance with this Part by a driver must take immediate remedial action.
- (3) A carrier referred to in subsection (2) must,
- (a) issue a notice of non-compliance to the driver, and
 - (b) record the date on which the non-compliance occurred, the date of issuance of the notice of non-compliance and the action taken by the carrier.

Out-of-service declaration

- 37.19.01** (1) A director or peace officer may issue an out-of-service declaration in respect of a driver if
- (a) the driver contravenes section 37.12 (a) or (b),

- (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption,
 - (c) the driver is unable or refuses to produce his or her daily log book in accordance with section 37.20,
 - (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log, or
 - (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or peace officer cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption.
- (2) An out-of-service declaration applies
- (a) for 10 consecutive hours, if the driver contravenes section 37.12 (a) or (b),
 - (b) for 10 consecutive hours, if the driver contravenes section 37.13.01,
 - (c) 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 37.13.01 to 37.16.06, and
 - (d) for 72 consecutive hours, if the driver contravenes section 37.18.06 or 37.20.
- (3) The out-of-service declaration in respect of a driver who contravenes section 37.18.06 or 37.20 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the director or peace officer so that the director or peace officer is able to determine whether the driver has complied with this Part.

Authority to enter premises for an inspection

- 37.19.02** (1) A peace officer may at any reasonable time enter or stop and enter a commercial motor vehicle, except for its sleeper berth, for the purpose of inspecting the daily logs and supporting documents.
- (2) A peace officer may, at any reasonable time, enter the sleeper berth of a commercial motor vehicle or stop a commercial motor vehicle and enter its sleeper berth for the purpose of verifying that the sleeper berth meets the requirements of Schedule 1 of this Part.

Production of daily logs and supporting documents by driver

- 37.20** (1) At the request of a peace officer, a driver must immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the previous 14 days as well as any exemption given by the director in respect of a carrier in accordance with which the driver is driving.
- (2) If an electronic recording device is installed in the commercial motor vehicle, the driver must retrieve the information stored by the device for each day that it was used.

- (3) The driver must, at the request of a peace officer, immediately give the peace officer a copy of the daily logs, supporting documents and other relevant records for the previous 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any exemption given by the director in respect of the carrier in accordance with which the driver is driving.
- (4) The peace officer must provide a receipt for the copies or originals of the daily logs, supporting documents, other relevant records and exemptions.
- (5) In the case of a driver who is driving an oil well service vehicle, a reference in subsections (1) and (3) to 14 days must be read as a reference to 24 days.

Production of daily logs and supporting documents by carrier

- 37.20.01** (1) A carrier must, during business hours, at the request of the director, immediately make available for inspection at a place specified by the director daily logs, supporting documents and other relevant records as well as any exemption given by the director in respect of the carrier in accordance with which a driver is or has been driving during the period for which the director makes the request for the documents.
- (2) The director must
- (a) immediately return the exemption if it is still current and provide a receipt for any expired exemption as well as for the daily logs, supporting documents and other relevant records, and
 - (b) return the expired exemption, daily logs, supporting documents and other relevant records within 14 days after receiving them.

Obstruction of director or peace officer

- 37.21** A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or a peace officer engaged in carrying out their duties and functions under this Part.

SCHEDULE 1

(Sections 37.01, 37.16, 37.16.01 and 37.19.02)

SLEEPER BERTHS

- 1** An area of a commercial motor 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 motor vehicle or immediately adjacent to the cab and is securely fixed to it,
 - (c) it is not located in or on a trailer,
 - (d) it is located in the cargo space and 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 motor 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;
 - (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 motor 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.

SCHEDULE 2

(Sections 37.01 and 37.18.02 (2))

DUTY STATUS

.....
 Name Date
 Cycle 1 (7 days) [] OR Cycle 2 (14 days) []
 (Hour at which day begins – Use local time at home terminal)

	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
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										
	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	24

Remarks

Total distance driven

.....
Signature

Instructions

- 1 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 subdivision 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;
 - (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.

- 4 *Section 37.37 is amended in subsection (1) by striking out “37.12 (1) or (5), 37.13 (1), (2) or (5), 37.14 (2), 37.15 (2) or (3), 37.16 (1), (2), (3), (4), (5) or (6), 37.18 (1) or (2),*

37.19, 37.20 (1) or (2), 37.21 (1) or (2),”, ***and substituting*** “37.12 (a), (b), (c) or (d), 37.13.01 (1) or (2), 37.13.02 (1), (2) (3) or (4), 37.13.03 (1) or (3), 37.15 (1) (a) or (2), 37.15.01 (1) (a) or (b), 37.15.01 (3), 37.16 (3), 37.16.01 (3), 37.16.02, 37.16.03, 37.16.04 (a) or (b), 37.16.06 (1) (a) or (b), 37.17.02 (1) (a), (b), (c) or (d) or (2), 37.17.03 (3), 37.18.01 (1), 37.18.02 (1), (2) or (3), 37.18.04 (a), (b) or (c), 37.18.05 (1) or (2) (a) or (b) or (3) (a) or (b), 37.18.06 (1) or (2), 37.19 (1), (2) or (3), 37.20 (1), (2) or (3), 37.20.01 (1) or 37.21,”.