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## ***Raven Transportation Safety Consulting***

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In this document I used the information in the CCMTA application guide from 2007, the most recent, and I inserted ELD Technical Standard and Hours of Service interpretations. I left the document format untouched to make it familiar if you have used this resource in the past. It is my hope to add to this document as new information becomes available. Please let me know if you find anything I missed or a different interpretation from this.



## APPLICATION GUIDE:

Interpretation

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## INTERPRETATION (Section 1)

### “Adverse driving conditions”

1. Do adverse driving conditions include road conditions, unforeseen delays at border crossings or accidents?

Guidance: Adverse driving conditions mean snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road conditions, none of which were apparent based on information known to the person dispatching the run at the time it was begun. **ELD Consideration:** with weather forecasting and satellite technology including GPS unforeseen weather does not happen very often. This does not include delays at border crossings. (See also question 105, example 3.) remember, the driver should stop at the first location that could accommodate the passengers or providing a secure area for the vehicle and its load. Reference: Section 76(1). If a driver uses the emergency exemption the ELD will be able to confirm the driver stopped at the first location that was suitable.

“Daily log” **ELD Consideration** is now RODS record of duty status.

2. Must the “daily log” contain the information in the same format as set out in Schedule 2 and the information required by Section 82? **ELD Consideration:** 77(1) and 4.8.1, 4.8.1.1

Guidance: All the information required by Section 82 must be contained in the daily log. A motor carrier may use its own version of the daily log and the graph grid must contain all the information as specified in Schedule 2 **ELD Consideration:** only a ELD from the Transport Canada certified device list may be used. A carrier may print a graph grid with a start hour other than midnight if it routinely designates the start of the day as sometime other than midnight (e.g.: a noon start time for the day **ELD Consideration:** 77(5)(a) (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

**ELD Consideration:** A carrier must use a ELD to record driver hours 77(1). The ELD must meet the Technical Standards. 4.8.1.3, information to be shown printout and display roadside.

### “Day”

3. What happens if a driver works for more than one motor carrier during the same day or the same cycle? **ELD Consideration:** definition: motor carrier means a person who is engaged in the operation of an extra-provincial bus undertaking or an extra-provincial truck undertaking. This means the driver only reports hours worked for a federal carrier, provincial doesn't count. This is how a carrier can have a provincial and federal operation.

Guidance: The driver must respect the start time of the day determined by the motor carrier that he was working for at the time he started a cycle. The start time of the day cannot be changed until the driver has reset the cycle. The driver must provide each carrier with a copy of the daily log. **ELD Consideration:** 77(5) A driver shall manually input or verify the following

4.3.2.2.4 c) An ELD must provide the means to indicate additional hours that were not recorded for the current motor carrier during the current day, or the required previous days specified in current HOS regulations. 4.3.2.2.4 a) An ELD must provide the means to indicate a cycle change:

(2) When this function is selected, the ELD must prompt the driver to affirmatively review and confirm the new cycle (cycle 1 or cycle 2) and new duty-/driving-hour limitations.

(4) Upon driver confirmation, the ELD must set back to zero the accumulated cycle hours and set the new cycle and duty-/driving-hour limitations.

#### 4. How is the definition of a day being interpreted for purposes of the Regulations?

If the start time is different than the calendar day, it must be recorded in the applicable duty

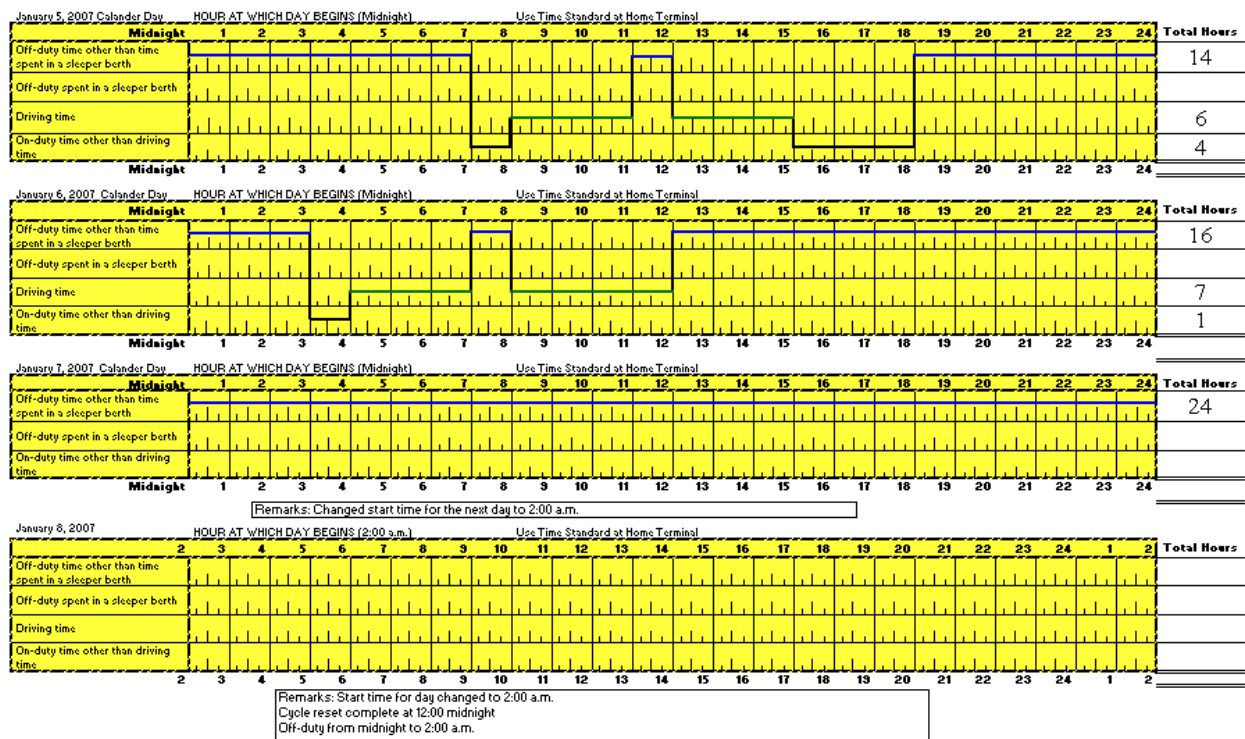
Guidance: Each driver.

**ELD Consideration:** 77(5)(a) (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

6. Can the start time of the day be changed to a different time?

Guidance: Yes, after a driver has taken a cycle reset and has indicated in the daily log the new start time for the day or in the on-duty status records (local drivers). During the same cycle the day begins at the same time every day.

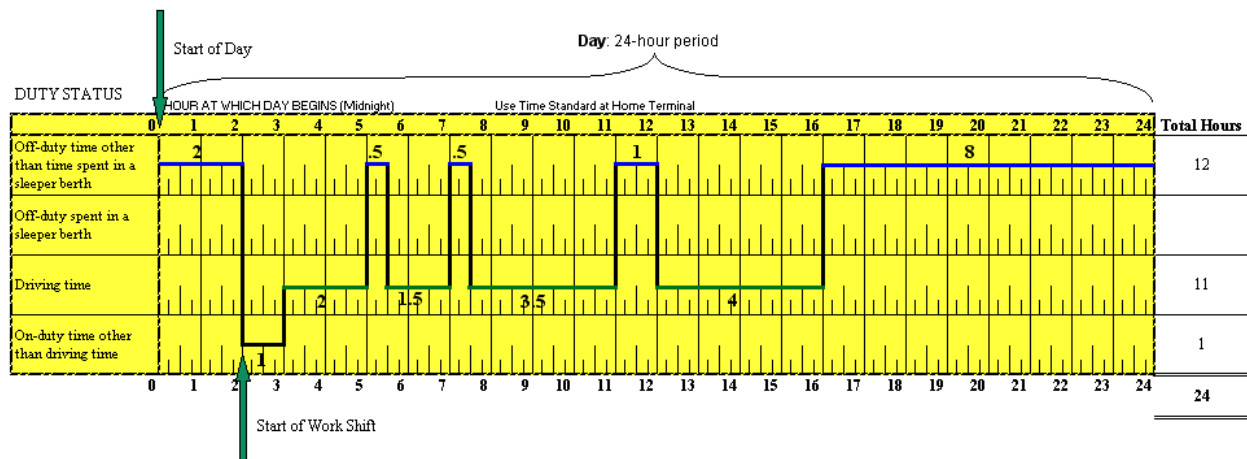
**ELD Consideration:** 7.1 Day Starting Time; designation for start time expressed in time standard in effect at the driver home terminal. 7.48 Motor Carrier Address Description: This refers to the motor carrier addresses.



7. A Day means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver's cycle. Drivers have not traditionally viewed the Regulations as a series of "days," but rather as a rolling succession of on- and off-duty intervals. How are the rules being administered for the day?

Guidance: A day is like a page of a daily log. It is important to remember that the start time of the day is independent of the start time for the work shift.

**ELD Consideration:** 7.1 Day Starting Time; designation for start time expressed in time standard in effect at the driver home terminal. 7.48 Motor Carrier Address Description: This refers to the motor carrier addresses.

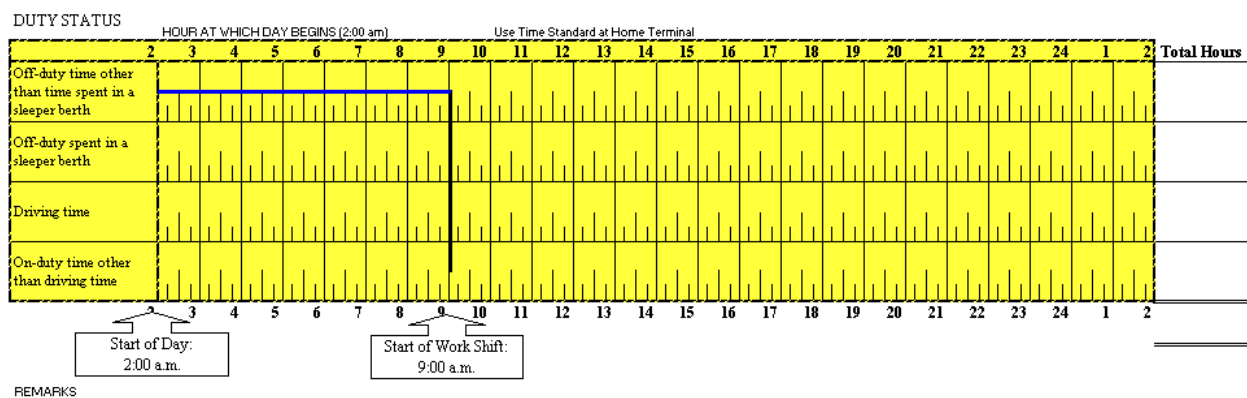


### 8. How does a motor carrier designate the shift starting time?

Guidance: The motor carrier is only required to designate the start time for the day. The driver must indicate on the graph grid the change in duty status and the time at which the change occurred. The work shift starts after the driver has taken at least 8 consecutive hours off-duty and at the moment the driver performs any activity for the motor carrier. The work shift ends when the driver begins to take at least 8 consecutive hours off-duty.

**ELD Consideration:** definition: 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. 3.1.8 work shift: The Work shift refers to the elapsed time period described in provision 13(3) of the current HOS regulations. 13 (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 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. If the ELD is connected and operating correctly the ELD will automatically calculate work shift 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before a out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.

Example 1:



## Example 2:

Driver's Name: \_\_\_\_\_

Month: February 27 Year: 2007

Start time for the day: 2 a.m.

Date	Duty Status		Time Block from/to (every hour of the day must be accounted for)								Total hours for each duty status
			← 24 hour day →								
	Started @		2.00								
	Finished @		9.00								
	Time spent	Off-duty	7.00								Off-duty:
		Driving									Driving:
		On-duty <i>not</i> driving									On-duty <i>not</i> driving:
Remarks:							Cycle 1 <input checked="" type="checkbox"/> Cycle 2				Total:

## “Driver”

9. When is a person deemed to become a “driver” for the purpose of the Regulation. For example, an individual (a part-time driver) that spends 90% of the time performing other work for the motor carrier, such as warehouse work?

Guidance: A driver is a person who has operated, operates, or intends to operate a commercial vehicle and as such may have past, present and future obligations under the Regulations. For the purposes of Section 81 (2) (c), it is expected records be kept for 14 days prior to driving.

**ELD Consideration: definition:** driver (a) means a person who drives a commercial vehicle.

(b) 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 (c) for the purposes of section 98, includes a co-driver. 78.1 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.

7.18 ELD Username, 4.1 ELD User Accounts, 4.1.1 Account Types; An ELD must support a user account structure that separates drivers and motor carrier support personnel (i.e. non-drivers).

4.1.2 Account creation, 4.1.3 Account Security and 4.1.4 Account Management

10. Do these Regulations apply to commercial vehicle activities on all roads, both public and private (e.g.: forestry roads)?

Guidance: Yes. **ELD Consideration:** 77 (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. The ELD automatically records all time regardless of the type of road.

## “Home terminal”

11. Who designates the location of a driver’s home terminal?

Guidance: The motor carrier, as the employer, would determine where a driver ordinarily reports for work, including temporary work sites. These sites could include location such as the driver’s residence or a shipper’s facility, etc.

**ELD Consideration:** 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 worksite designated by the motor carrier.  
77 (5) A driver shall manually input or verify the following information in the ELD: (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.

7.48 Motor Carrier Address: this refers to the motor carrier addresses and is programmed or entered by the motor carrier during account creation and updated by the driver or the motor carrier to reflect true and accurate information for the driver. Home terminal designation is related to time zone see; 7.1, 7.40, 7.41, 7.8 and 4.4.3, 4.8.1.3, 4.8.2.1.1.

12. What is considered "temporary" with respect to the definition of "home terminal"?

Guidance: A temporary work site is a location that lasts or is meant to last for a limited time provided it meets Section 81(2), remember home terminal definition changed when the divided record authority permit was cancelled, and IRP only requires 1 trip a year for residency. **ELD**

**Consideration:** 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 worksite designated by the motor carrier.

77(5) A driver shall manually input or verify the following information in the ELD: (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.

## "Off-duty time"

13. What conditions must be met for a commercial vehicle driver to record meal and other routine stops made during a work shift as off-duty time?

Guidance: 1. The driver must have been completely relieved of all duty, responsibility and obligation for the care and custody of the vehicle, its accessories, and any passengers or cargo it may be carrying. **ELD Consideration:** off-duty must be selected by the driver; the device does not know intent. If the driver does not select off-duty the ELD will automatically put the driver in on-duty not driving when the vehicle has not been in motion for 5 minutes. 4.4.1.2 Automatic Setting of Duty Status to On-Duty Not Driving and 4.3.2.2 Driver Status Inputs.

2. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

3. It should be noted the motor carrier is not required to provide a driver with a letter stating that they are authorized to record meal or work breaks as "off-duty".

14. Do telephone calls to or from the motor carrier or other short disruptions that momentarily interrupt a driver's off-duty period constitute a change of the driver's duty status?

Guidance: These brief interruptions can be flagged. Telephone calls of this type will not be considered as interrupting the off-duty period. **ELD Consideration:** The device records to the second, this should be removed.



15. If a driver is required by a motor carrier to carry a pager/beeper to receive notification to contact the motor carrier for a duty assignment, how should this time be recorded?

Guidance: Off-duty. Waiting to be assigned work refers to a driver at home or at some other location or carrying a pager/beeper and waiting for a possible work assignment and is considered off-duty time. **ELD Consideration:** the 90's called they want their tech back!

16. May a sleeper berth be used for a period of less than 2 hours duration?

Guidance: Yes. Periods of time spent in a sleeper berth of less than 2 hours but greater than 30 minutes may be used to satisfy the daily 10 hours off-duty requirement (other 2 hours).

However, this time cannot be credited towards the periods of time that must be spent in the sleeper berth to satisfy the splitting of the daily off-duty time. **ELD Consideration:** The device records to the second. The device does not know intent and the driver must select sleeper-berth as a duty status. 4.3.2.2 Driver Status Inputs

17. Can a driver book off-duty during any extensive period of waiting?

Guidance: Yes. If the driver is in the sleeper berth or is relieved by the motor carrier from responsibility for the vehicle and load and allowed to pursue personal activities. **ELD Consideration:** The device records to the second. The device does not know intent and the driver must select off duty as a duty status. Consider this, a driver is unloading and upon arrival the ELD will put the driver in on-duty status after 5 minutes. If the driver does not change the status to off-duty or sleeper-berth no off-duty time will be earned. The ELD records the GPS location upon arrival. The bills of lading will match the location, if the driver logs sleeper-berth status during the time period accounted for on the bills of lading that is reasonable. If the driver is in on-duty status and then goes into off-duty without a notation that the driver was relieved by the receiver it could appear the driver was logging off duty for a on duty activity, unloading, and that is falsification. If the driver unhooked the truck and used personal conveyance that would also be fine. The problem is when the driver remains in the same location as the bills of lading and the ELD that prove on-duty time an auditor does not know the facility has a driver lounge and the drivers go watch tv and do laundry while unloading.

18. How should time spent in transit on a ferryboat be recorded?

Guidance: As off-duty time if the driver is completely relieved from work and all responsibility to the motor carrier for which he/she drives. This relief must be consistent with existing regulations of the ferry operator and Canadian Coast Guard.

19. If a driver spends 8 consecutive hours resting in a stationary commercial vehicle will this be considered as satisfying the requirements for resetting the work shift?

Guidance: No.

## “On-duty time”

20. On-duty time means the period that begins when the driver begins work or is required by the motor carrier to be available for work, except where the driver is waiting to be assigned to work.

(e) of this definition, states “waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched” What is the difference between “waiting to be assigned to work” and “waiting to be dispatched”?

Guidance: Waiting to be assigned work refers to a driver at home or at some other location or carrying a pager/beeper and waiting for a possible work assignment and is considered off-duty time. A driver waiting for a commercial vehicle to be dispatched would likely be at a carrier or shipper facility with the expectation of imminent dispatch and is considered to be on-duty time.

**ELD Consideration:** the ELD records the GPS location of the truck not the driver unless the driver is logged in.

21. A company told all of its drivers that it would no longer pay for driving from the last stop to home and that this time should not be shown on the timecards. Is it a violation of the Regulations to operate a commercial vehicle from the last stop to home and not show that time on the timecards?

Guidance: Being paid is not relevant. Location of home terminal determines if the travel time is on-duty or off-duty. If the driver is returning to his home terminal the travel time is on-duty, driving, if the driver is traveling and using the vehicle as a personal conveyance (maximum 75 km per day), in most instances the time can be considered as off-duty. The driver must be in compliance with Section 2(1)(e). definition: on-duty (b) does not include driving time for the driver personal use, if

(i) the vehicle is not used in the course of the business of the motor carrier,

(ii) the vehicle has been unloaded,

(iii) any trailers have been unhitched,

(iv) the distance travelled does not exceed 75 km in a day,

(v) 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

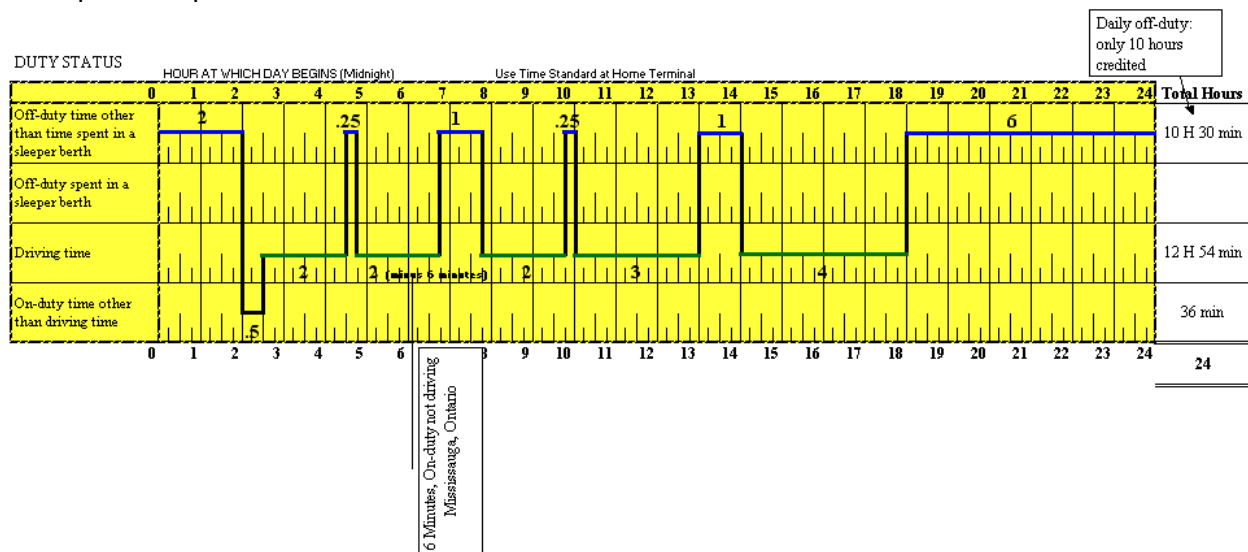
(vi) the driver is not the subject of an out-of-service declaration under section 91 **ELD**

**Consideration:** if the vehicle is moving without a driver logged in to the ELD there will be unidentified driving time recorded. The driver must select personal conveyance. 4.7.3, 7.6, 4.3.2.2.2, 4.4.1.1a).

22. How is a driver to record periods of less than 15 minutes. For example, if the stop is 8 minutes or less? If the stop is greater than 8 minutes, but less than 15 minutes, should the stop be shown as 15 minutes?

Guidance: If it is less than 15 minutes, it should be flagged and if it is greater than 15 minutes it must be recorded as on-duty, not driving. If the stop is greater than 8 minutes or more, the stop should be logged as 15 minutes. If the stop is less than 8 minutes, the driver needs only to flag the stop. **ELD Consideration:** The ELD records by the second it records the stop and the time there is no need to round up or down, the section should be removed.

## Example: Compliant



23. How is the time logged for Customs inspections/clearance to be considered?

Guidance: The driver is firstly required to record the inspection. It should be indicated as driving if the driver is not stopped for inspection (fast track), or on-duty, not driving for occasions in which he/she has to be cleared by Customs or Immigration. **ELD Consideration:** The ELD records the GPS location for the driver. If the driver logs off duty at a border crossing, make a notation why the stop is off duty and not on-duty. The ELD will automatically put the driver in on-duty once the vehicle is motionless for 5 minutes.

24. A person is hired as a driver during the week and as a salesman on weekends for a firm considered a "motor carrier" where he was never hired to drive a commercial vehicle. Must the hours worked on weekends be considered on-duty time.

Guidance: Yes. All work activity performed for a motor carrier is considered on-duty time. **ELD Consideration:** The problem is the definition of motor carrier, which is engaged in extra-provincial transportation. This means if a driver works for a provincial carrier those hours don't need to be recorded because a provincial carrier is considered intra-provincial. When jurisdictions have both provincial and federal safety fitness status the provincial jurisdiction cannot rely on a federal application guide to speak to a provincial situation. Provincial carriers are exempt from ELD it only applies to extra-provincial or federally regulated carriers.

25. If a person is attending a driver training school, how are the hours spent in class and practicing driving a commercial vehicle to be recorded?

Guidance: The time spent in class is considered on-duty and the time during which the driver was at the controls of the commercial vehicle must be recorded as driving. **ELD Consideration:** driver training schools that are provincial are exempt from ELD. If the school was federal and never left the 160km radius the carrier would also be exempt from ELD.

26. If a "driver trainer" occasionally drives a commercial vehicle, thereby becoming a "driver" (regardless of whether he/she is paid for driving), must the driver record all non-driving (training) time as on-duty (not driving)?

**Guidance: Yes.**

27. A driver drives on highways during the week and jockeys' commercial vehicles in the yard (private property) on weekends. How is the yard time to be recorded?

Guidance: On-duty, driving. **ELD Consideration:** on-duty time means (x) performing yard moves of a commercial vehicle within a terminal, depot, or port and that is not on a public road. 77 (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 ELD has been configured so that the driver can indicate those moves. Technical Standard 4.3.2.2.2, 4.4.1.1, 4.5.1.3. Driver needs an account, logs into the ELD, selects the yard move function, stays under 32 kms a hour and confirms the yard move when prompted by the ELD. If the yard was inside 160km radius the carrier would also be exempt from ELD.

28. How does compensation relate to on-duty time?

Guidance: No relationship.

29. Must all work (e.g., sweeping floors, washing dishes, etc.) for a motor carrier be recorded as on duty time?

Guidance: Yes. **ELD Consideration:** The problem is the definition of motor carrier, which is engaged in extra-provincial transportation. This means if a driver swept floors and washed dishes for a provincial carrier those hours don't need to be recorded because a provincial carrier is considered intra-provincial. When jurisdictions have both provincial and federal safety fitness status the provincial jurisdiction cannot rely on a federal application guide to speak to a provincial situation. Provincial carriers are exempt from ELD it only applies to extra-provincial or federally regulated carriers.

30. What is the duty status of a passenger who is riding seated next to the driver and who will become a driver of a commercial vehicle?

Guidance: On-duty (not driving) if the passenger does not take 8 consecutive hours off-duty prior to driving. Off-duty if the passenger complies with the provisions under Section 10. **ELD Consideration:** If the passenger has a ELD account the passenger would need to log in as on-duty.

31. Would drivers doing their own repair or maintenance work on a day off be required to log that time as on-duty, not driving?

Guidance: Yes. **ELD Consideration:** yes but, the truck data is what the ECM uses to record time for the driver logged in. If the truck is not running the ELD is not collecting data. It would be up to the driver to input that time, 4.3.2.2.4 c).

32. A driver is told by dispatch to report at 16:00. The driver shows up on time. However, once arrived at the terminal, the driver is told the load will not be ready for another 5 hours. Does this mean the driver is now off-duty until the load is ready, or is the waiting time considered as part of his or her 16-hour work shift? Can the driver now postpone reporting time to whenever the load is ready?

Guidance: The driver's work shift has started and therefore, the waiting time will be considered as part of the 16 hours total elapsed time. If the motor carrier relieves the driver from responsibility and the driver can pursue an activity of his/her choosing, the time can be shown as off-duty.

33. Can it be taken that it is now permissible for a driver to earn compensation for some activity other than work performed for a motor carrier without logging that time on-duty?

Guidance: Yes. If a driver performs work for a non-motor carrier, this time is not considered on-duty; the driver must be in compliance with Section 4 and not be fatigued.

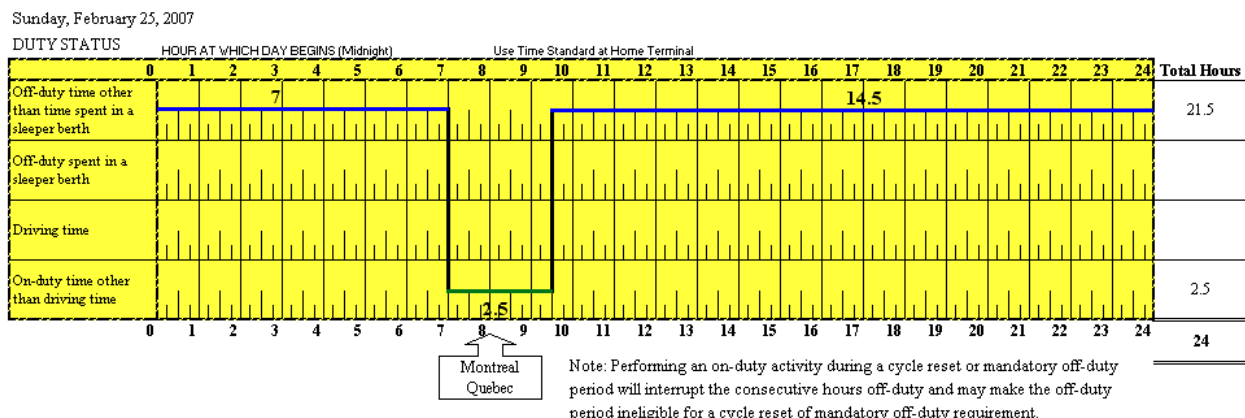
34. Does the work performed by a driver for a non-motor carrier have to be recorded as on-duty? Is it acceptable then for a driver to work an eight-hour shift at a factory on each of his days off from his motor carrier employer?

Guidance: No, work performed for a non-motor carrier does not have to be recorded as on-duty.

Yes, it is acceptable for a driver to work an eight-hour shift at a factory on each of his days off from his motor carrier employer. (However, the motor carrier should be practicing good fatigue management and must never allow a driver to drive a commercial vehicle if a driver's faculties are impaired to a point where it is unsafe to drive or would jeopardize or likely to jeopardize the safety or health of any person, including themselves.)

35. If a driver was not compensated for a particular activity, would he or she still be required to log a particular activity on-duty?

Guidance: Yes. The following illustration shows how a driver, in this case an owner-operator, is required to show in the daily time spent over the weekend, performing maintenance activities on the commercial vehicle. **ELD Consideration:** yes but, the truck data is what the ECM uses to record time for the driver logged in. If the truck is not running the ELD is not collecting data. It would be up to the driver to input that time, 4.3.2.2.4 c).



36. Can time spent in sleeping facilities being transported as cargo (e.g., boats, campers, travel trailers) be recorded as sleeper berth time?

Guidance: No. The sleeping facilities would not qualify as a sleeper berth as defined in Section 1

of the Regulations. Also, Sections 18 and 19 are specific to the type of commercial vehicle and the terms on which the rules are applied. Reference: Section 18(1)c), Section 1 definition of “Sleeper berth” and Schedule 1.

37. If a bus is not equipped with a sleeper berth, can the driver stretch out on the back seat to rest/sleep and claim sleeper berth time?

Guidance: No.

## APPLICATION (Section 2)

38. Is there a maximum amount of time that a driver can use a commercial vehicle for personal use?

Guidance: No. There is no limitation on the amount of time, only on the distance traveled (75 km). **ELD Consideration:** definition: on-duty (b) does not include driving time for the driver personal use, if

- (i) the vehicle is not used in the course of the business of the motor carrier,
- (ii) the vehicle has been unloaded,
- (iii) any trailers have been unhitched,
- (iv) the distance travelled does not exceed 75 km in a day,
- (v) 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
- (vi) the driver is not the subject of an out-of-service declaration under section 91 **ELD Consideration:** if the vehicle is moving without a driver logged in to the ELD there will be unidentified driving time recorded. The driver must select personal conveyance. 4.7.3, 7.6, 4.3.2.2.2, 4.4.1.1a).

39. Are emergency vehicles exempt?

Guidance: Yes.

40. Are drivers utilizing a commercial vehicle responding to emergency situations such as winter storms, hurricane or tornado damage, flooding, etc., exempt?

Guidance: Yes. Drivers utilizing a commercial vehicle, responding to provide relief in case of a public welfare emergency is exempt. It may be prudent to document the circumstances and the reason for exercising the emergency exemption as one may be required to produce this information to an inspector during a facility audit or investigation. **ELD Consideration:** This is a federal application guide a provincial state of emergency requires a provincial permit normally. If a driver is using an exemption the driver must log in to the ELD and use the exempt driver function to avoid unidentified driving time. Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul

exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors 4.3.3.1.2 a) and d), 7.26.

41. Are tow trucks considered to be emergency vehicles?

Guidance: No. A tow truck is not defined as an emergency vehicle. **ELD Consideration:** in some jurisdictions like Alberta tow trucks are emergency vehicles. Emergency vehicles include fire, police, ambulance, tow trucks, and a vehicle being used by a gas disconnection unit of a public utility or designated emergency response unit. Most of these vehicles are provincial and/or never travel outside 160 km radius and are exempt.

42. If a driver is permitted to use a commercial vehicle for personal reasons, how must the driving time be recorded?

Guidance: Off-duty provided in compliance with Section 2(1)(e). **ELD Consideration:** definition: on-duty (b) does not include driving time for the driver personal use, if

- (i) the vehicle is not used in the course of the business of the motor carrier,
- (ii) the vehicle has been unloaded,
- (iii) any trailers have been unhitched,
- (iv) the distance travelled does not exceed 75 km in a day,
- (v) 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
- (vi) the driver is not the subject of an out-of-service declaration under section 91 **ELD**

**Consideration:** if the vehicle is moving without a driver logged in to the ELD there will be unidentified driving time recorded. The driver must select personal conveyance. 4.7.3, 7.6, 4.3.2.2.2, 4.4.1.1a).

43. If a driver uses a commercial vehicle as a personal vehicle for the weekend, how must the driving time be recorded?

Guidance: Off-duty provided in compliance with Section 2(1)(e). **ELD Consideration:** definition: on-duty (b) does not include driving time for the driver personal use, if

- (i) the vehicle is not used in the course of the business of the motor carrier,
- (ii) the vehicle has been unloaded,
- (iii) any trailers have been unhitched,
- (iv) the distance travelled does not exceed 75 km in a day,
- (v) 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
- (vi) the driver is not the subject of an out-of-service declaration under section 91 **ELD**

**Consideration:** if the vehicle is moving without a driver logged in to the ELD there will be unidentified driving time recorded. The driver must select personal conveyance. 4.7.3, 7.6, 4.3.2.2.2, 4.4.1.1a). or use the exempt driver function, Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard,



an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors 4.3.3.1.2 a) and d), 7.26.

44. The expression “commercial vehicle when driven for personal use” excludes use, by the driver, of the vehicle in the course of business as a motor carrier.

Must personal use time still be within the prescribed daily or weekly limits?

Guidance: No. A commercial vehicle may be used for personal use for a maximum of 75 km within a day.

45. Is the 75 km distance measured by the actual distance traveled or by a radius distance?

Guidance: Actual distance traveled.

46. While a driver is using the commercial vehicle for personal use, is there a requirement for the driver to log fueling, location stop, etc.?

Guidance: Yes, fueling is on-duty. **ELD Consideration:** the driver would have to end personal conveyance, go into on-duty status to fuel and then go back into personal conveyance.

## RESPONSIBILITIES OF MOTOR CARRIERS, SHIPPERS, CONSIGNEES AND DRIVERS (Section 4)

47. Guidance: This Section encourages the responsibility for due diligence. It is not ‘just in time’ at all costs. A shipper or carrier, in their opinion, must refuse to let a driver drive if they deem the driver to be under the influence, etc. This Section also protects the driver who has made the decision not to drive, due to fatigue. Section 4 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 the Regulations.

48. If a motor carrier, shipper, consignee, or other person notices that the driver’s faculties are impaired to the point where it is unsafe for the driver to drive, (by alcohol, drugs, health or unknown causes - the cause is not important) must the driver be prohibited from driving?

Guidance: Yes.

49. What are the responsibilities of shippers, consignees, and other persons (user of service)?



Guidance: Shippers, consignees and other persons are responsible to ensure compliance with the Regulations through due diligence and not knowingly allow a motor carrier or driver to break the law. **ELD Consideration:** Will shippers, consignees, and other persons (user of service) be required to confirm a driver is not in a out of service condition before leaving the facility? RODS are available 24/7 on the cloud and can be provided to a client via email or viewed on the driver's device. In a crash situation would shippers, consignees, and other persons (user of service) be held liable for not confirming RODS and/or ignoring out of service RODS?

## TRAVELING AS A PASSENGER – OFF-DUTY TIME (Section 10)

50. If a person, under the direction of a motor carrier, is traveling as a passenger in a car, train, aircraft or boat (not a commercial vehicle) allowed to record this time as off-duty?

Guidance: Yes, provided the driver takes eight consecutive hours off-duty upon reaching destination and prior to driving a commercial vehicle.

51. Can a co-driver (who is deemed to be a team driver) sleep in the passenger seat, while the vehicle is being operated, and claim off-duty?

Guidance: No.

## SCHEDULING – DRIVING SOUTH OF LATITUDE 60° N (Sections 11 - 19 and 24 - 29)

**Daily Driving and On-duty Time** (Section 12) **ELD Consideration:** the daily limits did not change, the only thing that changed is the driver must use a ELD to record time. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. While duty status limits need to be understood by the driver the actual calculations can be left to the device. The device keeps track and alerts the driver 30 minutes before an out of service limit is reached. 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before an out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.

52. What are the rules for the day?

Guidance: See illustrations below.

No driver shall drive after he/she has accumulated:

- 13\* hours of driving time in a day

- 14\* hours of on-duty time in a day

\* Exception for "Deferral of Daily Off-duty Time"

Off-duty requirements:

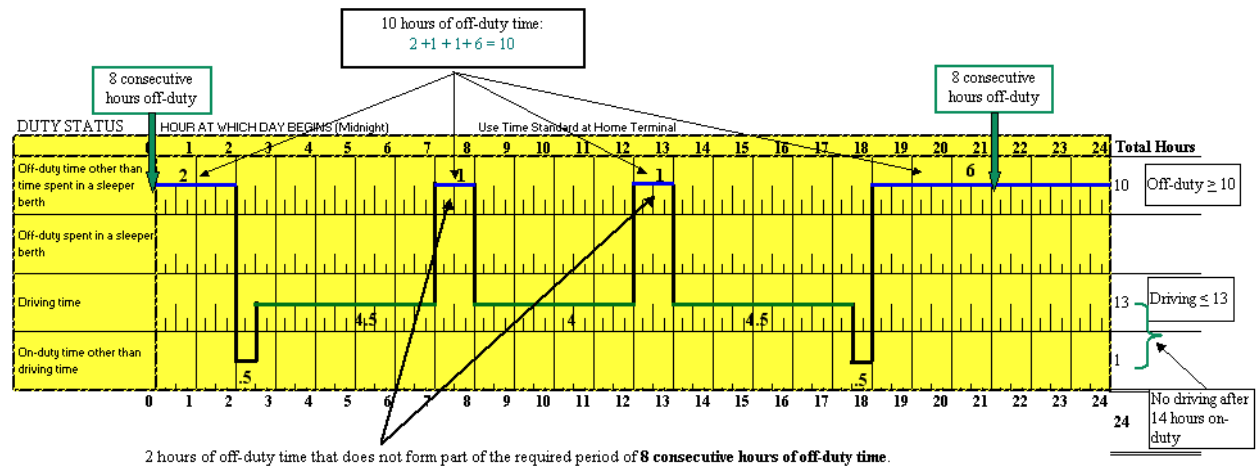
- minimum of 10 hours off-duty must be taken throughout the day

- only off-duty periods of 30 minutes or more can be included in the 10 hours off-duty requirement. Reference: Section 14.

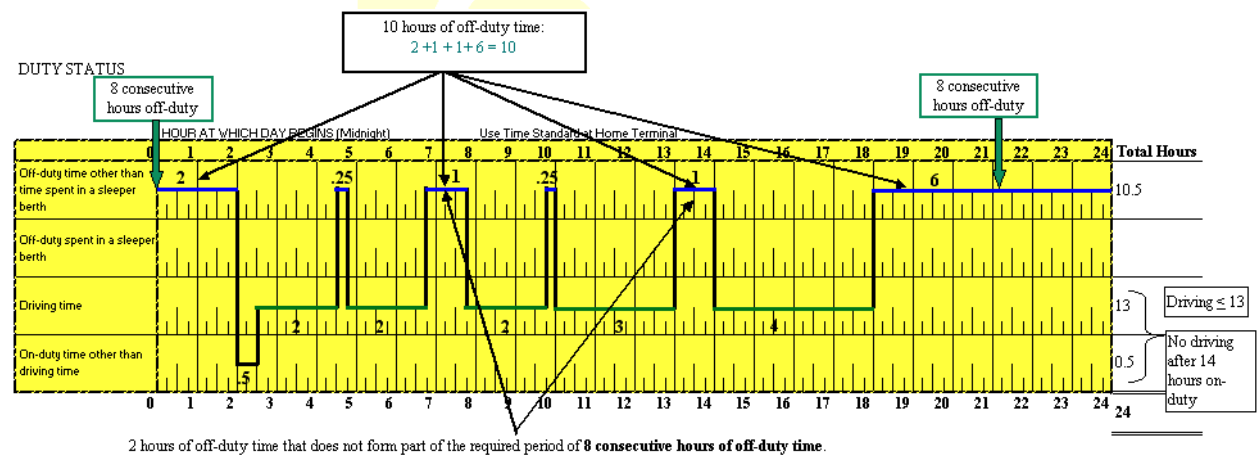
- take at least 2 hours off-duty time that does not form part of a period of 8 consecutive hours

(Note: not necessary to have 8 consecutive hours in a day)

### Example 1: Compliant



### Example 2: Compliant

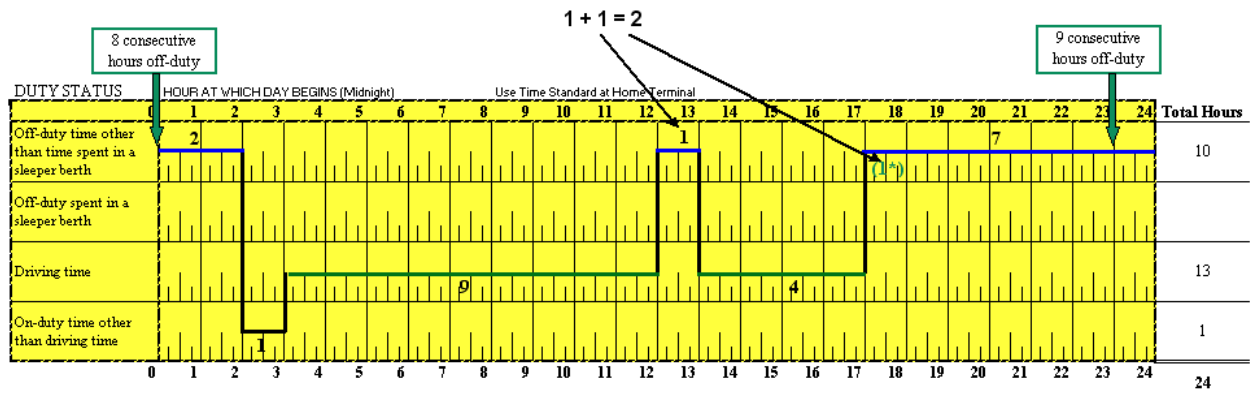


### Example 3: Compliant

#### Daily Requirements - Off-duty

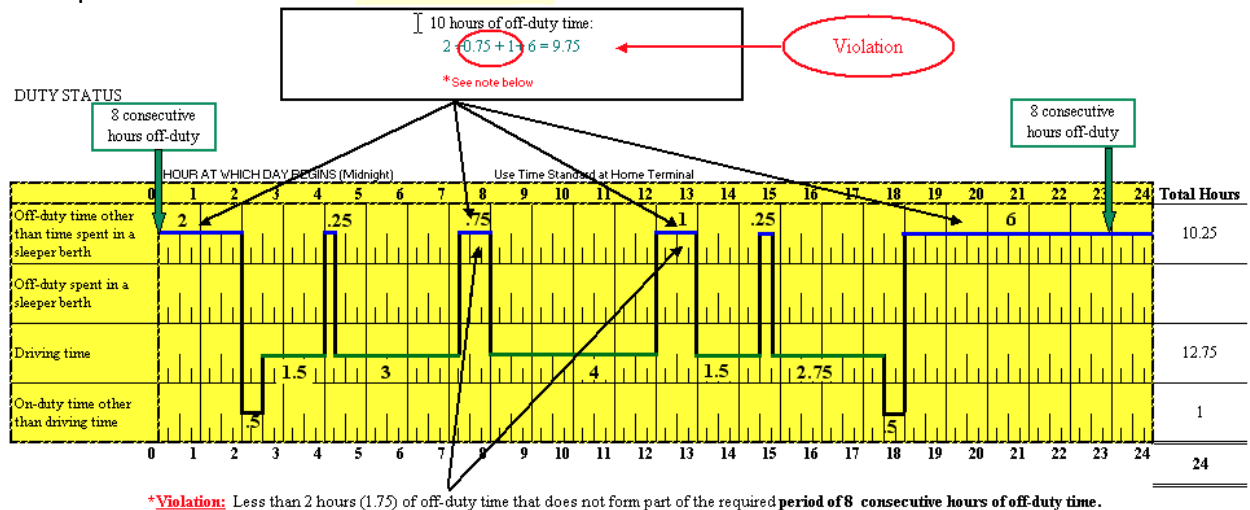
Step 1: Daily off-duty time must total at least 10 hours (consisting of off-duty periods 30 minutes) ( $2 + 1 + 7 = 10$ )

Step 2: Daily off-duty time must include 2 hours that do not form part of an 8 consecutive hour off-duty period required by Section 14(3).

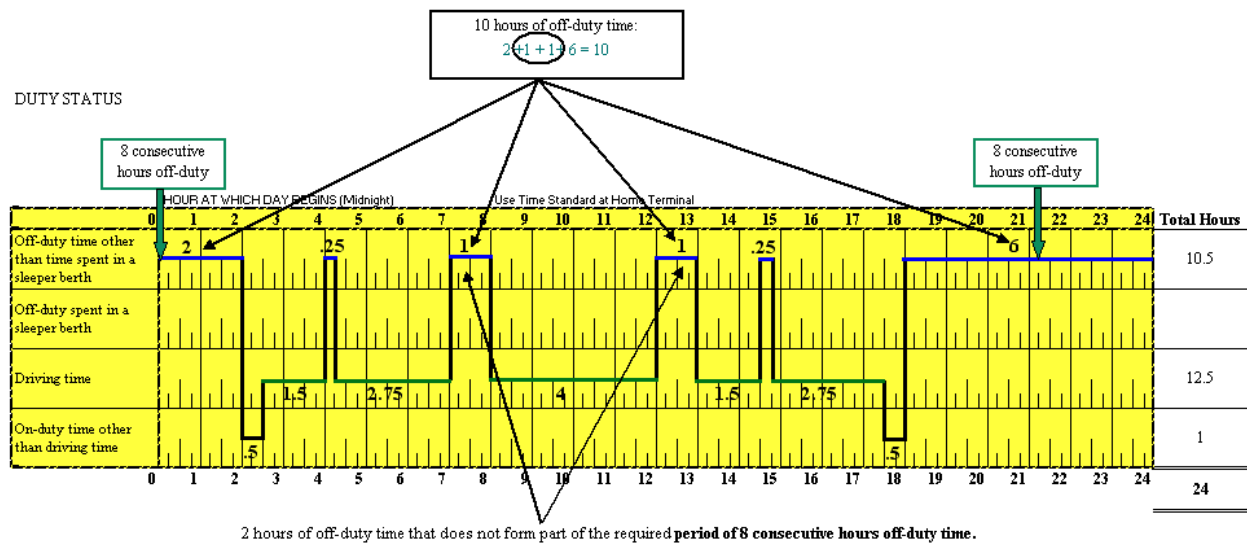


\* Note: In this case, 1 hour of the 9 consecutive hours can be used to satisfy the requirement to take 2 other hours off-duty during the day that do not form part of an 8 consecutive hours off-duty period required by Section 14(3).

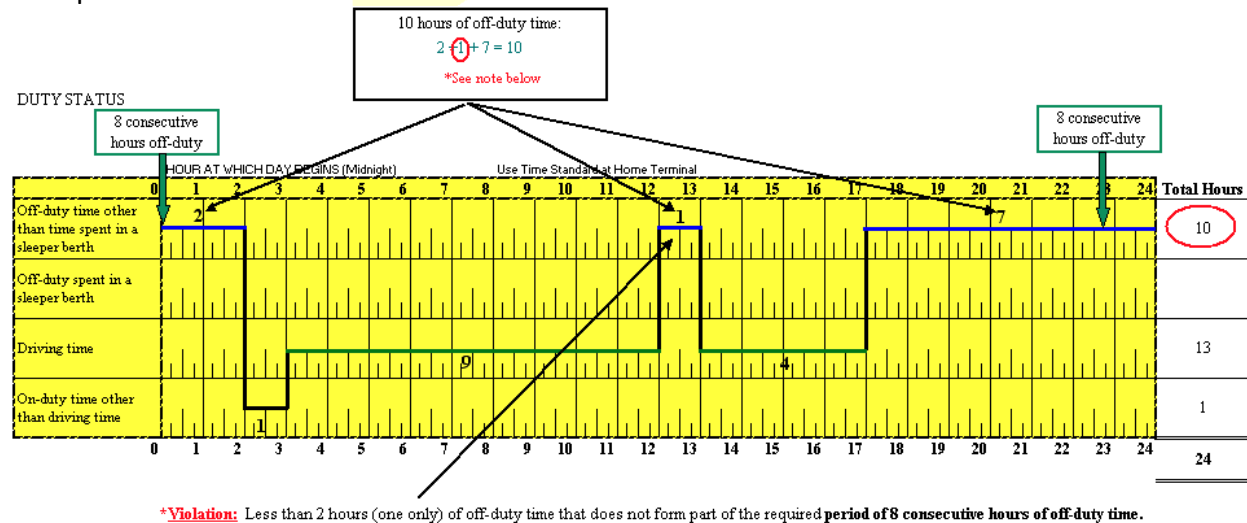
#### Example 4: Violation



## Example 5. Compliant



## Example 6: Violation



## Mandatory Off-duty Time (Section 13)

**ELD Consideration:** the daily limits did not change, the only thing that changed is the driver has to use a ELD to record time. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. While duty status limits need to be understood by the driver the actual calculations can be left to the device. The device keeps track and alerts the driver 30 minutes before an out of service limit is reached. 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before an out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.

53. What is meant by the term “work shift” and what is the maximum length of time of a work shift?

Guidance: Work shift means the elapsed time between two off-duty periods of at least 8 consecutive hours. Every off-duty period consisting of 8 consecutive hours or more resets the work shift. The length of a work shift is determined by counting the time spent in all duty statuses from the time you reported for work following an off-duty period of 8 consecutive hours or more to the time you are released from work and take another off-duty period of 8 consecutive hours or more. Reference: Section 13. **ELD Consideration:** definition: 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. 3.1.8 work shift: The Work shift refers to the elapsed time period described in provision 13(3) of the current HOS regulations. 13 (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 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. If the ELD is connected and operating correctly the ELD will automatically calculate work shift 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before an out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.

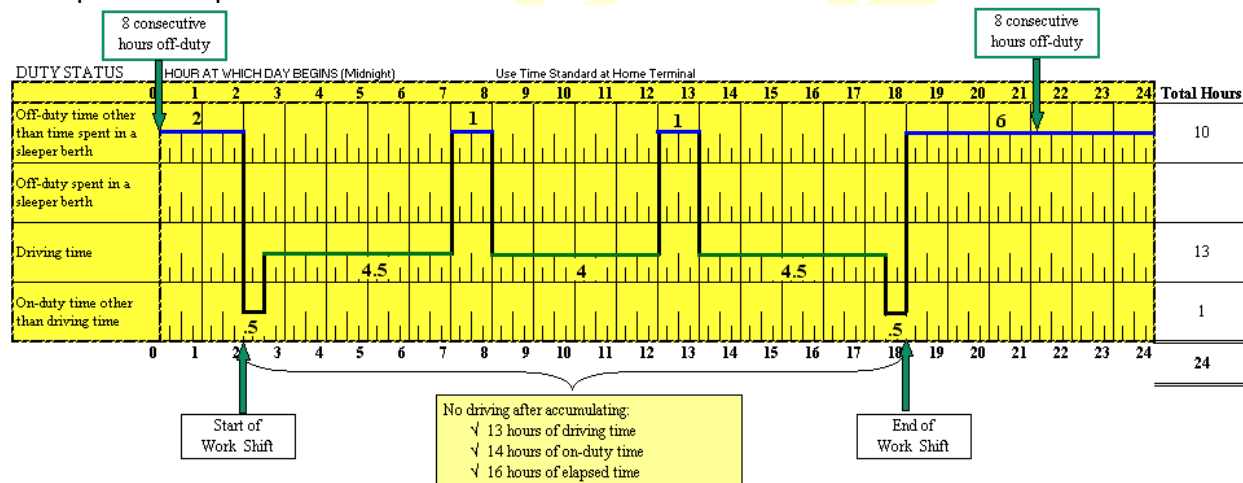
54. What conditions are imposed in the 16-hour work shift?

Guidance: No driver shall drive from the beginning of the work shift after accumulating:

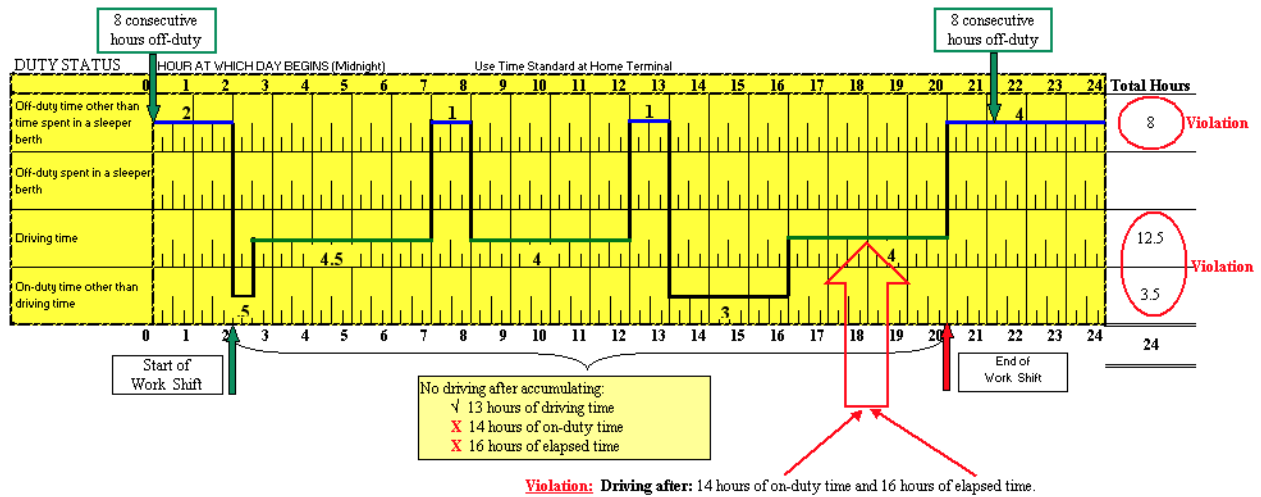
- 13 hours of driving time
- 14 hours of on-duty time
- 16 hours of elapsed time from start of the work shift.

A driver may drive if he/she takes at least 8 consecutive hours of off-duty time and obeys the rules for daily driving (for example, 13 hours of driving time by day).

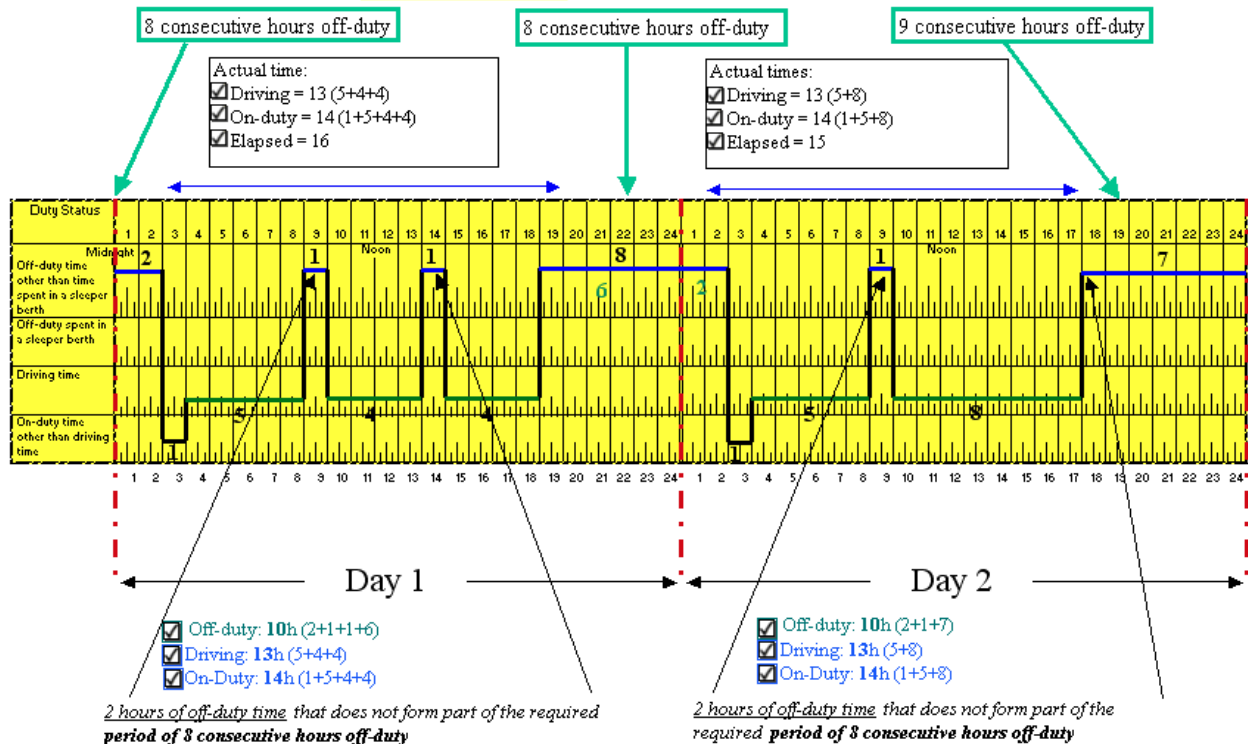
#### Example 1: Compliant



## Example 2: Violation

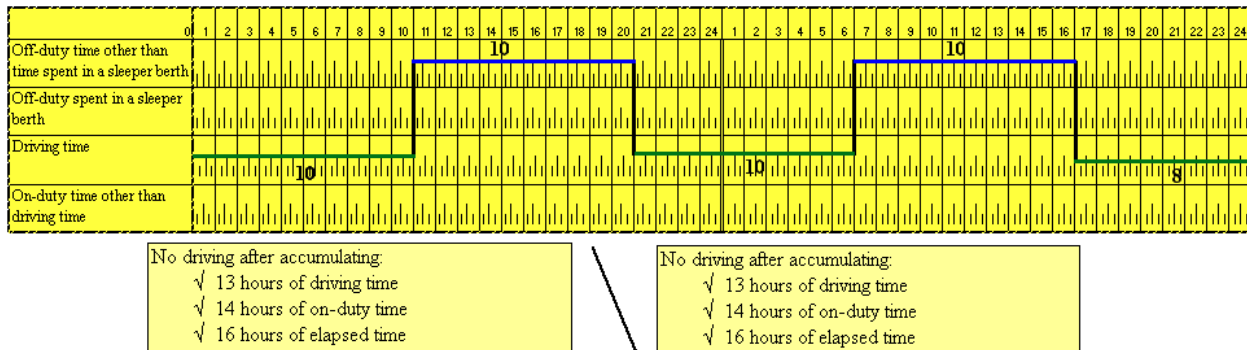


## Example 3: Compliant

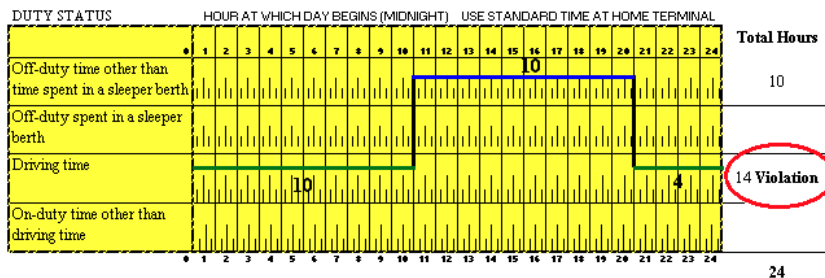


## Example 4: Violation

## Requirements for the Work Shift



## Requirements for the Day

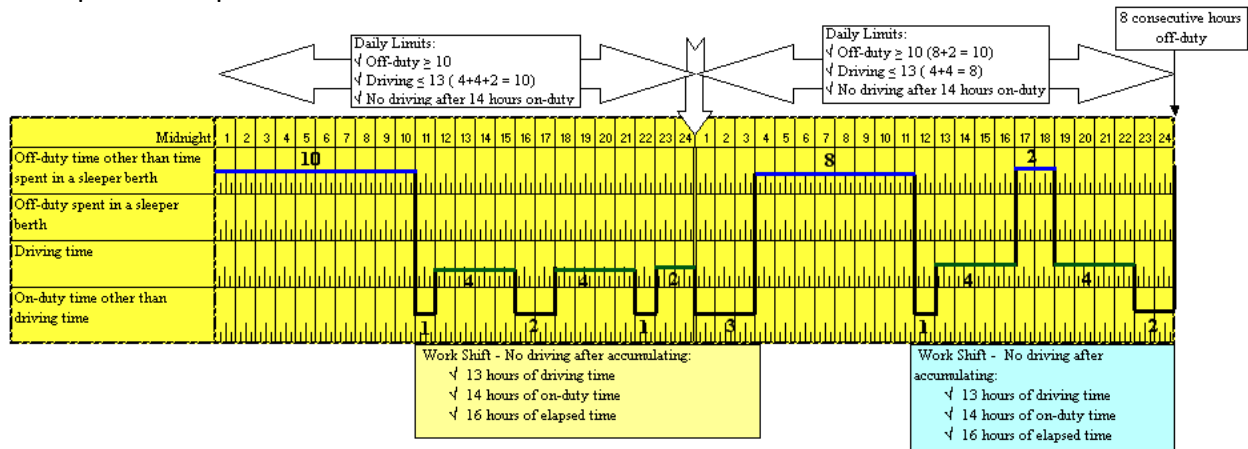


55. There are different opinions expressed about what a driver is required (or not required) to do upon reaching 14 hours on-duty or 16 hours have elapsed since going on-duty. A driver who reaches one of these limits must go off-duty for 10 hours in the day.

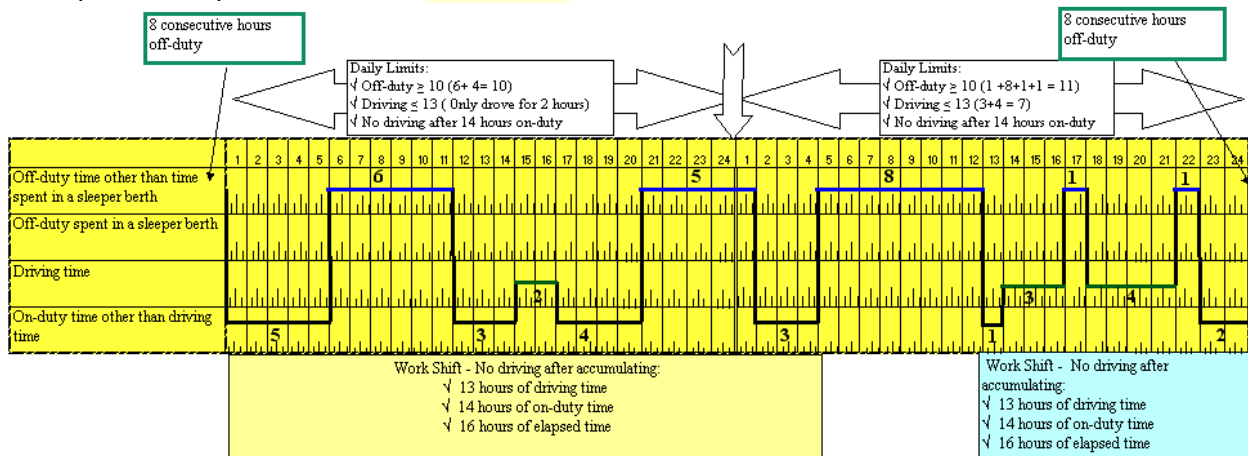
Guidance: Not in all cases; drivers may be allowed to work providing they comply with the daily 10 hours off-duty requirement. Drivers must ensure that in addition to the rules for the work shift, they satisfy the requirements for the day. Illustrations.

**ELD Consideration:** definition: 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. 3.1.8 work shift: The Work shift refers to the elapsed time period described in provision 13(3) of the current HOS regulations. 13 (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 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. If the ELD is connected and operating correctly the ELD will automatically calculate work shift 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before a out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.

## Example 1: Compliant



## Example 2: Compliant



56. Can a driver reduce the 8 consecutive hours when off-duty time is required to be taken?

Guidance: No. **ELD Consideration:** the device records by the second, the driver needs to monitor device to ensure the full amount of time was taken, 7 hours and 59 minutes is not 8 hours.

57. A driver can drive for 13 consecutive hours following 8 consecutive hours off-duty. Can the driver also drive for 13 consecutive hours following 8 hours off-duty taken in 2 sleeper berth periods that have been separated by driving.

Guidance: No. **ELD Consideration:** the daily limits did not change, the only thing that changed is the driver has to use a ELD to record time. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. While duty status limits need to be understood by the driver the actual calculations can be left to the device. The device keeps track and alerts the driver 30 minutes before an out of service limit is reached. 4.4.6 Hours of service duty-/driving-hour limitations and alert the driver 30 minutes before an out of service condition begins 4.6.4 Driver notifications for Hours-of-service limitations.



58. Can the 8 consecutive off-duty hours be comprised of a combination of off-duty time and time spent in the sleeper berth?

Guidance: Yes, provided the time is continuous. **ELD Consideration:** the ELD records data and does not understand intent, off duty and sleeper berth status must be selected and confirmed 4.3.2.2 Driver Status Inputs.

59. How is the “work shift” applied to short haul driving operations. If a driver drives for an hour to haul a load of aggregate to a site, then takes a two-hour break to unload, then drives back to the plant for another hour, then takes another break to load again, and so forth, how do the Regulations affect that driver?

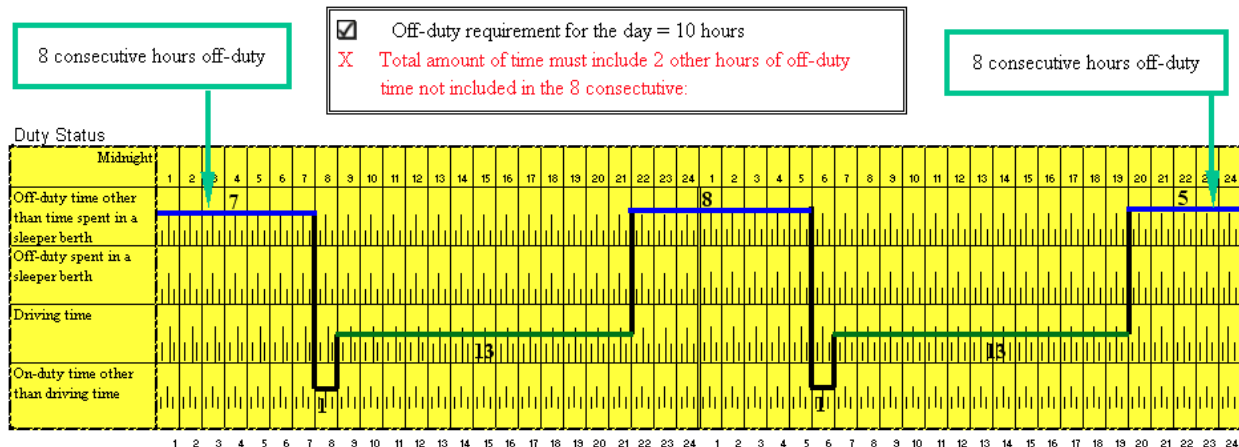
Guidance: The rules for the work shift are the same for short and long-haul operations. When a driver has reported for work, after having taken at least 8 consecutive hours off-duty, he/she must ensure he/she does not drive a commercial vehicle after 16 hours has elapsed. Also, after accumulating 13 hours driving and 14 hours on-duty, the driver must ensure he/she is in compliance with the rules for the day. **ELD Consideration:** if the short haul carrier is provincially regulated the carrier would be exempt from ELD. If the short haul operation was federal and never left the 160km radius the carrier would also be exempt from ELD. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

### Daily-Off-duty Time (Section 14)

60. What is the purpose of Section 14(3)? Does it mean that team driver must take 10 hours off in a day?

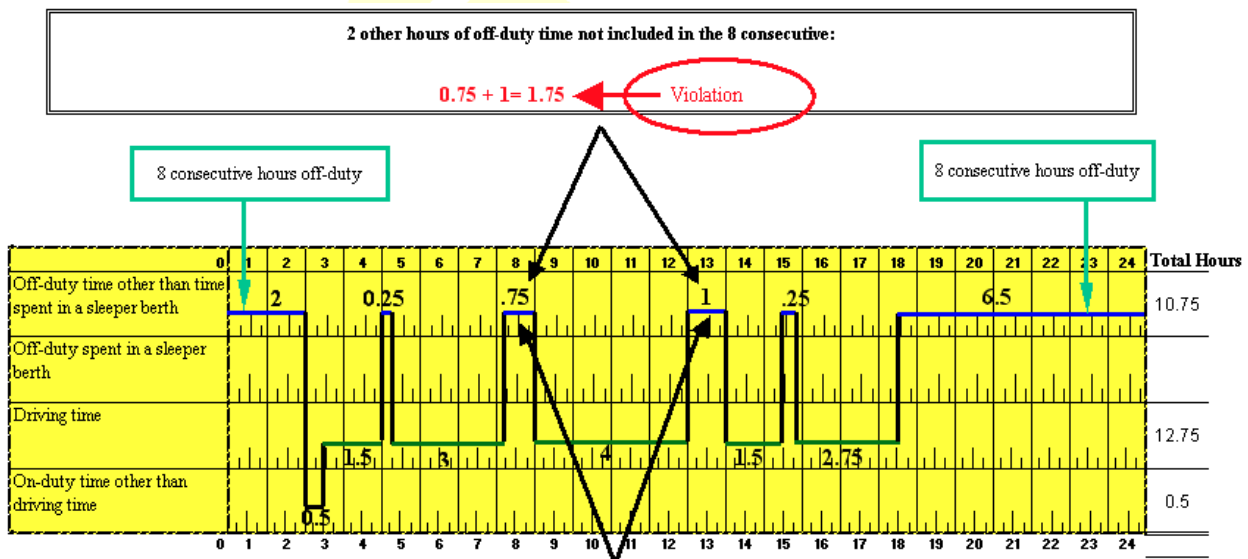
Guidance: Section 14(3) is intended to ensure a driver does not use an 8 consecutive off-duty period to satisfy two requirements, i.e.: if the 8 hours is used to reset the work shift, you cannot use any of the 8 for the other 2 hours required to satisfy the 10 hour daily off-duty requirement. A driver must take 10 hours off-duty every day and the total amount of off-duty time taken by a driver in a day shall 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 13.

Example 1: Violation: In this example, the driver is attempting to use the 8 consecutive hours of off-duty time (core rest period) to satisfy two requirements: resetting the work shift and satisfying the other two hours required to be taken each day to satisfy the 10 hour daily off-duty requirement. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.



**Violation:** Off-duty time in a day does not include at least 2 hours that do not form part of a period of 8 consecutive hours off-duty time required by subsection 14(3). Requirement was introduced to make sure that sufficient opportunity was provided to obtain recuperative sleep and to reduce phase advancing. This eliminated the possibility of using two hours of core rest period consisting of only 8 consecutive hours to satisfy two requirements; work shift reset and daily off-duty requirements.

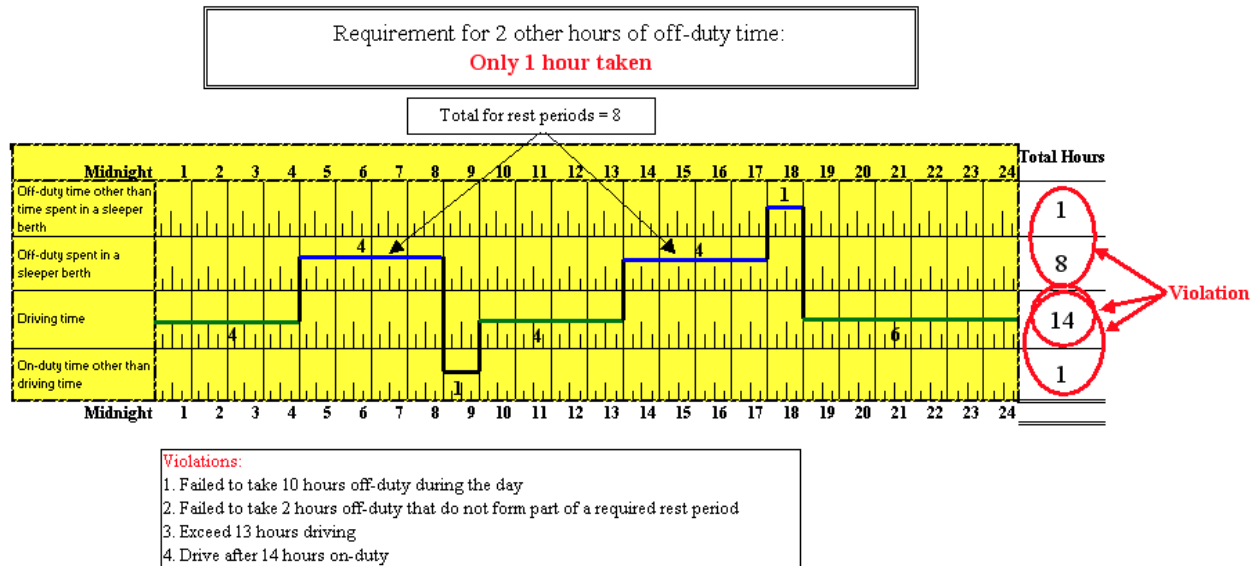
### Example 2: Violation



**Violation:** off-duty time in a day does not include at least 2 hours that do not form part of a period of 8 consecutive hours of off-duty time required by Section 14(3).

### Example 3: Violation

#### Rules for the Day – Team



61. If a person only took 9 hours off-duty but did not drive a commercial vehicle during the previous day, however, today, he is driving a commercial vehicle, would the driver be in violation for failing to take 10 hours off-duty the day before?

Guidance: Yes. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

## Deferral of Daily Off-duty Time (Section 16)

62. Would the driver be eligible for the “deferral of off-duty time” provision, if the driver exceeded 13 hours of driving in the immediately preceding on-duty period?

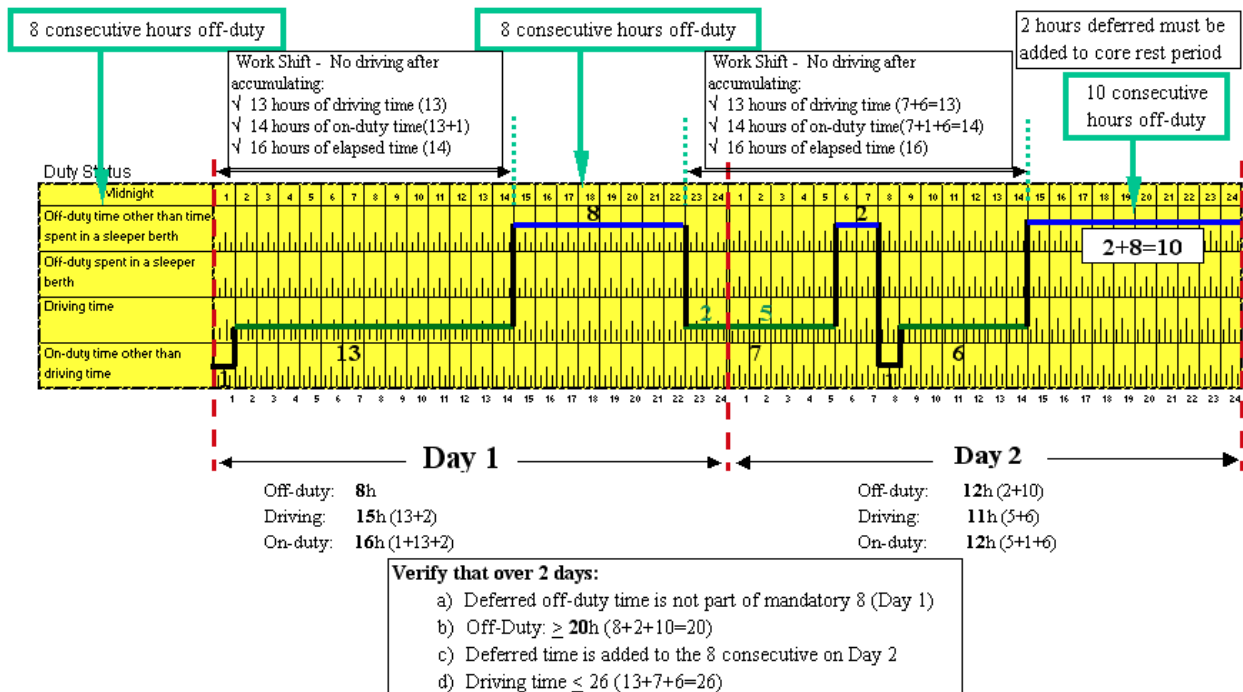
Guidance: No, the driver having exceeded the driving limitation is in violation of Sections 12(1) or 13(1). The driver would be declared out-of-service by an inspector and would be required to take a minimum of 10 consecutive hours off-duty. Reference: Section 91(3)(b).

16 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 2 hours of the daily off-duty time to the following day if

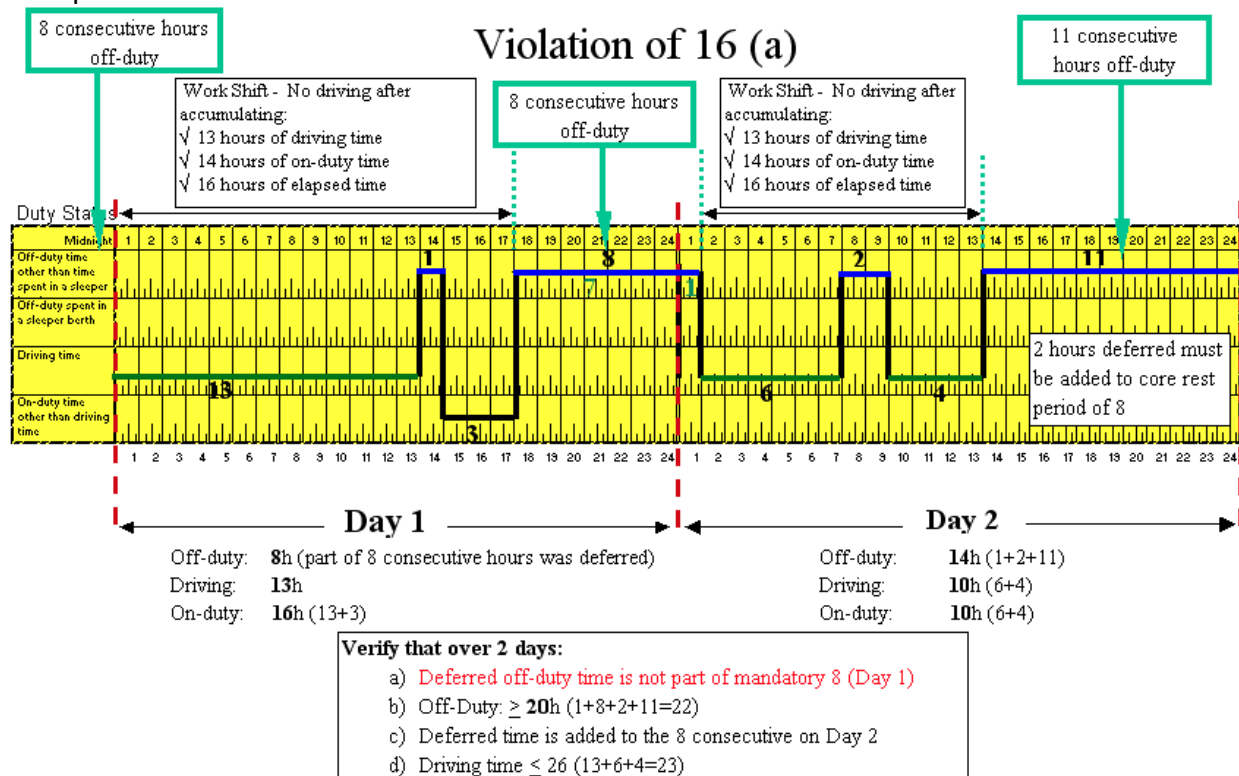
- (a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time.
- (b) the total off-duty time taken in the 2 days is at least 20 hours.
- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day.
- (d) the total driving time in the 2 days does not exceed 26 hours; and
- (e) there is a declaration in the 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. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2, 4.3.2.2.1, 4.3.2.2.3 a) (4)b) (3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

Guidance: No. The rules for the work shift continue to apply and cannot be modified. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

### Example 1: Compliant

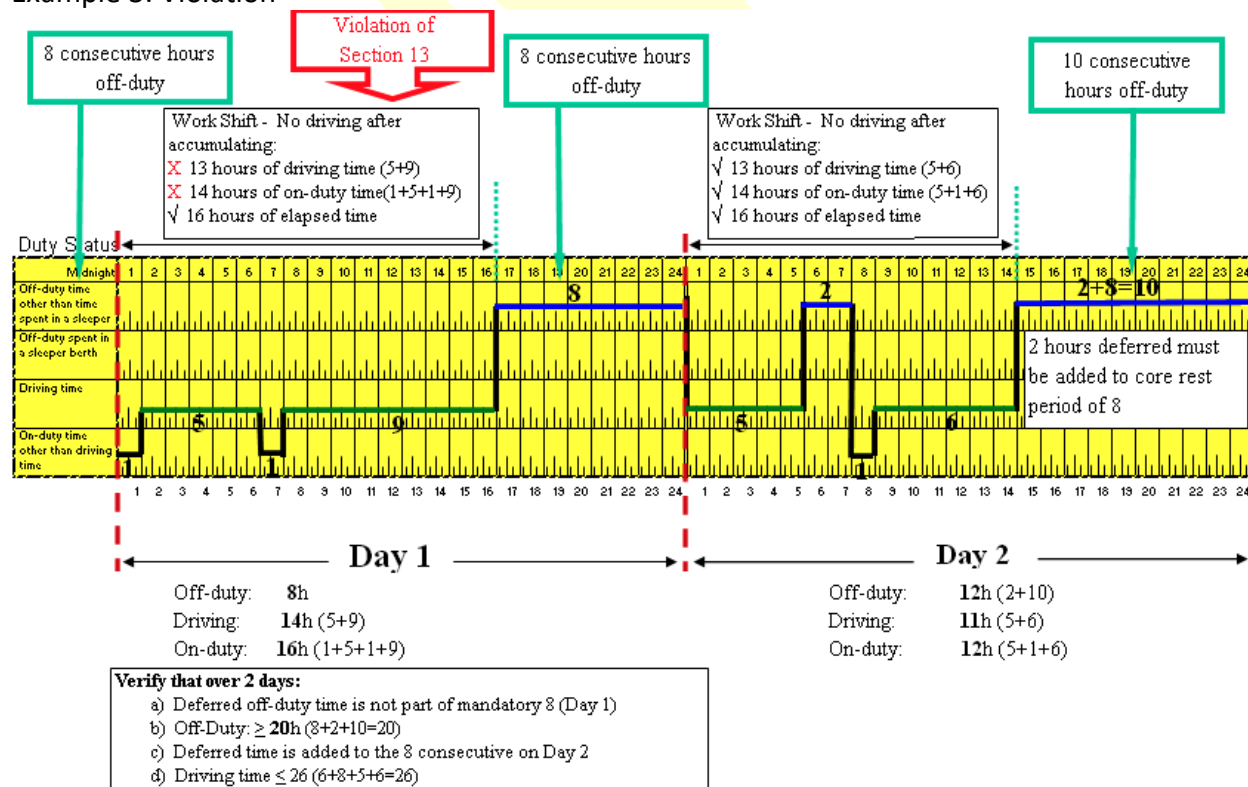


## Example 2: Violation



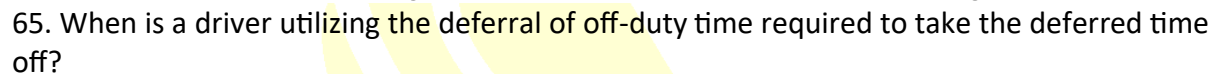
Note: To exercise the deferral option, the 8 consecutive hours must be completed in the first day.

## Example 3: Violation



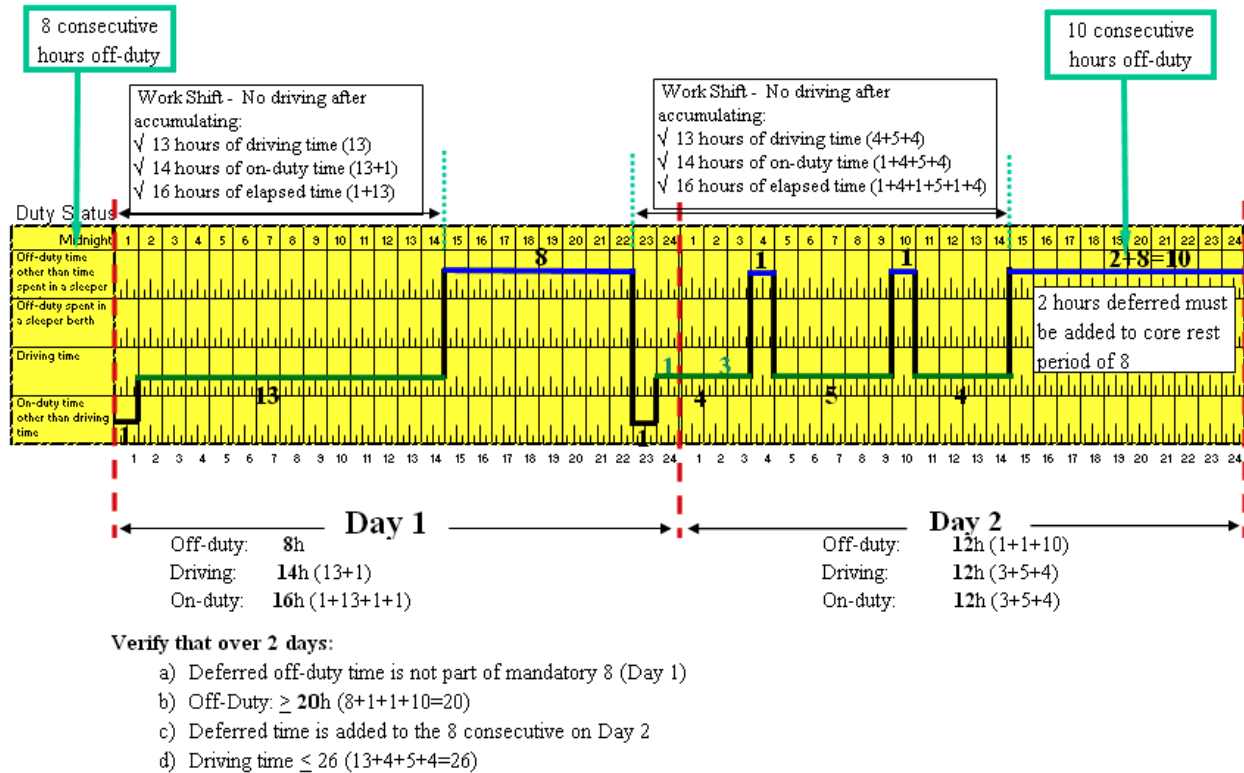
Guidance: Yes, every second day. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2.3 a) (4)b)(3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

## Time Deferral



Guidance: During day 2; as well, the deferred time must be added to the required 8 consecutive hours of off-duty time. The off-duty time deferral is added to the 8 consecutive hours of off-duty time taken in the second day. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2.3 a) (4)b)(3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

## Example: Compliant



66. With respect to Section 16(e) will daily log-sheets require special “declaration” boxes in the remarks section to avoid confusion during enforcement?

Guidance: No. When a driver has exercised the deferral option, this notation should be made in the remarks section of the daily log. The driver must make sure it is clearly understood that he/she has exercised the deferral option and the appropriate day (day 1 or day 2).

**ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2.3 a) (4)b)(3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

67. How is the deferral option required to be recorded if the driver does not retain a logbook?

Guidance: The carrier is required to retain accurate time records. Therefore, the carrier will be required to identify any time the driver used the deferral option. **ELD Consideration:** 77 (1) a carrier must have a ELD installed, and the carrier is Federal and 77(2) the driver shall use the ELD to record time. Therefore, the driver will have a ELD and If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2.3 a) (4)b)(3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

68. Deferral hours of off-duty are added to the 8 consecutive hours of off-duty time taken on day 2. If a driver used that deferral on the last day of his/her cycle, does he/she have to take 38 consecutive hours off-duty instead of 36?

Guidance: No. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. The Technical Standard 4.3.2.2.3 a) (4)b)(3), 4.5.1, 4.5.1.8, 4.8.2.1.12 and 7.44.

## Ferries (Section 17)

69. Are the “5 hours” based on the actual scheduled departure/arrival times, or the “check-in/checkout” duration? Actual “propeller-churning” time might be 4.5 hours, but the vehicle usually must arrive at the pier at least 60 minutes ahead of departure, and until the vehicle is off-loaded at the other end, it usually takes another 30 minutes or so.

Guidance: Based on the actual scheduled departure/arrival times. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

70. Shorter ferry runs (5 hours) do not usually offer “accommodation” as defined in Section 17(a). Would a boarding pass be sufficient to qualify for this exemption on shorter scheduled trips that run longer than 5 hours?

Guidance: No. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

71. What is the protocol for drivers using ferries under circumstances other than crossings of five hours or more?

Guidance: It depends on what the driver is doing. If he is working (selling tickets), he is on-duty. If he is having lunch, he is off duty.

72. If the combined duties as stated in Section 17(a) are to be recorded as off-duty time spent in the sleeper berth (as per Section 17(b)) how does the driver account for the mileage driven if no drive time is recorded.

Guidance: The time spent driving from the point of disembarkation to the rest facility which is no more than 25 km, will be recorded as on-duty driving. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.



## Splitting of Daily Off-duty Time (Sections 18 and 19)

73. How are the sleeper berth rules for single and team drivers applied?

Guidance: Motor carriers and drivers must respect the requirements.

The amount of off-duty time to split and the duration period are different for single and team drivers:

Requirement Single Team

Rest period (minimum) 2 hours 4 hours

Total for 2 rest periods 10 hours 8 hours

**ELD Consideration:** 4.1.4 Account Management

a) An ELD must be capable of separately recording and retaining ELD data for each individual driver using the ELD.

b) An ELD must provide for and require concurrent authentication for team drivers.

This means If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by both drivers 4.3.2.2 Driver Status Inputs. The ELD will never allow for both drivers to be in driving status at the same time but, both drivers have to be logged in

Other rules are almost the same for single and team drivers:

1. Must meet daily requirements:

- Take at least 10 hours off-duty time:

- off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.

- take at least 2 hours of off-duty time that does not form part of the period of 8 consecutive hours (team only)

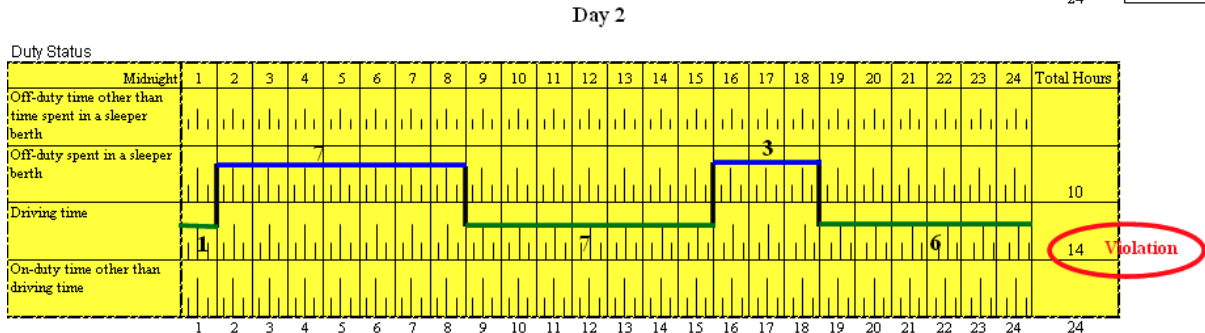
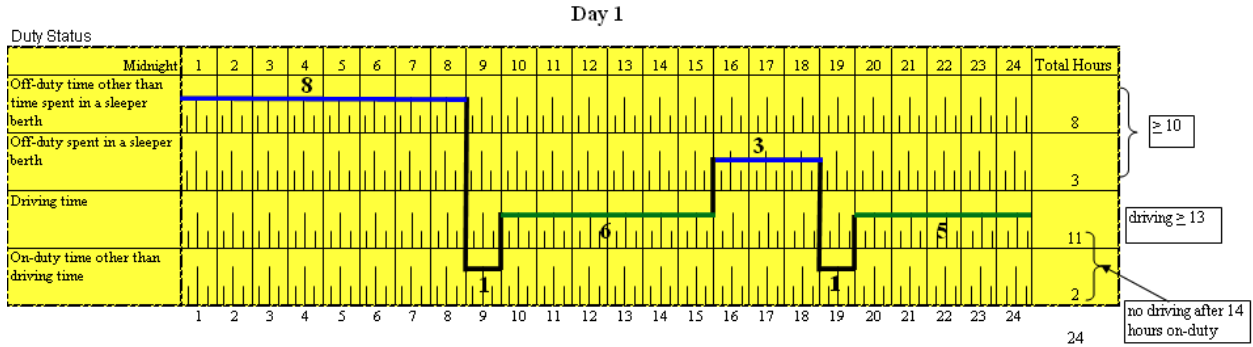
- No driver shall drive after he/she has accumulated:

- 13 hours of driving time in a day

- 14 hours of on-duty time in a day

Example: Sleeper Berth - Single

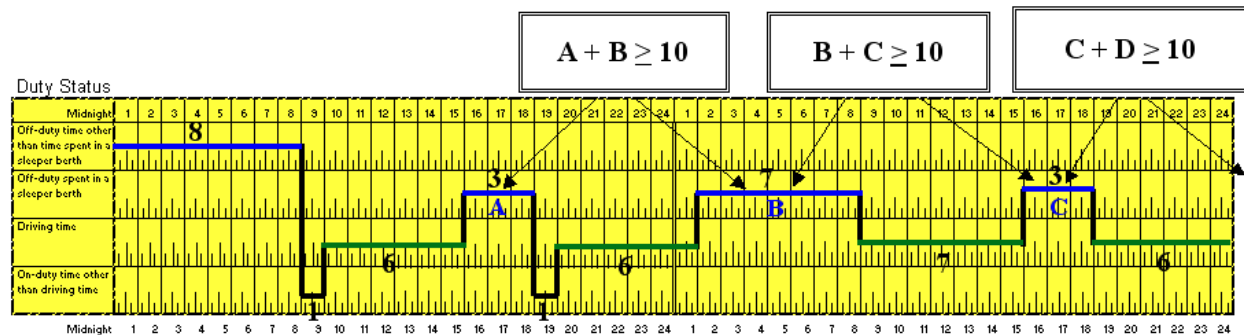
Step 1: Rules for the days



### Violations:

1. Exceed 13 hours driving time
2. Identify sleeper berth rest periods
  - neither period is shorter than 2 hours; and
  - the total of the two periods is at least 10 hours (single driver)

Step 2: Rules for the work shift - Identify rest periods

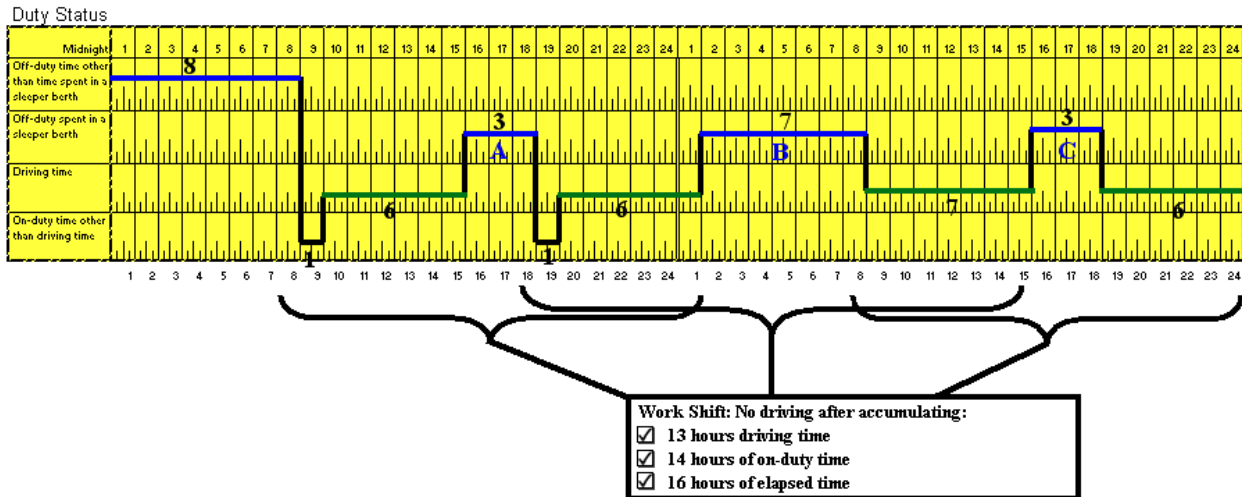


3. A driver may not drive after having accumulated in the periods immediately before and after each of the period of off-duty time:

- 13 hours driving
- 14 hours on-duty
- 16 hours elapsed time

None of the daily off-duty time is deferred to the next day.

Step 3: Rules for the work shift - Verify driving times



\* Note: the 16th hour is calculated by:

a) excluding the 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 less 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. **ELD Consideration:** 4.1.4 Account Management

a) An ELD must be capable of separately recording and retaining ELD data for each individual driver using the ELD.

b) An ELD must provide for and require concurrent authentication for team drivers.

This means If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by both drivers 4.3.2.2 Driver Status Inputs. The ELD will never allow for both drivers to be in driving status at the same time but, both drivers have to be logged in

74. Can a driver combine a consecutive sleeper berth rest period and an off-duty period to obtain 8 hours off-duty?

Guidance: Yes. The driver may combine sleeper berth time and other off-duty time to meet the minimum 8 consecutive hours of off-duty time. The driver cannot combine sleeper berth time and other off-duty time to meet the minimum split sleeper berth requirements. **ELD**

**Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

75. Do the Regulations allow drivers to switch from a team environment to a single driver and vice versa?

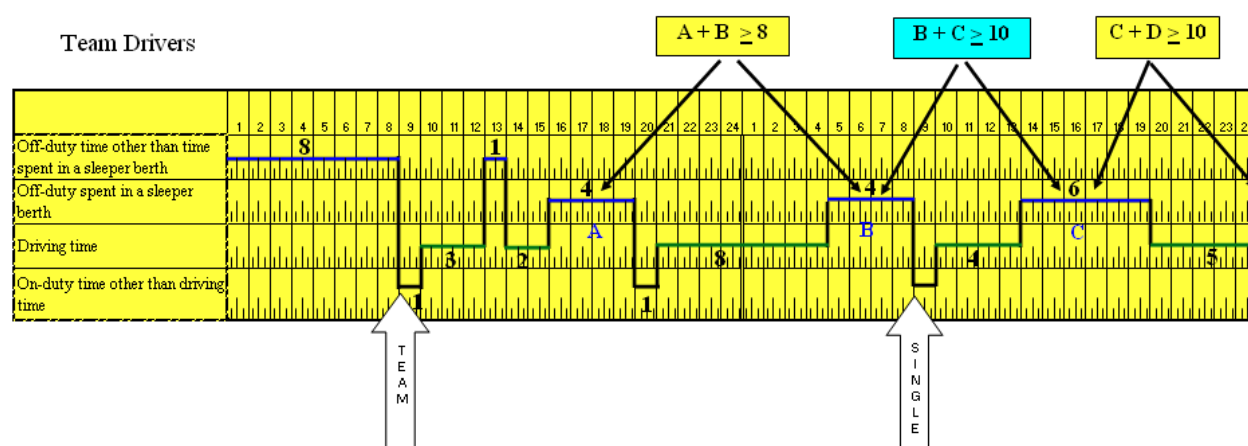
Guidance: Yes, providing the driver records in the daily log when this occurred and complies with the requirements for the (team or single) situation in which they are now engaged.

#### ELD Consideration: 4.1.4 Account Management

a) An ELD must be capable of separately recording and retaining ELD data for each individual driver using the ELD.

b) An ELD must provide for and require concurrent authentication for team drivers.

This means If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by both drivers 4.3.2.2 Driver Status Inputs. The ELD will switch from single to team and recalculate the duty status and cycle limits for both drivers but, both drivers have to be logged in



76. With regard to calculating the 16-hour rule for single drivers in utilizing the sleeper berth provisions (Section 18(2), if the driver takes two periods of off-duty in the sleeper berth, one being 2 hours and other being 8 hours, would the calculation of the 16-hour rule revert back to normal off-duty provisions under Section 13(3)?

Guidance: Yes. Any period of at least 8 consecutive hours automatically resets the work shift.

#### ELD Consideration: 4.1.4 Account Management

a) An ELD must be capable of separately recording and retaining ELD data for each individual driver using the ELD.

b) An ELD must provide for and require concurrent authentication for team drivers.

This means If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by both drivers 4.3.2.2 Driver Status Inputs. The ELD will switch from single to team and recalculate the duty status and cycle limits for both drivers but, both drivers have to be logged in

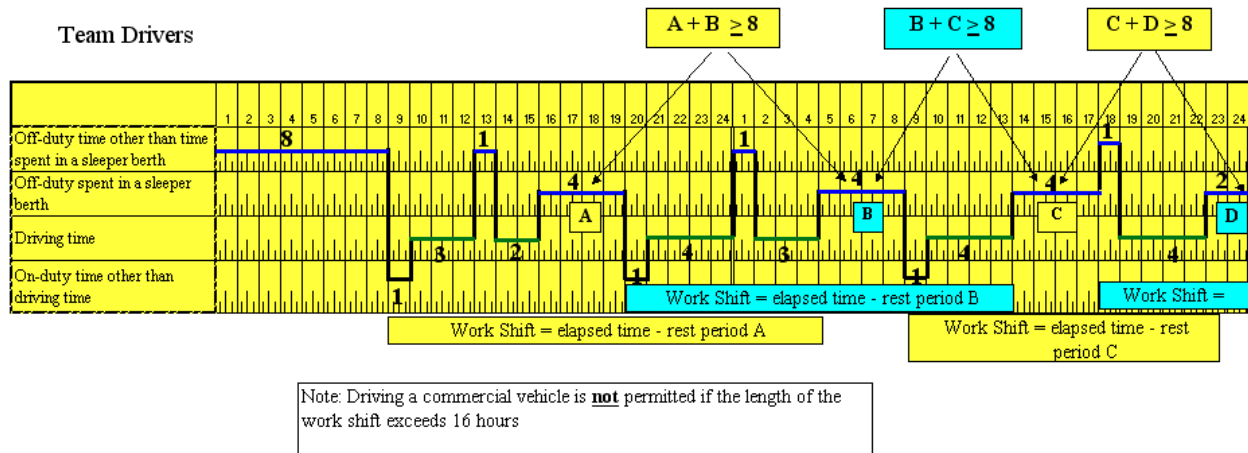
77. If a commercial vehicle is not equipped with a sleeper berth, can a driver stop the vehicle and “make” a sleeper berth using the driver/passenger seat area and claim split sleeper berth?

Guidance: No. A suitable sleeping accommodation must satisfy the specifications prescribed in Schedule 1 in order to be considered a sleeper berth.

78. How is the 16 hours of elapsed time reflected when using the sleeper berth provision?

Guidance: The following illustration provides clarification. It is important to remember drivers

are not allowed to drive a commercial vehicle after accumulating 16 hours during the work shift. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.



79. After accumulating 8 consecutive hours of off-duty time, a driver spends 3 hours in the sleeper berth. The driver then drives a commercial vehicle for 13 hours, then spends 7 hours in the sleeper berth. Can the driver combine the two sleeper berth periods to meet the required 10 hours of off-duty time as per Section 18, and then drive for up to 13 more hours after the last 7 hours in the sleeper berth?

Guidance: No, as the total of the driving time in the periods immediately before and after each of the sleeper berth periods cannot exceed 13 hours. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

## Cycles (Sections 24 - 27)

80. In Sections 26 and 27, what is meant by “during the period of the cycle that was ended”?

Guidance: The period of time in a cycle can be less than 7 or 14 days. A cycle can reset at any time. If a driver has reset cycle 1 (70 hours/7 days) then a new cycle is opened and the first day of the cycle is the only day included in the elected cycle (cycle 1 or cycle 2). The duration of a cycle is less than 7 days or 14 days when a driver resets a cycle after less than 7 or 14 days. For example, the duration of a cycle could be only one day if the driver was off-duty for more than 36 hours, drives only one day, and takes 36 hours off-duty. In that case, the duration of the cycle is one day. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver’s cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

81. When does a “cycle” start? Does it start at 00:01 on the first day of the cycle or at the time the first work shift starts in the “cycle”?

Guidance: It starts at the time determined by the motor carrier as the start time for the day. If a motor carrier has declared a start time for the day to be different than the calendar day, then the day starts at the declared time and stays at that time for the rest of the cycle. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver’s cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

82. Does a driver, employed full time by one motor carrier using cycle 1, (70-hours in 7-days), and part-time by another motor carrier using cycle 2, (120-hours in 14-days), have the option of using either rule in computing his hours of service?

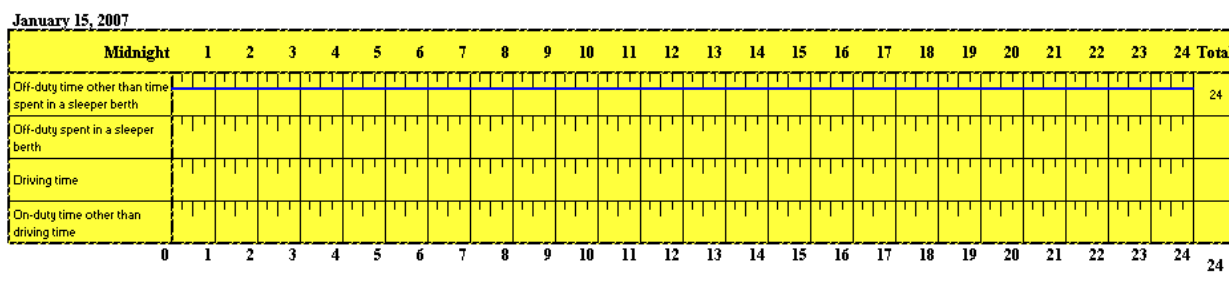
Guidance: No. The driver has the option of electing to work either on cycle 1 (70 hours in 7 days) or cycle 2 (120 hours in 14 days) and during this period the driver must adhere to that cycle.

However, the motor carrier and /or driver has the option of switching cycles if he takes the following off-duty time: at least 36 hours off-duty for cycle 1; or at least 72 hours off-duty for cycle 2 (reset). **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver’s cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

83. If a driver has elected cycle 1(70 hours/7 days) but reaches the 70 hours in only 5 days, how does he record the 36-hour continuous off-duty time?

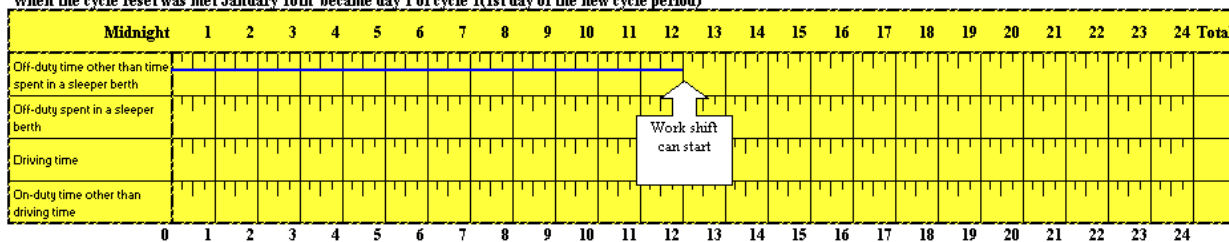
Guidance: Must be recorded as off-duty on the graph grid or in the record of duty status. See illustration. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

### Example 1:



January 16, 2007

When the cycle reset was met January 16th, became day 1 of cycle 1(1st day of the new cycle period)



### Example 2:

#### 2007 Record of Duty Status

Driver's Name: \_\_\_\_\_

Month: February

Duty Status:  
1 = Off Duty  
2 = Driving  
3 = On Duty, not Driving

Start time for the day: Mid-night

Date	Status	1																								Total Time
27	Started @	0:00																							Off-duty:	24.0
	Finished @	24:00																							Driving:	
	Time spent	24.0																							On-Duty not driving:	
Remarks:														Elected Cycle: 1				Total: 24.0								
Date	Duty Status	1																								Total Time
28	Started @	0:00																							Off-duty:	
	Finished @	12:00																							Driving:	
	Time spent	12.0																							On-Duty not driving:	
Remarks:														Elected Cycle: 1				Total:								

When the cycle reset was met, day 7 became day 1 for the new cycle 1  
Work shift can start anytime after 12:00 noon

84. Is it a violation if a driver fails to declare the cycle that he/she is operating on, in the daily log?

Guidance: Yes. **ELD Consideration:** This will never happen in a ELD the declared cycle will show on the header and will default to the previous cycle if not changes.

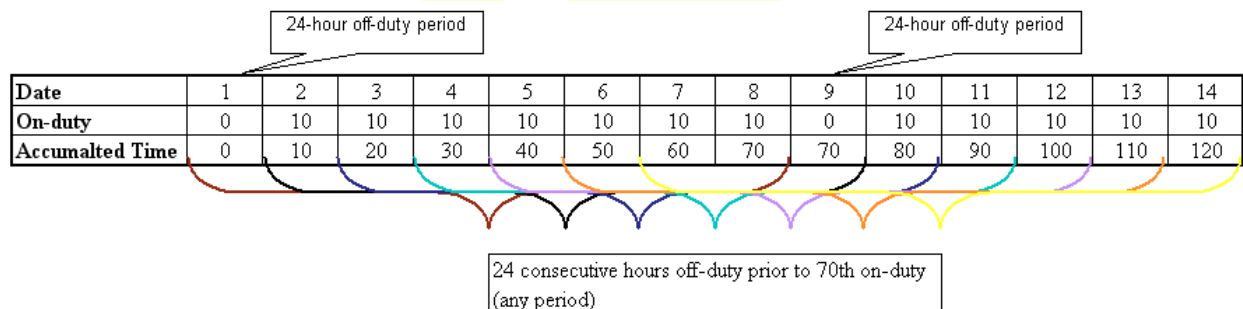
85. Can a driver combine off-duty and sleeper berth times to accumulate 24 consecutive hours off-duty time in order to either satisfy the requirement to have taken 24 consecutive hours off-duty within the previous 14 days or if following cycle 2, before exceeding 70 hours on-duty?

Guidance: Yes. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

86. Would the 24 hours mandatory rest period required in cycle 2 be included in the 14 days thereby reducing the 336 hrs. available to 312 hrs., of which 120 hrs. could be on-duty?

Guidance: Yes. Also, depending on when the driver took the 24 consecutive hours off-duty, there may be an additional requirement to take another 24 consecutive hours off-duty for cycle 2. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

Example: Cycle 2: Off-duty requirements



87. Would a driver driving less than 10 hours a day ever be required to take 24 consecutive hours off-duty time?

Guidance: Yes. A prerequisite to driving a commercial vehicle on any given day is the driver must have taken at least 24 consecutive hours off-duty in the previous 14 days. Reference: Section 25. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

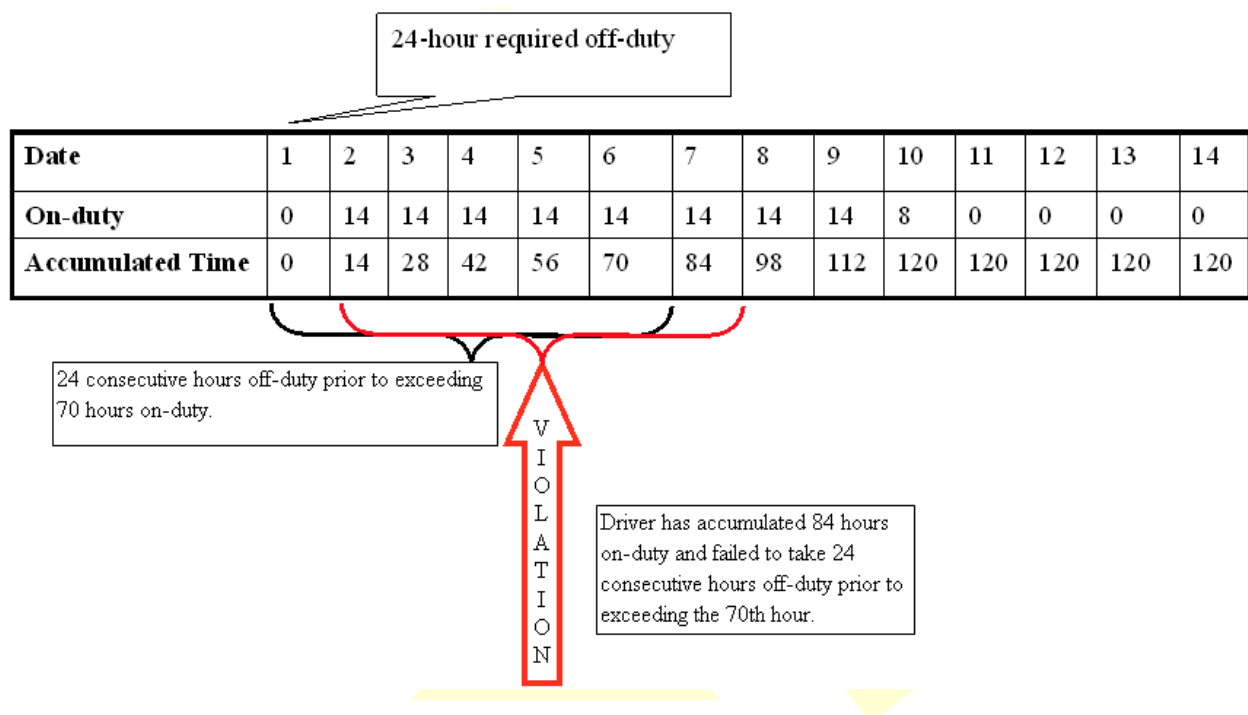


88. Section 27 requires the driver when operating on cycle 2 (120/14) to have a consecutive off-duty period of 24 hours starting no later than the 70th hour of on-duty time in the cycle. Can a cycle commence with 24 hours off-duty, thereby allowing the driver to subsequently accumulate a period of 120 hours on-duty without any further restrictions?

Guidance: No. 24 hours off-duty must be taken in each time that 70 hours on-duty has been accumulated without having taken at least 24 consecutive hours off-duty time.

**ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

Example: Cycle 2: Off-duty Requirements



### Cycle Reset – Off-duty Time (Section 28)

89. Can a driver reset the hours in cycle 1 and in cycle 2?

Guidance: Yes. The driver must take 36 consecutive hours off-duty to reset the hours in cycle 1 and 72 consecutive hours off-duty to reset the hours in cycle 2. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

90. When a driver resets his cycle, do both driving and on-duty times reset to zero?

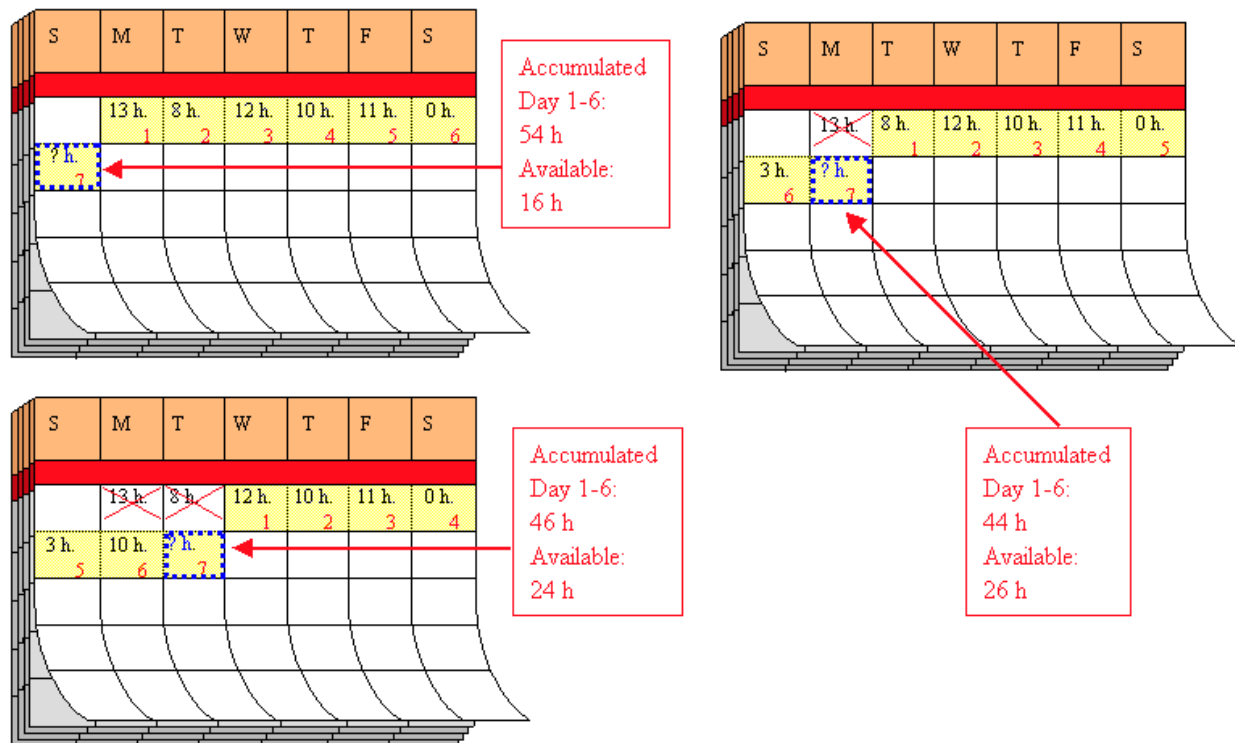
Guidance: Yes. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

91. Are the cycles considered sliding windows?

Guidance: Yes.

**ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

Example 1: Illustration of Cycle 1 (70 hours / 7 days)

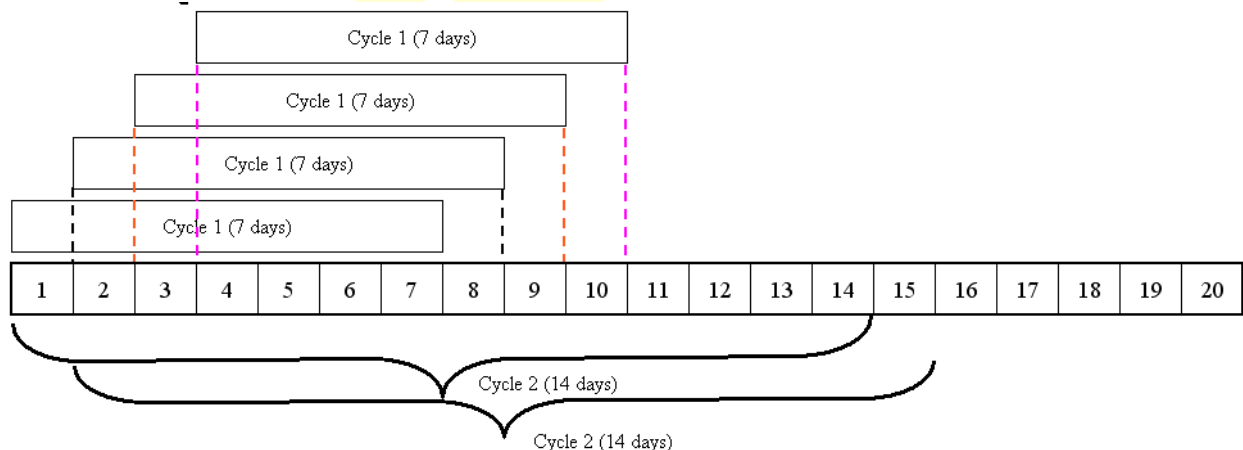


Example 2: Illustration of Cycle 1 (70 hours / 7 days)

### Cycle 1: sliding window concept

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14
On-Duty	10	9	10	9	14	0	0	10	14	8	10	14	0	2
	accumulated on-duty time = 52							= 10	= 24	= 32	= 42	accumulated on-duty time = 56	accumulated on-duty time = 56	accumulated on-duty time = 58
	accumulated on-duty time→													
	accumulated on-duty time→													
	accumulated on-duty time→													
	accumulated on-duty time→													
	accumulated on-duty time = 56													
	accumulated on-duty time = 56													
	accumulated on-duty time = 58													

### Example 3:



92. Who makes the decision as to which cycle a driver operates under?

Guidance: The motor carrier and the driver. Reference: Section 24. **ELD Consideration:** 7.36 This refers to the cycle 1 (7 days) or cycle 2 (14 days) used to compute cumulative duty hours. Programmed or entered by the motor carrier during account creation and updated by the driver or the motor carrier to reflect true and accurate information for the driver.

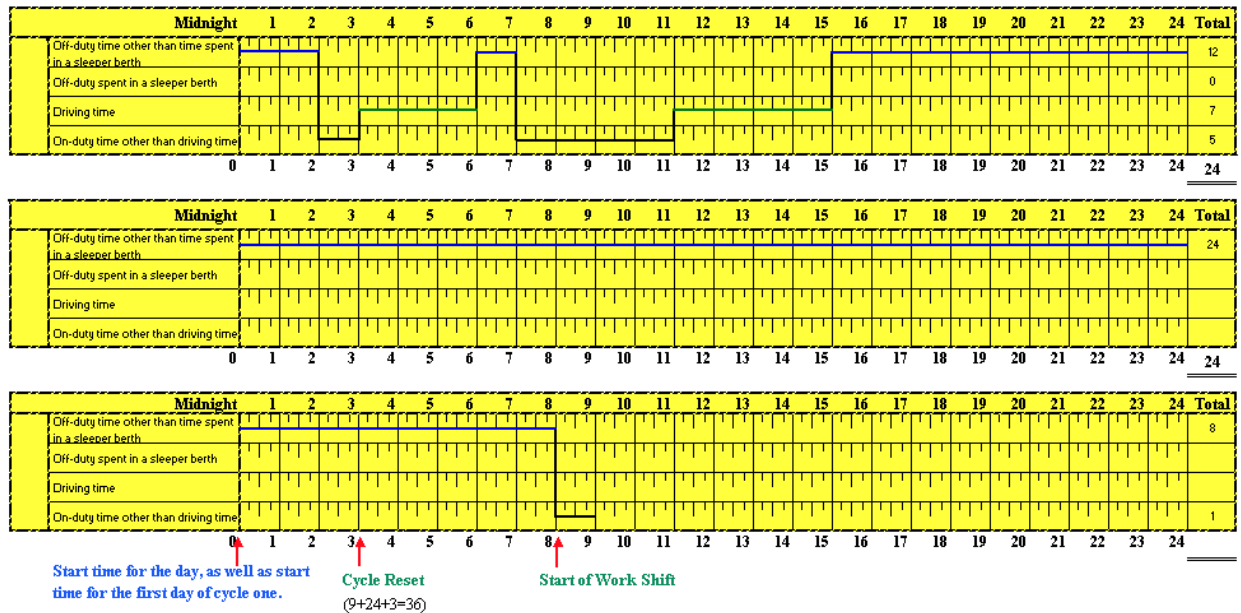
93. Refer to the following three examples.

Example 1: A driver finishes a work shift at 15:00 on day 1, and the next work shift starts at 03:00 on day 3. The driver has had 36 hours off-duty and therefore can reset the cycle. Does the new cycle start at 00:01 on day 3?

Guidance: The cycle starts at the commencement of the day for which the motor carrier has determined the start time. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by

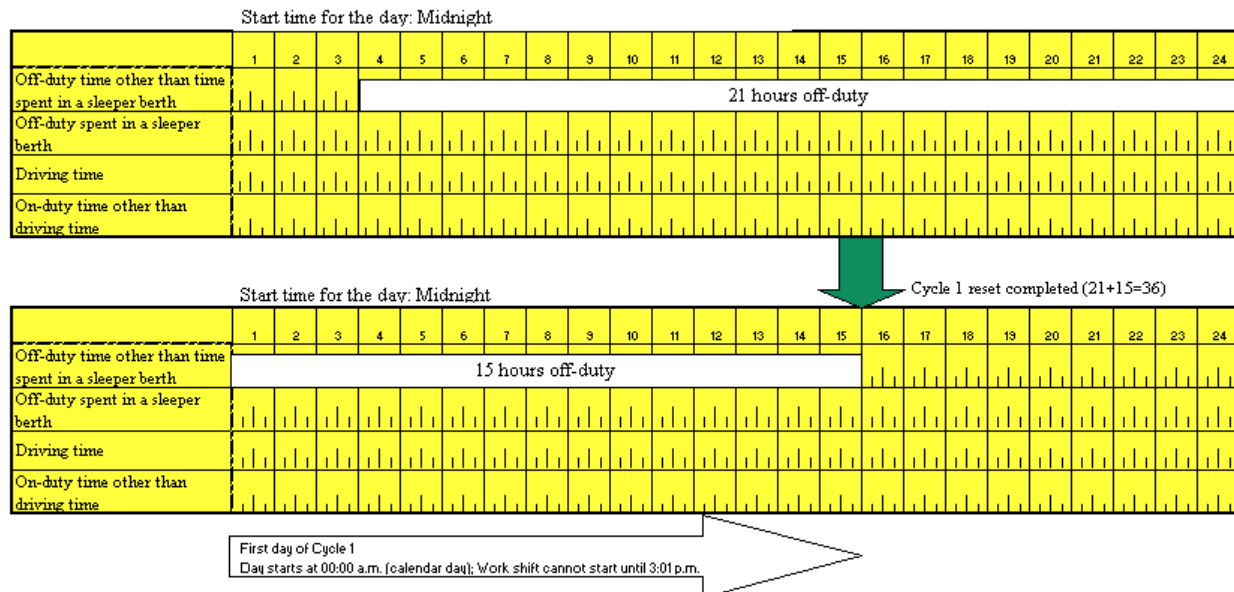
the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

See illustration:



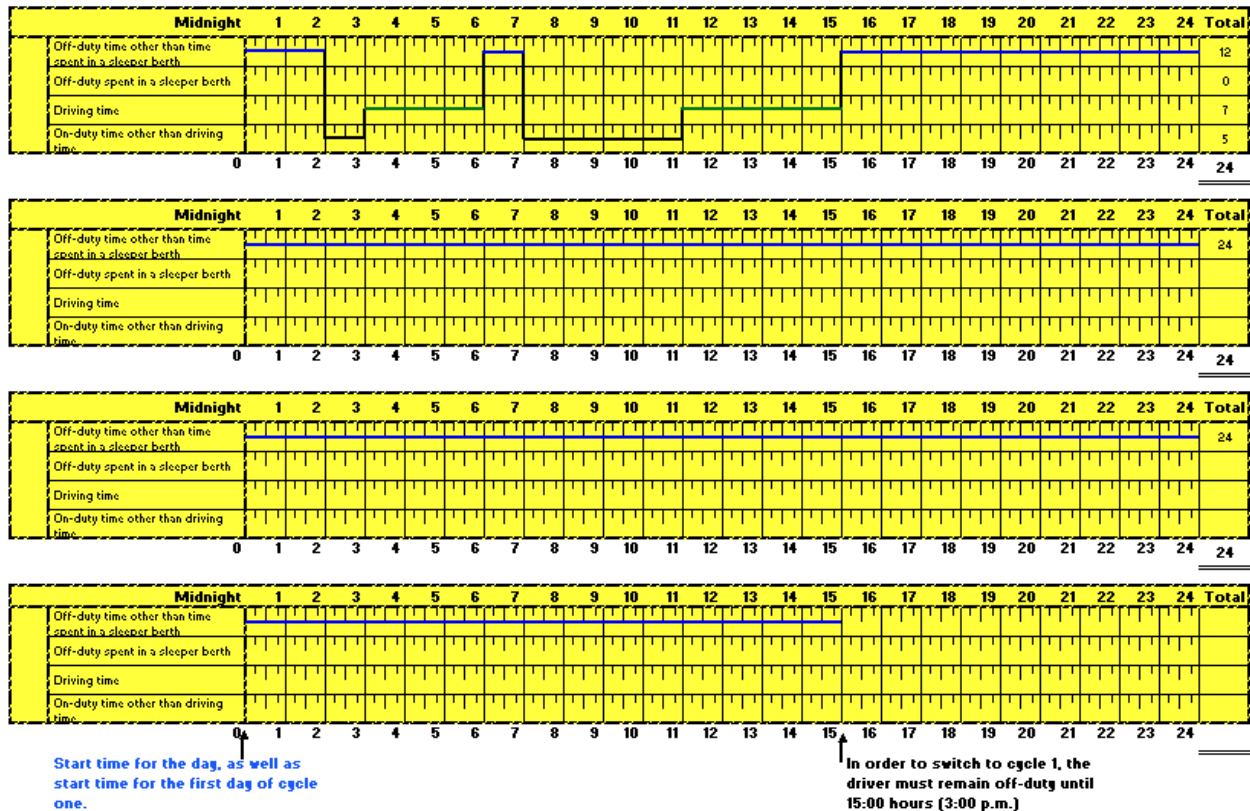
Example 2: A driver finishes a work shift at 03:00 on day 1, and the next work shift starts at 15:00 on day 2. The driver has had 36 hours off-duty and therefore can reset the cycle. Does the new cycle start at 00:01 on day 2?

Guidance: Yes. See illustration. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).

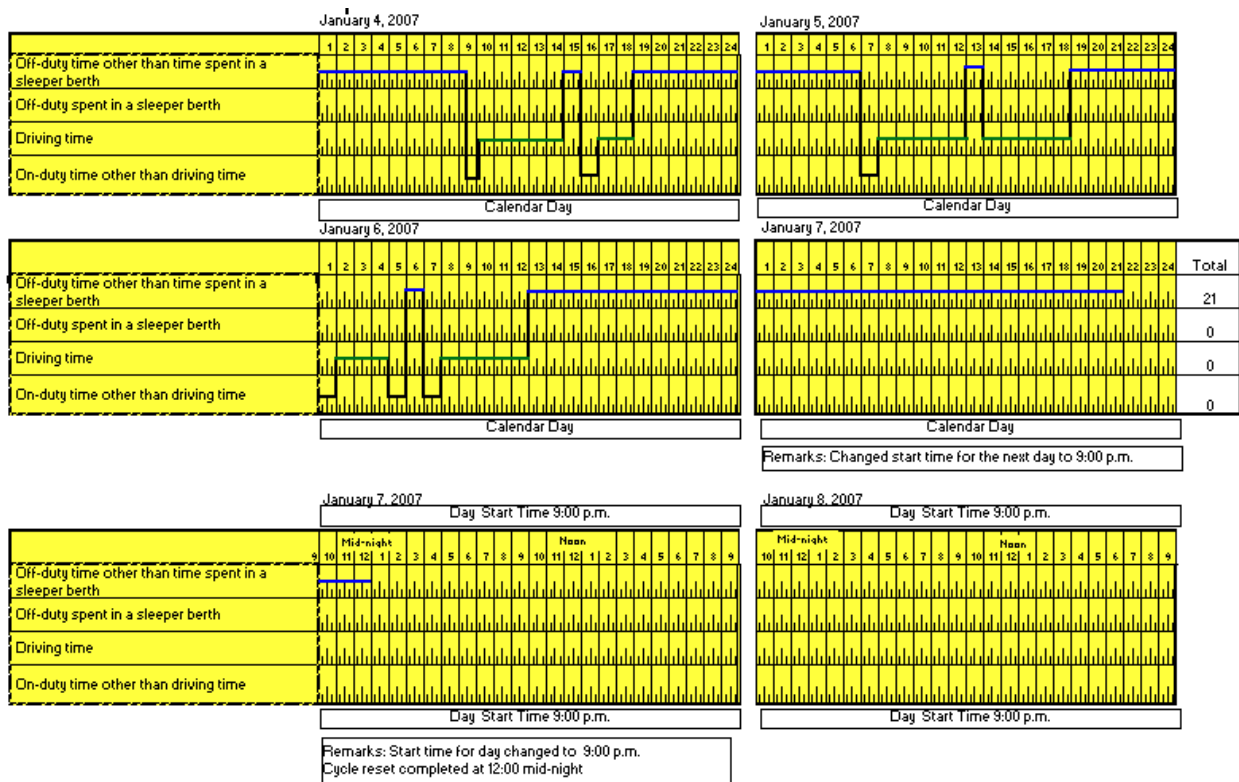


Example 3: A driver is operating under cycle 2 and finishes a work shift at 15:00 on day 1, and the next work shift starts at 15:00 on day 4. The driver has had 72 hours off-duty and therefore can reset to cycle 1. Does the new cycle 1 start at midnight on Day 4?

Guidance: Yes, see illustration. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).



94. What is the procedure to switch from a calendar day to a 9:00 pm start? A driver received instructions from the motor carrier that he would no longer be working days, but would be working evenings starting Monday, January 8. In addition, his day would begin at 9:00 pm. Guidance: See illustration. **ELD Consideration:** The ELD collects time data by the second and GPS location. If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs. 4.4.6 a) the ELD tracks each driver's cycle. If a driver changes cycles 4.5.1 (5), 4.5.1.9, 4.8.2.13 and the ELD will alert the driver what duty status limits are 4.6.4 c).



## SCHEDULING – DRIVING NORTH OF LATITUDE 60° N (Sections 37-42, 49-54)

95. When crossing the Latitude 600 North, is the driver required to indicate this on the daily log to account for the differences in daily and cycle duty times.

Guidance: No. **ELD Consideration:** 7.46 Operating Zone This refers to the operating zone (south or north of latitude 60°N) used to compute cumulative duty hours. Programmed or entered by the motor carrier during account creation and updated by the driver to reflect true and accurate information for the driver. 1 (south of latitude 60°N in Canada) or 2 (north of latitude 60°N in Canada) or 3 (United States).

96. A driver is driving in the Yukon and now enters BC - does the driver have to reset before entering BC?

Guidance: No.

**PERMITS (Sections 61 - 68) ELD Consideration:** A driver is exempt from using a ELD while operating under permit. Driver will need to use the exempt driver function to avoid issue with unidentified driving time if the vehicle has a ELD installed. Technical Standard 3.1.3

Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving

under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors

### Oil Well Service Permits (Section 63)

97. Is the driver required to leave his/her commercial vehicle in order to be considered on standby?

Guidance: No.

98. Can standby time be included as the time required for the 10 hours “off-duty” requirement for the day?

Guidance: Yes, but not for the 8 consecutive hours; the 8 hours does not have to be part of the 10 hours, but it can.

### EMERGENCIES AND ADVERSE DRIVING CONDITIONS (Section 76)

99. Can a driver use the emergency exception if he/she will exceed 13 hours driving time and 14 hours on-duty time, that would put the driver over 14 hours or over the permitted hours in the elected cycle?

Guidance: Yes. Providing that the driver did not drive beyond the first location that was capable of accommodating the passengers or providing a secure area for the vehicle and its load.

Reference: Section 76(1). **ELD Consideration:** The ELD provides GPS data to prove a driver’s location. If a driver uses the emergency exemption the ELD will be able to confirm the driver stopped at the first location that was suitable. A driver that passes the first suitable location could be considered in a out of service condition and open to huge liability in an accident.

100. What is considered to be an “emergency” for the purposes of Section 76(1) in order to be permitted to drive beyond the prescribed driving periods?

Guidance: An emergency is a situation or impending situation where the safety or security of people is at risk or likely to be in jeopardy. The term “in any emergency” shall not be construed as encompassing such situations as a driver’s desire to get home, shippers’ demands, market declines or shortage of drivers.

101. If a driver invokes the exception for adverse driving conditions, does a supervisor need to sign the driver’s record of duty status when he/she arrives at the destination?

Guidance: No. However, the driver must record the reason for doing so in the remarks section of the daily log. Reference: Section 76(4). **ELD Consideration:** Driver should annotate the RODS with the adverse condition.

102. Are there allowances made in the Regulations for delays caused by loading and unloading?

Guidance: No. The Regulations only make allowances for unforeseen contingencies such as in Section 76(1), adverse driving conditions and emergency conditions; loading and unloading



delays are not covered by this Section. However, the 16-hour work shift allows drivers, if they are relieved from responsibility to log the time towards the two “other” hours (min. of 30 minutes) required for the daily off-duty time.

103. Does the term “the security of.....and its load” include the temperature of the load?

Guidance: No. The rule has not changed in this respect. However, other legislation may apply, such as the Federal Health of Animals Regulations, Explosive Act, etc.

104. The term “a destination that provides safety” requires interpretation and the following example illustrates the issue. The driver is 1 hour from a truck stop which provides the facilities for the driver to rest for 8 hours, but the driver is only 2 hours from the home terminal. Will the driver be allowed to proceed to the home terminal?

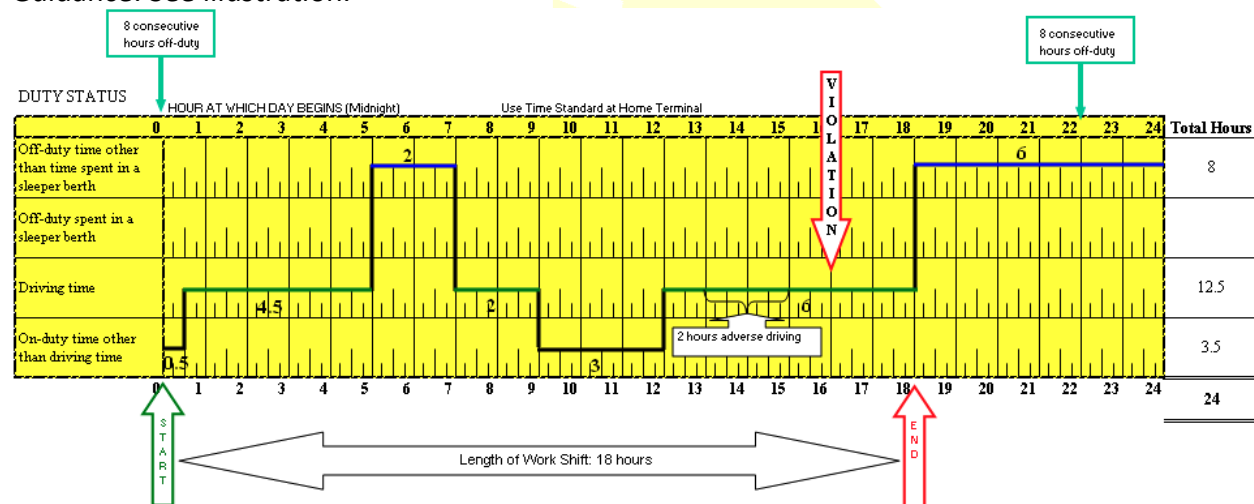
Guidance: No. In the case of an emergency, the exception to the driving rules only extends to the first location that can accommodate the passengers and provides security for the commercial vehicle and its load. (If transporting a load under an oversize/overweight permit, drivers must be aware of the conditions of the permit and comply with them.) **ELD**

**Consideration:** The ELD provides GPS data to prove a driver’s location. If a driver uses the emergency exemption the ELD will be able to confirm the driver stopped at the first location that was suitable. A driver that passes the first suitable location could be considered in an out of service condition and open to huge liability in an accident.

105. The following examples illustrate the use of Section 76(2).

Example 1: A driver has the following entries on the daily logbook: on-duty not driving – 0.5 hours; driving – 4.5 hours; off-duty – 2.0 hours; driving – 2.0 hours; on-duty not driving – 3.0 hours; driving – 1.0 hours; adverse conditions – 2.0 hours; and driving 3.0 hours. At the end of the work shift the driver has been on-duty 14.0 hours; driving 10.5 hours; and the elapsed time is 18.0 hours. (The driver should indicate what the adverse driving condition was in the remarks section of the daily log and the duration of time).

Guidance: See illustration.

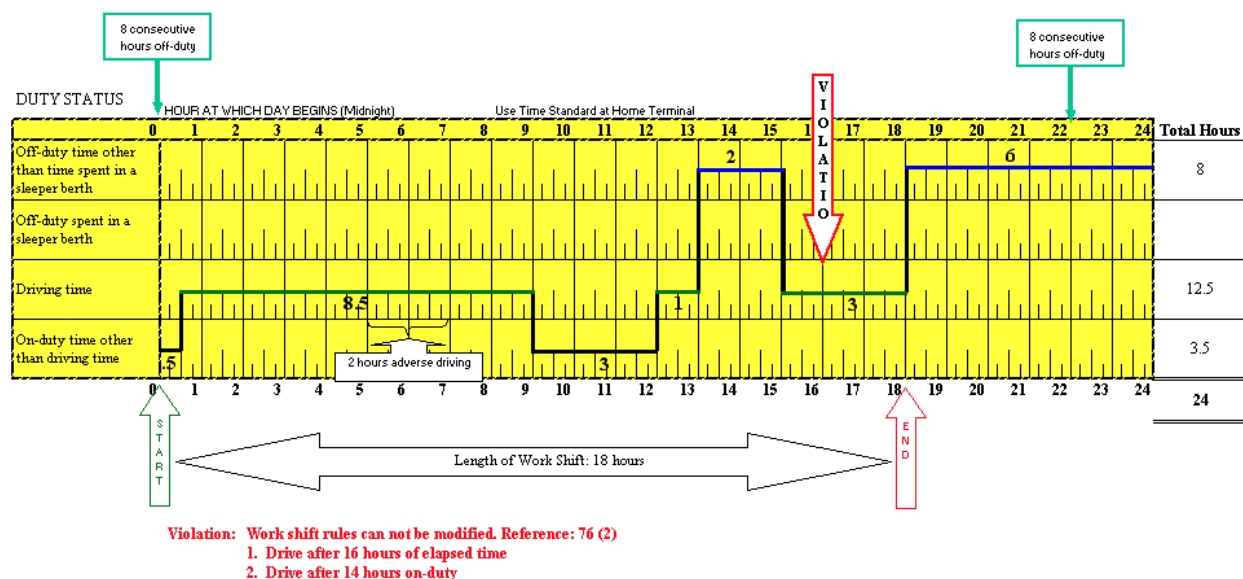


Violation: Work shift rules can not be modified. Reference: 76 (2)

1. Drive after 16 hours of elapsed time
2. Drive after 14 hours on-duty

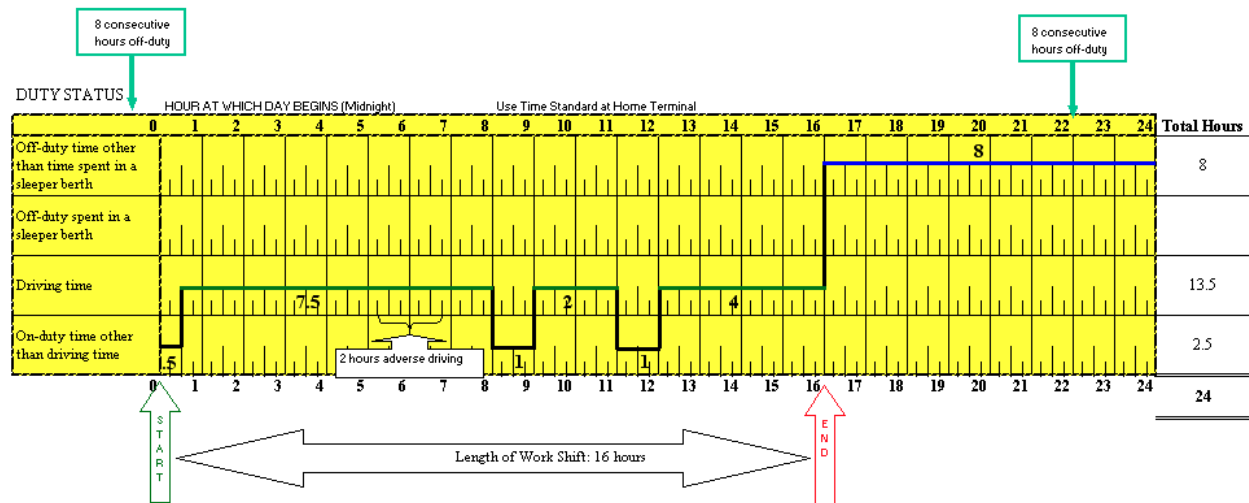
Example 2: A driver has the following entries on the logbook: on-duty not driving – 0.5 hours; driving – 4.5 hours; adverse driving – 2.0 hours; driving – 2.0 hours; on-duty not driving -3.0 hours; driving -1.0 hours; off-duty -2.0 hours; and driving 3.0 hours. At the end of the work shift the driver has been on-duty 14.0 hours; driving 10.5 hours; and the elapsed time is 18.0 hours. Is this allowed under this Section? The difference between the two scenarios is that in example 1 the driver takes a break before he experiences adverse conditions, but in example 2 the adverse conditions occur first. Can the driver extend the elapsed time by taking a break at any time?

Guidance: It is not permitted. See illustration.



Example 3: A driver was delayed for two hours as the scene of a horrific traffic accident was cleared. The accident happened just a few minutes before the driver reached the location. It took him/her approximately two hours to travel ten kilometers as a result of the ongoing investigation, the evacuation of the injured, as well as clean up and land restrictions. Is this situation considered to be “an adverse driving condition” and is the driver allowed the additional 2 hours.

Guidance: This situation is considered “an adverse driving condition” because the driver was not aware of, nor could he/she predict the event prior to the start of the trip. The driver is allowed up to two hours to complete the trip.



## DAILY LOGS (Sections 80 – 87)

106. What happens if a motor carrier does not keep accurate and legible duty status records for a driver that is exempt from keeping a daily log (working within 160 km)?

Guidance: The motor carrier and the driver could be charged for the driver not completing a daily log. When the motor carrier fails to keep duty status records, the driver must complete a daily log.

107. What are the conditions that must be satisfied in order for a driver to be exempt from having to complete a daily log?

Guidance: The driver must:

- not drive beyond a radius of 160 km of the home terminal.
- return to the home terminal each day to begin a minimum of 8 consecutive hours off-duty.
- not be driving under a permit issued under the Regulations.

Note: It is the responsibility of the motor carrier and driver to ensure that accurate and legible records are completed and maintained, and kept for a minimum of 6 months, indicating 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. It also includes information such as deferral (day 1 and day 2), adverse driving conditions and emergency declarations. **ELD Consideration:** A driver is exempt from using a ELD while operating under permit. Driver will need to use the exempt driver function to avoid issue with unidentified driving time if the vehicle has a ELD installed. Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors

## Example 1:

Driver's name: \_\_\_\_\_ month: February Year: 2007

Start time for the day: Midnight

Date	Duty Status	1	3	2	3	2	3	1	2	1		Total Time
27	Started @	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30		Off-duty: 13.5
	Finished @	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00		Driving: 6.0
	Time spent	6.0	0.5	1.0	2.0	1.0	2.0	1.0	4.0	6.5		On-Duty not driving: 4.5
Remarks:									Cycle 1 X	Cycle 2		Total: 24.0

### Duty Status Codes

1 = Off Duty  
2 = Driving  
3 = On Duty, not-Driving

Note: You must record in the Remarks Section, the following items:

1. Deferral of off-duty time (48-hour averaging)
2. When the driving time is extended or off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
3. When a CMV is used for personal use (odometer readings)

## Example 2:

**2007 Record of Duty Status**

Driver's Name: \_\_\_\_\_ Month: February

Start time for the day: Midnight

Date	Status Code	1	3	2	3	2	3	1	2	1		Off-Duty: 13.50
27	Status	Off-Duty	On-Duty	Driving	On-Duty	Driving	On-Duty	Off-Duty	Driving	Off-Duty		Driving: 6.00
	Start (hh:mm)	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30		On-Duty: 4.50
	Finish (hh:mm)	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00		Total Hrs. 24.00
	Time Spent	6.00	0.50	1.00	2.00	1.00	2.00	1.00	4.00	6.50		
	Total of Driving and On-Duty not-driving hours:											10.50
1 = Off Duty 2 = Driving 3 = On Duty, not-Driving		Status Codes		Cycle 1		Cycle 2		x		Remarks:		

Note: You must record in the Remarks Section, the following items:

1. Deferral of off-duty time (48-hour averaging)
2. When the driving time is extended or off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
3. When a CMV is used for personal use (odometer readings)

## Example 3:

Name: \_\_\_\_\_ Date: February 27, 2007

**Elected Cycle:** Cycle1

Time	Off-duty	Driving	On-duty (not driving)	Remarks
0:00				
6:00	6.0			
6:30			0.5	
7:30		1.0		
9:30			2.0	
10:30		1.0		
12:30			2.0	
13:30	1.0			
17:30		4.0		
24:00	6.5			
Total	13.5	6.0	4.5	<b>TOTAL: 24</b>

Note: You must record in the Remarks Section, the following items:

1. Deferral of off-duty time (48-hour averaging)
2. When the driving time is extended and the off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
3. When a CMV is used for personal use (odometer readings)

Example 4:

**RECORD of DUTY STATUS**  
(For drivers operating within 160 km of home terminal)

Driver's Name: \_\_\_\_\_

Month: February Year: 2007

Start time of day: Midnight

Date	Duty Status	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Totals
27	Off-Duty																									13.5
	Driving																									6
	On-Duty-Not Driving																									4.5
	Remarks	Cycle 1 <input checked="" type="checkbox"/> Cycle 2 <input type="checkbox"/>																								24

Note: You must record in the Remarks Section, the following items:

1. Deferral of off-duty time (48-hour averaging)
2. When the driving time is extended or off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
3. When a CMV is used for personal use (odometer readings)

**Example 5:**

Date	Duty Status	Time Block from/to (every hour of the day must be accounted for) 24 hour day												Total hours for each duty status
27	Started @	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30				
	Finished @	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00				
	Time Off-duty	6.00						1.00		6.50				Off-duty: 13.50
	Time Driving			1.00		1.00			4.00					Driving: 6.00
	Time On-duty, not driving		0.50		2.00		2.00							On-duty, not driving: 4.50
Remarks:													Cycle 1 <input checked="" type="checkbox"/> Cycle 2 <input type="checkbox"/>	Total: 24

Note: You must record in the Remarks Section, the following items:

1. Deferral of off-duty time (48-hour averaging)
2. When the driving time is extended or off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
3. When a CMV is used for personal use (odometer readings)

108. With regard to the exemption from having to fill out a daily log, how do you determine the area inside of the 160 km radius?

Guidance: The term radius is internationally accepted to mean "by air" and by determining the scale of a map, the 160 km radius circle can be plotted. Using the location of the home terminal as the center point, draw a 160 km radius circle on the map.

109. Will short haul drivers be required to maintain daily logbooks?

Guidance: Yes, unless the daily log exemption applies. Reference: Section 81(2). **ELD**

**Consideration:** A driver is exempt from using a ELD while operating under permit. Driver will need to use the exempt driver function to avoid issue with unidentified driving time if the vehicle has a ELD installed. Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors

110. What documentation must a driver claiming the daily log exemption Section 81(2) have in his/her possession?

Guidance: The driver is required to produce documentation that he/she received during the current trip. Also, the driver should be prepared to explain, if requested by an inspector, the reasons why he/she qualifies for the daily log exemption. **ELD Consideration:** A driver is exempt from using a ELD while operating under permit. Driver will need to use the exempt driver function to avoid issue with unidentified driving time if the vehicle has a ELD installed. Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors

111. Must a motor carrier retain duty status records at its principal place of business for drivers that are exempt from completing a daily log?

Guidance: Yes. Upon request by an inspector, the records must be produced within a reasonable period of time at the location where the review takes place. **ELD Consideration:** 98 (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. 4.9.1 Transfer of Electronic Files During Roadside Safety Inspections, 4.8.2 ELD Output File, 4.9 Data Transfer Capability Requirements

112. It is assumed in Section 82(1)(a) the reference to the start time means the start time of the day, e.g. calendar day 00.00 and not the start time of the shift.

Guidance: Yes. **ELD Consideration:** 4.3.2.2.4 Indication of Situations Impacting duty-/driving-hour limitations, d) An ELD must provide the means to indicate a change to the Day Starting Time

113. Can an operation that changes its normal work- reporting location on an intermittent basis utilize the 160 km radius exemption?

Guidance: Yes. However, when the motor carrier changes the normal reporting location to a new reporting location, the day on which that trip (from the old location to the new location) was made must be recorded in a daily log because the driver has not returned to his/her normal work reporting location. For the days on which the driver satisfied all the requirements of Section 81(2), the driver could revert back to the simplified duty status records. **ELD Consideration:** 7.48 Motor Carrier Address, this refers to the motor carrier addresses designated by the motor carrier. Home terminal is what determines the time zone the RODS are in.

114. When a driver fails to meet the provisions of the 160 km radius exemption Section 81(2), is the driver required to have copies of his/her records of duty status for the previous fourteen days? Must the driver prepare daily records of duty status for the next seven days?

Guidance: No. The driver is only required to have in his/her possession a daily log for the day he/she does not qualify for the exemption. A driver must begin to prepare a daily log for the day immediately after he/she becomes aware the terms of the exemption cannot be met. The daily log must cover the entire day, even if the driver must record retroactively changes in status that occurred between the time the driver reported for duty and the time in which he/she no longer qualified for the 160 km radius exemption. This is the only way to ensure that a driver does not claim the right to drive 13 hours after leaving his/her exempt status, in addition to the hours already driven under the 160 km exemption. Also, Section 82(1)(f) requires the driver to enter in the remarks section of the daily log, the number of hours of off-duty time and on-duty time that was accumulated each day during the previous 14 days or on one daily log that clearly indicates all required information. A driver may carry the record of duty status for the previous 14 days in lieu of entering in the current daily log the times they were on- and off-duty for previous 14 days. **ELD Consideration:** 4.3.2.2.4 Indication of Situations Impacting duty-/driving-hour limitations.

c) An ELD must provide the means to indicate additional hours that were not recorded for the current motor carrier during the current day, or the required previous days specified in current HOS regulations:

(1) When this function is selected, the ELD must prompt the user to select one of the following options: ii. Option 2: additional hours not recorded since the driver was not required to keep a RODS immediately before the beginning of the day. (3) When Option 2 is selected, the ELD must prompt the user to enter for the current day and the required previous days, the date, the time for beginning and end of each work shift period, and total hours for on-duty and off-duty statuses.

DRIVER DAILY LOG - Drivers who occasionally are required to complete one (normally driving within 160 km radius)		Day	Month	Year																						
Motor Carrier: FATIGUE MANAGEMENT LIMITED		15	1	2007																						
Principle Place of Business: 164 Resting Place, Ottawa, ON	Vehicle Plate or Unit # (Show All Units) 123 & 456	Observer/Print																								
HOME TERMINAL ADDRESS: Same as above	CYCLE 1 (7 Day) <input checked="" type="checkbox"/> CYCLE 2 (14 Days)	Observer/Start 120143																								
DISTANCE TRAVELLED BY VEHICLE km/ml																										
HOUS AT WHICH YOUR DAY BEGINS		Uses Time Standard at Home Terminal		Total Distance Driven km/ml Today																						
Midnight		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
Off-duty time other than time spent in a sleeper berth																										
Off-duty time spent in a sleeper berth																										
Driving time																										
On-duty time other than driving time																										
Time																										
Midnight		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
REMARKS																										
Other Motor Carrier (Name & Address)																										
Name of Co-driver																										
PREVIOUS DAYS TIME RECORDS																										
DATE		1	2	3	4	5	6	7	8	9	10	11	12	13	14											
TOTAL HOURS ON DUTY		10	10	10	10	10	24	24	14	14	14	14	14	14	14	24										
TOTAL HOURS OFF-DUTY		24	14	14	14	14	24	24	14	14	14	14	14	14	14	14										
PERSONAL USE OF COMMERCIAL VEHICLE																										
START ODOMETER																										
END ODOMETER																										
John Hours																										
Name and Signature of Driver (Certified True & Correct)																										
DAILY DEFERRAL DAY#																										



115. Can a driver use the graph grid on the daily log as a time record to meet the requirement contained in the 160 km radius exemption?

Guidance: Yes, provided all the information is in the records. The graph grid is just an element.

116. Must the driver's name and each date worked appear on the time record prepared to comply with Section 81(2), 160 km radius driver?

Guidance: Yes.

117. Can drivers who work split shifts take advantage of the 160 km radius exemption (daily log) provided in Section 81(2)?

Guidance: Yes.

118. Must a motor carrier that uses a 160 km radius driver write zero (0) hours on the time record for each day the driver is off duty (not working for the motor carrier)?

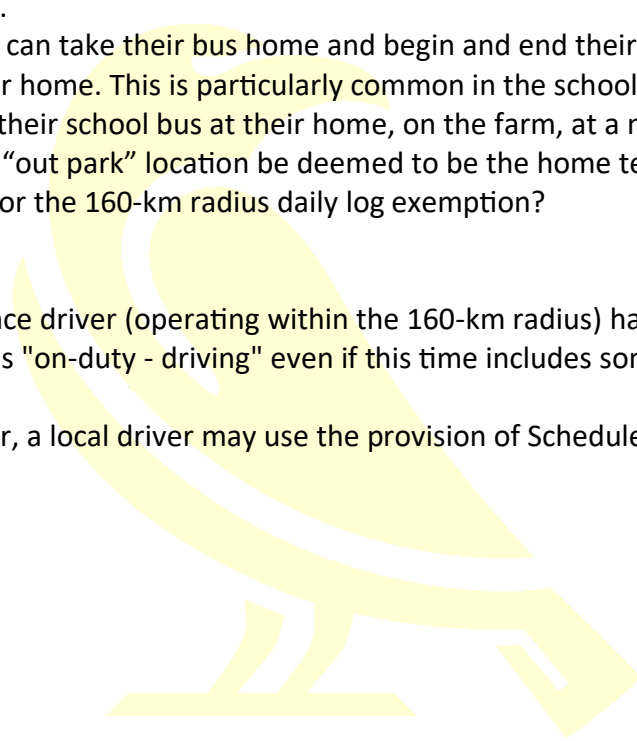
Guidance: Yes. Section 81(1)(c) requires a motor carrier to maintain accurate and legible records for each driver.

119. Often, bus drivers can take their bus home and begin and end their workday at home or a parking place near their home. This is particularly common in the school bus industry where drivers can "out park" their school bus at their home, on the farm, at a nearby school, shopping center, etc. Would the "out park" location be deemed to be the home terminal for the purposes of eligibility for the 160-km radius daily log exemption?

Guidance: Yes.

120. Can a short-distance driver (operating within the 160-km radius) have all his or her on-duty time simply recorded as "on-duty - driving" even if this time includes some on-duty not driving periods.

Guidance: No. However, a local driver may use the provision of Schedule 2 (c).



### Example 1:

Illustration of the entries that must be made in the duty status records for the driver of a school bus, if the driver was not permitted to record multiple pickups and deliveries in blocks of driving and on-duty time.

Drivers Name: \_\_\_\_\_

Date: M \_\_\_\_\_ D \_\_\_\_\_ Y \_\_\_\_\_

Elected Cycle: 1 ☒ or 2 \_\_\_\_\_

Time	Off-duty	Driving	On-duty (not driving)	Remarks
0:00				
7:00	7:00			
7:15			0:15	
7:45		0:30		
8:15	0:30			
8:30			0:15	
9:15		0:45		
9:30			0:15	
14:00	4:30			
14:30		0:30		
14:45			0:15	
15:30		0:45		
15:45			0:15	
16:15		0:30		
24:00	7:45			
Total	19:45	3:00	1:15	

Total On-duty Hours  
4 hours 15 minutes

### Example 2:

Date	Duty Status	Time Block from/to (every hour of the day must be accounted for)								Totals for Day
	Started @	0:00	7:00	9:30	14:00	16:15				
	Finished @	7:00	9:30	14:00	16:15	24:00				
	Time spent	Off-duty	7:00		4:30		7:45			Off-duty: 19:15
		Driving		1:15		1:45				Driving: 3:00
		On-duty not driving		1:15		0:30				On-duty not driving: 1:45
Remarks:							Cycle 1 (7 days) <input checked="" type="checkbox"/> Cycle 2 (14 days) _____			Total: 24 hrs.

Simplified version for duty status record keeping

Allowing the driver who drives within 160 km radius to record multiple pick-ups and deliveries in blocks of on-duty and driving time can reduce the number of entries that must be recorded in the duty status records. This is consistent with the approach allowed for long haul drivers that are required to complete a daily log. Also, if the operator does not temporarily relieve the driver from responsibility for short off-duty periods (less than 30 minutes) this will eliminate other entries. In this scenario, recording a short off-duty period of 30 minutes as on-duty did not adversely affect the driver's available time because the total on-duty time for the day was only 4 hours and 45 minutes. **ELD Consideration:** A driver is exempt from using a ELD while operating under permit. Driver will need to use the exempt driver function to avoid issue with

unidentified driving time if the vehicle has a ELD installed. Technical Standard 3.1.3 Configuration of user account exempt from using an ELD As specified in provision 4.3.3.1.2 of this Standard, an ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under current HOS regulations (i.e. specified in regulation as within a radius of 160 km of the home terminal). Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors

121. Section 84(b) technically requires a driver who is driving through the midnight hour (presuming the “day” is 12 midnight to 12 midnight) to add up the hours, record the mileage and sign the log sheet for the “day”. Will the driver be allowed to complete the daily totals etc. on the next “day” at the first opportunity when the driver’s status changes.

Guidance: Yes.

122. Can a driver who commences driving for another company, submit records of duty status for the preceding 14 days in lieu of a signed statement?

Guidance: There is no section that specifically requires a motor carrier to request a driver to submit daily logs and/or record of duty status (that were completed and kept by another motor carrier). However, a motor carrier must make sure that a driver is complying with the Regulations. It would be prudent for the motor carrier to obtain copies of the daily log or records of duty status or at the very least obtain a signed statement. **ELD Consideration:** 4.3.2.2.4 Indication of Situations Impacting duty-/driving-hour limitations c) An ELD must provide the means to indicate additional hours that were not recorded for the current motor carrier during the current day or the required previous days specified in current HOS regulations:

(1) When this function is selected, the ELD must prompt the user to select one of the following options:

i. Option 1: additional hours already recorded and reported in a RODS for another motor carrier. (2) When Option 1 is selected, the ELD must prompt the user to enter for the current day and the required previous days, the date, the time for beginning and end of each work shift period, and the total hours for each duty status.

123. For motor carriers utilizing the 160 km exemption, is a motor carrier required to enter in the duty status records, the time a driver worked and drove a commercial vehicle for another motor carrier?

Guidance: Each motor carrier must maintain accurate records for the day showing the time at which each duty status began and ended and total number of hours that the driver spent in each status. All time must be accounted for and monitored, and it would be in the best interest of the carrier to identify time worked for another carrier so that the payroll records, where applicable, would be consistent with the hours worked. Reference: Section 81(2)(c).

124. A motor carrier shall require every driver to fill out and every driver shall fill out a daily log each day that accounts for all the driver’s on-duty time and off-duty time for that day. Would a

driver be allowed to record multiple days off on a single daily log?

Guidance: Yes.

125. Can a rubber stamp signature be used to satisfy the requirement of a daily log?

Guidance: No. A driver's daily log must bear the signature of the driver who prepared it. **ELD Consideration:** 78.2 A driver shall, immediately after recording the last entry for a day, certify the accuracy of their record of duty status. 4.3.2.3 Driver Certification of RODS

126. Can enforcement action be taken on the current day's daily log if it contains false information, even if the daily log is not signed?

Guidance: Yes.

127. Can the names of cities be abbreviated?

Guidance: No. **ELD Consideration:** The ELD does not make this mistake a auditor no longer has to check this.

128. Can the names of provinces/territories, states and countries be abbreviated?

Guidance: Yes. **ELD Consideration:** The ELD does not make this mistake a auditor no longer has to check this.

129. Must the daily log identify the cycle being used and the hour at which the day begins?

Guidance: Yes. **ELD Consideration:** This is programmed by the carrier and confirmed by the driver.

130. Is the Canadian bilingual, US or any other daily log form acceptable?

Guidance: Yes, for the Canadian bilingual; yes, for the US and other daily logs, provided the graph grid and specific information required by Section 82 are included. **ELD Consideration:** Only RODS generated from a ELD device that is on the Transport Canada certified device list are acceptable.

131. When a driver crosses a time zone, how is the time to be recorded in the log?

Guidance: The time must be consistent with the time zone of the driver's home terminal. **ELD Consideration:** This is programmed by the carrier and confirmed by the driver.

132. Are drivers required to include their total on-duty time for the previous 6 to 13 days (as applicable) on the daily log?

Guidance: No. The recaps for the cycles are not mandatory.

133. Can standard time be used on the graph grid portion of the driver's daily log or record of duty status?

Guidance: Yes. **ELD Consideration:** Graph grid is programmed according to the Technical Standard 4.8.1.1.

134. When the driver's duty status changes, does Section 82 and Schedule 2 require a description of "on-duty not driving" activities (fueling, pre-trip, loading, unloading, etc.) in the remarks section, in addition to the name of the nearest city, town or village followed by the name of the province, territory or state?

Guidance: No.

135. What should the carrier do when the electronic on-board recording device malfunctions?

Guidance: Use a paper (hard copy) daily log. **ELD Consideration:** Malfunction

78 (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 or seller specifications.

(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.

(3) The driver shall record, in the record of duty status on the day on which he or she 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; and

(c) the time when notification of the malfunction or data diagnostic code was transmitted to the motor carrier.

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

(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.

(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 license 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; and

(g) a concise description of the actions taken by the motor carrier to repair or replace the ELD.

(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 6 months from the day on which the ELD is replaced or repaired.

136. When does the time start for the retention of the daily logbook?

Guidance: 6 months from the date on the document.

137. When working for multiple carriers, can a driver retain separate daily logs for each of the carriers? Guidance: No. **ELD Consideration:** 4.1.4 Account Management c) If more than one ELD unit is used to record a driver electronic RODS within a motor carrier operation, the most recent ELD the driver is using must be able to retrieve, retain and produce a complete ELD RODS for that driver, on demand, for the current day and each day during the required previous days as per current HOS regulations. For purposes of ELD compliance to this provision, there is no requirement for interoperability between ELD providers.

138. Is a motor carrier required to monitor compliance and discipline any driver that has failed to comply with the Regulations?

Guidance: Yes.

139. Are motor carriers liable for the actions of their employees, even though the carrier contends that it did not require or permit the violations to occur?

Guidance: Yes. Carriers are liable for the actions of their employees. Neither intent to commit, nor actual knowledge of, a violation is a necessary element of that liability. Carriers “permit” violations of the Regulations by their employees if they fail to have in place management systems that effectively prevent such violations. **ELD Consideration:** ELD data can prove liability, a functioning ELD device monitors the driver’s hours and alerts the driver 30 minutes before any duty status limit is reached. The carrier is supposed to be monitoring and would be alerted to a driver exceeding the daily limits on the ELD dashboard used by the carrier.

## OUT-OF-SERVICE DECLARATIONS (Section 91)

140. May a driver operate any motor vehicle, at the direction of the motor carrier, after being placed out-of-service for an hour of service violation?

Guidance: An out-of-service order issued under Section 91 extends only to the operation of commercial vehicles as defined by these Regulations.

141. What could happen if a driver fails to produce a daily log?

Guidance: The inspector has the authority to declare a driver out-of-service for 72 consecutive hours for failing to produce a daily log. Reference: Section 91(2)(d).

## INSPECTIONS (Sections 96 - 99)

### Authority to Enter Premises for an Inspection (Section 97)

142. A number of owners/operators have a single vehicle, and their home is also their principal place of business. How do you carry out an inspection in those homes?

Guidance: Through permission or a warrant.

143. It appears the latitude given inspectors provides unreasonable access to a driver's living quarters and question the necessity of having to conduct sleeper inspections from a safety perspective. Clearly, improper sleeping quarters do not constitute a clear and immediate threat to public safety. As stated in Section 97(2), inspectors may not enter a sleeper compartment for the purpose of inspecting logs, etc., which, one might argue, could produce a possible threat to road safety. Surely, if the greater good is disallowed, a minor and unthreatening transgression, such as having too thin a mattress, should also be disallowed.

Guidance: Jurisprudence indicates that access is allowed in order to enforce Schedule 1.

## Production of Daily Logs and Supporting Documents (Sections 98 - 99)

144. What regulation, interpretation, and/or administrative ruling requires a motor carrier to retain supporting documents and what are those documents? **Consideration:** 99 (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.

Guidance: Section 85(3) requires motor carriers to retain all supporting documents at their principal places of business for a period of at least 6 months. Supporting documents are the records (handwritten or electronic) of the motor carrier which are maintained in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's daily log and/or record of duty status. Examples of supporting documentation: bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumber receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, CVSA reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents the motor carrier maintains, and which can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded immediately to the principal place of business upon a request by an inspector.

145. Can it be assumed that the meaning of the term supporting document when it is being used when referring to a driver is different from the meaning when it is being used when

referring to a motor carrier? (This term will be used differently when being applied to on road enforcement and to facility audit situations).

Guidance: Yes. With respect to a driver, it is all documents in their possession, with respect to a motor carrier, it is all documents/records relating to the business. The driver must forward his/her daily log and any supporting documents to the motor carrier no later than 20 days after a daily log was completed. **ELD Consideration:** RODS are stored and can be produced on demand. 98 (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.

146. Are electronic records stored in computers, by a consulting company or service provider included within the meaning of supporting documents?

Guidance: Yes.

147. Is an inspector/officer allowed to take a driver's original daily log, shipping documents, receipts, and other documents for purposes of making copies?

Guidance: Yes.

148. Are US drivers operating in Canada required to operate in accordance with the Canadian Regulations?

Guidance: Yes. **ELD Consideration:** Must use a ELD on the certified device list from Transport Canada

149. Can an inspector require a motor carrier to provide documents during normal business hours?

Guidance: Yes. **ELD Consideration:** 99 (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; or

(f) the information recorded under subsection 87(2).

150. Is a motor carrier compelled to take all records and supporting documents to a location specified by an inspector?

Guidance: Yes.



## SCHEDULE 1

151. Would a sleeping bag be adequate in a sleeper berth?

Guidance: Yes.

152. What grounds would an inspector require for entering the cab of the truck to inspect the sleeping accommodations?

Guidance: Officers have the authority to inspect sleeper berth accommodations to ensure they comply with the requirements as specified in Schedule 1.

## SCHEDULE 2

153. Schedule 2 allows a driver engaged in making deliveries in a municipality that results in start periods of driving time interrupted by short periods of “other on-duty time” to record all driving time as a combined entry? Could this apply to checking an oil well site?

Guidance: Yes. **ELD Consideration:** If the ELD is connected and operating correctly the ELD will automatically calculate driving and on-duty time and will record off-duty and sleeper berth time indicated by the driver 4.3.2.2 Driver Status Inputs.

154. Is Schedule 2 what all daily log graph grids look like?

Guidance: All the information required by Section 82 must be contained in the daily log. A motor carrier may use its own version of the daily log and the graph grid must contain all the information as specified in Schedule 2. A carrier may print a graph grid with a start hour other than midnight if it routinely designates the start of the day as sometime other than midnight (e.g.: a noon start time for the day). **ELD Consideration:** 77(1) and 4.8.1, 4.8.1.1

Guidance: All the information required by Section 82 must be contained in the daily log. A motor carrier may use its own version of the daily log and the graph grid must contain all the information as specified in Schedule 2 **ELD Consideration:** only a ELD from the Transport Canada certified device list may be used. A carrier may print a graph grid with a start hour other than midnight if it routinely designates the start of the day as sometime other than midnight (e.g.: a noon start time for the day **ELD Consideration:** 77(5)(a) (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

**ELD Consideration:** A carrier must use a ELD to record driver hours 77(1). The ELD must meet the Technical Standards. 4.8.1.3, information to be shown printout and display roadside.

155. Do instructions in Schedule 2 allow for the driver to use a GPS location ID?

Guidance: No, as it is not recognizable. **ELD Consideration:** No longer an issue as the ELD populates the information.

## General Question

156. How will the Interpretation Guide be used and what legal status will it have?

Guidance: It will simply be a guide and it will not have any legal status.

