



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER H-5
HIGHWAY TRAFFIC ACT
COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE
REGULATIONS

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

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1. In these regulations | Definitions |
| (a) “Act” means the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5; | Act |
| (b) “ <i>Emergencies Act</i> ” means the <i>Emergencies Act</i> (Canada); | <i>Emergencies Act</i> |
| (c) “Federal Act” means the <i>Motor Vehicle Transport Act</i> (Canada); | Federal Act |
| (d) “Federal Regulations” means the Commercial Vehicle Drivers Hours of Service Regulations, as set out in the Schedule to these regulations. | Federal Regulations |
| (e) revoked by EC741/07. (EC713/06; 741/07) | Minister |
| 2. (1) Subject to subsection (2), the English component of the Federal Regulations, as made under the Federal Act and as amended from time to time, is hereby adopted for the purposes of the Act, with the necessary changes, in respect of the hours of service therein prescribed for drivers of commercial vehicles employed or engaged in extra-provincial transportation. | Application of Federal Regulations |
| (2) The definition of “commercial vehicle” in clause 1(c) of the Federal Regulations is not adopted for the purposes of the Act. (EC713/06) | Definition not adopted |
| 3. For the purposes of these regulations, the provisions of the Federal Regulations shall be construed as if each reference to | Interpretation |
| (a) “commercial vehicle” has the meaning defined in the Act; | commercial vehicle |
| (b) “director” or “provincial director” means the “Director” as defined in clause 1(d.3) of the Act; | director or provincial director |
| (c) “driver” includes a “driver” as defined in clause 1(e) of the Act; | driver |
| (d) revoked by EC741/07; | Emergencies Act |
| (e) “emergency vehicle” includes an “emergency vehicle” as defined in clause 1(e.2) of the Act; | emergency vehicle |
| (f) “inspector” means an “inspector” as defined in clause 1(h.3) of the Act; | inspector |

motor-carrier	(g) “motor-carrier” includes a “carrier” as defined in clause 142(a) of the Act. (EC713/06)
Application	4. (1) No carrier shall permit a driver to operate a commercial vehicle on a highway for the carrier unless the driver does so in accordance with the Federal Regulations, as outlined in the Schedule to these regulations.
Exception	(2) Notwithstanding subsection (1), the Minister may, in writing, exempt a carrier or a driver of a commercial vehicle, a specified group of carriers or drivers of commercial vehicles, or specified services from all or a part of these regulations. (EC713/06)
Revocation	5. The Commercial Vehicle Drivers (Hours of Work) Regulations (EC226/89) are revoked. (EC713/06)

SCHEDULE**COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE
REGULATIONS****INTERPRETATION****1. In these regulations**

- | | Definitions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (a) “adverse driving conditions” means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them; | adverse driving conditions |
| (b) “co-driver” means a person who is present in a commercial vehicle because of having been, or being about to be, its driver; | co-driver |
| (c) [not adopted] | |
| (d) “cycle” means | cycle |
| (i) cycle 1, under which on-duty time is accumulated over a period of 7 days, and | |
| (ii) cycle 2, under which on-duty time is accumulated over a period of 14 days; | |
| (e) “daily log” means a record in the form set out in Schedule 2 containing the information required by section 82; | daily log |
| (f) “day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver’s cycle; | day |
| (g) “director” means a federal director or a provincial director; | director |
| (h) “driver” | driver |
| (i) means a person who operates a commercial vehicle, | |
| (ii) means, in respect of a motor carrier, a person employed or otherwise engaged by the motor carrier to operate a commercial vehicle, including a self-employed driver, and | |
| (iii) for the purposes of section 98, includes a co-driver; | |
| (i) “duty status” means any of the following periods: | duty status |
| (i) off-duty time, other than time spent in a sleeper berth, | |
| (ii) off-duty time spent in a sleeper berth, | |
| (iii) driving time, or | |
| (iv) on-duty time, other than driving time; | |

electronic recording device	(j) “electronic recording device” means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with section 83, each period of duty status, in whole or in part;
emergency vehicle	(k) “emergency vehicle” means a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes;
federal director	(l) “federal director” means an official of the Road Safety and Motor Vehicle Regulation Directorate of the federal Department of Transport;
home terminal	(m) “home terminal” means the place of business of a motor carrier at which a driver ordinarily reports for work and, for the purposes of sections 80 to 82 and Schedule 2, includes a temporary work site designated by the motor carrier;
inspector	(n) “inspector” means <ul style="list-style-type: none"> (i) a person designated under subsection 3(2), or (ii) a peace officer within the meaning of section 2 of the <i>Criminal Code</i>;
motor-carrier	(o) “motor-carrier” means a person who is engaged in the operation of an extra-provincial bus undertaking or an extra-provincial truck undertaking;
off-duty time	(p) “off-duty time” means any period other than on-duty time;
oil well service vehicle	(q) “oil well service vehicle” means a commercial vehicle that is <ul style="list-style-type: none"> (i) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and (ii) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;
on-duty time	(r) “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 where the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver <ul style="list-style-type: none"> (i) inspecting, servicing, repairing, conditioning or starting a commercial vehicle, (ii) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth, (iii) participating in the loading or unloading of a commercial vehicle, (iv) inspecting or checking the load of a commercial vehicle,

- (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
- (vi) waiting for a commercial vehicle or its load to be inspected,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) resting in or occupying a commercial vehicle for any other purpose, except
 - (A) time counted as off-duty time in accordance with section 10,
 - (B) time spent in a sleeper berth,
 - (C) time spent in a stationary commercial vehicle to satisfy the requirements of sections 13 and 14,
 - (D) time spent in a stationary commercial vehicle that is in addition to the off-duty requirements of section 14, and
 - (E) performing any work for any motor carrier;

(s) “out-of-service declaration” means a declaration issued by a director or inspector under section 91; out-of service declaration

(t) “principal place of business” means the place or places designated by the motor carrier where daily logs, supporting documents and other relevant records required by these Regulations are kept; principal place of business

(u) “sleeper berth” means an area of a commercial vehicle that meets the requirements of Schedule 1; sleeper berth

(v) “supporting document” means a document or information recorded or stored by any means required by a director or inspector to assess compliance with these Regulations. supporting document

APPLICATION

2. (1) These regulations apply to all commercial vehicles other than the following: Exception

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

- (d) a bus that is part of the public transit service that is provided in a municipality, in contiguous municipalities or within 25 km of the boundary of the municipality or contiguous municipalities in which the public transit service is provided; and
- (e) a commercial vehicle when driven for personal use, if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 km in a day,
 - (iv) the driver has recorded in the logbook the odometer reading at the beginning and end of the personal use, and
 - (v) the driver is not the subject of an out-of-service declaration under section 91.

Exclusion

(2) In this section, 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.

Designation of director

3. Revoked by EC741/07.

RESPONSIBILITIES OF MOTOR CARRIERS, SHIPPERS, CONSIGNEES AND DRIVERS

Prohibitions

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) the driver’s faculties are impaired to the point where it is unsafe for the driver to drive;
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier;
- (c) the driver is the subject of an out-of-service declaration; or
- (d) the driver, in doing so, would not be in compliance with these regulations.

[5 to 9 reserved]

TRAVELLING AS A PASSENGER — OFF-DUTY TIME

Off-duty time

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

SCHEDULING — DRIVING SOUTH OF LATITUDE 60°N

Application

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

Driving south of
latitude

Daily Driving and On-duty Time

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

Maximum daily
driving

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

Maximum daily on-
duty time

Mandatory Off-duty Time

13. (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

Minimum
mandatory off-duty
time

(2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

Idem

(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.

Idem

Daily Off-duty Time

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

Minimum daily off-
duty time

(2) 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.

Blocks of off-duty
time

(3) 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.

Total amount of off-
duty time

[15 reserved]

Deferral of Daily Off-duty Time

Maximum deferral
of off-duty time

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 “Remarks” section of the daily log that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day two of that time.

Ferries

Exception

17. Despite sections 13 and 14, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 consecutive hours of off-duty time if

- (a) the time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours;
- (b) the hours are recorded in the daily log as off-duty time spent in a sleeper berth;
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees; and
- (d) the supporting document coincides with the daily log entries.

Splitting of Daily Off-duty Time — Single Driver

Splitting of daily
off-duty time -
single driver

18. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 13 and 14 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 10 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;

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

(2) The 16th hour is calculated byCalculation of 16th
hour

- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours; and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of 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.

(3) No motor carrier shall request, require or allow a driver to begin to drive again and no driver shall begin to drive again in accordance with the requirements of sections 13 and 14 without first taking at least 8 consecutive hours of off-duty time.

8 hour off-duty
requirement*Splitting of Daily Off-duty Time — Team of Drivers*

19. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 13 and 14 by accumulating off-duty time in no more than 2 periods if

Splitting of daily
off-duty time –
team of drivers

- (a) neither period of off-duty time is shorter than 4 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;
- (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty;
- (f) none of the daily off-duty time is deferred to the next day; and
- (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in clause (b) does not include any driving time after the 14th hour.

(2) The 16th hour is calculated byCalculation of 16th
hour

(a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and

(b) including

(i) all on-duty time,

(ii) all off-duty time not spent in the sleeper berth,

(iii) all periods of less than 4 hours spent in the sleeper berth, and

(iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

8 hour off-duty
requirement

(3) No motor carrier shall request, require or allow a driver to begin to drive again and no driver shall begin to drive again in accordance with the requirements of sections 13 and 14 without first taking at least 8 consecutive hours of off-duty time.

[20 to 23 reserved]

Cycles

Cycles

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

Off-duty time

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

Cycle 1
accumulation of on-
duty time

26. Subject to section 28, no motor carrier shall request, require or allow a driver who is following cycle 1 to drive and no driver who is following cycle 1 shall drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days or, if the driver has reset the cycle in accordance with section 28, during the period of the cycle that was ended.

Cycle 2
accumulation of on-
duty time

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

(a) 120 hours of on-duty time during any period of 14 days or, if the driver has reset the cycle in accordance with section 28, during the period of the cycle that was ended; or

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

Cycle Reset — Off-duty Time

Cycle reset

28. (1) A driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:

(a) for cycle 1, at least 36 consecutive hours; or

(b) for cycle 2, at least 72 consecutive hours.

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

Cycle Switching — Off-duty Time

29. (1) No motor carrier shall request, require or allow a driver to switch and no driver shall switch from one cycle to the other without first taking the following off-duty time before beginning to drive again: Cycle switching

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- or
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

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

[30 to 36 reserved]

SCHEDULING — DRIVING NORTH OF LATITUDE 60°N

Application

37. Sections 38 to 54 apply in respect of driving north of latitude 60°N. Driving north of latitude

Driving and On-duty Time

38. (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 15 hours of driving time. Maximum driving time

(2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 18 hours of on-duty time. Maximum on-duty time

Mandatory Off-duty Time

39. (1) No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated more than 15 hours of driving time or 18 hours of on-duty time unless they take at least 8 consecutive hours of off-duty time before driving again. Minimum mandatory off-duty time

(2) No motor carrier shall request, require or allow a driver to drive and no driver shall drive if more than 20 hours of time has elapsed between the conclusion of the most recent period of 8 or more *Idem*

consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Daily Off-duty Time

Minimum off-duty time

40. A motor carrier shall ensure that a driver takes and the driver shall take at least 8 hours of off-duty time.

Splitting of Daily Off-duty Time — Single Driver

Splitting of daily off-duty time – single driver

41. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 39 and 40 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
- (e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and
- (f) none of the daily off-duty time is deferred to the next day.

Calculation of 18th hour

- (2) The 18th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of 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.

8 hour off-duty requirement

(3) No motor carrier shall request, require or allow the driver to begin to drive again in accordance with the requirements of sections 39 and 40 and no driver shall begin to drive again without first taking at least 8 consecutive hours of off-duty time.

Splitting of Daily Off-duty Time — Team of Drivers

42. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 39 and 40 by accumulating off-duty time in no more than 2 periods if

Splitting of daily off-duty time – team of drivers

- (a) neither period of off-duty time is shorter than 4 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
- (e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and
- (f) none of the off-duty time is deferred to the next day.

(2) The 18th hour is calculated by

Calculation of 18th hour

- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) No motor carrier shall request, require or allow the driver to begin to drive again in accordance with the requirements of sections 39 and 40 and no driver shall begin to drive again without first taking at least 8 consecutive hours of off-duty time.

8 hour off-duty requirement

[43 to 48 reserved]

Cycles

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

Cycles

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

Off-duty time

51. Subject to section 53, no motor carrier shall request, require or allow a driver who is following cycle 1 to drive and no driver who is following

Cycle 1 accumulation of on-duty time

cycle 1 shall drive after the driver has accumulated 80 hours of on-duty time during any period of 7 days.

Cycle 2
accumulation of on-
duty time

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

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

Cycle Reset — Off-duty Time

Cycle reset

53. (1) A driver may end the current cycle and begin a new cycle if they first take the following off-duty time:

- (a) for cycle 1, at least 36 consecutive hours;
- (b) for cycle 2, at least 72 consecutive hours.

Accumulation of
hours

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

Cycle Switching — Off-duty Time

Cycle switching

54. (1) No motor carrier shall request, require or allow a driver to switch and no driver shall switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

Accumulation of
hours

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

[55 to 60 reserved]

PERMITS

Special Permits

Special permit of
federal director

61. (1) A federal director may issue a special permit to a motor carrier for the purpose of a research or pilot project if the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized.

Application

(2) Sections 12 to 54 and 76 to 99 do not apply in respect of special permits, but sections 64 to 68 apply with such modifications as the circumstances require.

(3) The applicant shall provide to the federal director a detailed work plan that includes at least the following information:

Work plan

- (a) the nature of the proposed research or pilot project;
- (b) the objectives of the proposed research or pilot project;
- (c) the competence of the applicant to participate in the proposed research or pilot project;
- (d) the criteria and method for measuring results;
- (e) the safety implications and the approach to addressing any possible risks identified;
- (f) the duration of the proposed research or pilot project; and
- (g) the manner of and timing for reporting results.

Permits for Commercial Vehicles Other than Oil Well Service Vehicles

62. (1) A provincial director may issue a permit to a motor carrier in respect of a commercial vehicle other than an oil well service vehicle if

Permit of provincial director

- (a) the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized; and
- (b) a reduction of off-duty time or an increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods, or
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the motor carrier.

(2) The only deviations from the requirements of these Regulations that may be authorised in the permit are

Deviations

- (a) a reduction of the 2 hours of daily off-duty time required by subsection 14(3) if the commercial vehicle is operated south of latitude 60°N; and
- (b) an increase in driving time and on-duty time of up to a total of 2 hours.

Oil Well Service Vehicle Permits

63. (1) A provincial director may issue a permit to a motor carrier in respect of an oil well service vehicle if

Permit of provincial director

- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry; and
- (b) the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized.

Application and requirements	<p>(2) Sections 24 to 29 and 49 to 54 do not apply in respect of an oil well service vehicle permit, but instead the permit shall require that the driver take</p> <ul style="list-style-type: none"> (a) at least 3 periods of off-duty time, each at least 24 hours long, in any period of 24 days, the periods being taken consecutively or separated by on-duty time; and (b) at least 72 consecutive hours of off-duty time after ending driving under the provisions of the permit and beginning driving under those sections.
Accumulation of cycle hours	<p>(3) When the driver begins to drive again under sections 24 to 29 or 49 to 54, they begin to accumulate hours in the cycle.</p>
Exclusion - on-duty time	<p>(4) Waiting time and standby time at an oil or natural gas well site or ancillary facility shall not be included as on-duty time if</p> <ul style="list-style-type: none"> (a) the driver performs no work during the time; (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the "Remarks" section; and (c) the time is not included in the mandatory minimum of 8 consecutive hours of off-duty time.
Prohibition on deferral	<p>(5) None of the daily off-duty time shall be deferred to the next day.</p>

Applications for Permits

Application for permit	<p>64. (1) A motor carrier may apply to a director for a permit by providing the following information and documents:</p> <ul style="list-style-type: none"> (a) the name of the motor carrier; (b) the names of the drivers who will operate a commercial vehicle under the permit; (c) the driver licence numbers of the drivers and the provinces of issuance; (d) a list of the commercial vehicles operated by the motor carrier; (e) a list of all accidents involving the motor carrier or any driver of the motor carrier that occurred during the 6 months before the date of the application if they are required by the laws of the province, state or country in which the accident occurred to be reported to the police; (f) the requested duration of the permit; (g) in the case of an extra-provincial truck undertaking, a detailed description of the load and the provinces in respect of which the permit is to apply; (h) in the case of an extra-provincial bus undertaking, a detailed description of the routes in respect of which the permit is to apply; (i) the requested schedule;
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- (j) the reasons for the application, with supporting evidence;
- (k) a copy of every permit issued to the motor carrier under these Regulations in the previous 5 years;
- (l) a signed declaration that discloses any other application for a permit under these Regulations made by the motor carrier to any director within the 6 months before the date of the application; and
- (m) any other information required by the director to evaluate whether the granting of a permit would or would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier.

(2) If requested by the director to do so, the motor carrier shall make available to the director the daily logs, supporting documents or records of on-duty times, for the 6 months before the date of the application, of every driver who will operate a commercial vehicle of the motor carrier under the permit. Production of records

Approval of Other Directors

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

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

Issuance of Permits

66. A director who issues a permit shall specify in the permit Permit

- (a) the reasons for issuing it;
- (b) its duration, which shall not exceed one year; and
- (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the motor carrier.

Obligations of Permit Holders

67. (1) A motor carrier to whom a permit is issued shall Obligations of permit holder

- (a) require that a copy of the permit is placed in each commercial vehicle in respect of which it applies;
- (b) provide the director with a list of the commercial vehicles in respect of which the permit applies and keep the director informed of

any changes so that the director may accurately and quickly identify the vehicles;

(c) make available for inspection by the director, immediately on request, the daily log and the supporting documents of the drivers of the commercial vehicles in respect of which the permit applies; and

(d) notify the director without delay of any accident involving any of the commercial vehicles to which the permit applies if it is required by the laws of the province, state or country in which the accident occurred to be reported to the police.

Obligation on driver and motor carrier

(2) Every driver who is driving under a permit shall drive and the motor carrier shall ensure that they drive in accordance with the terms and conditions of the permit.

Amendment, Cancellation and Suspension of Permits

Amendment, cancellation, suspension of permit

68. (1) A director who issues a permit may amend, cancel or suspend it, and a director who approves a permit issued by another director may withdraw the approval, on written notification to the motor carrier, if

(a) the motor carrier or the driver contravenes these Regulations or any condition of the permit; or

(b) the director determines that the safety and health of the public, the driver or the employees of the motor carrier are or are likely to be jeopardized.

Idem

(2) The director shall choose among amendment, cancellation and suspension of the permit

(a) if the director is a provincial director, in accordance with the laws of the province; and

(b) if the director is the federal director, in accordance with the laws of the province in which the vehicle is base-plated.

Idem

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

[**69** to **75** reserved]

EMERGENCIES AND ADVERSE DRIVING CONDITIONS

Emergency

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

(2) A driver who encounters adverse driving conditions while operating the vehicle during a trip south of latitude 60°N may extend the permitted 13 hours of driving time specified in sections 12 and 13 and reduce the 2 hours of daily off-duty time required by subsection 14(3) by the amount of time needed to complete the trip if

Adverse driving conditions

- (a) the driving, on-duty and elapsed time in the elected cycle is not extended more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the reduction.

(3) A driver who encounters adverse driving conditions while operating the vehicle during a trip north of latitude 60°N may extend the permitted 15 hours of driving time specified in section 38 by the amount of time needed to complete the trip if

Idem

- (a) the extension of the driving time is no more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the extension.

(4) A driver who extends their driving, on-duty or elapsed time because of an emergency or adverse driving conditions shall record the reason for doing so in the “Remarks” section of the daily log.
[77 to 79 reserved]

Record reasons

DAILY LOGS

Interpretation

80. A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver’s home terminal.

Daily log

Requirement to Fill Out a Daily Log

81. (1) 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 of the driver’s on-duty time and off-duty time for that day.

Requirement

(2) This section does not apply if

Exception

- (a) the driver operates or is instructed by the motor carrier to operate a commercial vehicle within a radius of 160 km of the home terminal;
- (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;

- (c) the motor carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded; and
- (d) the driver is not driving under a permit issued under these Regulations.

Content of Daily Logs

Required entries

82. (1) At the beginning of each day, a motor carrier shall require that a driver enters legibly and the driver shall enter legibly the following information in the daily log:

- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (b) in the case of a driver who is not driving under the provisions of an oil well service permit, the cycle that the driver is following;
- (c) the commercial vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial vehicles operated by the driver;
- (e) the names and the addresses of the home terminal and the principal place of business of every motor carrier by whom the driver was employed or otherwise engaged during that day;
- (f) in the "Remarks" section of the daily log, if the motor carrier or driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day; and
- (g) if applicable, a declaration in the "Remarks" section of the daily log that states that the driver is deferring off-duty time under section 16 and that clearly indicates whether the driver is driving under day one or day two of that time.

Idem

(2) The motor carrier shall require that the driver records and the driver shall record in the daily log the hours in each duty status during the day covered by the daily log, in accordance with Schedule 2, and the location of the driver each time their duty status changes, as that information becomes known.

Idem

(3) At the end of each day, the motor carrier shall require that the driver records and the driver shall record the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the driver's personal use of the vehicle, as well as the odometer reading at the end of the day and sign the daily log attesting to the accuracy of the information recorded in it.

Use of Electronic Recording Devices

83. A driver may use an electronic recording device for recording their duty status if Electronic recording device

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

Possession of Daily Logs and Supporting Documents by Drivers

84. No driver who is required to fill out a daily log shall drive and no motor carrier shall request, require or allow the driver to drive unless the driver has in their possession Possession of daily log and supporting documents

- (a) a copy of the daily logs for the preceding 14 days and, in the case of a driver driving under an oil well service permit, for each of the required 3 periods of 24 consecutive hours of off-duty time in any period of 24 days;
- (b) the daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred; and
- (c) any supporting documents or other relevant records that the driver received in the course of the current trip.

Distribution and Keeping of Daily Logs

- Distribution **85.** (1) A driver shall, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the motor carrier shall ensure that the driver does so.
- Idem* (2) A driver who is employed or otherwise engaged by more than one motor carrier in any day shall forward, within 20 days after completing a daily log, and the motor carriers shall ensure that the driver forwards
- (a) the original of the daily log to the home terminal of the first motor carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked; and
 - (b) the original supporting documents to the home terminal of the applicable motor carrier.
- Idem* (3) The motor carrier shall
- (a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them; and
 - (b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

Tampering

- One daily log only **86.** (1) No motor carrier shall request, require or allow a driver to keep and no driver shall keep more than one daily log in respect of any day.
- Tampering with daily log (2) No motor carrier shall request, require or allow any person to enter and no person shall enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

Monitoring by Motor Carriers

- Monitoring **87.** (1) A motor carrier shall monitor the compliance of each driver with these regulations.
- Non-compliance (2) A motor carrier that determines that there has been non-compliance with these Regulations shall take immediate remedial action and record the dates on which the non-compliance occurred, the date of issuance of a notice of non-compliance and the action taken.
[**88 to 90** reserved]

OUT-OF-SERVICE DECLARATIONS

- Out-of-service declaration **91.** (1) A director or an inspector may issue an out-of-service declaration in respect of a driver if
- (a) the driver contravenes clause 4(a) or (b);

- (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 12 to 29, sections 38 to 54 or a permit;
- (c) the driver is unable or refuses to produce their daily log book in accordance with section 98;
- (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log; or
- (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 12 to 29, sections 38 to 54 or a permit.

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

- (3) An out-of-service declaration applies *Idem*
- (a) for 10 consecutive hours, if the driver contravenes clause 4(a) or (b);
 - (b) for 10 consecutive hours, if the driver contravenes section 12 or 38;
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of sections 12 to 29 or 38 to 54; and
 - (d) for 72 consecutive hours, if the driver contravenes section 86 or 98.

(4) The out-of-service declaration in respect of a driver who contravenes section 86 or 98 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the director or inspector so that the director or inspector is able to determine whether the driver has complied with these Regulations. *Idem*
[92 to 95 reserved]

INSPECTIONS

Proof of Authority

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

Authority to Enter Premises for an Inspection

97. (1) An inspector may, during business hours, enter a motor carrier's home terminal or principal place of business, other than living quarters, *Authority of inspector*

for the purpose of inspecting the daily logs, supporting documents and other relevant records.

Idem (2) An inspector may at any time stop and enter a commercial vehicle, except for its sleeper berth, for the purpose of inspecting the daily logs and supporting documents.

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

Offence (4) No person shall obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or an inspector engaged in carrying out their duties and functions under these regulations.

Production of Daily Logs and Supporting Documents

Requirement to produce **98.** (1) At the request of an inspector, a driver shall immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the preceding 14 days as well as any permit the driver may be driving under.

Electronic recording device (2) If an electronic recording device is installed in the commercial vehicle, the driver shall retrieve the information stored by the device for each day that it was used.

Production of documents (3) The driver shall, at the request of an inspector, immediately give the inspector a copy of the daily logs, supporting documents and other relevant records for the preceding 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any permit the driver may be driving under.

Receipt (4) The inspector shall provide a receipt in the form set out in Schedule 3 for the copy of the daily logs, supporting documents and other relevant records.

Make available for inspection **99.** (1) A motor carrier shall, during business hours, at the request of an inspector, immediately make available for inspection at a place specified by the inspector daily logs, supporting documents and other relevant records as well as any permit a driver may be driving under or have been driving under during the period for which the inspector makes the request for the documents.

Duties of inspector (2) The inspector shall
(a) immediately return the permit if it is still a current permit and provide a receipt in the form set out in Schedule 3 for any expired

permit as well as for the daily logs, supporting documents and other relevant records; and

(b) return the expired permits, daily logs, supporting documents and other relevant records within 14 days after receiving them.

(EC713/06)

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

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

(EC713/06; 741/07)

SCHEDULE 2 / ANNEXE 2
(Section 1 and subsection 82(2) / Article 1 et paragraphe 82(2))

DUTY STATUS — ACTIVITÉ

NAME / NOM _____ DATE _____

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

(Hour at which day begins — Use local time at home terminal)
(Heure à laquelle la journée commence — Utiliser l'heure locale à la gare d'attache)

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

Remarks / Observations _____

Total distance driven / Distance totale parcourue _____

Signature _____

INSTRUCTIONS

Fill out the grid as follows:

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

SCHEDULE 3
(Subsection 98(4) and clause 99(2)(a))

RECEIPT

It is hereby acknowledged that, pursuant to subsection 98(4) or clause 99(2)(a) of the *Commercial Vehicle Drivers Hours of Service Regulations*, the following daily logs, supporting documents and other records were provided by

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

Inspector's signature