

# *The Commercial Vehicles Hours of Service Regulations*

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[Chapter H-3.1 Reg 12](#) (effective March 13, 1996).

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER H-3.1 REG 12

### *The Highway Traffic Act*

#### Title

1 These regulations may be cited as *The Commercial Vehicles Hours of Service Regulations*.

#### Interpretation

2(1) In these regulations:

- (a) **“adverse driving conditions”** means snow, sleet, ice, fog or other inclement weather or other unfavourable road or driving conditions that are not apparent to a driver or a person dispatching a driver immediately before the driver begins any driving time;
- (b) **“automatic recording device”** means any electric, electronic or electro-mechanical device, used in a commercial vehicle by a driver, that is capable of accurately and automatically recording the periods of on-duty time, off-duty time or time during which the driver is in the sleeper berth of the commercial vehicle;
- (c) **“carrier”** means the holder of a certificate of registration for a commercial vehicle;
- (d) **“commercial vehicle”** means a vehicle that is used for the transportation of goods or passengers and that is:
  - (i) a truck and trailer combination or a truck and semi-trailer combination where the gross vehicle weight stated on the certificate of registration for the truck or towing unit exceeds 5,000 kilograms; or
  - (ii) a vehicle that is designed and constructed to have, and is indicated by the manufacturer as having, a seating capacity of more than 10 people;but does not include the vehicles mentioned in subsection (2);
- (e) **“daily log”** means a daily log that conforms to, and is prepared in accordance with, section 14;
- (f) **“day”** means a 24-hour period that begins at a time designated by the carrier to be used for the purpose of maintaining a daily log;
- (g) **“driver”** means a person who operates a commercial vehicle;
- (h) **“driving time”** means the period during which a driver drives a commercial vehicle;
- (i) **“emergency vehicle”** means:
  - (i) an emergency vehicle within the meaning of section 67 of *The Highway Traffic Act*; or
  - (ii) a maintenance vehicle when it is operated during adverse driving conditions;

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- (j) **“home terminal”** means the place of business of a carrier to which a driver ordinarily reports for work;
- (k) **“off-duty time”** means the time during which a driver is not on on-duty time or is in the sleeper berth of the commercial vehicle;
- (l) **“on-duty time”** means the time that begins when a driver commences work or is required by the carrier to be available to work and that ends when the driver stops work or is relieved of responsibility by the carrier and includes driving time and time spent by the driver doing any one or more of the following:
  - (i) inspecting, servicing, repairing, conditioning or starting a commercial vehicle;
  - (ii) travelling in the commercial vehicle as one of two drivers, when that driver is not resting 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, at the request of the carrier by whom the driver is employed, for a commercial vehicle to be serviced, loaded or unloaded;
  - (vi) waiting for a commercial vehicle or load to be inspected at a customs office or weighing checkpoint;
  - (vii) travelling as a passenger in a commercial vehicle, at the request of the carrier by whom the driver is employed, to a destination where the driver will commence driving time, where the driver has not had eight consecutive hours of off-duty time immediately prior to commencing driving time;
  - (viii) waiting because of an accident or other unplanned occurrence or situation;
  - (ix) resting in or otherwise occupying a commercial vehicle, except time spent resting in a sleeper berth;
  - (x) performing any other work as, or at the request of, a carrier;
  - (xi) performing any work for compensation for a non-carrier entity;
- (m) **“principal place of business”** means the location that is designated by a carrier as the place where daily logs and supporting documents are to be kept and maintained pursuant to subsection 19(3);
- (n) **“recreational vehicle”** means:
  - (i) a wheeled vehicle that is designed to be a mobile accommodation, whether towed or self-propelled, including a cabin trailer, collapsible cabin trailer, tent trailer and camping trailer; or

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- (ii) a vehicle that is used to transport recreational equipment, including any snowmobile, watercraft, fishing and hunting equipment, motorcycle, bicycle or other similar recreational item where that transportation is not provided in connection with a commercial enterprise;
  - (o) **“sleeper berth”** means any sleeping accommodation that is provided in a commercial vehicle and that is designed, constructed and maintained in accordance good industrial practice for use as sleeping quarters;
  - (p) **“supporting documents”** includes bills of lading, shipping documents and fuel and accommodation receipts for expenses incurred during a trip;
  - (q) **“urban transit service”** means service performed by a vehicle registered with the administrator as a class PC vehicle pursuant to *The Vehicle Classification and Registration Regulations*.
- (2) For the purposes of these regulations, a commercial vehicle does not include any of the following:
- (a) a two or three axle vehicle;
  - (b) an emergency vehicle;
  - (c) a vehicle transporting goods or passengers to provide relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster;
  - (d) a vehicle registered in Class ‘F’ pursuant to *The Vehicle Classification and Registration Regulations*;
  - (e) a recreational vehicle;
  - (f) a vehicle used for urban transit service.

22 Mar 96 cH-3.1 Reg 12 s2.

**Off-duty time**

- 3** Subject to section 4 and subsection 5(1), during the course of a day:
- (a) no carrier shall request, require or permit a driver to drive a commercial vehicle unless the driver has had at least eight consecutive hours of off-duty time immediately preceding the initial on-duty time; and
  - (b) no driver shall drive a commercial vehicle unless the driver has had at least eight consecutive hours of off-duty time immediately preceding the initial on-duty time.

22 Mar 96 cH-3.1 Reg 12 s3.

**Sleeper berth**

- 4** A driver who is driving a commercial vehicle that is equipped with a sleeper berth may accumulate the eight consecutive hours of off-duty time required pursuant to section 3 by having one period of rest in the sleeper berth immediately preceding the on-duty time and one period of rest in the sleeper berth immediately following that on-duty time, where:

- (a) neither of those rest periods is less than two hours; and

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(b) the aggregate of the hours of driving time immediately preceding and immediately following each rest period does not exceed 13 hours.

22 Mar 96 cH-3.1 Reg 12 s4.

**Weekly exception**

5(1) Subject to subsection (2), the eight consecutive hours of off-duty time required by section 3 may, once in any period of seven consecutive days, be reduced to not less than four consecutive hours if:

(a) the driver's immediately preceding on-duty time did not exceed 15 hours in the period; and

(b) the driver's off-duty time prior to the beginning of the next period of driving is not less than the aggregate of eight hours and the number of hours by which the driver's required hours of off-duty time were reduced.

(2) Subsection (1) does not apply when a reduction in the number of hours of off-duty time jeopardizes or is likely to jeopardize the safety or health of a driver or the public.

22 Mar 96 cH-3.1 Reg 12 s5.

**Driving time**

6(1) Carriers are prescribed as the class of holders of certificates of registration that is required to limit the number of hours that they drive commercial vehicles.

(2) Subject to sections 3, 7 and 8, no carrier shall request, require or permit a driver to drive, and no driver shall drive, a commercial vehicle:

(a) for more than 13 hours following at least eight consecutive hours of off-duty time; or

(b) immediately after completing 15 hours of on-duty time.

(3) Subject to section 8, the eight consecutive hours of off-duty time required by section 3 may, twice in any period of seven consecutive days, be reduced to not less than four consecutive hours if:

(a) the driver or carrier has a permit allowing for the exception;

(b) the driver's immediately preceding on-duty time did not exceed 15 hours in the period;

(c) the driver's off-duty time prior to the beginning of the next period of driving is not less than the aggregate of eight hours and the number of hours by which the driver's required hours of off-duty time were reduced; and

(d) the driver is operating a bus or is a carrier transporting passengers for hire.

22 Mar 96 cH-3.1 Reg 12 s6.

**Application for permit to exceed limit**

- 7(1) A carrier may apply to the board for a permit authorizing:
- (a) a driver with respect to whom the application is made to perform driving-related duty, be on on-duty time or be on off-duty time in contravention of the limits prescribed in sections 3, 4 and 6; or
  - (b) the carrier to require or permit a driver employed by the carrier to perform driving-related duty, be on on-duty time or be on off-duty time in contravention of the limits prescribed in sections 3, 4 and 6.
- (2) An application to the board pursuant to this section must include:
- (a) the name of the carrier;
  - (b) the name of each driver with respect to whom the application is made;
  - (c) a copy of the daily logs or records of on-duty times, for the six months preceding the date of the application, for every driver mentioned in clause (b);
  - (d) the number of the driver's licence of every driver mentioned in clause (b);
  - (e) the number of commercial vehicles for which the carrier holds certificates of registration;
  - (f) a list of any accidents involving the carrier or any driver employed by the carrier that occurred during the six-month period preceding the date of the application;
  - (g) the proposed increase in driving-related duty time, driving time or on-duty time or decrease in off-duty time that is requested to be authorized by the permit;
  - (h) the period for which the increase in driving-related duty time, driving time or on-duty time or the decrease in off-duty time is requested;
  - (i) a detailed description of any load proposed to be transported by a commercial vehicle driven by a person mentioned in clause (1)(a) pursuant to the permit requested and the route of the transportation;
  - (j) the reason why a permit authorizing an increase in driving-related duty time, driving time or on-duty time or a decrease in off-duty time is being requested;
  - (k) a copy of any permit previously issued to the carrier pursuant to this section; and
  - (l) a statement signed by the carrier that no other application has been made by the carrier for a permit pursuant to this section during the six-month period preceding the date of the current application.

**H-3.1 REG 12** COMMERCIAL VEHICLES HOURS OF SERVICE**Conditions for issue of permit**

**8** Subject to section 12, the board may issue a permit to a carrier that has made an application pursuant to section 7 where, in the opinion of the board:

- (a) issuing the permit will not jeopardize the safety of:
  - (i) the public;
  - (ii) any driver to whom a carrier's permit applies; and
  - (iii) any employee of the carrier; and
- (b) permitting the increase in driving-related duty time, driving time or on-duty time or the decrease in off-duty time, notwithstanding the limits prescribed in sections 3, 4, 5 and 6:
  - (i) allows a driver following a regular itinerary to reach the home terminal or the destination of the driver, where the board considers it necessary;
  - (ii) is necessary for the timely delivery of perishable goods; or
  - (iii) is required because of a significant temporary increase in the transportation of goods or passengers by the carrier.

22 Mar 96 cH-3.1 Reg 12 s8.

**Provisions to be set out in permit**

**9** The board shall set out the following in any permit issued to a carrier pursuant to section 8:

- (a) the specific increase in driving-related duty time, driving time or on-duty time or decrease in off-duty time authorized by the permit;
- (b) the reasons of the board for issuing the permit.

22 Mar 96 cH-3.1 Reg 12 s10.

**Restrictions on board's ability to issue permits**

**10(1)** A permit issued pursuant to section 8 is valid for the period specified in the permit.

(2) The maximum period for which a permit may be valid is one year from the date of issue of the permit.

(3) A permit issued pursuant to section 8 does not authorize a carrier to require or to permit a driver, or authorize a carrier or driver:

- (a) to drive for more than 15 consecutive hours unless the preceding eight hours has been off-duty time; or
- (b) to be on duty for more than 18 consecutive hours where the 18 consecutive hours of on-duty time includes driving-related duty.

22 Mar 96 cH-3.1 Reg 12 s10.



**Carriers to supply copies of logs to board**

**11** Six months after the date of issue of a permit and at the end of the period of the permit, a carrier who holds a permit pursuant to section 8 shall provide the board with:

- (a) copies of the daily logs and the supporting documents of every driver to whom the permit applies; and
- (b) a list of accidents involving any driver to whom the permit applies.

22 Mar 96 cH-3.1 Reg 12 s11.

**Allowable extension of driving time**

**12(1)** In an emergency, a driver may exceed the driving times and on-duty times set out in section 6 in order to complete a trip or to reach a destination that provides safety for the commercial vehicle occupants and for other users of the road or provides security for the commercial vehicle and its load.

(2) In cases of adverse driving conditions, a driver may exceed the driving times and on-duty times set out in section 6 by not more than two hours where the trip would have been completed under normal driving conditions within the driving times and on-duty times set out in that section.

22 Mar 96 cH-3.1 Reg 12 s12.

**Carriers required to maintain daily log**

**13** Carriers are prescribed as the class of holders of certificates of registration that is required to keep and maintain daily logs in accordance with these regulations.

22 Mar 96 cH-3.1 Reg 12 s13.

**Daily logs**

**14(1)** Subject to section 18, every driver shall keep and maintain a daily log for each day the driver:

- (a) spends as on-duty time; or
- (b) spends as on-duty time for a carrier.

(2) Subject to section 18, every carrier shall ensure that every driver who is employed by the carrier keeps and maintains a daily log for each day the driver spends as on-duty time for the carrier.

(3) Every driver required to keep and maintain a daily log shall ensure that the daily log is legible and contains:

- (a) the name of the driver, printed in block letters, whose on-duty time, driving-related duty time, driving time and off-duty time is recorded in the daily log;
- (b) the date of the day on which the driver begins any on-duty time during which he or she drives a commercial vehicle;
- (c) where the time is not 12:00 midnight, the time the day starts;

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- (d) for every period of driving every commercial vehicle driven by the driver during the day, the odometer reading of the commercial vehicle at the time the driver commences any period of driving the commercial vehicle;
  - (e) the total distance driven by the driver during the day;
  - (f) for every commercial vehicle driven by the driver on that day:
    - (i) the plate number indicated on the certificate of registration and licence plates for the commercial vehicle issued pursuant to section 29 of *The Vehicle Administration Act*;
    - (ii) the number of the registration permit for the commercial vehicle issued pursuant to section 34 of *The Vehicle Administration Act*; or
    - (iii) the unit number assigned to the commercial vehicle by the carrier;
  - (g) the name of every carrier that employed the driver during the day;
  - (h) the name of any driver, printed in block letters, with whom the driver shared driving-related duty;
  - (i) the home terminal address or principal place of business of every carrier that employed the driver during the day;
  - (j) the total hours during the day spent by the driver:
    - (i) as off-duty time;
    - (ii) in the sleeper berth of the commercial vehicle;
    - (iii) as driving time; and
    - (iv) as on-duty time; and
  - (k) a graph grid, in the form prescribed in the Appendix, completed by the driver indicating the periods during the day spent by the driver:
    - (i) as off-duty time;
    - (ii) in the sleeper berth of the commercial vehicle;
    - (iii) as driving time; and
    - (iv) as on-duty time.
- (4) A driver who keeps and maintains a daily log shall:
- (a) enter the information required pursuant to subsection (3) in the daily log at the start of the day when the driver begins on-duty time and as required until it is complete; and
  - (b) sign the daily log and certify that the information contained in the daily log is accurate.
- (5) A driver who keeps and maintains a daily log shall complete the graph grid mentioned in clause (3)(k) in accordance with the following procedures:
- (a) a continuous line shall be drawn between the appropriate time markers to record any period of on-duty time, driving-related duty time, driving time and off-duty time;

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- (b) the name of the municipality or location on a highway where a change in the driver's duty status occurs shall be recorded on the graph grid;
  - (c) the total of all on-duty time, other than driving time when a change in the driver's duty status occurs as mentioned in clause (b), may be entered in a continuous line;
  - (d) the total hours of each period of on-duty time, driving-related duty time, driving time and off-duty time shall be entered, and the total must equal 24 hours.
- (6) Every driver who receives supporting documents shall retain the supporting documents to substantiate the information set out in a daily log until they are forwarded to the home terminal of the carrier pursuant to subsection 19(1) or (2).

22 Mar 96 cH-3.1 Reg 12 s14.

**Automatic recording devices**

**15** A driver may use an automatic recording device to record the periods that the driver spent performing driving-related duty, as driving time, as on-duty time or as off-duty time for the purposes of keeping and maintaining a daily log where:

- (a) the driver is capable of producing a manually prepared daily log from the information stored in the device for each day during which the device is used;
- (b) the device is capable of electronically displaying:
  - (i) the periods spent by the driver on duty, performing driving-related duty, as driving time, as on-duty time and as off-duty time for each day during which the device is used; and
  - (ii) the sequence of the changes in a driver's duty status and the times when the changes occurred for each day during which the device is used;
- (c) the device automatically records and indicates when the device has been disconnected;
- (d) the device automatically records the times when the commercial vehicle is moving;
- (e) all hard copies of daily logs that are generated from the information that is stored in the automatic recording device are signed by the driver certifying that the information contained on the hard copy is accurate; and
- (f) the carrier provides daily log books in the commercial vehicle for the driver to keep, maintain and prepare daily logs manually.

22 Mar 96 cH-3.1 Reg 12 s15.

**Possession of daily log**

**16** No driver shall drive a commercial vehicle and no carrier shall require or permit any driver employed by a carrier to drive a commercial vehicle described in a certificate of registration held by the carrier unless the driver has, in his or her possession, his or her daily log for the current day completed to the last change in duty status.

22 Mar 96 cH-3.1 Reg 12 s16.

**H-3.1 REG 12**      **COMMERCIAL VEHICLES HOURS OF SERVICE****One daily log per day**

- 17(1)** No driver shall maintain more than one daily log for one day.
- (2) No carrier, driver or other person shall falsify a daily log or any information that is stored in an automatic recording device.
- (3) No carrier, driver or other person shall request or permit the falsification of a daily log or of any information that is stored in an automatic recording device.

22 Mar 96 cH-3.1 Reg 12 s17.

**Daily log exemption**

- 18(1)** Section 14 does not apply to a carrier that employs a driver:
- (a) who operates a commercial vehicle within a maximum radius of 160 kilometres from the home terminal of the carrier;
  - (b) whose on-duty time:
    - (i) does not exceed 15 consecutive hours; and
    - (ii) begins and ends at the home terminal of the carrier; and
  - (c) with respect to whom the carrier maintains and retains accurate records of all the on-duty time of the driver for the preceding six months.
- (2) Section 14 does not apply to a carrier that employs a driver:
- (a) whose primary duty relates to the maintenance of highways;
  - (b) who operates a commercial vehicle within a maximum radius of 160 kilometres from the home terminal of the carrier;
  - (c) whose on-duty time does not exceed 15 consecutive hours; and
  - (d) with respect to whom the carrier maintains and retains accurate records of all the on-duty time of the driver for the preceding six months.
- (3) Section 14 does not apply to a carrier that employs a driver who operates a commercial vehicle owned by a registered independent school that is registered in accordance with *The Independent School Regulations*.

22 Mar 96 cH-3.1 Reg 12 s18.

**Distribution and retention of daily logs**

- 19(1)** Every driver who keeps and maintains a daily log shall, within 20 days after completing a daily log, forward the original daily log and any supporting documents to the home terminal of the carrier that employed the driver.
- (2) Where the driver is employed by more than one carrier in a day, the driver shall, within 20 days of completing a daily log, forward a copy of the daily log and supporting documents to the home terminal of every carrier that employed the driver.
- (3) Every carrier shall keep and maintain the daily log and supporting documents, at the principal place of business of the carrier that were forwarded to the carrier pursuant to subsection (1) or (2) for a period of at least six months.

22 Mar 96 cH-3.1 Reg 12 s19.

**Appendix**  
Form A  
[Clause 14(3)(k)]

DUTY STATUS -

		GRID																								Total Hours		
		Use Local Time Standard at Home Terminal																										
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
1. Off-duty time other than time in a sleeper berth																												
2. Off-duty time in a sleeper berth																												
3. Driving time																												
4. On-duty time other than driving time																												
REMARKS OBSERVATIONS																												

**INSTRUCTIONS**

1. Draw a continuous line between the appropriate time markers to record the total hours of off-duty time, time spent in a sleeper berth, driving time and on-duty time other than driving time.
2. Under "Remarks", record the name of the city, town or village or the highway location and the name of the province or state where each change of duty occurs.
3. Record the total hours of off-duty time, time spent in a sleeper berth, driving time and on-duty time other than driving time to the right of the graph grid. The total of those entries must equal 24.
4. Record the time that the 24-hour period starts in the "Remarks" section if it is a time other than 12:00 midnight.

