

(Consolidated up to 48/2010)

**ALBERTA REGULATION 317/2002**

**Traffic Safety Act**

**DRIVERS' HOURS OF SERVICE REGULATION**

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Schedule

## Definitions

### 1 In this Regulation,

- (a) “Act” means the *Traffic Safety Act*;
- (b) “adverse driving conditions” means conditions
  - (i) that make driving hazardous, and
  - (ii) that were not apparent or known to the driver or the carrier at the time the trip began, and without limiting the generality of subclause (i) include
  - (iii) snow, sleet, fog or smoke in sufficient amounts so as to obscure a person’s vision to the extent that the person cannot drive safely,
  - (iv) a highway covered with snow or ice, or
  - (v) physical circumstances, other than snow or ice, that make the highway or driving unsafe;
- (c) “automatic on-board recording device” means any electric, electronic or electro-mechanical device that accurately and automatically does at least the following:
  - (i) records
    - (A) the driving time and the time on duty of drivers for each day that the device is in operation,
    - (B) the remaining driving time and on duty time that a driver may use, and
    - (C) the sequential changes in duty status and the time those changes occurred;
  - (ii) indicates and records the time at which the device is disconnected;
  - (iii) records the times that the vehicle is in motion;
  - (iv) displays or prints out, at the request of the driver, at least the information referred to in subclause (i);
- (d) “daily log” means a daily record maintained pursuant to section 9 or 10;
- (e) “driving time” means the period of time during which
  - (i) the driver is occupying the position in the vehicle that is normally occupied by a person driving the vehicle, and
  - (ii) the vehicle is in motion;
- (f) “home terminal” means, in respect of a driver, the place of business of a carrier at which the driver normally reports for work;
- (g) “intra-provincial bus undertaking” means the transportation by bus of persons or goods in Alberta;
- (h) “intra-provincial truck undertaking” means the transportation by freight truck of goods within Alberta;
- (i) “principal place of business” means the principal place of business of a carrier as designated under section 3;
- (j) “recreational vehicle” means a vehicle
  - (i) designed as mobile accommodation but does not include a vehicle equipped with a sleeper berth, or
  - (ii) that is primarily used for transporting recreational equipment for the personal recreational use of the person operating the vehicle or the person’s family;

- (k) “sleeper berth” means a facility that
    - (i) is located in or on a vehicle, and
    - (ii) is designed and maintained for the purposes of providing sleeping accommodation for persons operating the vehicle;
  - (l) “urban transit bus” means a bus that
    - (i) is owned by or operated on behalf of a municipality, and
    - (ii) is used to transport passengers within the municipality or 25 kilometres of that municipality;
  - (m) “work day” means a period of 24 consecutive hours commencing at the time designated by a carrier;
  - (n) “work shift” means the period of time during which a driver is on duty.
- (2) For the purposes of subsection (1)(e), a vehicle is considered to be in motion while it is stopped
- (a) by virtue of a traffic control signal as defined in the Act, or
  - (b) at the direction of a peace officer where the period of time during which the vehicle is stopped does not exceed 10 consecutive minutes.

**Application**

**2(1)** This Regulation applies to a carrier with respect to the operation of the following vehicles:

- (a) a bus;
- (b) in the case of a vehicle other than a bus, a vehicle that is registered under the Act for a gross weight of 11 794 or more kilograms.

**(2)** This Regulation applies to a driver with respect to the operation of the following vehicles:

- (a) a bus;
- (b) in the case of a vehicle other than a bus, a vehicle that is registered under the Act for a gross weight of 11 794 or more kilograms.

**(3)** Notwithstanding subsections (1) and (2), this Regulation does not apply to a driver or carrier with respect to the operation of a vehicle

- (a) that is an emergency vehicle as defined in the Act,
- (b) that is engaged in the transportation of goods or passengers for the purpose of providing relief in the case of a natural disaster or a disaster caused by human intervention,
- (c) that is being used primarily to transport an agricultural product where the driver of the vehicle
  - (i) is a bona fide farmer who owns or produced that agricultural product, or
  - (ii) is an employee of that farmer,
- (d) that is a 2- or 3-axle vehicle that is primarily used for the transportation of primary products of a forest, lake or river, where the driver or the driver’s employer is the producer of those primary products,
- (e) that is a recreational vehicle,
- (f) that is an urban transit bus,
- (g) that is equipped with
  - (i) a mounted mobile service rig, or

- (ii) equipment that is directly used in the operation or the transportation of a mounted mobile service rig,

or

- (h) that is exempted by the Registrar.

**(4)** Where this Regulation is in conflict with the *Employment Standards Code* or a regulation enacted under the *Employment Standards Code*, the *Employment Standards Code* or the regulation enacted under the *Employment Standards Code*, as the case may be, prevails.

### **Principal place of business**

**3** For the purposes of this Regulation, a carrier shall, in writing to the Registrar, designate a location in Alberta as its principal place of business.

### **On duty**

**4** For the purposes of this Regulation, a driver is on duty during any period of time that the driver is

- (a) checking in or preparing reports at the commencement or termination of a work shift,
- (b) inspecting, servicing, repairing, conditioning or starting a vehicle,
- (c) driving a vehicle,
- (d) in the case of a vehicle that is being operated by co-drivers, travelling as one of the drivers, except the time that the driver spends resting en route in a sleeper berth,
- (e) participating in the loading or unloading of a vehicle,
- (f) inspecting or checking the load of a vehicle,
- (g) waiting, at the request of the carrier by whom the driver is employed or otherwise engaged, for a vehicle to be serviced, loaded or unloaded,
- (h) waiting for a vehicle or load to be checked at customs, at a vehicle inspection station or by a peace officer,
- (i) at the request of the carrier by whom the driver is employed or otherwise engaged, travelling as a passenger to a work assignment when the driver has not been off duty for at least 8 consecutive hours immediately prior to departure,
- (j) waiting at a point en route due to an accident involving the vehicle that the driver is operating or other unplanned event, or
- (k) at the request of the carrier by whom the driver is employed or otherwise engaged, waiting in readiness for work at any place other than
  - (i) a private residence, or
  - (ii) a motel, hotel or other similar place of rest, where the accommodation is provided by the carrier.

### **Time required to be off duty**

**5(1)** Subject to subsections (3) and (4), a carrier shall not permit a driver to commence a work shift unless the driver has been off duty for at least 8 consecutive hours immediately prior to commencing the work shift.

**(2)** Subject to subsections (3) and (4), a driver shall not commence a work shift unless the driver has been off duty for at least 8 consecutive hours immediately prior to commencing the work shift.

(3) Where a driver is driving a vehicle that is equipped with a sleeper berth, the driver may take the time off duty referred to in subsections (1) or (2) in 2 periods of rest if

- (a) neither of the 2 periods of rest is less than 2 hours,
- (b) the aggregate of the time spent resting in the sleeper berth immediately preceding and immediately following the time on duty is at least 8 hours in total, and
- (c) the aggregate of the driving time immediately preceding and immediately following the resting time in the sleeper berth does not exceed 13 hours in total.

(4) Subject to subsections (5) and (6), where the last work shift of a driver did not exceed 15 hours, the number of hours that the driver is off duty before the driver commences the driver's next work shift may be reduced to not less than 4 hours if the total consecutive hours that the driver will be off duty immediately following that next work shift will not be less than 8 hours plus the number of hours by which the driver's time off duty had been reduced before the driver had commenced that next work shift.

(5) A driver's time off duty may only be reduced under subsection (4) once in any period of 7 consecutive days.

(6) If the Registrar is of the opinion that a reduction under subsection (4) of the number of hours that a driver is off duty will jeopardize or is likely to jeopardize the safety or health of the driver, the Registrar may

- (a) direct that off duty time not be reduced under subsection (4), or
- (b) specify the minimum number of hours that the driver must be off duty before the driver commences the driver's next work shift.

#### **Limitation on being on duty**

**6(1)** Except as permitted by this Regulation, a carrier shall not permit a driver during the driver's work shift

- (a) to exceed 13 hours of driving time, or
- (b) to drive at any time after the driver has been on duty for 15 or more consecutive hours.

(2) Except as permitted by this Regulation, a driver shall not during the driver's work shift

- (a) exceed 13 hours of driving time, or
- (b) drive at any time after the driver has been on duty for 15 or more consecutive hours.

(3) A driver may, in the case of unexpected adverse driving conditions, exceed by not more than 2 additional hours the number of hours that the driver is permitted to drive under this Regulation if the trip as originally planned could have been completed within the driving time or the time on duty specified by subsection (2).

(4) Where the safety of an occupant of a vehicle, the goods being transported by a vehicle or a vehicle itself is in jeopardy, the driver of the vehicle may exceed the number of hours that the driver is permitted to drive under this Regulation in order to reach a place of safety for the person, goods or vehicle, as the case may be.

#### **Time breaks**

**7(1)** A driver may continuously drive a vehicle

- (a) for a period of time of up to 4 consecutive hours if at the conclusion of driving for that period of time the driver takes at least 10 consecutive minutes off duty or of non-driving time, or

(b) for a period of time that exceeds that permitted under clause (a) but does not exceed 6 consecutive hours if at the conclusion of driving for that period of time the driver takes at least 30 consecutive minutes off duty or of non-driving time.

(2) A carrier shall not permit a driver to drive a vehicle unless the driver takes time off duty or non-driving time as required under subsection (1).

(3) A driver of a vehicle shall not drive the vehicle unless the driver takes time off duty or non-driving time as required under subsection (1).

### **Prohibition from driving**

**8(1)** A peace officer may prohibit a driver from driving a vehicle where the peace officer determines that the driver

- (a) has not had the time off duty as required under this Regulation,
- (b) has been driving for a longer period of time than that permitted under this Regulation, or
- (c) has been driving when prohibited from doing so under this Regulation.

(2) Where a driver has been prohibited from driving pursuant to subsection (1), a carrier shall not permit the driver to drive a vehicle until such time as the driver

- (a) has had the time off duty as required under this Regulation, and
- (b) meets the requirements of sections 6 and 7.

(3) Where a driver has been prohibited from driving pursuant to subsection (1), the driver shall not drive a vehicle until such time as the driver

- (a) has had the time off duty as required under this Regulation, and
- (b) meets the requirements of sections 6 and 7.

### **Daily logs manually recorded**

**9(1)** Subject to section 10, a carrier shall ensure that for each work day, a daily log is maintained by every driver employed or otherwise engaged by the carrier.

(2) Subject to section 10, every driver shall, for each work day that the driver is engaged as a driver, maintain a true and accurate daily log in duplicate.

(3) The following information must be entered in a daily log:

- (a) a graph grid in the form set out in the Schedule;
- (b) the date;
- (c) the odometer reading at the commencement of driving;
- (d) the total number of kilometres or miles driven by the driver during the work day;
- (e) in the case where a vehicle is being operated by co-drivers, the total number of hours that the vehicle has travelled during a work day;
- (f) the vehicle's unit or licence plate number;
- (g) the name of the carrier for whom the driver worked during the work day;
- (h) the name and signature of the driver;
- (i) the name of any co-driver;
- (j) the time of commencement of the work shift and the location at which the driver commenced the work shift;

(k) the address of the principal place of business and of the home terminal of each carrier for whom the driver is employed or otherwise engaged during the work day.

- (4) The information required by subsection (3) must be entered in the daily log,
- (a) in the case of the graph grid referred to in subsection (3)(a), at each change in a duty status referred to in the Schedule,
  - (b) in the case of the information referred to in subsection (3)(b) and (f) to (k), at the commencement of the work shift,
  - (c) in the case of the information referred to in subsection (3)(c), at the commencement of driving, and
  - (d) in the case of the distance driven or hours travelled referred to in subsection (3)(d) and (e), at the end of the work day.
- (5) The driver shall sign the daily log at the end of the driver's work shift.
- (6) A daily log maintained under this section may, with the written approval of the Registrar, be incorporated in duplicate in any other daily record maintained by the driver.

#### **Daily logs automatically recorded**

**10(1)** Where a vehicle is equipped with an automatic on-board recording device that is operating to the satisfaction of the Registrar, the driver of the vehicle is exempt from maintaining a daily log under section 9.

- (2) The driver shall maintain, in a manner approved by the Registrar, a written or printed record of the information recorded or collected by the automatic on-board recording device.
- (3) In order for the record maintained under subsection (2) to be valid the driver must certify the record as being accurate and sign the driver's signature to the record.
- (4) Notwithstanding subsection (1), if
- (a) an automatic on-board recording device ceases to operate, is malfunctioning or is not operating to the satisfaction of the Registrar, or
  - (b) the driver is unable to
    - (i) maintain a record under subsection (2), or
    - (ii) certify the record under subsection (3),

the driver shall maintain a daily log in accordance with section 9.

#### **Documents to be in driver's possession**

**11(1)** For the purposes of verifying the information set out in the daily log, a driver shall at all times during the driver's work shift have in the driver's possession and available for inspection

- (a) all bills of lading and other shipping documents, and
  - (b) any fuel and accommodation receipts for expenses incurred en route.
- (2) Subsection (1) does not apply to any document or receipt where
- (a) the document or receipt is forwarded by or on behalf of the person issuing the document or receipt to the carrier by whom the driver is employed or otherwise engaged, and
  - (b) the driver is not provided with a copy of that document or receipt.

### **Daily log not required**

**12(1)** Notwithstanding sections 9 and 10, a daily log is not required to be maintained where all of the following conditions exist:

- (a) the driver does not operate beyond a radius of 160 km from the home terminal of that driver;
- (b) the driver returns to the home terminal and is released from work within 15 hours from the commencement of the driver's work shift;
- (c) the carrier that employs the driver maintains and retains for a period of 6 months accurate time records showing the time that the driver reports to commence the driver's work shift and the time that the driver is released from work.

**(2)** Notwithstanding subsection (1), if one or more of the conditions under which a person is excused from maintaining a daily log ceases to exist,

- (a) the carrier shall, on that condition ceasing to exist, comply with section 9 or 10, as the case may be, and
- (b) the driver shall,
  - (i) on that condition ceasing to exist, commence keeping a daily log, and
  - (ii) record in the daily log the total number of hours on duty accumulated by the driver during the 7 days immediately preceding the day on which that condition ceased to exist.

### **Possession of daily logs and documents by driver**

**13(1)** Where a driver is required to maintain a daily log, a carrier shall not permit the driver to drive a vehicle unless the driver has in the driver's possession in the vehicle,

- (a) for the driver's current work shift and the 2 previous days, the original and one duplicate of the daily log that the driver is required to maintain, and
- (b) the documents and receipts required by section 11.

**(2)** Where a driver is required to maintain a daily log, the driver shall not drive a vehicle unless the driver has in the driver's possession in the vehicle,

- (a) for the driver's current work shift and the 2 previous days, the original and duplicate of the daily log that the driver is required to maintain, and
- (b) the documents and receipts required by section 11.

**(3)** Every driver shall, on request by a peace officer, produce forthwith to the peace officer for inspection

- (a) the daily logs, and
- (b) the documents and receipts referred to in section 11,

that the driver is required to have in the driver's possession in the vehicle.

### **No extra logs**

**14** No driver shall maintain more than one daily log for each calendar day.

### **Distribution of daily logs**

**15(1)** Where a driver is employed or otherwise engaged by more than one carrier in a calendar day, the driver shall forward a copy of the daily log for that day to each carrier by whom the driver was employed or otherwise engaged.

(2) A driver shall, within 20 days from the day that a daily log is completed, forward the original of the daily log to the home terminal of the driver or to the principal place of business of the carrier by whom the driver was employed or otherwise engaged.

#### **Retention of records by carrier**

**16(1)** A carrier shall retain at its principal place of business

- (a) every copy of the daily log that is forwarded to the carrier pursuant to section 15(1), and
- (b) every daily record referred to in section 15(2),

for a period of at least 6 months from the date that the information is recorded in the daily log.

(2) A carrier

- (a) shall retain the daily records and daily logs referred to in subsection (1) in a neat and orderly manner, and
- (b) shall, on request by a peace officer, produce forthwith to the peace officer the daily records and logs for inspection.

(3) A carrier shall, within 30 days after it has received the original copy of a daily log pursuant to section 15, place the original copy of the daily log at the location where the carrier retains the records relating to its drivers or at such other location as may be approved in writing by the Registrar.

#### **Retention of records by driver**

**17(1)** A driver shall retain a duplicate of all of the daily logs maintained by the driver for a period of at least 6 months from the date that the information is recorded in the daily log.

(2) A driver

- (a) shall retain the duplicate of the daily logs referred to in subsection (1) in a neat and orderly manner at the residence of the driver, and
- (b) shall, within 7 days from the day that a peace officer makes a request for the duplicate of the daily logs, produce the duplicate of the daily logs to the peace officer for inspection.

#### **Inspections**

**18** A peace officer may enter any facility or vehicle for the purpose of determining whether a carrier and a driver have complied with this Regulation.

#### **Prohibition**

**19** No person shall knowingly falsify or enter false information into a daily log.

#### **Offences**

**20** It is an offence to contravene or fail to comply with the following provisions of this Regulation:

section 3; section 5(1); section 5(2); section 6(1); section 6(2); section 7(2); section 7(3); section 8(2); section 8(3); section 9(1); section 9(2); section 9(5); section 10(2); section 11(1); section 12(2); section 13; section 14; section 15; section 16; section 17; section 19.

#### **Repeal**

**21** The *Drivers' Hours of Service Regulation* (AR 290/89) is repealed.

**Expiry**

**22** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on July 1, 2012.

AR 317/2002 s22;12/2004;119/2006;70/2008;48/2010

**Coming into force**

**23** This Regulation comes into force on the coming into force of Part 7, Division 4 of the *Traffic Safety Act*.

**Schedule**

**Grid**

DUTY STATUS

Use Local Time Standard at Home Terminal

|                          | 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 |
|--------------------------|----------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|
| 1. Off Duty              |          |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
| 2. Sleeper Berth         |          |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
| 3. Driving               |          |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
| 4. On Duty (not driving) |          |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
| REMARKS                  |          |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |

**INSTRUCTIONS**

1. Draw a continuous line between the appropriate time markers to record the period of time off duty, time spent in a sleeper berth, driving time and time on duty other than driving time.
2. Under "Remarks", record
  - (a) 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,
  - and
  - (b) the name of each city, town or village or highway location and the name of each province or state where fuel was obtained and the number of litres or gallons of fuel.
3. Record the total number of hours of time off duty, time spent in a sleeper berth, driving time and time on duty other than driving time.
4. Record the aggregate of the hours referred to in section 3 of these instructions