



# Electronic Logging Devices (ELDs) in B.C.

Automotive Retailers Association – Towing & Recovery Division

May 12, 2023



Ministry of  
Transportation  
and Infrastructure

# How did we get here?



**June 12**  
2019

TC publishes new regulations in Canada Gazette Part 2



**April 15 - June 15**  
2020

B.C. consults stakeholders on provincial ELD mandate



**February - March**  
2022

CVSE conducts industry-specific stakeholder engagement to help determine ELD exemptions



**January 1**  
2023

B.C. begins enforcement of the federal ELD mandate



**February - August**  
2023

Updates being made to CVSE/NSC resources & NSC responds to inquiries from stakeholders



Manufacturers able to submit ELDs for certification

**December**  
2020



Council of Ministers approves updated NSC Standard 9 – Hours of Service to align with new regulations

**February 25**  
2021



CCMTA announces new timeline – focus on education and awareness without penalties until January 1, 2023

**March 7**  
2022



Provincial ELD mandate announced to go into effect August 1, 2023 & updates to MVA Part 3.1 – Use of Electronic Devices while Driving go into effect

**February 13**  
2023



August 1 – Provincial ELD mandate goes into effect & ELD exemptions issued

**Next Steps**



# MVAR Division 37 Repeal and Replace Project

- Required due to scope of changes to implement ELD mandate
- Restructured Division 37 - in force August 1, 2023
  - Meets current drafting standards
  - Improved clarity of wording and organization of the Division
  - Resolved existing numbering challenges created by previous amendments
  - Only substantive changes:
    - Implement a provincial ELD mandate
    - Provide authority for ELD exemptions to CVSE Director
- Consequential amendments required to:
  - Use of Electronic Devices while Driving Regulation - in force February 13, 2023
  - Violation Ticket Administration and Fines Regulations (VTAFR) - in force August 1, 2023
  - Motor Vehicle Fees Regulation - in force August 1, 2023

# Use of Electronic Devices while Driving Regulation

- Effective February 13, 2023
- Definitions added (s. 1)
  - Commercial motor vehicle
  - Electronic logging device
- ELDs added as a prescribed device (s. 3 (1)(a.1))
  - Ensures clarity that ELDs are subject to this regulation
- New prescribed activity – Commercial motor vehicle with ELD (s. 5.1)
  - Ensures that drivers are allowed to respond to prompts from the ELD
  - Only applies to devices that:
    - Meet the definition of an ELD
    - Are mounted as required in MVAR Division 37
  - Allows new drivers to use an ELD
  - If the ELD is also an phone, use is specific to ELDs functionality

# B.C.'s Provincial ELD Mandate

- **Consistent for carriers regardless of operating locations**
  - ELDs mandated for both extra-provincial and intra-provincial carriers
- **Consistent with current use of “paper” daily logs**
  - In general, if daily logs are currently required, ELDs required as of August 1
- **Limited exemptions from ELDs**
  - Granted under the authority of the CVSE Director for the purpose of “more effectively promoting and securing road safety”
    - May include conditions or substituted requirements
  - Issued by a Compliance Circular to allow one list of ELD exemptions
  - Exemptions from ELDs does not exempt from HOS
    - If exempt from using an ELD, driver will be required to use a “paper” record of duty status

# Restructured MVAR Division 37

- **Part 1 – Interpretation**

- Updates existing definitions for consistency with federal regulations
- Adds definitions to support provincial ELD mandate and improve clarity

- **Part 2 – Generally Applicable Safety Requirement**

- Responsibilities of carriers, shippers, consignees and drivers
  - Previously MVAR 37.12 – embedded within the HOS part

- **Part 3 – Safety Certificate**

- Content mirrors Part 2 of current Division 37
- Safety ratings updated to reflect safety ratings in use since 2015
- Ability for CVSE Director to exempt carrier from displaying name on business vehicles

# Restructured MVAR Division 37 (continued)

- **Part 4 – Hours of Service - General**

- HOS provisions currently in Part 3 reorganized for improved clarity
  - Distributed across Parts 4 – 8 in amended Division
- Part 4 covers general HOS requirements
  - Currently ss. 37.11 to 37.17.03
- Reorganized to group related requirements
- HOS requirements related to hours of work and rest remain the same
  - No changes to available HOS exemptions
- Establishes “local driving hours” section (new s. 37.28)
  - Simplifies record-keeping requirements for carriers and drivers, while still allowing HOS enforcement
- HOS exemption for non-passenger vehicles under 11,795 kg GVW remains in effect



# Local Driving Hours

- Operating within a radius of 160 km from the home terminal
- Driver requirements:
  - Take at least 10 hours off-duty time in a day
  - Return to home terminal each day to take at least 10 consecutive hours off-duty time before accumulating any additional on-duty time
  - Take at least 24 consecutive hours off-duty time in the previous 14 days
- Carrier requirements:
  - Maintain accurate and legible records for 6 months for each day the driver is on duty showing:
    - Cycle followed
    - Time driver reports for duty
    - Time driver is released from duty
    - Total number of hours the driver is on-duty





# Local Driving Hours (continued)

- Will be exempt from ELDs while operating under local driving hours
- For occasional trips, exempt from ELD if:
  - No more than 1 trip outside 160 km for the current day or within the previous 14 days, to a maximum of 6 days within a 60-day period
- Driver must maintain record of duty status for these trips

# Restructured MVAR Division 37 (continued)

- **Part 5 – HOS – ELD Records of Duty Status**

- New requirements to introduce provincial ELD mandate
- Essentially mirrors federal ELD mandate
- New offenses added for ELD requirements
- Creates authority for CVSE Director to exempt carriers from ELD
  - Must be in the interest of more effectively ensuring road safety
  - May include conditions and/or substituted requirements

- **Part 6 – HOS – Other Forms of Records of Duty Status**

- Covers existing requirements for paper daily logs
  - Currently ss. 37.16 to 37.18.03 and instructions from Schedule 2
- Still allows for drivers/carriers to use apps for recording HOS if they are not required to use an ELD

# Restructured MVAR Division 37 (continued)

- **Part 7 – HOS – Possession, Distribution & Keepings of Records of Duty Status**
  - Existing requirements updated to include ELD records
    - currently ss. 37.18.04 to 37.19
  - Ensures all carriers are required to verify records of duty status according to supporting records regardless of whether using ELD or another form of record of duty status
    - CVDHOSR only requires this for those using ELDs
  - Updated wording related to inaccurate records
    - Adds tampering with an ELD as a new offence
    - Separates out offences related to falsifying records
      - Will require appearance notice
      - Allows the option to pursue prosecution of third-parties hired by carriers to falsify records

# Restructured MVAR Division 37 (continued)

- **Part 8 – HOS – Inspections**

- Existing requirements updated to include ELD records
  - Currently ss. 37.19.01 to 37.21

- **Part 9 – Trip Inspection**

- Content mirrors Part 4 of current Division 37
- Standard 13 not yet implemented, but revised numbering will facilitate future amendments

- **Part 10 – Compliance Reviews and Audits**

- Content mirrors Part 5 of current Division 37

# Restructured MVAR Division 37 (continued)

- **Part 11 – Offences**

- Content mirrors Part 6 of current Division 37
- Offences related to operating vehicles after a carrier's safety certificate has been suspended or after the cancelled
  - Will be able to be issued as violation tickets (\$520 fine)
  - Previously required an appearance notice

- **Part 12 – Bills of Lading**

- Conditions of Carriage moved to Schedules rather than in the text of the regulation

- **Schedule 1 – Sleeper Berth**

- **Schedule 2 – Duty Status Grid**

- **Schedule 3 – Specified Conditions of Carriage**

- **Schedule 4 – Specified Conditions of Carriage – Household Goods**

# VTAFR Amendments

- Updated section numbers for all offences
- Retaining existing three-tier fine structure
  - \$120 – Generally administrative or procedural offences with lower risk to safety
  - \$270 – Offences that compromise safety, but are a lower risk than Tier 3
  - \$520 – Offences that pose the most serious risk to public safety or indicate intent to avoid compliance
- Defining new fines for 35 new offences
  - To support enforcement of ELD mandate
  - Required due to restructuring of Division 37
  - 2 offences previously requiring appearance notices
- Increasing fines for 31 of the existing HOS violations
  - To better reflect safety implications of the violation

# Summary

- Effective August 1, 2023, all commercial motor vehicles that operate provincially or federally will require ELDs unless
  - Specifically exempt from ELDs
  - Always exempt from HOS (GVW under 11,795 kg)
  - Operating under local driving hours (within 160 km of home terminal)
- This includes:
  - Non-passenger commercial vehicles with licensed GVW over 11,794 kg
  - Vehicles licensed under the Passenger Transportation Act
  - Buses (seating capacity of 10 or more passengers plus the driver)
  - Local drivers who go outside of 160 km more than:
    - 1 trip in the current day or within a 14-day period
    - More than 6 days in the previous 60 days



# Questions?

- Contact Information

- [NSC@gov.bc.ca](mailto:NSC@gov.bc.ca)
- 250-952-0576

- Useful links

- [Electronic Logging Devices \(ELDs\) in British Columbia \(gov.bc.ca\)](https://gov.bc.ca)
- [Laws Publications – Government](#) - Orders in Council (66-2023 to 69-2023)
- [List of certified electronic logging devices \(canada.ca\)](#)