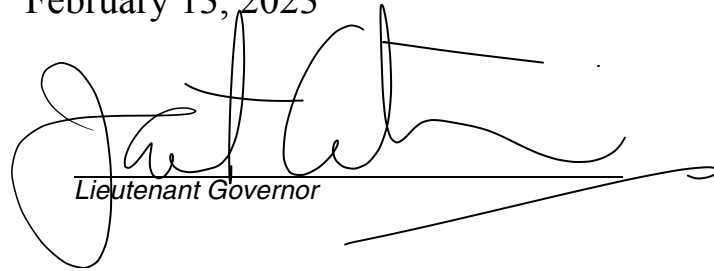


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 66

, Approved and Ordered February 13, 2023

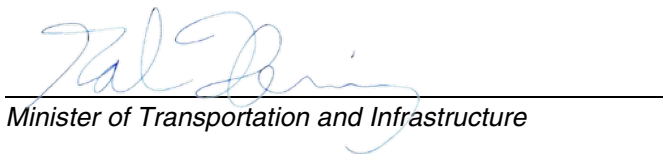


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective August 1, 2023,

- (a) Division 37 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is repealed and the attached Division 37 substituted, and
- (b) section 39.03 (4) (a) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by striking out “section 37.16” and substituting “section 37.33”.



Minister of Transportation and Infrastructure



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 210, 212 and 212.2

Other: OIC 1004/58

R20620777

DIVISION 37 – SAFETY CODE

Part 1 – Interpretation

Definitions for Division 37

37.01 In this Division:

“adverse driving conditions” means

- (a) any of the following conditions:
 - (i) snow, sleet, fog or other adverse weather conditions;
 - (ii) a highway covered with snow or ice;
 - (iii) unusual adverse road and driving conditions, and
- (b) the conditions were not known or could not reasonably have been known to a driver or the carrier dispatching a driver immediately before the driver began driving;

“applicant” means a person who applies for a safety certificate;

“carrier”, in relation to a commercial motor vehicle, means

- (a) the owner of the commercial motor vehicle,
 - (b) a person, other than the owner, who manages the commercial motor vehicle or determines the uses to which the commercial motor vehicle may be put,
 - (c) the lessee of the commercial motor vehicle, if the lease has a term of one month or more, or
 - (d) a person who holds a licence under the *Passenger Transportation Act* that authorizes the commercial motor vehicle to be operated as a passenger directed vehicle under a transportation network services authorization,
- but a person is not a carrier only because the person is the driver of the commercial motor vehicle;

“co-driver” means a person who is present in a commercial motor vehicle because the person has been, or is about to be, its driver;

“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that is one or more of the following:

- (a) a truck or truck tractor, including a trailer, if any, attached to the truck or truck tractor, having a licensed gross vehicle weight of more than 5 000 kg;
- (b) a bus;
- (c) a commercial passenger vehicle operated under a licence or temporary operating permit issued under the *Passenger Transportation Act*;
- (d) a business vehicle within the meaning of section 237 of the Act having a licensed gross vehicle weight of more than 5 000 kg;

“cycle” means

- (a) cycle 1 as described in section 37.35 [*cycle 1*], under which on-duty time is accumulated over a period of 7 days, and
- (b) cycle 2 as described in section 37.36 [*cycle 2*], under which on-duty time is accumulated over a period of 14 days;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“driver” means

- (a) a person who drives a commercial motor vehicle, and
- (b) in relation to a carrier, a person employed or otherwise engaged by the carrier to drive a commercial motor vehicle;

“driving time” means the period of time that a driver is at the controls of a commercial motor vehicle when the engine of the motor vehicle is in operation;

“duty status”, in respect of a driver, means

- (a) off-duty time other than off-duty time spent in a sleeper berth,
- (b) off-duty time spent in a sleeper berth,
- (c) driving time, or
- (d) on-duty time other than driving time;

“electronic logging device” or **“ELD”** means a device or technology that

- (a) automatically records a driver’s driving time,
- (b) facilitates the recording of the driver’s record of duty status, and
- (c) is certified by an accredited certification body under section 79.1 of the Commercial Vehicle Drivers Hours of Service Regulations (Canada);

“home terminal”

- (a) means the place of business of a carrier at which a driver ordinarily reports for work, and
- (b) for the purposes of recording information related to the driver’s record of duty status or determining the 160 km radius as described in section 37.28 [*local driving hours*], includes a temporary work site designated by the carrier;

“licensed gross vehicle weight” means the gross vehicle weight for which a commercial motor vehicle is licensed under the *Commercial Transport Act*;

“logging truck” means a commercial motor vehicle designed exclusively for the transportation of logs or poles;

“off-duty time” means any period other than on-duty time;

“oil well service vehicle” means a commercial motor vehicle that is

- (a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
- (b) used exclusively in the oil or natural gas industry for
 - (i) transporting equipment or materials to or from oil or natural gas well facilities, or
 - (ii) servicing or repairing those facilities;

“on-duty time” has the meaning given in section 37.02;

“principal place of business” means the place identified in writing by the carrier to the director, and approved by the director, where records required to be maintained under this Division are kept by the carrier;

“record of duty status” means a record in which a driver records the information required under section 37.40 [*ELD recording requirements*] or 37.48 [*content of record of duty status*];

“road building machine” has the same meaning as in section 1 of the *Commercial Transport Act*;

“safety certificate” means

- (a) a certificate issued under section 37.09 [*issuance of safety certificate*], or
- (b) a certificate issued under the law of any jurisdiction, in or outside Canada, where the law relating to the requirements is substantially the same as in this regulation;

“sleeper berth” means an area of a commercial motor vehicle that meets the requirements of Schedule 1 of this Division;

“supporting records” means any of the following records or information received or prepared by a carrier or by a driver in the course of the driver’s duties:

- (a) electronic mobile communication records reflecting communications between a driver and a carrier transmitted through a driver call-in or fleet management system;
- (b) payroll records, settlement sheets or equivalent records that indicate payments to the driver;
- (c) government-issued records indicating the location of the commercial motor vehicle;
- (d) reports, receipts or records relating to the load of the commercial motor vehicle, including a bill of lading, itinerary, schedule or equivalent record that indicates the origin and destination of each trip;
- (e) reports, receipts or records relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial motor vehicle;
- (f) reports, dispatch or trip records, receipts or other records indicating the date, time or location of the commercial motor vehicle during a trip, including arrival and departure times;

“Technical Standard” means the standard referred to in section 37.03;

“trip inspection report” means a record kept under section 37.61 [*trip inspection report*];

“yard move” means moving a commercial motor vehicle within any of the following locations that is not a highway, as defined in the *Transportation Act*:

- (a) a terminal;
- (b) a depot;
- (c) a port.

Definition of “on-duty time”

- 37.02** (1) Subject to subsections (2) and (3), on-duty time is the period that
- (a) begins when
 - (i) a driver begins work, or

- (ii) a driver is required by a carrier to be available to work, except if the driver is waiting to be assigned to work, and
 - (b) ends when
 - (i) the driver stops work, or
 - (ii) the driver is relieved of responsibility by the carrier.
- (2) The period described in subsection (1) includes driving time and time spent by the driver
 - (a) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial motor vehicle,
 - (b) travelling in a commercial motor vehicle as a co-driver, other than time spent in the sleeper berth,
 - (c) participating in the loading or unloading of a commercial motor vehicle,
 - (d) inspecting or checking the load of a commercial motor vehicle,
 - (e) waiting before and while a commercial motor vehicle is serviced, loaded, unloaded or dispatched,
 - (f) waiting before and while a commercial motor vehicle or its load is inspected and the driver's requirements are assessed, and, if applicable, time spent taking required remedial actions,
 - (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
 - (h) resting in or occupying a commercial motor vehicle for any other purpose, other than
 - (i) time counted as off-duty time in accordance with section 37.18 [*travelling as a passenger – off-duty time*],
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of section 37.26 (3) [*daily off-duty time*], and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.26 (3),
 - (i) performing yard moves, and
 - (j) performing any work for any carrier.
- (3) The period described in subsection (1) does not include driving time for the driver's personal use, if
 - (a) the commercial motor vehicle is not used in the course of the business of the carrier,
 - (b) the commercial motor vehicle is unloaded,
 - (c) any trailers are unhitched,
 - (d) the distance travelled does not exceed 75 km in a day,
 - (e) the driver records in the record of duty status the odometer reading at the beginning and at the end of the personal use, and
 - (f) the driver is not subject to an out-of-service declaration under section 37.58 [*out-of-service declaration*].

Technical standard

37.03 In this Division, a reference to “Technical Standard” refers to the Technical Standard for Electronic Logging Devices, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time, other than provision 4.5.1.11 (b) (9) of that standard.

Definition of “carrier” for sections 118.94, 212 (1) and 237 of Act

37.04 For the purposes of the following sections of the Act, “**carrier**” has the same meaning as in section 37.01 [*definitions for Division 37*] of this regulation:

- (a) section 118.94 [*definitions in relation to show cause hearings and reconsiderations about commercial motor vehicles*];
- (b) section 212 (1) [*regulations respecting safety*];
- (c) section 237 [*definitions in relation to carriers*].

Definition of “commercial motor vehicle” for section 118.94 of Act

37.05 For the purposes of section 118.94 of the Act, “**commercial motor vehicle**” has the same meaning as in section 37.01 of this regulation.

Part 2 – Generally Applicable Safety Requirement

Responsibilities of carriers, shippers, consignees and drivers

37.06 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive, and a driver must not drive a commercial motor vehicle, if

- (a) driving would be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,
- (b) the driver is the subject of an out-of-service declaration, or
- (c) the driver, in doing so, would not be in compliance with this Division.

Part 3 – Safety Certificate

Safety certificate required

37.07 (1) Subject to subsections (2) and (3), a carrier must not permit a driver to drive, and a driver must not drive, a commercial motor vehicle for the carrier, unless the carrier holds a valid safety certificate.

(2) No safety certificate is required under subsection (1) to drive

- (a) subject to subsection (6), a vehicle not required to display a number plate issued under the Act or the *Commercial Transport Act*, or
- (b) a road building machine, a farm tractor or an implement of husbandry.

(3) The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,

- (a) exempt persons, classes of persons, commercial motor vehicles or classes of commercial motor vehicles from subsection (1) unconditionally or on conditions the director considers desirable, and
- (b) substitute other requirements in respect of a safety certificate.

- (4) A person must not represent, in any way, that a commercial motor vehicle is operated under a safety certificate other than the one issued to the carrier.
- (5) A carrier must
 - (a) maintain evidence of a valid safety certificate in all commercial motor vehicles for which the carrier is required to hold a safety certificate, and
 - (b) make the evidence available for inspection on demand by a peace officer.
- (6) Despite subsection (2) (a), if a commercial motor vehicle is not required to display a number plate issued under the Act or the *Commercial Transport Act*, the carrier does not require a safety certificate to operate that vehicle unless the director, for the purposes of promoting and securing road safety, restricts the use of the commercial motor vehicle to use in conjunction with a safety certificate held by the carrier.

Application for safety certificate

- 37.08** (1) A person who wishes to obtain a safety certificate from the director must first provide to the director
- (a) an application for the safety certificate in the form established by the director,
 - (b) a non-refundable application fee in the amount prescribed under the Motor Vehicle Fees Regulation,
 - (c) a transcript of the driving record of each driver proposed to be employed or otherwise engaged by the person within British Columbia, issued by the responsible agency in the jurisdiction in which the driver received a driver's licence, and dated not later than the driver's date of employment or engagement,
 - (d) a safety plan demonstrating the establishment of and the ability to maintain practices and procedures necessary to ensure that the person complies with the Act and this regulation,
 - (e) for each of the proposed commercial motor vehicles for which the person would be required to hold a safety certificate,
 - (i) records of commercial motor vehicle inspection and maintenance required under Division 25,
 - (ii) records of any notices of defects received from the commercial motor vehicle's manufacturer and evidence satisfactory to the director that those defects have been corrected, and
 - (iii) records of any accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of an individual, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (f) any other information that the director may request relating to the road safety history of the person and the person's proposed commercial motor vehicles and proposed drivers.
- (2) The director may refuse to issue a safety certificate

- (a) to a corporation if a director or officer of the corporation has held a safety certificate that was suspended or cancelled for cause,
 - (b) to an individual if the individual has been an officer or director of a corporation and the corporation held a safety certificate that was suspended or cancelled for cause,
 - (c) to an individual if the individual has held a safety certificate that was suspended or cancelled for cause, or
 - (d) to a person whose application materials, in the opinion of the director, do not demonstrate a satisfactory road history for any of the following:
 - (i) the person making the application;
 - (ii) one or more of that person's proposed commercial motor vehicles;
 - (iii) if that person is a corporation, one or more of the directors or officers of that corporation;
 - (iv) one or more of the drivers proposed to be employed or otherwise engaged by that person within British Columbia.
- (3) If the director gives notice under section 118.96 (2) [*cancellations and restrictions*] of the Act in respect of a person and the person applies under section 118.97 [*right to show cause and request for reconsideration*] of the Act, the director may, pending the show cause hearing and any reconsideration, defer issuing a safety certificate
- (a) to a corporation, if the person in respect of whom the notice is given is a director or officer of the corporation, or
 - (b) to an individual, if the individual has been an officer or director of a corporation and the corporation is the person in respect of whom the notice is given.
- (4) A person must not hold more than one valid and subsisting safety certificate issued by the director.

Issuance of safety certificate

- 37.09** (1) The director must issue a safety certificate to an applicant if, in the director's opinion,
- (a) the applicant or, if the applicant is a corporation, a director or officer of the corporation,
 - (i) has knowledge of motor vehicle safety rules and regulations as they apply in British Columbia, and
 - (ii) if the applicant proposes to transport dangerous goods, has knowledge of the *Transport of Dangerous Goods Act* and the *Transportation of Dangerous Goods Act, 1992* (Canada) and the regulations made under those Acts,
 - (b) the applicant has a satisfactory history of commercial motor vehicle safety,
 - (c) the applicant has provided satisfactory evidence that the applicant's commercial motor vehicles are in safe mechanical condition,

- (d) the applicant has provided satisfactory evidence as to the establishment of and the ability to maintain practices and procedures necessary to ensure that the applicant complies with the Act and this regulation, and
 - (e) the applicant has met the requirements of this regulation.
- (2) If the director refuses to issue a safety certificate, the director must deliver written reasons to the applicant.
 - (3) If the director receives, in writing, a request from a holder of a safety certificate for a copy of the holder's safety certificate, the director must provide a copy of the holder's safety certificate to the holder.

Conditions on safety certificate

- 37.10** (1) The director may issue a safety certificate with or without conditions.
- (2) The holder of a safety certificate that is subject to a condition under subsection (1) must comply with the condition.

Changes to safety certificate

- 37.11** A holder of a safety certificate must notify the director of any change in the holder's name or address within 10 days after the change.

Safety ratings

- 37.12** (1) To reflect the application of matters referred to in this Division for a carrier, the director may assign one of the following safety ratings to a carrier that has had a completed audit:
 - (a) excellent;
 - (b) satisfactory;
 - (c) conditional.
- (2) To reflect the application of matters referred to in this Division for a carrier, the director may assign one of the following safety ratings to a carrier that has not had a completed audit:
 - (a) satisfactory – unaudited;
 - (b) conditional – unaudited;
 - (c) unsatisfactory – unaudited.
- (3) Despite subsections (1) and (2), if a safety certificate has been cancelled by the director, the director must assign a safety rating of unsatisfactory to the carrier.

Profiles

- 37.13** (1) The director may monitor the safety records of carriers and drivers, including the following:
 - (a) any warnings and notices given to carriers by the director, peace officers or other officials who have duties respecting road safety;
 - (b) any warnings and notices given to drivers by the director, the superintendent, peace officers or other officials who have duties respecting road safety;

- (c) any accidents reported under section 249 [*accident reports by police officer*] of the Act.
- (2) The director may compile records, information and profiles of carriers with respect to
 - (a) any accidents reported under section 249 of the Act,
 - (b) the compliance of the carrier, the carrier's drivers and the commercial motor vehicles operating under the carrier's safety certificate with the requirements of the Act and this regulation, and with other enactments of British Columbia or any other jurisdiction, respecting commercial motor vehicles and road safety, and
 - (c) records described in section 37.67 [*record maintenance*].
- (3) The director may share records, information and profiles of carriers compiled under subsection (2) with
 - (a) the government of Canada,
 - (b) the government of a province, or
 - (c) an agency of a government referred to in paragraph (a) or (b) that is responsible for the administration or enforcement of the National Safety Code in that jurisdiction.

Name of carrier to be marked on business vehicle

- 37.14** (1) In this section, “**business vehicle**” has the same meaning as in section 237 [*definitions in relation to carriers*] of the Act.
- (2) Subject to subsection (3), a carrier that holds a safety certificate must ensure that if a business vehicle in respect of which that safety certificate is held is being operated on a highway, the name of the carrier that holds the safety certificate for the vehicle is displayed on both sides of the vehicle
 - (a) in one or both of letters and figures at least 5 cm high, and
 - (b) in a manner that makes that name clearly visible to the public.
- (3) The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety, unconditionally or on conditions the director considers desirable, grant an exemption to subsection (2) in respect of a carrier or a business vehicle of a carrier and substitute other requirements.

Notice of safety certificate number

- 37.15** If a commercial motor vehicle is operated under a carrier's safety certificate,
- (a) the carrier must, promptly after the commercial motor vehicle begins to operate under the authority of that safety certificate, provide written notice, signed by the carrier, to the owner of the commercial motor vehicle of the carrier's safety certificate number,
 - (b) the owner must, at the time of licensing or renewing the licence for the commercial motor vehicle, provide written notice, signed by the owner, of that safety certificate number to the Insurance Corporation of British Columbia, and

- (c) if the owner changes carriers after providing the information required under paragraph (b), the owner must, promptly after that change, provide written notice, signed by the owner, of the new carrier's safety certificate number to the Insurance Corporation of British Columbia.

Part 4 – Hours of Service – General

Application of Parts 4 to 8

- 37.16** (1) Subject to subsection (2), Parts 4 to 8 of this Division apply to all drivers of commercial motor vehicles except if driving the following classes of commercial motor vehicle:
- (a) a 2 or 3 axle commercial motor vehicle that is being used for the transportation of primary products of a farm, forest, sea or lake if the driver or the driver's employer is the producer of the products;
 - (b) a 2 or 3 axle commercial motor vehicle that is being used for 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;
 - (c) an emergency vehicle;
 - (d) a commercial motor vehicle transporting passengers or goods for the purposes of providing relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster;
 - (e) a road building machine, a farm tractor or an implement of husbandry;
 - (f) a commercial motor vehicle that is equipped with a mounted mobile service rig, or equipment that is directly used in the operation or the transportation of a mounted mobile service rig;
 - (g) a commercial motor vehicle while engaged in highway or public utility construction or maintenance work on, under or over the surface of a highway while at the site of the work.
- (2) Parts 4 to 8 of this Division apply to a driver while the driver is travelling to or from a site described in subsection (1) (g).

Emergencies and adverse driving conditions

- 37.17** (1) The requirements of this Part in relation to 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 motor vehicle and for other users of the road or the security of the commercial motor vehicle and its load.
- (2) A driver who encounters adverse driving conditions while driving a commercial motor vehicle may extend the permitted 13 hours of driving time specified in sections 37.24 [*daily driving and on-duty time*] and 37.25 [*mandatory off-duty time*] and reduce the 2 hours of daily off-duty time required by section 37.26 (3) [*daily off-duty time*] by the amount of time needed to complete the trip if
- (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 extends the driver's driving, on-duty or elapsed time because of an emergency or adverse driving conditions must record the reason for doing so in the record of duty status.

Travelling as a passenger – off-duty time

37.18 If a driver,

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

Exemption for commercial motor vehicles other than oil well service vehicles

- 37.19** (1) The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety, by permit in writing and unconditionally or on conditions the director considers desirable, grant an exemption in respect of a carrier and substitute other requirements, provided that
- (a) the exemption is for no longer than one year,
 - (b) the exemption relates to a commercial motor vehicle other than an oil well service vehicle,
 - (c) the exemption does only one or both of the following:
 - (i) reduces the 2 hours of daily off-duty time required by section 37.26 (3) [*daily off-duty time*];
 - (ii) increases driving time and on-duty time up to a total of 2 hours,
 - (d) the reduction of off-duty time or the increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach the driver's 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 carrier, and
 - (e) the safety and health of the public, the driver or employees of the carrier are not likely to be jeopardized.
- (2) To apply for an exemption under this section, the carrier must provide to the director
- (a) an application in the form established by the director, and
 - (b) records or information the director requires, in the form established by the director, relating to the road safety history of the carrier and the carrier's commercial motor vehicles and drivers.

- (3) The director may, at any time after the application under subsection (2) has been made, require an applicant to provide additional information for the director to evaluate whether the granting of a permit would be likely to jeopardize the safety or health of the public, the driver or employees of the carrier.

Exemption for unforeseen event

37.20 Despite anything in Parts 4 to 8 [*Hours of Service*], the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of Parts 4 to 8 in circumstances where the director can reasonably form the opinion that the carrier cannot, because of an unforeseen event or emergency or because of accident, fire, explosion, technical failure or the forces of nature, comply with the requirement.

Obligations of carrier with permit or exemption

37.21 (1) In this section:

“**exemption**” means an exemption under

- (a) section 37.19,
- (b) section 37.20, or
- (c) section 16 of the *Motor Vehicle Transport Act* (Canada);

“**permit**” means a permit issued under section 61 or 62 of the Commercial Vehicle Drivers Hours of Service Regulations (Canada).

(2) A carrier to whom an exemption is granted or a permit is issued must

- (a) require that a copy of the exemption or permit, as applicable, is placed in each commercial motor vehicle in respect of which it applies,
- (b) provide the director with a list of the commercial motor vehicles in respect of which the exemption or permit applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles,
- (c) produce for inspection by the director or a peace officer, immediately on request, the record of duty status and the supporting records of the drivers of the commercial motor vehicles in respect of which the exemption or permit applies, and
- (d) notify the director in writing without delay of any accident involving any of the commercial motor vehicles to which the exemption or permit applies if it is required, by the laws of the jurisdiction in which the accident occurred, to be reported to the police.

(3) A driver who is driving in accordance with an exemption or permit must drive, and the carrier must ensure that the driver drives, in accordance with the conditions or requirements of the exemption or permit.

Exemption for commercial motor vehicles of a certain weight

37.22 The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,

- (a) exempt from Parts 4 to 8, unconditionally or on conditions the director considers desirable, commercial motor vehicles with a licensed gross vehicle weight of more than 5 000 kg and less than 11 795 kg, and
- (b) substitute other requirements in respect of the exemption.

Exemption for motion picture production

37.23 The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,

- (a) exempt from Parts 4 to 8, unconditionally or on conditions the director considers desirable, commercial motor vehicles providing transportation of persons or property to or from a motion picture production site, and
- (b) substitute other requirements in respect of the exemption.

Daily driving and on-duty time

- 37.24** (1) A carrier must not request, require or allow a driver to drive, and a driver must not drive, after the driver has accumulated 13 hours of driving time in a day.
- (2) A carrier must not request, require or allow a driver to drive, and a driver must not drive, after the driver has accumulated 14 hours of on-duty time in a day.

Mandatory off-duty time

- 37.25** (1) A carrier must not request, require or allow a driver to drive, and a driver must not 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.
- (2) A carrier must not request, require or allow a driver to drive, and a driver must not 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.
- (3) A carrier must not request, require or allow a driver to drive, and a driver must not drive, after 16 hours 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.
- (4) A carrier must not request, require or allow a driver to drive, and a driver must not drive, if the driver has not taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Daily off-duty time

- 37.26** (1) A carrier must ensure that a driver takes, and the driver must take, at least 10 hours of off-duty time in a day.
- (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.
- (3) The total amount of off-duty time taken by a driver in a day must 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 37.25 [*mandatory off-duty time*].

Deferral of daily off-duty time

37.27 Despite sections 37.24 [*daily driving and on-duty time*] and 37.26 [*daily off-duty time*], a driver who is not splitting off-duty time in accordance with section 37.32 [*splitting of daily off-duty time – single driver*] or 37.33 [*splitting of daily off-duty time – team of drivers*] may defer a maximum of 2 hours of the daily off-duty time to the following day if

- (a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time,
- (b) the total off-duty time taken in the 2 days is at least 20 hours,
- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day,
- (d) the total driving time in the 2 days does not exceed 26 hours, and
- (e) there is a declaration in the record of duty status that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day 2 of that time.

Local driving hours

37.28 (1) In this section, “**local driver**” means a driver who is driving within a radius of 160 km of the home terminal and is not

- (a) a driver of a logging truck driving in accordance with section 37.30 [*logging truck hours*], or
- (b) a driver of an oil well service vehicle driving in accordance with section 37.31 [*oil well service vehicle hours*].

(2) If a carrier requires a driver to drive, the driver drives in accordance with subsection (3) and the carrier keeps records in accordance with subsection (4), the driver and the carrier are exempt from sections 37.24 to 37.26.

(3) If a local driver is driving in accordance with this section, the driver

- (a) must take at least 10 hours of off-duty time in a day,
- (b) must return to the home terminal each day to take at least 10 consecutive hours of off-duty time before accumulating any additional on-duty time, and
- (c) must have taken at least 24 consecutive hours of off-duty time in the previous 14 days.

(4) If a local driver is driving in accordance with this section, the carrier must

- (a) maintain accurate and legible records showing, for each day the driver is on-duty,
 - (i) the cycle the driver follows,
 - (ii) the time at which the driver reports for duty,
 - (iii) the time at which the driver is released from duty, and
 - (iv) the total number of hours the driver is on-duty, and
- (b) keep the records referred to in paragraph (a) and the supporting records related to those records for a minimum of 6 months from the date on which each record was made.

- (5) Parts 5 and 6 do not apply to
 - (a) a carrier that instructs a driver to drive in accordance with this section, or
 - (b) a driver who is instructed by a carrier to operate in accordance with this section.
- (6) Despite section 37.27 [*deferral of daily off-duty time*], a driver who follows the hours of service requirements in this section must not defer off-duty time.

Ferries

- 37.29** Despite sections 37.25 and 37.26, 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 following time spent totals a minimum of 8 hours:
 - (i) resting in a sleeper berth while waiting at the terminal to board the ferry;
 - (ii) resting in rest accommodations on the ferry;
 - (iii) resting at a rest stop that is no more than 25 km from the point of disembarkation from the ferry,
 - (b) the hours are recorded in the record of duty status as off-duty time spent in a sleeper berth,
 - (c) the driver retains, as a supporting record, the receipt for the ferry crossing and rest accommodation fees, and
 - (d) the supporting record supports the record of duty status.

Logging truck hours

- 37.30** (1) If a driver driving a logging truck operates under this section, the driver and carrier are exempt from sections 37.24 to 37.26 [*rules about on-duty and off-duty time*] and 37.34 to 37.36 [*cycles*].
- (2) A carrier must not request, require or allow a driver operating under this section to drive, and a driver must not drive, a logging truck in accordance with this section unless
- (a) the driver states in the record of duty status that the driver is operating under logging truck hours,
 - (b) the driver does not drive after 13 hours of driving time or 15 hours of on-duty time unless the driver first takes at least 9 consecutive hours of off-duty time,
 - (c) no more than 15 hours have elapsed since the end of the most recent period of 9 or more consecutive hours of off-duty time, and
 - (d) the driver takes at least 24 consecutive hours of off-duty time at least once in every period of 7 consecutive days.
- (3) A carrier must not request, require or allow a driver operating under this section to drive, and a driver must not drive, after the driver has completed a cycle of
- (a) 65 hours of driving time, or
 - (b) 80 hours of on-duty time

during any period of 7 consecutive days.

- (4) If a carrier requires a driver to change the start time of a day, the driver must have completed at least 24 consecutive hours of off-duty time prior to changing the start time.
- (5) A driver may end the hours of service requirements set out in this section and begin the hours of service requirements set out in sections 37.24 to 37.26 and 37.34 to 37.36 if the driver first takes at least 9 consecutive hours of off-duty time.
- (6) Despite section 37.27 [*deferral of daily off-duty time*], a driver who drives a logging truck in accordance with this section must not defer off-duty time.
- (7) Despite section 37.37 [*cycle reset – off-duty time*], a driver who drives a logging truck in accordance with this section must not reset the cycle.

Oil well service vehicle hours

- 37.31** (1) If a driver is driving an oil well service vehicle under this section, sections 37.34 to 37.36 do not apply to the carrier or the driver if
- (a) in addition to complying with daily off-duty requirements of section 37.26 [*daily off-duty time*], the driver takes, in any period of 24 days, at least 3 periods of off-duty time
 - (i) each of which is at least 24 hours long, and
 - (ii) that may be taken consecutively or separated by on-duty time, and
 - (b) the driver takes at least 72 consecutive hours of off-duty time after the completion of driving in accordance with this subsection and before beginning to follow a cycle in accordance with section 37.34, 37.35 or 37.36.
- (2) A driver must not include waiting time and standby time at an oil or natural gas well site or ancillary facility as on-duty time if
- (a) the driver performs no work during the time, and
 - (b) the time is fully and accurately recorded in the record of duty status as off-duty time and denoted as waiting or standby time.
- (3) A driver must not include the time referred to in subsection (2) in the mandatory minimum of 8 consecutive hours of off-duty time.
- (4) Despite section 37.27 [*deferral of daily off-duty time*], a driver who drives a commercial motor vehicle in accordance with this section must not defer off-duty time.

Splitting of daily off-duty time – single driver

- 37.32** (1) A driver who is driving a commercial motor vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.25 [*mandatory off-duty time*] and 37.26 [*daily off-duty time*] 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 sixteenth 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 paragraph (b) does not include any driving time after the fourteenth hour.
- (2) The sixteenth hour is to be 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 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) A carrier must not request, require or allow a driver to begin to drive again, and a driver must not begin to drive again, in accordance with the requirements of sections 37.25 and 37.26 without first taking at least 8 consecutive hours of off-duty time.
- (4) For certainty, if a driver completes 8 consecutive hours of off-duty time, the driver has fulfilled the mandatory off-duty requirements of section 37.25 and must not calculate the sixteenth hour in accordance with subsection (2).

Splitting of daily off-duty time – team of drivers

- 37.33** (1) A team of drivers driving a commercial motor vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.25 and 37.26 by accumulating 8 consecutive hours of off-duty time in no more than 2 periods if
- (a) neither period of off-duty time is shorter than 4 hours,
 - (b) the total of the two 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 sixteenth hour after the driver comes on duty,
 - (f) none of the daily off-duty time is deferred to the next day,

- (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 paragraph (b) does not include any driving time after the fourteenth hour, and
 - (h) the total of off-duty time in the day is at least 10 hours.
- (2) The sixteenth hour is calculated by
- (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) A carrier must not request, require or allow a driver to begin to drive again, and a driver must not begin to drive again, in accordance with the requirements of sections 37.25 and 37.26 without first taking at least 8 consecutive hours of off-duty time.
- (4) For certainty, if a driver completes 8 consecutive hours of off-duty time, the driver has fulfilled the mandatory off-duty requirements of section 37.25 and must not calculate the sixteenth hour in accordance with subsection (2).

Cycles

37.34 A carrier must require that a driver follows, and a driver must follow, either cycle 1 or cycle 2.

Cycle 1

37.35 Subject to section 37.37 [*cycle reset – off-duty time*], a carrier must not request, require or allow a driver who is following cycle 1 to drive, and a driver who is following cycle 1 must not drive, after the driver has accumulated 70 hours of on-duty time during any period of 7 days.

Cycle 2

37.36 Subject to section 37.37, a carrier must not request, require or allow a driver who is following cycle 2 to drive, and a driver who is following cycle 2 must not drive, after the driver has accumulated

- (a) 120 hours of on-duty time during any period of 14 days, 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

37.37 (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;

- (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.

Cycle switching – off-duty time

- 37.38** (1) A carrier must not request, require or allow a driver to switch, and a driver must not switch, from one cycle to the other without the driver 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.
- (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.

Part 5 – Hours of Service – ELD Records of Duty Status

Application of Part - requirement for ELD

- 37.39** (1) Subject to sections 37.28 (5) [*local driving hours*] and 37.42 [*exemption from requirement for ELD*], a carrier must ensure that
- (a) each commercial motor vehicle that the carrier operates is equipped with an ELD that meets the requirements of the Technical Standard, and
 - (b) the ELD is mounted in a fixed position during the operation of the commercial motor vehicle and is visible to the driver when the driver is in the normal driving position.
- (2) A carrier must not request, require or allow a driver to use more than one ELD at the same time for the same period.
- (3) A driver must not use more than one ELD at the same time for the same period.

ELD recording requirements

- 37.40** (1) The carrier must require the driver to record for each day, in accordance with this Division and the Technical Standard, all the information associated with the driver's record of duty status as the driver's record of duty status changes.
- (2) A driver must record for each day, in accordance with this Division and the Technical Standard, all the information associated with the driver's record of duty status as the driver's record of duty status changes.
- (3) The carrier must ensure that the driver records the information related to the driver's record of duty status in a complete and accurate manner.
- (4) A driver must record the information related to the driver's record of duty status in a complete and accurate manner.
- (5) A driver must manually enter or verify the following information in the ELD:
- (a) the date and start time, if different from midnight, and the driver's driver identification number;
 - (b) the cycle that the driver is following;
 - (c) the commercial motor vehicle number plates;

- (d) if applicable, the unit number or trailer number;
 - (e) the name and address of the home terminal and the principal place of business of each carrier by which the driver is employed or otherwise engaged during that day;
 - (f) the commercial motor vehicle's location description, if it is not automatically drawn from the ELD's geo-location database;
 - (g) if the driver was not required to keep a record of duty status 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 that day;
 - (h) any deferral of off-duty time under section 37.27 [*deferral of daily off-duty time*];
 - (i) any annotation necessary to complete the record of duty status.
- (6) If a carrier authorizes a driver to operate a commercial motor vehicle for yard moves, the carrier must ensure that the driver's ELD is configured so that the driver can indicate those moves.

ELD information packet requirements

37.41 A carrier must ensure that each commercial motor vehicle that the carrier operates carries an ELD information packet containing a current version of the following documents:

- (a) a user's manual;
- (b) an instruction sheet for the driver, describing the data transfer mechanisms supported by the ELD and the steps required to generate and transfer to a peace officer the data with respect to the driver's hours of service;
- (c) an instruction sheet for the driver, describing the measures to take if the ELD malfunctions;
- (d) a sufficient number of records of duty status to allow the driver to record the information required under section 37.48 [*content of record of duty status*] for at least 15 days.

Exemption from requirement for ELD

37.42 (1) Despite section 37.39 (1) [*requirement for ELD*], the director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,

- (a) exempt a carrier from the requirement to equip a commercial motor vehicle or class of commercial motor vehicles operated by the carrier with an ELD, unconditionally or on conditions the director considers desirable, and
- (b) substitute other requirements in respect of
 - (i) a commercial motor vehicle or class of commercial motor vehicles operated by a carrier, or
 - (ii) a driver or class of drivers employed or otherwise engaged by a carrier.

- (2) If a commercial motor vehicle is exempt from the requirement to equip the commercial motor vehicle with an ELD, a driver driving that commercial motor vehicle is not required to maintain records in accordance with this Part.

ELD maintenance

- 37.43** A carrier must ensure that an ELD that is installed or used in a commercial motor vehicle that the carrier operates is
- (a) in good working order, and
 - (b) calibrated and maintained in accordance with the manufacturer's or seller's specifications.

ELD malfunction

- 37.44** (1) If a driver becomes aware that an ELD is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard, the driver must notify the carrier operating the commercial motor vehicle as soon as the vehicle is parked.
- (2) A driver must record, in the record of duty status on the day on which the driver noticed the malfunction or data diagnostic code, the following information:
- (a) the malfunction or data diagnostic code as set out in Table 4 of Schedule 2 of the Technical Standard;
 - (b) the date and time when the driver first noticed the malfunction or data diagnostic code;
 - (c) the time when notification of the malfunction or data diagnostic code was transmitted to the carrier.
- (3) A driver must record the code referred to in subsection (2) (a) in each record of duty status following the day on which the code was first noticed, until the ELD is repaired or replaced.
- (4) A carrier must repair or replace an ELD in respect of which the carrier was notified by the driver, or otherwise became aware, of a malfunction or data diagnostic code,
- (a) within 14 days from the date the carrier was notified or became aware, or
 - (b) at the latest, upon the driver's return to the home terminal from a planned trip, if that return exceeds the 14-day period.
- (5) A carrier must maintain a register of ELD malfunctions or data diagnostic codes for the ELDs installed or used in commercial motor vehicles that the carrier operates and for which a malfunction or data diagnostic code is noticed, and that register must contain the following information:
- (a) the name of the driver who first noticed the malfunction or data diagnostic code;
 - (b) the name of each driver who drove the commercial motor vehicle following the discovery of the malfunction or data diagnostic code until the ELD is repaired or replaced;
 - (c) the make, model and serial number of the ELD;

- (d) the number plate or the vehicle identification number of the commercial motor vehicle in which the ELD is installed or used;
 - (e) the date and the location of the commercial motor vehicle when the malfunction or data diagnostic code was first noticed;
 - (f) the date the carrier was notified or otherwise became aware of the malfunction or data diagnostic code;
 - (g) the date the ELD is repaired or replaced;
 - (h) a concise description of the actions taken by the carrier to repair or replace the ELD.
- (6) A carrier must keep the information set out in subsection (5) for each ELD for which a malfunction or data diagnostic code is noticed for a period of 6 months from the day on which the ELD is repaired or replaced.

ELD accounts

- 37.45** A carrier must establish and maintain a system of accounts for ELDs that complies with the Technical Standard and that
- (a) allows each driver to record the driver’s record of duty status in a distinct and personal account, and
 - (b) provides for a distinct account for the driving time of an unidentified driver.

Driver certification of record of duty status

- 37.46** A driver must, immediately after recording the last entry for a day, certify the accuracy of the driver’s record of duty status.

Part 6 – Hours of Service – Other Forms of Records of Duty Status

Requirement to fill out record of duty status

- 37.47** (1) In this section, “**exempted commercial motor vehicle**” means a commercial motor vehicle that is operated by a carrier that holds an exemption from the requirement to equip the commercial motor vehicle with an ELD under section 37.42 [*director authority to exempt from ELD requirements*].
- (2) A carrier must require every driver to fill out each day, and every driver must fill out each day, a record of duty status that accounts for all the driver’s on-duty time and off-duty time for that day, if
- (a) the driver is driving an exempted commercial motor vehicle, or
 - (b) an ELD is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard.

Content of record of duty status

- 37.48** (1) A carrier must require that a driver enter legibly, and the driver must enter legibly, at the beginning of each day, in the record of duty status, using the grid in the form as set out in Schedule 2 of this Division, the following information:
- (a) the date;
 - (b) the start time, if different from midnight;

- (c) the name of the driver and, if the driver is a member of a team of drivers, the name of each co-driver;
 - (d) if applicable, the cycle that the driver is following;
 - (e) the commercial motor vehicle number plates;
 - (f) if applicable, the unit number or trailer number;
 - (g) the odometer reading of each of the commercial motor vehicles operated by the driver;
 - (h) the names and the addresses of the home terminal and the principal place of business of each carrier by which the driver will be employed or otherwise engaged during that day;
 - (i) if the driver was not required to keep a record of duty status 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 that day;
 - (j) if applicable, a declaration in the record of duty status that
 - (i) states that the driver is deferring off-duty time under section 37.27 [*deferral of daily off-duty time*], and
 - (ii) clearly indicates whether the driver is driving under day one or day 2 of that time.
- (2) A carrier must require that a driver record, and the driver must record, in the record of duty status, using the grid set out in Schedule 2 of this Division, the following information as it becomes known to the driver:
- (a) the beginning time and ending time for each duty status indicated by drawing a continuous line between the time markers;
 - (b) the name of the municipality or legal subdivision and the province or state where a change in duty status occurs, or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number, the nearest kilometre marker and the name of the nearest municipality or legal subdivision;
 - (ii) the highway number, the nearest service plaza and the name of the nearest municipality or legal subdivision;
 - (iii) the numbers of the highways that meet at the nearest intersection and the name of the nearest municipality or legal subdivision;
 - (c) the total number of hours of each period of duty status, which must equal 24 hours.
- (3) For certainty, nothing in subsection (2) prevents a driver from changing the hours at the top of the grid to reflect a different start time.
- (4) The driver must record in the record of duty status, as the information becomes known to the driver, the names and addresses of any carriers by which the driver is employed or otherwise engaged during the day.

- (5) If a driver is engaged in making deliveries in a municipality, resulting in periods of driving time being interrupted by 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 on the grid.
- (6) The carrier must require that the driver records, and the driver must record, at the end of each day and on the grid,
 - (a) the total hours for each duty status,
 - (b) the total distance driven by the driver that day, excluding the distance driven in respect of the driver's personal use of the vehicle, and
 - (c) the odometer reading at the end of the day of each of the commercial motor vehicles operated by the driver.
- (7) The carrier must require that the driver sign, and the driver must sign, at the end of each day, the record of duty status to certify the accuracy of the information recorded in it.

Local time to be used in record of duty status

37.49 A requirement that a driver record time in a record of duty status is a requirement to record the time using the local time at the driver's home terminal.

Part 7 – Hours of Service – Possession, Distribution and Keeping of Records of Duty Status

Possession of records of duty status and supporting records by drivers

- 37.50** (1) In this section, “**driver**” includes a co-driver.
- (2) A carrier must not request, require or allow a driver who is required to fill out a record of duty status to drive, and a driver who is required to fill out a record of duty status must not drive, unless the driver has in the driver's possession
- (a) the record of duty status for the current day, completed up to the time at which the last change in the driver's duty status occurred,
 - (b) a copy of the record of duty status for the previous 14 days or, in the case of a driver who is driving an oil well service vehicle, for the previous 24 days, and
 - (c) any supporting records that the driver received during the current trip.

Distribution and keeping of records of duty status

- 37.51** (1) A carrier must ensure that a driver provides, and a driver must provide, within 20 days after completing a record of duty status, the following records to the home terminal:
- (a) in the case of an electronic record of duty status, the record;
 - (b) in the case of a record of duty status in any format other than an electronic record, the original record;
 - (c) in the case of supporting records received in electronic format, the supporting records;

- (d) in the case of supporting records received in any format other than electronic format, the original supporting records.
- (2) A driver who is employed or otherwise engaged by more than one carrier in a day must forward, and a carrier must ensure that the driver forwards, to the specified location, as applicable, within 20 days after completing a record of duty status,
 - (a) in the case of an electronic record of duty status, the record of duty status to each carrier for which the driver worked,
 - (b) in the case of a record of duty status in any format other than an electronic record, the original record of duty status to
 - (i) the home terminal of the last carrier for which the driver worked, and
 - (ii) a copy of the record of duty status to the home terminal of each other carrier for which the driver worked,
 - (c) in the case of supporting records received in electronic format, the supporting records relating to the record of duty status to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting records, and
 - (d) in the case of supporting records in any other format other than an electronic record, the original supporting records relating to the record of duty status to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting records.
- (3) The carrier must
 - (a) deposit the record of duty status and supporting records at its principal place of business within 30 days after receiving them, and
 - (b) keep the record of duty status and supporting records in chronological order for each driver for at least 6 months from the date on which each record of duty status was recorded.

Verification of record of duty status

- 37.52** (1) A carrier must
- (a) verify the accuracy of a record of duty status certified in accordance with section 37.46 [*driver certification of record of duty status*] or section 37.48 (7) [*content of record of duty status*] that is forwarded by the driver according to the supporting records provided, and
 - (b) require from the driver any changes necessary to ensure the accuracy of the record of duty status.
- (2) A driver must
- (a) accept or reject any changes referred to in subsection (1) (b) required by the carrier, and
 - (b) if a change is accepted,
 - (i) make the necessary change,
 - (ii) recertify the accuracy of the driver's record of duty status, and
 - (iii) forward the amended record of duty status to the carrier.

Monitoring by carrier

- 37.53** (1) A carrier must monitor compliance with Parts 4 to 8 [*Hours of Service*] in respect of each driver.
- (2) A carrier that determines there has been non-compliance with any of Parts 4 to 8 by a driver must take immediate remedial action.
- (3) A carrier referred to in subsection (2) must
- (a) issue a notice of non-compliance to the driver,
 - (b) record the date on which the non-compliance occurred,
 - (c) record the date of issuance of the notice of non-compliance,
 - (d) record the action taken by the carrier, and
 - (e) require the driver who was issued the notice to sign and date a document acknowledging the driver's receipt of the notice.
- (4) A carrier referred to in subsection (2) must retain at the carrier's principal place of business the notice referred to in subsection (3) (a) and the document referred to in subsection (3) (e) for 6 months from the date on which the non-compliance occurred.

Inaccurate information, tampering or falsification of records

- 37.54** (1) A carrier must not request, require or allow a driver to keep, and a driver must not keep, more than one record of duty status in respect of a day.
- (2) A carrier must not request, require or allow a person to, and a person must not,
- (a) enter inaccurate information in a record of duty status, or
 - (b) mutilate, obscure, alter, delete, destroy or deface a record of duty status or supporting records.
- (3) A person must not falsify a record of duty status or supporting records.
- (4) A person must not request, require or allow a person to falsify a record of duty status or supporting records.
- (5) A carrier must not request, require or allow a person to, and a person must not, disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the ELD does not accurately record and retain the data that is required to be recorded and retained.

Part 8 – Hours of Service – Inspections

Authority to enter commercial motor vehicle or sleeper berth for inspection

- 37.55** (1) A peace officer may at any reasonable time enter, or stop and enter, a commercial motor vehicle, except for its sleeper berth, for the purposes of inspecting the record of duty status and supporting records.

- (2) A peace officer may, at any reasonable time, enter the sleeper berth of a commercial motor vehicle, or stop a commercial motor vehicle and enter its sleeper berth, for the purposes of verifying that the sleeper berth meets the requirements of Schedule 1 of this Division.

Production of record of duty status and supporting records by driver

- 37.56** (1) In this section, “**driver**” includes a co-driver.
- (2) At the request of a peace officer, a driver must immediately produce for inspection any of the following records in the format described in subsections (3) and (4):
 - (a) a record of duty status for the current day;
 - (b) records of duty status for the previous 14 days;
 - (c) supporting records for the current trip;
 - (d) an exemption or permit in accordance with which the driver is driving.
 - (3) If the records requested by the peace officer are in electronic format, the driver must produce either the display or a printout of the records and, if requested by the peace officer to transmit the records of duty status, must,
 - (a) for records generated by an ELD, transmit the records by the transfer method identified by the peace officer that is provided for in the Technical Standard, and
 - (b) for records generated under section 37.47 [*requirement to fill out record of duty status*], produce the record
 - (i) in handwritten format,
 - (ii) as a printout,
 - (iii) in any other legible format, or
 - (iv) any combination of the formats set out in subparagraphs (i) to (iii).
 - (4) If the records requested by the peace officer are not in electronic format, the driver must, at the request of a peace officer, immediately give to the peace officer
 - (a) a copy of the paper records of duty status for the current day and the previous 14 days, or the original records if it is not possible in the circumstances to make copies,
 - (b) a copy of the supporting records for the current trip, or the original records if it is not possible in the circumstances to make copies, and
 - (c) any exemption or permit in respect of the carrier, in accordance with which the driver is driving.
 - (5) The peace officer must provide a receipt for the copies or originals of the record of duty status, supporting records, exemptions and permits.
 - (6) In the case of a driver who is driving an oil well service vehicle, a reference in subsection (2) or (4) to 14 days must be read as a reference to 24 days.

**Production of record of duty status
and supporting records by carrier**

- 37.57** (1) A carrier must, during business hours and at the request of the director, immediately make available for inspection at a place specified by the director the following records:
- (a) records of duty status and the supporting records relating to those records of duty status that are in the carrier's possession;
 - (b) records of driving time of an unidentified driver;
 - (c) documents referred to in section 37.41 [*ELD information packet requirements*];
 - (d) the register of ELD malfunction or data diagnostic codes set out section 37.44 (5) [*ELD malfunction*];
 - (e) any exemption or permit under which a driver is driving or was driving during the period for which the director makes the request;
 - (f) the information recorded under section 37.53 [*monitoring by carrier*].
- (2) If the records requested by the director under subsection (1) were generated by an ELD, the carrier must transmit the records using one of the transfer methods set out in the Technical Standard.
- (3) The director must
- (a) immediately return an exemption or permit if it is current,
 - (b) provide a receipt for any expired exemption or permit, the records of duty status and supporting records, and
 - (c) return the records within 14 days after receiving them.

Out-of-service declaration

- 37.58** (1) The director or a peace officer may issue an out-of-service declaration in respect of a driver if any of the following occur:
- (a) the driver contravenes section 37.06 (a) [*responsibilities of carriers, shippers, consignees and drivers*];
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements under sections 37.24 [*daily driving and on-duty time*] to 37.38 [*cycle switching – off-duty time*] or the conditions or requirements of an exemption or permit;
 - (c) the driver is unable or refuses to produce the driver's record of duty status in accordance with section 37.56 [*production of record of duty status and supporting records by driver*];
 - (d) there is evidence that shows that the driver
 - (i) has completed more than one record of duty status,
 - (ii) has entered inaccurate information in the record of duty status, or
 - (iii) has falsified information in the record of duty status;

- (e) the driver has falsified, mutilated, obscured, altered, deleted, destroyed or defaced a record of duty status or a supporting record in such a way that the director or a peace officer cannot determine whether the driver has complied with
 - (i) the driving time and off-duty time requirements under sections 37.24 to 37.38, or
 - (ii) the conditions or requirements of an exemption or permit;
 - (f) the driver uses an ELD that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception, or uses an ELD that has been re-engineered, re-programmed or otherwise tampered with so that it does not accurately record and retain the data that is required to be recorded and retained, in such a way that the director or peace officer is unable to determine whether the driver has complied with
 - (i) the driving time and off-duty time requirements of sections 37.24 [*daily driving and on-duty time*] to 37.38 [*cycle switching – off-duty time*], or
 - (ii) the conditions or requirements of an exemption or permit.
- (2) The director or peace officer must notify the driver in writing of the reason that the driver has been made the subject of an out-of-service declaration and the period during which the declaration applies under subsection (3).
- (3) An out-of-service declaration applies for the following time periods:
- (a) for 10 consecutive hours, if the driver contravenes section 37.06 (a) [*responsibilities of carriers, shippers, consignees and drivers*];
 - (b) for 10 consecutive hours, if the driver contravenes section 37.24 [*daily driving and on-duty time*];
 - (c) for 8 consecutive hours, if the driver contravenes section 37.25 [*mandatory off-duty time*];
 - (d) for the number of hours needed to correct the failure, if the driver contravenes
 - (i) the off-duty time requirements under any of sections 37.24 [*daily driving and on-duty time*] to 37.38 [*cycle switching – off-duty time*], or
 - (ii) a term or condition of an exemption or permit or with the requirements under section 37.56 [*production of record of duty status and supporting records by driver*];
 - (e) subject to subsection (4), for 72 consecutive hours, if the driver contravenes section 37.54 [*inaccurate information, tampering or falsification of records*].
- (4) The out-of-service declaration in respect of a driver who contravenes section 37.54 continues to apply beyond the 72 hours until the driver rectifies the record of duty status, if applicable, and provides it to the director or peace officer so that the director or peace officer is able to determine whether the driver has complied with this Part.

Obstruction of director or peace officer

- 37.59** A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to,
- (a) the director, or
 - (b) a peace officer engaged in carrying out the peace officer's duties and functions under this Division.

Part 9 – Trip Inspection

Pre-trip and post-trip inspection

- 37.60** (1) A carrier must not permit a driver to drive, and a driver must not drive, a commercial motor vehicle unless the requirements of this section are met.
- (2) The driver or a person specified by the carrier must be satisfied that the commercial motor vehicle is in a safe operating condition by conducting an inspection of the commercial motor vehicle including, but not limited to the operating condition of the following items:
- (a) service brakes, including trailer brake connections and brake adjustments;
 - (b) parking brake;
 - (c) steering mechanism;
 - (d) lighting devices and reflectors;
 - (e) tires;
 - (f) horn;
 - (g) windshield wipers;
 - (h) rear vision mirrors;
 - (i) coupling devices;
 - (j) wheels and rims;
 - (k) emergency equipment;
 - (l) load securement devices.
- (3) The inspection referred to in subsection (2) must be performed daily before the first trip of the day.
- (4) If a trip lasts more than one day, the inspection referred to in subsection (2) must be carried out on the second and every subsequent day of the trip no later than the first rest stop of the day.
- (5) If a commercial motor vehicle's first trip of the day is to provide relief from an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster by transporting passengers or goods, the inspection required by subsection (2) must be carried out before the commercial motor vehicle's first trip that is not for that purpose.
- (6) The driver or the specified person referred to in subsection (2) must,
- (a) at the end of the final trip of the day, or

(b) where a trip lasts more than one day, on every subsequent day of the trip at the final rest stop of the day,

inspect the commercial motor vehicle and record in the trip inspection report referred to in section 37.61 defects observed as a result of the inspection or while operating the commercial motor vehicle.

Trip inspection report

- 37.61** (1) This section applies to a commercial motor vehicle to which Part 1 of Division 25 applies under section 25.01 (2), but does not apply to
- (a) a commercial motor vehicle rented for a single trip,
 - (b) an emergency vehicle,
 - (c) a 2-axle vehicle, other than a bus, school bus, special activity bus or special vehicle, with a licensed gross vehicle weight of 14 600 kg or less, or
 - (d) a taxi, if the carrier requires the driver of the taxi to immediately notify the carrier of defects found during the inspections under section 37.60 [*pre-trip and post-trip inspection*] or defects that come to the driver's attention while operating the taxi.
- (2) A carrier must require every driver, or a person specified by the carrier, to prepare a trip inspection report in accordance with this section.
- (3) The driver or the specified person referred to in subsection (2) must prepare, for each commercial motor vehicle driven, a legible written trip inspection report in accordance with this section before driving the commercial motor vehicle for the first time in a day.
- (4) A trip inspection report must
- (a) state the commercial motor vehicle number plate,
 - (b) if applicable, state the unit number or trailer number for the commercial motor vehicle,
 - (c) state any defect in the operation of each item listed in section 37.60 (2),
 - (d) state any defect in the operation of the commercial motor vehicle if that defect, not otherwise described under paragraph (b), may affect the safe operation of the commercial motor vehicle,
 - (e) state that no defect was discovered or came to the attention of the driver, if that is the case,
 - (f) state the date the report is made, and
 - (g) subject to section 37.62 [*multiple drivers*], contain the signature of the driver or other person making the report.
- (5) A carrier must not permit a driver to drive, and a driver must not drive, a commercial motor vehicle unless the driver has in the driver's possession the current trip inspection report in respect of the commercial motor vehicle that the driver is driving.
- (6) A driver must, on the request of a peace officer, produce to the peace officer for inspection the current trip inspection report in respect of the commercial motor vehicle that the driver is driving.

- (7) The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,
- (a) exempt a class of persons or commercial motor vehicles from this section unconditionally or on conditions the director considers desirable, and
 - (b) substitute other requirements in respect of this section.

Multiple drivers

- 37.62** For the purposes of section 37.61 (4) (g), if 2 or more drivers are employed or otherwise engaged to drive a commercial motor vehicle,
- (a) in the case that all drivers agree as to the defects to be reported, only one driver is required to sign the trip inspection report, or
 - (b) in the case of disagreement between the drivers over the defects to be reported, all drivers must sign and indicate the nature of the disagreement.

Delivery of report

- 37.63** A driver who prepares a trip inspection report must deliver the original report to the carrier operating the commercial motor vehicle referred to in the trip inspection report, or to the carrier's agent, within 20 days after completing the trip inspection report.

Corrective action

- 37.64** A carrier must not permit a driver to drive, and a driver must not drive, a commercial motor vehicle before the carrier or the carrier's agent has
- (a) repaired or corrected defects listed on the trip inspection report that may affect the safe operation of the commercial motor vehicle and certified on the trip inspection report that the defect has been corrected, or
 - (b) certified on the trip inspection report that correction is unnecessary.

Retention of trip inspection report

- 37.65** (1) A carrier must, within 30 days after receiving the trip inspection report, place the report at the carrier's principal place of business in British Columbia or at another location approved in writing by the director.
- (2) A carrier must keep the original of each trip inspection report for at least 3 months from the date the record was prepared and must, during that period, make the record available for inspection by a peace officer upon request.

Part 10 – Compliance Reviews and Audits

Application of Part

- 37.66** This Part does not apply to a driver of, or the operation of, a road building machine, a farm tractor or an implement of husbandry.

Record maintenance

- 37.67** (1) Subject to subsections (2) and (3), a carrier must maintain at its principal place of business in British Columbia or at another place approved in writing by the director

- (a) a transcript of the driving record of each driver employed or otherwise engaged by that carrier within British Columbia, issued by the responsible agency in the jurisdiction in which the driver received a driver's licence, and dated the later of
 - (i) the driver's date of employment or the date the driver is first engaged by the carrier, and
 - (ii) one year from the date of the previous transcript,
 - (b) copies of records that are required of the carrier by the laws of any jurisdiction respecting the use of commercial motor vehicles by each driver employed or otherwise engaged by that carrier, including but not limited to
 - (i) records required under Parts 4 to 9 and 12 of this Division, and
 - (ii) records of the notification of the carrier of any accidents, violations or convictions for each driver while employed or otherwise engaged by that carrier,
 - (c) for each of the carrier's commercial motor vehicles for which the carrier is required to hold a safety certificate,
 - (i) records of commercial motor vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from vehicle manufacturers and evidence satisfactory to the director that those defects have been corrected, and
 - (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of an individual, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (d) any safety plan and any scheduled commercial motor vehicle maintenance plan applicable to the carrier.
- (2) The driver must deliver the records referred to in subsection (1) (b) (ii) to the carrier by which the driver was employed or otherwise engaged within 15 days of the accident, violation or conviction referred to in that provision.
 - (3) The director may, if the director considers it desirable for the purposes of more effectively securing and promoting road safety,
 - (a) exempt a carrier from subsection (1) unconditionally or on conditions the director considers desirable, and
 - (b) substitute other requirements in respect of this section.

Record retention

37.68 With the exception of records kept under Parts 4 to 9 and 12 of this Division and Division 25, a carrier must maintain the records required to be maintained under section 37.67 and must keep the records readily accessible for inspection and audit purposes for the calendar year in which the records were made and the following 4 calendar years.

Inspectors

37.69 The director may appoint an inspector for the purposes of inspecting and auditing records referred to in section 212 (4) (c) and (f) [*regulations respecting safety*] of the Act.

Compliance review and audit

37.70 (1) An inspector may, during business hours, enter the place where records are maintained under section 37.67 [*record maintenance*] and conduct a compliance review or audit for the purposes of determining whether a carrier meets the requirements of this Division.

(2) A person must not obstruct an inspector conducting a compliance review or audit under this section.

Records must be delivered if requested by inspector

37.71 Without limiting section 37.70, if an inspector requests a carrier to deliver, for the purposes of a compliance review or an audit under that section, some or all the records maintained by the carrier under section 37.67 [*record maintenance*], the carrier must deliver the requested records to the director's office specified by the inspector at the time and date specified and in the form established by the director.

Carrier administered audit

37.72 The director may authorize a carrier to conduct verification audits of its operation, in whole or in part, upon being satisfied that the carrier has in place the systems and procedures necessary to assess its compliance with some or all aspects of this Division, and upon application being made by the carrier in a form established by the director.

Part 11 – Offences

Unsafe vehicle

37.73 A carrier must not authorize or permit the operation of a commercial motor vehicle on a highway unless the commercial motor vehicle complies with all applicable requirements of the Act and this regulation.

Altering, defacing or destroying records

37.74 (1) A person must not alter, deface or destroy a record required to be maintained under this regulation.

(2) A person must not

(a) make, participate in, assent to or acquiesce in the making of a false or deceptive statement in a record made or required by or under this regulation,
or

(b) omit, assent to or acquiesce in the omission of an entry in a record made or required by or under this regulation.

Operating vehicle under suspended or cancelled safety certificate

37.75 A carrier whose safety certificate has been

- (a) suspended under section 118.95 of the Act, or
- (b) cancelled under section 118.96 of the Act

must not operate a commercial motor vehicle while the safety certificate is suspended or cancelled.

Offences

- 37.76** (1) A person who contravenes any of the following sections in Parts 2 and 3 [*safety requirement and certificate*] of this Division commits an offence:
- (a) section 37.06 (a), (b) or (c) [*responsibilities of carriers, shippers, consignees and drivers*];
 - (b) section 37.07 (1), (4) or (5) [*safety certificate required*];
 - (c) section 37.08 (4) [*one valid safety certificate*];
 - (d) section 37.10 (2) [*conditions on safety certificate*];
 - (e) section 37.11 [*changes to safety certificate*];
 - (f) section 37.14 (2) [*name of carrier to be marked on business vehicle*];
 - (g) section 37.15 (a), (b) or (c) [*notice of safety certificate number*].
- (2) A person who contravenes any of the following sections in Part 4 [*Hours of Service - General*] of this Division commits an offence:
- (a) section 37.17 (3) [*emergencies and adverse driving conditions*];
 - (b) section 37.21 (2) (a), (b), (c) or (d) or (3) [*obligations of carrier with permit or exemption*];
 - (c) section 37.24 (1) or (2) [*daily driving and on-duty time*];
 - (d) section 37.25 (1), (2), (3) or (4) [*mandatory off-duty time*];
 - (e) section 37.26 (1) or (3) [*daily off-duty time*];
 - (f) section 37.28 (3) (a), (b) or (c) or (4) (a) or (b) [*local driving hours*];
 - (g) section 37.30 (2) (b), (c) or (d) or (3) [*logging truck hours*];
 - (h) section 37.31 (1) (a) or (b) or (3) [*oil well service vehicle hours*];
 - (i) section 37.32 (3) [*splitting of daily off-duty time – single driver*];
 - (j) section 37.33 (3) [*splitting of daily off-duty time – team of drivers*];
 - (k) section 37.34 [*cycles*];
 - (l) section 37.35 [*cycle 1*];
 - (m) section 37.36 (a) or (b) [*cycle 2*];
 - (n) section 37.38 (1) (a) or (b) [*cycle switching – off-duty time*].
- (3) A person who contravenes any of the following sections in Part 5 [*Hours of Service – ELD Records of Duty Status*] of this Division commits an offence:
- (a) section 37.39 (1) (a) or (b), (2) or (3) [*application of Part – requirement for ELD*];
 - (b) section 37.40 (1), (2), (3), (4), (5) or (6) [*ELD recording requirements*];
 - (c) section 37.41 [*ELD information packet requirements*];
 - (d) section 37.43 [*ELD maintenance*];
 - (e) section 37.44 (1), (2), (3), (4), (5) or (6) [*ELD malfunction*];

- (f) section 37.45 (a) or (b) [*ELD accounts*];
 - (g) section 37.46 [*driver certification of record of duty status*].
- (4) A person who contravenes any of the following sections in Part 6 [*Hours of Service – Other Forms of Records of Duty Status*] of this Division commits an offence:
- (a) section 37.47 (2) [*requirement to fill out record of duty status*];
 - (b) section 37.48 (1), (2), (4), (6) or (7) [*content of record of duty status*].
- (5) A person who contravenes any of the following sections in Part 7 [*Hours of Service – Possession, Distribution and Keeping of Records of Duty Status*] of this Division commits an offence:
- (a) section 37.50 (2) (a), (b) or (c) [*possession of records of duty status and supporting records by drivers*];
 - (b) section 37.51 (1), (2) or (3) (a) or (b) [*distribution and keeping of records of duty status*];
 - (c) section 37.52 (1) or (2) [*verification of record of duty status*];
 - (d) section 37.53 (1), (2) or (3) [*monitoring by carrier*];
 - (e) section 37.54 (1), (2), (3), (4) or (5) [*inaccurate information, tampering or falsification of records*].
- (6) A person who contravenes any of the following sections in Part 8 [*Hours of Service – Inspections*] of this Division commits an offence:
- (a) section 37.56 (2) (a), (b), (c) or (d) or (3) (a) [*production of record of duty status and supporting records by driver*];
 - (b) section 37.57 (1) (a) or (b) [*production of record of duty status and supporting records by carrier*];
 - (c) section 37.59 [*obstruction of director or peace officer*].
- (7) A person who contravenes any of the following sections in Part 9 [*Trip Inspection*] of this Division commits an offence:
- (a) section 37.60 (1), (2) or (6) (a) or (b) [*pre-trip and post-trip inspections*];
 - (b) section 37.61 (2), (3), (5) or (6) [*trip inspection report*];
 - (c) section 37.63 [*delivery of report*];
 - (d) section 37.64 (a) or (b) [*corrective action*];
 - (e) section 37.65 (1) or (2) [*retention of trip inspection report*].
- (8) A person who contravenes any of the following sections in Part 10 [*Compliance Reviews and Audits*] of this Division commits an offence:
- (a) section 37.67 (1) (a), (b) (i) or (ii) or (c) (i), (ii) or (iii) or (2) [*record maintenance*];
 - (b) section 37.68 [*record retention*];
 - (c) section 37.70 (2) [*compliance review and audit*].
- (9) A person who contravenes any of the following sections in this Part commits an offence:
- (a) section 37.73 [*unsafe vehicle*];

- (b) section 37.74 (1), (2) (a) or (b) [*altering, defacing or destroying records*];
 - (c) section 37.75 (a) or (b) [*operating vehicle under suspended or cancelled safety certificate*].
- (10) A person who contravenes any of the following sections in Part 12 [*Bills of Lading and Cargo Insurance*] of this Division commits an offence:
- (a) section 37.80 (1), (2) or (3) [*carriage and production of bills of lading*];
 - (b) section 37.86 (1) (a) or (b) [*cargo insurance*].
- (11) A person who commits an offence is liable, on conviction, to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

Part 12 – Bills of Lading and Cargo Insurance

Bill of lading

- 37.77** (1) Subject to this Part, if freight is accepted for shipment by or on behalf of a carrier that operates a business vehicle within the meaning of paragraph (a) or (c) of the definition of “business vehicle” in section 237 of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:
- (a) a bill of lading issued under this subsection must show the following:
 - (i) the name and address of the consignor, also known as the shipper of the goods;
 - (ii) the date of the shipment;
 - (iii) the originating point of the shipment;
 - (iv) the name of the originating carrier;
 - (v) the names of connecting carriers, if any;
 - (vi) the name and address of the consignee, also known as the receiver of the goods;
 - (vii) the destination of the shipment, if different from the address of the consignee;
 - (viii) particulars of the goods in the shipment, including weight and description;
 - (b) a bill of lading issued under this subsection must contain the following:
 - (i) a provision stipulating whether or not the goods are received in apparent good order and condition;
 - (ii) a space to show the declared value of the shipment;
 - (iii) a space to indicate whether transportation charges are prepaid or collect;
 - (iv) a space in which to note any special agreement between the consignor and the carrier;
 - (v) a statement in conspicuous form to indicate whether or not the carrier’s liability is limited by a term or condition of the carrier’s applicable schedule of rates or by any other agreement with the consignor;

- (vi) a statement of notice of claim as provided for by Articles 12a and 12b of the Specified Conditions of Carriage set out in Schedule 3 of this Division;
 - (c) a bill of lading issued under this subsection must be signed by the consignor or the consignor's agent and the originating carrier or that carrier's agent and must contain or incorporate by reference all the conditions of carriage set out in Schedule 3 of this Division.
- (2) Subject to this Part, if household goods are accepted for shipment by or on behalf of a carrier that operates a business vehicle within the meaning of section 237 (a) or (c) of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:
- (a) a bill of lading issued under this subsection must show the following:
 - (i) the name and address of the consignor, also known as the shipper of the goods;
 - (ii) the date of the shipment;
 - (iii) the originating point of the shipment;
 - (iv) in a conspicuous place, the name of the original contracting carrier and the carrier's telephone number;
 - (v) the names of connecting carriers, if any;
 - (vi) in a conspicuous place, the name of the destination agent, if different from the original contracting carrier, and that agent's telephone number;
 - (vii) the name, address and telephone number of the consignee, also known as the receiver of goods;
 - (viii) the destination of the shipment;
 - (ix) an inventory of the goods comprising the shipment, which inventory must be attached to, and become part of, the bill of lading;
 - (b) a bill of lading issued under this subsection must contain the following:
 - (i) a provision stipulating whether the goods are received in apparent good order and condition, except as noted on the inventory;
 - (ii) despite subparagraph (i), a statement in conspicuous form indicating that the signature of the consignee for receipt of goods does not preclude a future claim for loss or damage made within the time limit set out in the bill of lading;
 - (iii) a space to show the declared value of the shipment;
 - (iv) a space or spaces to show the actual amount of freight and all other charges to be collected by the carrier;
 - (v) a statement to indicate that the uniform conditions of carriage apply;
 - (vi) a space or spaces to note any special services or agreements between the contracting parties;
 - (vii) a space to indicate date or time period agreed on for delivery;
 - (viii) a statement in conspicuous form to indicate that the carrier's liability is limited by a term or condition of carriage;

- (ix) a space for the signature of the consignor;
- (c) a bill of lading issued under this subsection must be signed in full by the consignor, or the consignor's agent, and the original contracting carrier, or the carrier's agent, and must contain or incorporate by reference all the conditions of carriage in Schedule 4 of this Division.

Bills of lading – retention and filing

- 37.78** (1) Each bill of lading must be issued in triplicate or more.
- (2) The copies of a bill of lading issued in accordance with subsection (1) must be distributed as follows:
- (a) one copy must be delivered to the shipper;
 - (b) one copy must be retained by the carrier for the purposes of section 37.80 (1) [*carriage and production of bills of lading*] and after that must be retained at the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director or by a peace officer;
 - (c) one copy must be delivered to the shipper on demand.

Bills of lading to be signed

- 37.79** Each bill of lading must be signed by both the shipper and the carrier as being a correct itemized list of goods in the shipment and as an acceptance of all terms and conditions contained in the bill of lading.

Carriage and production of bills of lading

- 37.80** (1) A carrier referred to in section 37.77 (1) [*bill of lading*] must ensure that every driver involved in the carriage of freight in respect of which a bill of lading has been issued or a letter of exemption has been provided carries a copy of that bill of lading or of a letter of exemption provided under section 37.83 (b) [*electronic bills of lading*], as the case may be, at all times while transporting that freight.
- (2) If requested to do so by the director or by a peace officer, a carrier must produce, at the time of the request, the bill of lading or the letter of exemption, as the case may be, to the person making the request.
- (3) If requested to do so by any of the persons who may make a request under subsection (2), a carrier that carries and produces a letter of exemption in response to the request made under subsection (2) must deliver the bill of lading to the director's office specified by the person making the request under this subsection at the time and date specified.

Records in lieu of bills of lading for certain commodities

- 37.81** (1) Subject to subsection (2), a carrier need not issue a bill of lading in respect of the transportation of one or more of the following commodities:
- (a) mail transported by Canada Post;

- (b) raw or pasteurized milk, fresh cream or containers on regular milk routes from farms to creamery or market or return of empty containers from creamery or market;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props or fence posts;
 - (e) fuel wood or sawdust;
 - (f) coal or ore in bulk;
 - (g) earth, rock, gravel or sand in bulk;
 - (h) grain in bulk from farms to elevators and warehouses;
 - (i) unbaled hay or vegetables or fruit in bulk;
 - (j) fertilizer or animal manure in bulk.
- (2) A carrier that does not issue a bill of lading in respect of the transportation of commodities referred to in subsection (1) (b) to (j) must
- (a) keep a daily record, with respect to each licensed vehicle, of the freight transported in that vehicle, showing
 - (i) the names of the shipper and the consignee,
 - (ii) a description and quantity of the freight,
 - (iii) the distance transported,
 - (iv) the number of hours worked,
 - (v) the rate and total amount charged for the transportation, and
 - (vi) the number of trips, and
 - (b) retain that record in the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years and, during that time, make that record available for inspection by the director.

General provisions as to bills of lading

- 37.82** (1) The freight covered by a bill of lading must be in the possession or control of the carrier at the time the bill of lading is issued.
- (2) A bill of lading must cover only goods received from one shipper, picked up at one place and consigned to one consignee at one destination and delivered to one place.

Electronic bills of lading

- 37.83** Despite sections 37.77 [*bill of lading*] to 37.82 [*general provisions as to bills of lading*], a carrier that accepts freight for shipment need not issue or cause to be issued a bill of lading in paper format if,
- (a) in the ordinary course of the carrier's business, the carrier uses electronic bills of lading, and
 - (b) the director has, on application of the carrier, provided to the carrier a letter exempting the carrier from the obligation to issue a bill of lading in paper format.

Part lot shipments

- 37.84** (1) Shipments in excess of 4 600 kg gross weight, or that are greater than the capacity of the available licensed equipment of the carrier, may be accepted on one bill of lading, if the entire shipment is in possession or control of the carrier.
- (2) Subject to subsection (3), in the case of a shipment referred to in subsection (1), at least 4 600 kg must be transported on the vehicle that takes the first load.
- (3) If, in the case of a shipment referred to in subsection (1), 4 600 kg is in excess of the licensed carrying capacity of the vehicle carrying the shipment,
- (a) the vehicle must be loaded only to full carrying capacity,
 - (b) the remainder of the shipment must be moved on a vehicle licensed in the name of the carrier that is moving the first portion of the shipment,
 - (c) the shipment must not be divided into more than 2 parts,
 - (d) the revenue billing must
 - (i) cover the entire shipment, and
 - (ii) show the weight, the rate assessed and the freight charges, and
 - (e) a separate waybill must be issued and in possession of the driver of the vehicle carrying the second part of the shipment and must make reference to the revenue billing and give the weight and description of the second load.

Records of freight carried

- 37.85** (1) Every carrier must, with respect to the operation of business vehicles within the meaning of paragraph (a) of the definition of “business vehicle” in section 237 of the Act, keep or cause to be kept a complete daily record of all freight transported for compensation in or on every business vehicle operated by the carrier.
- (2) The record kept under subsection (1) must
- (a) contain the following particulars with respect to the freight:
 - (i) the name of shipper and consignee;
 - (ii) a description and quantity of freight;
 - (iii) the distance transported, the number of trips and the rate and total amount charged for the transportation, and
 - (b) be maintained at the carrier’s principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director.
- (3) Despite subsections (1) and (2), a carrier may, and if required by the consignor must, issue a bill of lading in the manner provided by section 37.77 [*bill of lading*] in respect of any shipment of freight accepted by or on behalf of the carrier.
- (4) The filing and retention by the carrier of a copy of a bill of lading referred to in subsection (3) relieves the carrier of the necessity of keeping any other record with respect to the shipment in respect of which the bill of lading was issued.

Cargo insurance

- 37.86** (1) A carrier that operates a business vehicle within the meaning of paragraph (a) or (c) of the definition of “business vehicle” in section 237 of the Act must
- (a) secure and maintain in force cargo insurance satisfactory to the director, and
 - (b) if requested to do so by the director or a peace officer, produce proof of that insurance to the person making the request at the time and date specified.
- (2) Subsection (1) does not apply in relation to a business vehicle licensed and operated exclusively for the transportation of one or more of the following commodities:
- (a) water or snow;
 - (b) milk or cream, raw or pasteurized, in bulk or in containers, and empty containers, transported between farms and dairies;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props, rough sawn lumber or fence posts;
 - (e) fuel wood, sawdust, hog fuel, pulp chips or Christmas trees;
 - (f) coal, ore or ore concentrates in bulk;
 - (g) earth, rock, gravel or sand in bulk or unset cement mix;
 - (h) grain in bulk or grain screenings;
 - (i) baled or unbaled hay, fresh or dried fruits or vegetables, turf or peat;
 - (j) fertilizers, animal manure or refuse;
 - (k) stumps or debris from demolished buildings.

SCHEDULE 1

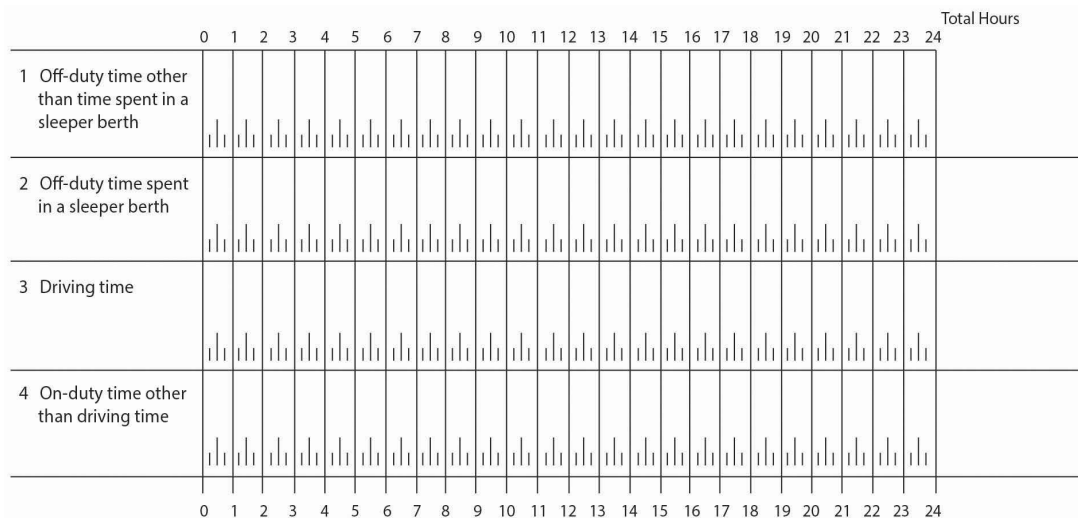
SLEEPER BERTHS

- 1** An area of a commercial motor 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 motor vehicle or immediately adjacent to the cab and securely fixed to it,
 - (c) it is not located in or on a trailer,
 - (d) it is located in the cargo space and 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 motor vehicle other than a bus, it is rectangular 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;
 - (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, within the range of household temperatures,
- (k) it is 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 motor vehicle, the means being designed, installed and maintained to withstand a total force of 2 700 kg applied towards the front of the vehicle and parallel to the longitudinal axis of the vehicle.

SCHEDULE 2

DUTY STATUS GRID



SCHEDULE 3

SPECIFIED CONDITIONS OF CARRIAGE

Article 1:	The carrier of the goods described in this bill of lading is liable for any loss or damage to the goods accepted by the carrier or the carrier's agent except as provided in these Articles.
Article 2:	In the case of a shipment handled by 2 or more carriers, the carrier issuing the bill of lading (the "originating carrier"), and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under these Articles, are, if the goods being transported are lost or damaged while they are in the custody of any other carrier to whom these goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.
Article 3:	The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay under these Articles resulting from loss or damage to the goods while they were in the custody of such other carrier.
Article 4:	Nothing in Article 2 or 3 deprives a consignor or a consignee of any remedy or right of action that the consignor or consignee may have against any carrier.
Article 5:	The carrier is not liable for (a) loss, damage or delay to any of the goods described in this bill of lading because of an act of God, the King's or public enemies, riots, strikes or a defect or inherent vice in the goods being transported, or (b) loss or damage resulting from the act or default of the consignor, the owner of the goods or the consignee, the authority of law, quarantine or differences in weights of grain, seed or other commodities caused by natural shrinkage.
Article 6:	The carrier is not bound to transport the goods referred to in this bill of lading by any particular vehicle or in time for any particular market or otherwise than with due dispatch unless by agreement specifically endorsed on this bill of lading and signed by the parties to it.
Article 7:	In case of physical necessity, the carrier has the right to forward the said goods by any conveyance or route between the point of shipment and the point of destination, but the liability of the carrier remains the same as though the entire carriage were by highway.
Article 8:	If goods are stopped and held in transit at the request of a party entitled to make such request, the goods are held at the risk of that party.

Article 9:	Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not such loss or damage results from negligence, is to be computed on the basis of the value of the goods at the place and time of shipment (including the freight and other charges if paid and the duty if paid or payable and not refundable) unless a lower value has been represented in writing by the consignor or has been agreed on between the parties to this bill of lading, or is determined by the classification or tariff on which the rate is based, in any of which events such lower value is the amount that governs the computation of the maximum liability of the carrier.
Article 10:	The amount of any loss or damage computed under Article 9 must not exceed \$4.41 per kg (\$2 per lb), computed on the total weight of the shipment, unless a higher value is declared on the face of the bill of lading by the consignor.
Article 11:	If it is agreed between the parties that goods are to be carried at the risk of the consignor, that agreement covers only those risks that are necessarily incidental to transportation and does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the carrier's agents or employees, and the burden of proving freedom from that negligence or omission is on the carrier.
Article 12a:	The carrier is not liable for loss, damage or delay to any of the goods transported under this bill of lading unless notice of the loss, damage or delay, setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay, is given in writing to the originating carrier (or the delivering carrier) within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment of the goods.
Article 12b:	The final statement of the claim must be filed within 9 months after the date of shipment, together with a copy of the paid freight bill.
Article 13:	A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed in this bill of lading, the carrier is not liable for any loss or damage in excess of the maximum liability stipulated in Article 10 of these Conditions of Carriage.
Article 14a:	If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, and if on inspection it is ascertained that the goods shipped are not those described in this bill of lading, the freight charges must be paid on the goods actually shipped, with any additional charges lawfully payable on those goods.
Article 14b:	Should the consignor fail to indicate on this bill of lading that a shipment is to be transported prepaid, or should the consignor fail to indicate the basis on which the shipment is to be transported, the carrier is entitled to transport the shipment on a freight collect basis.
Article 15:	Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier or its agent of the nature of such goods is liable for all loss or damage caused by those explosives or dangerous goods and such goods may be warehoused at the consignor's risk and expense.

Article 16:	If, through no fault of the carrier, goods cannot be delivered, the carrier after having given notice to the consignor and the consignee that delivery has not been made, and after requesting disposal instructions, may, pending receipt of such disposal instructions, store the goods in the warehouse of the carrier subject to a reasonable charge for storage, or, after notifying the consignor of the carrier's intention, may cause the goods to be removed to and stored in a public or licensed warehouse at the expense of the consignor without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.
Article 17:	If notice has been given by the carrier under Article 16 and no disposal instructions have been received within 10 days after the date of that notice, the carrier may return to the consignor at the consignor's expense all undelivered shipments with respect to which the notice has been given.
Article 18:	Subject to Article 19, any alteration, addition or erasure in the bill of lading must be signed or initialled by the consignor or the consignor's agent and the originating carrier or that carrier's agent, and unless so acknowledged is without effect, and this bill of lading is enforceable according to its original tenor.
Article 19:	It is the responsibility of the consignor to show correct shipping weights of the shipment on the bill of lading if completed by the consignor. Despite Article 18, failure to do this makes the bill of lading subject to correction in this respect by the carrier.

SCHEDULE 4

SPECIFIED CONDITIONS OF CARRIAGE – HOUSEHOLD GOODS

Liability of carrier	
Article 1:	The carrier of the goods that are described in this bill of lading is liable for any loss of or damage to goods accepted by the carrier or the carrier's agent, except as provided in this bill of lading.
Liability of originating and delivering carriers	
Article 2:	If a shipment is accepted for carriage by more than one carrier, the original contracting carrier and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under this bill of lading, are, if the goods are lost or damaged while they are in the custody of any other carrier to whom the goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.
Recovery from connecting carrier	
Article 3:	The original contracting carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of loss or damage that the original contracting carrier or delivering carrier, as the case may be, may be required to pay under this bill of lading resulting from any loss of or damage to the goods while they were in the custody of such other carrier.

Remedy by consignor or consignee	
Article 4:	Nothing in Article 2 or 3 deprives a consignor or a consignee of any rights the consignor may have against any carrier.
Exception from liability	
Article 5:	The carrier is not liable for the following: (a) loss, damage or delay to any of the goods described in this bill of lading caused by an act of God, the King's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the consignor, owner or consignee, authority of law or quarantine;
	(b) unless caused by the negligence of the carrier or the carrier's agent or employee: (i) damage to fragile articles that are not packed and unpacked by the contracting carrier or by that carrier's agent or employee(s); (ii) damage to the mechanical, electronic or other operations of radios, phonographs, clocks, appliances, musical instruments and other equipment, irrespective of who packed or unpacked such articles, unless servicing and preparation was performed by the contracting carrier or by that carrier's agent or employee(s); (iii) deterioration of or damage to perishable food, plants or pets; (iv) loss of contents of consignor-packed articles, unless the containers used are opened for the carrier's inspection and articles are listed on this bill of lading and receipted for by the carrier; (c) damage to or loss of a complete set or unit when only part of such set is damaged or lost, in which event the carrier is only liable for repair or recovering of the lost or damaged piece or pieces; (d) damage to the goods at place or places of pick-up at which the consignor or the consignor's agent is not in attendance; (e) damage to the goods at place or places of delivery at which the consignee or the consignee's agent is not in attendance and cannot give receipt for goods delivered. For the purpose of paragraph (b), the burden of proving absence of negligence is on the carrier.
Delay	
Article 6:	(a) At the time of acceptance of the contract, the original contracting carrier must provide the consignor with a date or time period within which delivery is to be made. Failure by the carrier to effect delivery within the time specified on the face of the bill of lading renders the carrier liable for reasonable food and lodging expenses incurred by the consignee. (b) Failure by the consignee to accept delivery when tendered within the time specified on the bill of lading renders the consignee liable for reasonable storage in transit, handling and redelivery charges incurred by the carrier.
Routing by the carrier	
Article 7:	If, because of physical necessity, the carrier forwards the goods by a conveyance that is not a licensed-for-hire vehicle, the liability of the carrier is the same as though the entire carriage were by licensed-for-hire vehicle.

Stoppage in transit	
Article 8:	If goods are stopped or held in transit at the request of the party entitled to so request, the goods are held at the risk of that party.
Valuation	
Article 9:	Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence of the carrier or the carrier's employees or agents, is to be computed on the basis of the value of the lost or damaged article(s) at the time and place of shipment.
Maximum liability	
Article 10:	<p>(a) The amount of any loss or damage computed under Article 9 must not exceed the greater of</p> <p>(i) the value declared by the shipper, or</p> <p>(ii) \$4.41 per kg computed on the total weight of the shipment, provided that if the consignor, in writing, releases the shipment to a value of \$1.32 per kg per article or less the amount of any loss or damage computed under Article 9 must not exceed such lower amount.</p> <p>(b) If paragraph (a) (i) or (ii) applies, additional charges to cover the additional coverage over \$1.32 per kg per article must be paid by the consignor.</p>
Consignor's risk	
Article 11:	If it is agreed that the goods are carried at the risk of the consignor of the goods, that agreement covers only those risks that are necessarily incidental to transportation and the agreement does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the carrier's agents or employees, and the burden of providing absence of negligence is on the carrier.
Notice of claim	
Article 12:	<p>(a) A carrier is not liable for loss, damage or delay to any goods carried under this bill of lading unless notice of the loss, damage or delay setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the original contracting carrier or the delivering carrier within 60 days after delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment.</p> <p>(b) The final statement of the claim must be filed within 9 months after the date of shipment.</p> <p>(c) Either the original contracting carrier or the delivering carrier, as the case may be, must acknowledge receipt of claim within 30 days after receipt of the claim.</p>
Articles of extraordinary value	
Article 13:	A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed on the face of this bill of lading, the carrier is not liable for any loss or damage.

Freight charges	
Article 14:	<p>(a) If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, provided that, if the total actual charges exceed by more than 10% the total estimated charges, the consignee must be allowed 15 days after the day on which the goods are delivered (excluding Saturdays, Sundays and holidays) to pay the amount by which the total actual charges exceed 110% of the total estimated charges.</p> <p>(b) The 15 days extension provided in paragraph (a) does not apply if the carrier notified the consignor of the total actual charges immediately after the goods are loaded, or if the carrier receives a waiver of the extension provision signed by the consignor.</p>
Dangerous goods	
Article 15:	Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, must indemnify the carrier against all loss, damage or delay caused by those explosives or dangerous goods, and such goods may be warehoused at the consignor's risk and expense.
Undelivered goods	
Article 16:	<p>(a) If, through no fault of the carrier, the goods cannot be delivered, the carrier must immediately give notice to the consignor and consignee that delivery has not been made, and must request disposal instructions.</p> <p>(b) Pending receipt of such disposal instructions,</p> <p>(i) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage, or</p> <p>(ii) provided that the carrier has notified the consignor of the carrier's intention, the goods may be removed to, and stored in, a public or licensed warehouse, at the expense of the consignor, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.</p>
Alterations	
Article 17:	Subject to Article 18, any additional limitation on the carrier's liability on the bill of lading, and any alteration or addition or erasure on the bill of lading, must be signed or initialled by the consignor or the consignor's agent and the original contracting carrier or that carrier's agent and unless so acknowledged is without effect.
Weights	
Article 18:	It is the responsibility of the original contracting carrier or that carrier's agent to show the correct tare, gross and net weights on this bill of lading by use of a certified public scale, and attach the weigh scale ticket to the original contracting carrier or that carrier's agent's copy of this bill of lading. If certified public scales are not available at origin or at any point within a radius of 16 km of that point, a constructive weight based on 112 kg/m ³ of properly loaded van space must be used.