

National Safety Code **BULLETIN**

RE: Electronic Logging Devices (ELDs) in British Columbia

This bulletin replaces NSC Bulletin 01-2021 and provides updated information on the use of ELDs in British Columbia.

Effective August 1, 2023, Division 37 of the Motor Vehicle Act Regulations (MVAR) will be repealed and replaced with an updated and restructured Division that implements a provincial ELD mandate that effectively mirrors the federal ELD mandate.

Overview

On June 12, 2021, updates to the [federal Commercial Vehicle Drivers Hours of Service Regulations \(CVDHOSR\)](#) came into force. These changes made it mandatory for commercial motor vehicle drivers who cross provincial/territorial borders to use ELDs to record their hours of service (HOS). By mutual agreement, all provinces and territories began enforcing this mandate on January 1, 2023.

On February 9, 2023, the B.C. Government approved new orders that implement and support the enforcement of a provincial ELD mandate. These orders were approved and were deposited on February 13, 2023, with the following in force dates:

- In force on February 13, 2023:
 - [Order #3: Use of Electronic Devices While Driving Regulation](#)
- In force on August 1, 2023:
 - [Order #1: Motor Vehicle Act Regulations](#) (MVAR) to repeal and replace Division 37
 - [Order #2: Violation Ticket Administration and Fines Regulation](#) (VTAFR)
 - [Order #4: Motor Vehicle Fees Regulation](#)

[Appendix 1](#) provides an overview of each of the orders.

As is the case under the federal ELD mandate, B.C.'s new regulations will require all ELDs to be certified by an accredited certification body under CVDHOSR s. 79.1 to be considered compliant with B.C.'s regulations. A [list of certified devices](#) is maintained by Transport Canada.

Along with introducing a provincial ELD mandate, repealing and replacing MVAR Division 37 allowed the opportunity to restructure and modernize the Division, ensuring consistency with current drafting standards. The underlying hours of service requirements remain unchanged. [Appendix 2](#) provides an overview of the restructured Division.

Intended ELD Exemptions

As part of the provincial ELD mandate, the CVSE Director has the authority to issue exemptions from the requirement to use an ELD if the Director “considers it desirable for the purposes of more effectively promoting and securing road safety”.

While ELD exemptions cannot be officially issued until August 1, 2023, when the new regulation comes into force, [Appendix 5](#) provides a list of the ELD exemptions that the CVSE Director is currently intending to issue. These intended ELD exemptions are subject to change. Any changes prior to August 1, 2023 will be published as an update to this bulletin.

For vehicles that operate across provincial and territorial borders, the only applicable ELD exemptions are those defined in CVDHOSR s.77(1) & (3).

If there are other ELD exemptions that you believe should be considered, please submit a written request (NSC@gov.bc.ca Attn: NSC Manager) including detailed information on the reasons for your request as well as how the exemption would help more effectively promote and secure road safety.

Unless the driver is exempt from HOS requirements or is eligible to use a local time record, an exemption from an ELD means the driver will be required to complete a record of duty status (known as a daily log under the current regulation) but may do so without requiring the use of an ELD.

Transitioning from paper daily logs to ELDs

Carriers who have to use ELDs under the provincial mandate are strongly encouraged to move forward with selecting, purchasing and installing ELDs to ensure they have adequate time to train drivers and dispatchers.

[Compliance Circular 03-17](#) remains in effect and provides guidelines for continued use of paper daily logs/records of duty status (RODS) while a carrier is testing, or a driver is being trained on the use of an electronic method of recording HOS.



Additional Resources

The appendices to this Bulletin provide additional information which you may find helpful.

- [Appendix 1: Overview of Orders in Council](#)
- [Appendix 2: Overview of Restructured MVAR Division 37 – Safety Code](#)
- [Appendix 3: New Offences](#)
- [Appendix 4: Existing Offences with Increased Fines](#)
- [Appendix 5: Intended ELD Exemptions as of February 13, 2023](#)
- [Appendix 6: Common Questions re: B.C.'s ELD Mandate](#)
- [Appendix 7: Quick Links to Provincial and Territorial Jurisdictional Resources](#)

CVSE will be updating the *Carrier Safety Guide* and all other NSC materials to reflect the new regulations as well as the provincial and federal ELD mandates.

CVSE will also be working with industry partners, including the B.C. Trucking Association, to schedule information sessions on the provincial ELD mandate and the restructuring of MVAR Division 37. If you are interested in hosting one of these sessions, please submit a written request (NSC@gov.bc.ca Attn: NSC Manager).

If you have any additional questions about the use of ELDs in B.C. or the upcoming changes to MVAR Division 37, please contact the NSC program office at NSC@gov.bc.ca or 250-952-0576. Our team will be happy to assist.

Thank you,

Karen Coverett
Manager, National Safety Code
Commercial Vehicle Safety and Enforcement

Date	Status	Notes
13 February 2023	Issued	
14 February 2023	Updated	• Hyperlinks added to Orders in Council on B.C. Laws website

Appendix 1 - Overview of Orders in Council

Order #1 – Motor Vehicle Act Regulations (MVAR)

- In force as of August 1, 2023
- Repeals and replaces MVAR Division 37 to require the use of ELDs in commercial motor vehicles for drivers to record their HOS
- Modernizes MVAR Division 37 to ensure it meets current drafting standards
- HOS requirements related to work and rest have not been changed
- See [Appendix 2](#) for an overview of the restructured MVAR Division 37 – Safety Code

Order #2 – Violation Ticket Administration and Fines Regulation (VTAFR)

- In force as of August 1, 2023
- Updates to VTAFR include:
 - All section references for all offences due to the restructuring of MVAR Division 37
 - Addition of 35 new fines for new offences related to ELDs
 - Increases to 31 existing fines to reflect the risk of non-compliance with HOS regulatory requirements
- The amendments follow the existing 3 tier fine structure of \$120, \$270 and \$520 for MVAR-related offences:
 - Fine of \$120 – for administrative or procedural failures which do not compromise safety
 - Fine of \$270 – for failures which can compromise safety, such as incorrect recording of hours driven, or rest taken
 - Fine of \$520 – include:
 - deliberate actions that suggest an intent to avoid HOS regulatory requirements
 - actions that pose the most serious risk to public safety due to the likelihood of driving while fatigued
 - ELD tampering
- See [Appendix 3](#) for details on the new offences including fines (NSC points being confirmed and will be published prior to August 1, 2023)
- See [Appendix 4](#) for details on which offences have increased fines (no change to NSC points)

Order #3 – Use of Electronic Devices While Driving Regulations

- In force as of February 13, 2023
- Comes into force immediately to ensure drivers already properly using ELDs under the federal mandate are not inadvertently penalized for using an ELD under the province's distracted driving law

Order #4 – Motor Vehicle Fees Regulation (MVFR)

- In force as of August 1, 2023
- Repeals a \$10 fee for the replacement of a lost, destroyed or wrongfully taken safety certificate
- This fee is no longer necessary as safety certificates are now issued electronically and numbered paper stock is not required

Appendix 2: Overview of Restructured MVAR Division 37 - Safety Code

Part 1 – Interpretation

- Updates existing definitions where required to ensure consistency with CVDHOSR
- Definitions added to support introduction of provincial ELD mandate and to provide greater clarity and consistency throughout Division 37

Part 2 – Generally Applicable Safety Requirements

- New part created from existing content in s. 37.12 of current Division 37 to ensure all carriers, shippers, consignees, and drivers are responsible to ensure no one drives if it would be likely to jeopardize safety

Part 3 – Safety Certificate

- Content mirrors Part 2 of current Division 37
- Updates carrier safety ratings to reflect those in use since 2015 following the recommendations of the NSC Task Force
- Creates authority for CVSE Director to exempt carriers from displaying their name on business vehicle if it is in the interest of road safety

Part 4 – Hours of Service – General

- HOS provisions in current Division 37 – Part 3 reorganized for improved clarity (distributed across Parts 4 to 8)
- Part 4 covers general HOS requirements (current sections 37.11 to 37.17.03)
- Establishes “local driving hours” section to allow enforcement of HOS rules; simplifies record-keeping requirements for carriers and drivers operating within 160 km
- Possible HOS exemptions and HOS requirements related to hours of work and rest remain the same

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

- New requirements to introduce provincial ELD mandate that essentially mirrors the federal ELD mandate
- New offences are added for ELD requirements (listed in Part 11)
- Creates authority for CVSE Director to exempt carriers from the ELD requirement if it is in the interest of road safety

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

- Covers existing requirements that were defined for paper daily logs (current sections 37.16 to 37.18.03 and instructions from Schedule 2)
- Clarifies drivers subject to HOS requirements, but exempt from ELDs, can use either paper or electronic RODS to record their HOS

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

- Existing requirements updated to include records created by an ELD (current sections 37.18.04 to 37.19)
- Clarifies all carriers must use supporting records to verify RODS

- Updated wording for inaccurate records (e.g., tampering with an ELD added as new offence and two separate offences for falsifying records based on advice of B.C. Prosecution Service)

Part 8 – Hours of Service – Inspections

- Existing requirements updated to include RODS created by an ELD (current sections 37.19.01 to 37.21)

Part 9 – Trip Inspections

- Content mirrors Part 4 of current Division 37
- No changes other than to ensure consistency with current drafting standards

Part 10 – Compliance Reviews and Audits

- Content mirrors Part 5 of current Division 37
- No changes other than to ensure consistency with current drafting standards

Part 11 – Offences

- Content mirrors Part 6 of current Division 37
- Sections reordered for clarity
- Additional offence sections added to support introduction of provincial ELD mandate and restructuring of Division 37

Part 12 – Bills of Lading and Cargo Insurance

- Content mirrors Part 7 of current Division 37
- Specified Conditions of Carriage moved to Schedules 3 & 4
- No changes other than to ensure consistency with current drafting standards

Schedule 1 – Sleeper Berth

- Moved to the end of Division 37 from within current Part 3
- Minor wording changes to ensure consistency with federal regulation

Schedule 2 – Duty Status Grid

- Moved to the end of Division 37 from within current Part 3
- Updated Duty Status Grid for consistency with federal regulation
- Duty Status Grid instructions included in Part 6 for consistency with federal regulation

Schedule 3 – Specified Conditions of Carriage

- Moved from within current Part 7 to a schedule for ease of use

Schedule 4 – Specified Conditions of Carriage – Household Goods

- Moved from within current Part 7 to a schedule for ease of use

Appendix 3: New Offences

New Provision	Contravention Wording	Fine Amount
Local driving hours		
37.28 (3)(a)	Fail to comply with off-duty time - at least 10 hours in a day	270
37.28 (3)(b)	Fail to comply with 10 consecutive off-duty hours	270
37.28 (3)(c)	Fail to comply with off-duty time - at least 24 consecutive hours in 14 days	270
37.28 (4)(a)	Fail to maintain accurate and legible records with required information	270
37.28 (4)(b)	Fail to keep records for 6 months	270
Logging truck hours		
37.30 (2)(c)	Drive after 15 hours have elapsed between off-duty periods	520
37.30 (2)(d)	Fail to comply with off-duty time - at least 24 consecutive in 7 days	270
Application of Part - Requirement for ELD		
37.39 (1)(a)	Fail to equip commercial motor vehicle with compliant ELD	520
37.39 (1)(b)	Fail to mount ELD in a fixed position, visible to driver	520
37.39 (2)	Carrier allow driver use of more than one ELD for the same time period	520
37.39 (3)	Driver use of more than one ELD for the same time period	520
ELD recording requirements		
37.40 (1)	Carrier fail to require driver to record required information in ELD	270
37.40 (2)	Driver fail to record required information in ELD	270
37.40 (3)	Carrier fail to require driver to record complete and accurate information in ELD	270
37.40 (4)	Driver fail to record complete and accurate information in ELD	270
37.40 (5)	Fail to enter or verify required information in ELD	270
37.40 (6)	Fail to configure ELD for yard moves	120
ELD information packet requirements		
37.41	Fail to equip commercial motor vehicle with information packet	120
ELD maintenance		
37.43	Fail to ensure ELD is in good working order and calibrated	270
ELD malfunction		
37.44 (1)	Fail to notify carrier of ELD malfunction	270
37.44 (2)	Fail to record information related to ELD malfunction	120
37.44 (3)	Fail to record code of ELD malfunction	120
37.44 (4)	Fail to repair or replace ELD	270
37.44 (5)	Fail to maintain register of ELD malfunction	120
37.44 (6)	Fail to keep malfunction information for 6 months	120

New Provision	Contravention Wording	Fine Amount
ELD accounts		
37.45 (a)	Fail to maintain a system of accounts for ELDs with distinct driver accounts	520
37.45 (b)	Fail to maintain a system of accounts for ELDs with unidentified driver	520
Driver certification of record of duty status		
37.46	Fail to certify record of duty status	270
Content of record of duty status		
37.48 (4)	Fail to enter names and address of carriers in record of duty status	120
37.48 (7)	Fail to certify accuracy of record of duty status	270
Verification of records of duty status		
37.52 (1)	Fail to verify accuracy of certified record of duty status	270
37.52 (2)	Fail to complete record of duty status if change required	270
Inaccurate information, tampering or falsification of records		
37.54 (3)	Falsify record [Appearance notice required]	N/A
37.54 (4)	Request, require or allow falsification of record [Appearance notice required]	N/A
37.54 (5)	Tamper with an ELD	520
Operating vehicle under suspended or cancelled safety certificate [No longer requires an appearance notice]		
37.75 (a)	Operating commercial motor vehicle while safety certificate suspended	520
37.75 (b)	Operating commercial motor vehicle while safety certificate cancelled	520

Appendix 4: Existing Offences with Increased Fines

Section # Before Aug 1, 2023	Section # After Aug 1, 2023	Contravention Wording	New Fine	Previous Fine
<i>Safety certificate required</i>				
37.02 (1)	37.07 (1)	No valid safety certificate	520	120
<i>Mandatory off-duty time</i>				
37.13.02 (1)	37.25 (1)	Fail to comply with 8 consecutive off-duty hours after 13 hours of driving time	520	270
37.13.02 (2)	37.25 (2)	Fail to comply with 8 consecutive off-duty hours after 14 hours of on-duty time	520	270
37.13.02 (3)	37.25 (3)	Drive after 16 hours have elapsed between off-duty periods	520	270
<i>Logging truck hours</i>				
37.15 (1) (a)	37.30 (2)(b)	Fail to comply with off-duty time - after 13 of driving or 15 on-duty	520	270
<i>Oil well service vehicle hours</i>				
37.15.01 (3)	37.31 (3)	Fail to comply with off-duty time – include waiting time	520	270
<i>Requirement to fill out record of duty status</i>				
37.18.01 (1)	37.47 (2)	Fail to fill out record of duty status	270	120
<i>Content of record of duty status</i>				
37.18.02 (1)	37.48 (1)	Fail to fill out record of duty status at beginning of day	270	120
37.18.02 (2)	37.48 (2)	Fail to record hours in each duty status during day	270	120
37.18.02 (3)	37.48 (6)	Fail to enter required information in record of duty status at the end of day	270	120
<i>Possession of records of duty status and supporting records by drivers</i>				
37.18.04 (b)	37.50 (2)(a)	Fail to possess record of duty status for current day	270	120
37.18.04 (a)	37.50 (2)(b)	Fail to possess record of duty status for previous days	520	120
37.18.04 (c)	37.50 (2)(c)	Fail to possess supporting records	270	120
<i>Distribution and keeping of records of duty status</i>				
37.18.05 (1)	37.51 (1)	Fail to provide record of duty status	270	120
37.18.05 (1)	37.51 (1)	Fail to provide supporting records	270	120
37.18.05 (2) (a)	37.51 (2)	Fail to provide record of duty status to all carriers	270	120

Section # Before Aug 1, 2023	Section # After Aug 1, 2023	Contravention Wording	New Fine	Previous Fine
37.18.05 (2) (b)	37.51 (2)	Fail to provide supporting records to carrier	270	120
37.18.05 (3) (a)	37.51 (3)(a)	Fail to deposit record of duty status	270	120
37.18.05 (3) (a)	37.51 (3)(a)	Fail to deposit supporting records	270	120
37.18.05 (3) (b)	37.51 (3)(b)	Fail to keep record of duty status for 6 months	270	120
37.18.05 (3) (b)	37.51 (3)(b)	Fail to keep supporting records for 6 months	270	120
Monitoring by carrier				
37.19 (1)	37.53 (1)	Fail to monitor compliance	270	120
37.19 (2)	37.53 (2)	Fail to take immediate remedial action for non-compliance	270	120
37.19 (3)	37.53 (3)	Fail to make record	270	120
Production of record of duty status and supporting records by driver				
37.20 (1)	37.56 (2)(a)	Fail to produce record of duty status for current day	520	120
37.20 (1)	37.56 (2)(b)	Fail to produce records of duty status for previous 14 days	520	120
37.20 (3)	37.56 (2)(c)	Fail to provide supporting records for current trip	520	120
37.20 (3)	37.56 (2)(d)	Fail to provide exemption of permit	520	120
37.20 (2)	37.56 (3)(a)	Fail to provide electronic records or transmit in required format	520	120
Production of record of duty status and supporting records by carrier				
37.20.01 (1)	37.57 (1)(a)	Fail to make records of duty status or supporting records available	520	120
37.20.01 (1)	37.57 (1)(b)	Fail to make unidentified driver records available	520	120

Appendix 5: Intended ELD Exemptions as of February 13, 2023

Please note: Any exemption from an ELD does not exempt a driver from other HOS requirements or the requirement to record HOS using RODS or, if applicable, a local time record.

Required for Consistency with ELD Exemptions Under Federal CVDHOSR	
Rental Vehicles	Commercial motor vehicles (CMVs) that are the subject of a rental agreement no longer than 30 days that is not an extended or renewed rental of the same vehicle
Older Vehicles	CMVs manufactured before model year 2000 (model year 2000 or newer vehicles but with a pre-2000 engine are <u>not</u> exempt)
Local Drivers	Drivers operating within 160 km of their home terminal and under local driving hours requirements (MVAR 37.28 – effective Aug 1, 2023)
Oil Well Service Vehicles	Drivers operating under Oil Well Service Vehicle hours by federal permit or B.C.'s regulation (MVAR 37.31 – effective Aug 1, 2023)
HOS Permit or ELD Exemption Issued by Transport Canada	Drivers or CMVs operating under an HOS permit or ELD exemption issued by Transport Canada under CVDHOSR or Section 16 of the <i>Motor Vehicle Transport Act</i> (MVTA)

B.C. Specific ELD Exemptions	
Lower Weight Vehicles	B.C. plated non-passenger CMVs with a licenced gross vehicle weight (GVW) less than 11,795 kg as they are always exempt from HOS when in B.C.
Local Drivers Occasionally Operating Outside 160 km	<p>If occasional trips outside 160 km are required, an ELD is not required if the driver has:</p> <ul style="list-style-type: none"> No more than 1 trip outside 160 km for the current day or within the previous 14 days, to a maximum of 6 days within a 60-day period <p>For trips outside 160 km, drivers are required to use RODS rather than local time records</p>
Motion Picture Industry (MPI)	<p>Drivers operating under MPI hours as defined Compliance Circular 02-2019, issued on April 2, 2019</p> <p>Drivers required to use RODS as required by the existing circular</p>

B.C. Specific ELD Exemptions	
Driveaway Operations	<p>CMVs driven for the purpose of delivering the vehicle driven and any vehicle being towed following a sale or lease</p> <p>Definition of “driveaway” consistent with the definition used in the Transport Canada exemption ASF-2022-06E issued under MVTA s. 16</p>
Public Transit	<p>CMVs operating under defined schedules as part of B.C.’s public transit system</p>
School Buses and Special Activity Buses	<p>School buses and special activity buses as defined in MVAR s.1</p> <p>Exemption will not be applicable when these vehicles are used for purposes which require a licence issued under the <i>Passenger Transportation Act</i> (PTA)</p>

Appendix 6: Common Questions re B.C.'s ELD Mandate

1. What is an electronic logging device (ELD)?

- As of August 1, 2023, MVAR 37.01 will mirror the [federal CVDHOSR](#) definition of an ELD which means "...a device or technology that automatically records a driver's driving time and facilitates the recording of the driver's record of duty status, and that is certified by an accredited certification body under section 79.1."
- More generally, an ELD connects to the electronic control module (ECM) of a vehicle
 - They make it easier and faster to track, manage, share and improve the accuracy of a driver's HOS
 - This helps drivers stay within legally allowed driving hours and reduce fatigue
- It is important to note that a device that is considered an ELD in the United States is not considered an ELD in Canada unless the device has been certified following Canada's third-party certification process and is on the [list of certified ELDs](#)

2. What does this mean for B.C. carriers and drivers?

- Until August 1, 2023, if your CMVs operate solely within B.C., you will not be required to use an ELD
- As of August 1, 2023, drivers who are currently required to use a daily log to record their HOS will be required to use an ELD unless an exemption has been issued
- See [Appendix 5](#) for the list of currently intended exemptions
- If CMVs operate into any other Canadian jurisdiction, certified ELDs are already required and must be used in compliance with CVDHOSR

3. What does this mean for carriers from other jurisdictions that operate in B.C.?

- Carriers must equip extra-provincially plated commercial vehicles that travel in B.C. with an ELD in compliance with CVDHOSR
 - Carriers must require drivers to use ELDs to record their HOS in compliance with CVDHOSR

4. Is there a list of ELDs that have been certified in Canada?

- Yes. Transport Canada is responsible for publishing the [list of certified ELDs](#)
- In addition, Transport Canada provides [information on the certification process, as well as accrediting third-party certification bodies](#)

5. With B.C.'s amendments to MVAR Division 37, are there any changes to how many hours a driver can work?

- No. ELDs do not change the basic HOS rules in relation to the maximum number of hours a driver can be on-duty or be driving. They will also not change the minimum number of hours a driver must be off-duty

6. Are there any changes to the period of time that HOS records must be kept?

- No. ELDs do not change how long HOS records must be retained
- If an ELD is required, drivers will still be required to account for the current day and the previous 14 days
- Carriers will still be required to keep HOS records for a minimum of 6 months

7. If I already have an ELD for operating in the U.S., can I use it in B.C.?

- If you operate only in B.C., the device can continue to be used as an electronic means of recording HOS until August 1, 2023
 - As of August 1, 2023, the device can only be used if it meets the federal definition of an ELD and is listed on Transport Canada's [list of certified ELDs](#), unless an exemption has been issued
- If you are a federally regulated carrier, as of January 1, 2023, the device can only be used if it meets the federal definition of an ELD and is listed on Transport Canada's [list of certified ELDs](#)

8. Where can I find information on Canada's technical specifications for ELDs?

- Visit the [CCMTA website](#)

9. How can I stay informed about the latest developments regarding ELDs in B.C.?

- Check the [CVSE What's New page](#) for updates

10. Where can I find more information about other Canadian jurisdictions and ELDs?

- See [Appendix 7](#) for available links that are known to the NSC program team
- We will seek to keep these links current, but for any questions on ELD requirements in another province or territory, please contact that jurisdiction

Appendix 7: Quick Links to Provincial and Territorial Jurisdictional Resources

Province/Territory	Jurisdictional ELD Resources
Alberta	<ul style="list-style-type: none"> • Electronic logging devices notice
British Columbia	<ul style="list-style-type: none"> • Electronic logging devices (ELDs) in British Columbia
Manitoba	<ul style="list-style-type: none"> • Electronic logging devices (ELD)
New Brunswick	<ul style="list-style-type: none"> • TBD
Newfoundland and Labrador	<ul style="list-style-type: none"> • Public Advisory: Electronic Logging Devices Becoming Mandatory for Federally-Regulated Commercial Carriers • Electronic logging devices
Northwest Territories	<ul style="list-style-type: none"> • TBD
Nova Scotia	<ul style="list-style-type: none"> • New Regulations for Transportation Industry on January 1
Nunavut	<ul style="list-style-type: none"> • TBD
Ontario	<ul style="list-style-type: none"> • Electronic Logging Devices
Prince Edward Island	<ul style="list-style-type: none"> • One-year grace period for switching to Electronic Logging Devices in PEI
Quebec	<ul style="list-style-type: none"> • Electronic logging devices / Dispositif de consignation électronique (DCE)
Saskatchewan	<ul style="list-style-type: none"> • Electronic logging devices
Yukon	<ul style="list-style-type: none"> • Electronic logging device (ELD) requirements in Yukon