



미주관광여행사 MI JOO Tour & Travel Ltd.

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To

The Director,
Commercial Vehicle Safety & Enforcement,
Victoria BC

RECEIVED

FEB 28 2013

COMMERCIAL VEHICLE SAFETY
& ENFORCEMENT DIVISION

Sub. Withdrawal of Suspension

Ref. NSC Safety Certificate No. 200-960-986 Your Letter Dated Jan.11/2013

Sir,

As subject cited above please find enclosed herewith a safety plan which has been completely implemented by our company.

We have hired Mr. Parmjit Khosla Safety Consultant who will train our drivers and safety officer.

Right now company has no driver. Before hiring they will be trained.

It is requested to withdraw the suspension of NSC safety Certificate.

Sincerely Yours,

(Edward Kang)
Director
Mi Joo Tour & Travel
2013/2/26

Mi Joo Tours & Travel Ltd.

SAFETY PROGRAM

For Commercial Transportation

Effective: Feb.25/2013

**#207 – 403 North Road Coquitlam BC V3K 3V9
Ph:- (604)939-0043 Fax:-(604)939-0482**

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INTRODUCTION

Section: 1:01.1

Part 1: Company Policy

Mi Joo Tour & Travel Ltd. is doing *tour & travel (Passenger Busses)* business and committed to the safety of all employees and the general public.

To ensure all employees are trained on all aspects of the National Safety code in accordance with legislated regulations, this policy manual has been created.

It is a firm belief of Mi Joo Tour & Travel Ltd. that knowledgeable and trained employee will contribute to the safety and success of the employee, community and company.

Therefore, the training being conducted and the responsibility of reading this manual thoroughly and adhering to the specified requirements is a mandatory and part of your employment with Mi Joo Tour & Travel Ltd.

We encourage any question upon reading this manual. Please direct any questions to ***Safety Manager*** of Mi Joo Tour & Travel Ltd.

The final page of this policy manual is an acknowledgment and receipt form. Immediately following this training it is required that you sign and date the form and submit to Safety Manager. These forms acknowledge that you have read and understand the policy manual, and will adhere to all requirements as specified.

Mi Joo Tour & Travel Ltd. looks forward to a continued and successful employment relationship with all employees, with a focus on safety and security along with company growth and success. Remember, the safety and success of the company means success and growth for all employees as well.

Thank you for your continued support.

Sincerely,

Management & staff of Mi Joo Tour & Travel Ltd.

Hiring Procedure

Section: 1:02.1

Part 1: Company Policy

There is a set hiring procedure laid by the company. Before hiring as owner operator/company driver all the applicants are required to sign a Reference Check Release.

Current drivers abstract (N Print) and a photocopy of current driver's license must be produced when you sign application. Your employment application includes your personal information, Physical History, employment history, accident history, education, experience and qualification-driver, driving experience, experience & qualification-other and prior driving offences. These must be noted on the employment application.

ALL THE OWNER OPERATORS AND COMPANY DRIVERS WILL BE REQUIRED TO UNDERGO ON ROAD DRIVER PROFICIENCY TEST AND THEY MUST PASS IT. THEY ALSO MUST PASS "HOUR OF SERVICE" TEST BEFORE THEY GO ON DUTY ON THE ROAD.

DRIVER MUST HAVE ONE YEAR BUS DRIVING EXPERIENCE.

All the owner operators/company driver will authorize the company at time the of submission of employment application to get the driver's abstract (N Print) directly from ICBC before hiring and at any time when the company requires. Company will get the driver's abstract at the time of hire and minimum every 12 months thereafter and review.

Incomplete employment application will not be considered. After considering all the factors, company will make a decision to hire.

This employment application including copy of driver's license will be placed on files at the time of hire and retained during the term of employment. Copy of diver's abstract will be retained in the driver's file as per CVSE/DOT instructions.

Safety officer has a recall system to monitor license renewals, abstract request and driver training.

Safety officer of the company will maintain the hiring procedure and monitor the recall system.

No driver/Owner operator will be hired if he has 6 or more points on his driver's abstract.

Carrier will obtain a copy of driver's accident history from ICBC. No driver/owner operator will be hired if he has two preventable fatal accidents in the last 3 years.

Attitude and Professionalism

Section: 1:03.1

Part 1: Company Policy

A positive, professional attitude is a requirement with Mi Joo Tour & Travel Ltd. It is expected that each employee conducts in a professional and safe manner at all times. You are expected to also maintain a positive and team focused attitude with your co-workers as well.

A positive mental attitude (PMA) is an important part of any company and organization. A positive attitude allows you to focus better on the task at hand, pay more attention to the work you do, allows you and your team to accomplish more and creates an overall more positive environment for all employees.

Acknowledgement of Procedures & Policies

Section: 1:04.1

Part 1: Company Policy

You must understand the procedures and policies of the company and acknowledge by signing an agreement at the end of the policy. After signing it, you are committed for the future amendments too.

Termination

Section: 1:05.1

Part 1: Company Policy

A 30 days notice must be served to the company for the termination of services.

All funds due by owner operators or company drivers to the company upon termination are immediately due and payable.

The company reserves the right to terminate the services of any Owner Operator or company driver "for cause" for any violation or breach of Company Policy.

Intemperance

Section: 1:06.1

Part 1: Company Policy

Company has a “**zero tolerance policy**” as I relates to the consumption of alcohol and controlled substances.

Use and consumption of alcohol or any controlled substance while working for the company will not be tolerated.

Roadside Breakdowns

Section: 1:07.1

Part 1: Company Policy

Usually roadside breakdown occur when preventive maintenance is not properly performed. Some drivers do not do their pre trip inspection properly. Some of them perform this behind the wheel when they are sitting on the driver's seat. It is a very dangerous practice. This results roadside break downs and mechanical failure.

If there is any en-route breakdown or mechanical failure that requires repair assistance and prevents completion of the trip assignment, dispatcher must be notified immediately. Nature of required repair, location and contact where you can be contacted also be reported.

Do not continue to drive the equipment. Triangles/ Reflectors must be placed to the front or rear of the unit as necessary. This must be done immediately to prevent an accident.

Regular & Preventive Maintenance of Vehicles

Section: 1:08.1

Part 1: Company Policy

It is the responsibility of the company to keep their equipments maintained well. As per the policy of company drivers/owner operators will follow the regular and preventive maintenance program as per the prescribed schedules in the Form Section. All repairs and maintenances done must be recorded on "Vehicle Maintenance Form" in the Form Section. This report must be turned into the office by 10th of the month following completion of work.

Safety Officer will monitor the scheduled maintenance. Mechanic on contract will perform the scheduled maintenance.

This record will be reviewed and discussed with drivers/owner operators monthly and placed on files.

All the owner operators & company drivers will perform pre trip inspections for the equipments. All the vehicles of the owner operators and company are required to pass CVIP as per the requirement of CVSE which are explained and notified to all time to time.

Copy of the report must be supplied to the office immediately after it is done. Copies of the current and historical CVIP & CVSA will be placed on files. All the manufacturer's recall notices must be turned into the office after correction and will be placed on files.

If you find any defect during the pre or post trip, you are not to operate the equipment until the defect is corrected.

Documents regarding sold vehicles or disposed from the fleet (e.g. maintenance, repair and inspection reports) will be placed on files on completion of disposal and retained for six months if these are not handed over to the new owner.

Motor Vehicle Fleet Safety Program

Section: 1:09.1

Part 1: Company Policy

All the owner operators and company drivers will be required to undergo on road driver proficiency test and they must pass it. They also must pass "Hour of Service" test before they go on duty on the road.

Company has developed and implemented a set of standards for new owner operators and company drivers.

Each driver must hold a valid class of license for the position he is applying. Copy of the current driver's license and driver's abstract (N Print) is required to be submitted with employment application. He will also note his previous driving offences which do not in the driver's abstract.

Each driver who qualifies the requirements of a driver to work with the company will go for a drug and alcohol test. The report of the test must be negative. The company reserves the right to request that a driver sees a company appointed medical doctor at any time.

Company drivers and owner operators to be hired shall be personally interviewed and their customer relation skills, ability to understand paperwork requirements, maintenance and responsibilities expected to be performed will be accessed.

Important thing which needs to be accessed is the knowledge of safety rules and regulations.

Company has developed and implemented a system by which all driver files, vehicle files and other record will be maintained properly in the office and reviewed time to time.

Company has developed and implemented a system by which all log books of company drivers/ owner operators will be audited and progressive disciplinary action will be initiated as per the policy. Company has also developed and implemented a training program for drivers. Outlines of this training program are as under:-

ORIENTATION SESSION

1. Company policy, practice and procedures.
2. A complete review of provincial and municipal traffic laws
3. Department of transportation regulations where applicable
4. Safe driving rules
5. Accident prevention concepts
6. Customer and public relations

TRAINING SESSION

1. Basic care and operation of the vehicle/equipment
2. Characteristics of the vehicle
3. Vehicle pre trip & post trip inspections
4. Use of company forms
5. Emergency procedures
6. Safety demonstrations
7. Accident prevention
8. Special Skills

Company has hired a safety consultant. All the drivers will be sent to his office for HOS and Pre Trip Inspection training.

Update Calls

All the drivers will daily update the dispatcher about their location, pick up & drop off passengers, on duty/driving hours they can drive for the day and & off duty hours as well. They will also notify the on time or late status and ETA.

Motor Vehicle Fleet Safety Program.....Contd.

Section: 1:09.1

Part 1: Company Policy

Dispatcher will maintain a sheet to keep updated the daily Driving/On Duty hours (total of Line 3 & 4 of the log page) of all the drivers when they give their daily update to dispatch. He will also record daily off duty hours.

Dispatcher will ensure all daily trips will be within the HOS regulations.

ELECTRONIC ON BOARD RECORDERS

Section: 1:10.1

Part 1: Company Policy

The entire passenger vehicles operating beyond 160 km. will be equipped with electronic on board recorder. All the drivers will go for training before driving the vehicle fitted with EOBR.

Drivers will be monitored in real time.

TRIP INSPECTION REPORT

Section: 2:01.1

Part 2: Safety & Compliance

Should you discover any defects that prohibit the safe operation of the tractor/trailer you are driving, stop, make a list and call the office for repair authorization.

Do not operate any equipment that does not meet safety standards.

If the problem is a light bulb, wiper blade or other such incidentals, make your purchase, if necessary keep the receipt and make note of what it is for. You will be reimbursed for sundry expenditures to Company equipment. Turn the receipt and trip inspection report immediately after the completion of trip directly to the Safety Officer. It will be reviewed by the safety.

Major defects will be informed to the company immediately.

Trailing equipment is a result of negligence or abuse, the Company reserves the right to assess responsibility and charge all repair costs to the owner/operator in whose care the equipment was entrusted.

Examples of negligence and abuse would be:

Wheel bearing failure resulting from low wheel hub oil levels

Tire replacement resulting from running flat or inadequate air pressure

REMEMBER :

Make sure you check for current registration & Insurance paper work, and that all insurance decals are current & properly mounted on your license plates (Vehicle). Also, make sure your inspection decals are current and will not expire during your present trip.

Trip Inspection Report – Contd.

Section: 2:01.1

Part 2: Safety & Compliance

Trip inspection reports must be done each day before you start your trip and turned in to the company within 20 days from the date it was completed. Trip inspection reports will be placed on files and retained on files for the period of three months.

Each vehicle must have the following safety equipment:

- ❖ Fire extinguisher
- ❖ Flare kit
- ❖ Tire chains
- ❖ Flashlight

Each driver must have the following safety equipment:

- ❖ Hard hat (Side Impact Rated)
- ❖ High visibility safety vest
- ❖ Gloves
- ❖ Safety Glasses

BUS TRIP INSPECTION REPORT

as required by the National Safety Code and U.S. D.O.T. Regulations

BUS NO. _____ ODOMETER READING _____

DATE: _____

- ☐ In pre-trip inspection I have detected no defect or deficiency in this motor vehicle as would be likely affect the safety of its operation or result in its mechanical breakdown.

TIME: _____ AM _____ PM _____

SIGNATURE _____

- ☐ In post-trip inspection I have detected no defect or deficiency in this motor vehicle as would be likely affect the safety of its operation or result in its mechanical breakdown.

TIME: _____ AM _____ PM _____

SIGNATURE _____

- ☐ Defect(s) found: (as marked)

Initial Items:

- ☐ Leaks (oil, fuel, coolant)
- ☐ Oil (engine, transmission, blower gear)
- ☐ Coolant
- ☐ Belts/Hoses
- ☐ Air Tank Drain when applicable
- ☐ Batteries/Blocks/Seasonal and Emergency Equipment

Driver's Area:

- ☐ Fire Extinguishers
- ☐ Fire Axe (School Bus)
- ☐ First Aid Kit
- ☐ Emergency Equipment (flares, etc.)
- ☐ Radiotelephone
- ☐ Registration Papers/decals
- ☐ Seat/seatbelt

Operational Items:

- ☐ Oil Pressure
- ☐ Engine Temperature
- ☐ Low Air/Telltale warnings
- ☐ Air Pressure
- ☐ Air Compressor/Governor Operation
- ☐ Air Brake volume drop and leakage test
- ☐ Service Brake Response
- ☐ Park Brake checks
- ☐ Windshield wipers/washers
- ☐ Defrosters
- ☐ Horn(s)
- ☐ Steering
- ☐ Clutch
- ☐ Transmission
- ☐ Suspension
- ☐ Windows/Emergency Exits
- ☐ Seats
- ☐ Entry Door
- ☐ Tripping Hazards

Exterior:

- ☐ Tires/Wheels/Lug Nuts
- ☐ Headlights/Marker Lights/Brake Lights/Turn Signals/Reflectors
- ☐ Body Damage
- ☐ Bumper/Sparetire
- ☐ Licence Plates
- ☐ Sign
- ☐ Mirrors/Windshield
- ☐ Compartment Doors
- ☐ Fuel/Coolant Caps
- ☐ Exhaust System
- ☐ Engine Noise

Comfort:

- ☐ Heat
- ☐ A/C
- ☐ Restroom
- ☐ P.A./Radio System
- ☐ Lighting
- ☐ Cleanliness

Remarks: _____

CARRIER/AGENT'S REPORT

- ☐ Above defects corrected
- ☐ Above defects need not be corrected for safe operation of vehicle

Signature _____ Date _____

Title _____

Safety Policy

Section: 2:02.1

Part 2: Safety & Compliance

Most vehicle accidents are caused by excessive speed. These accidents cost hundreds of thousands of dollars to your insurers and affect the rates and availability of insurance to you.

THE POSTED SPEED LIMIT MUST NEVER BE EXCEEDED.

Any fines incurred will be paid directly by the driver. If you exhibit, a tendency to speed, your employment with the Company will be terminated.

No one may operate the vehicle, except those that have completed a Driver Qualification file and been approved by the Office.

REMEMBER: You may not install any electronic device in your vehicle without obtaining written permission from the Safety Office.

Driving & Licensing

Section: 2:03.1

Part 2: Safety & Compliance

All drivers must have on their person, a valid class of driver's license for the work you are performing. You cannot hold more than one license at a time. A copy of your current license must be provided to the Office prior to your acceptance as an operator/driver, and on demand any time thereafter.

The Office must be notified of any change to your license including an address change.

All violation notices, notice of orders or roadside inspection reports are to be turned in immediately to the Safety Office. Include an incident report with all notices detailing what transpired. All such notices will form part of your permanent driver's file. Company will retain this record on files for the current year plus 4 years.

The Office will on a monthly basis, request a copy of the Companies Carrier profile and driver violations record from each operating jurisdiction. All Owner/Operators and Company drivers identified in the report as being in violation which have not turned in the notices to the Office will face disciplinary action up to and including termination.

Progressive Disciplinary Action Policy

Section: 2:04.1

Part 2: Safety & Compliance

TO: All Operations Staff/Drivers

FROM: Safety Office

Re: National Safety Code Facility Audit.

As you are all aware, the Company has just gone through a complete facility audit by the government, and there are a few areas in which we need to improve. One of the areas were lacking in, is a uniform written progressive disciplinary policy. The Company's policy in dealing with these issues in instances where N.S.C. regulations are not adhered to is;

First offense Verbal warning (Documented) and retraining

Second offense Written warning

Third offense three-days suspension.

Fourth offense One-week suspension.

Fifth offence Termination

The above said disciplinary action letters will become the part of driver's file.

We would like to take this opportunity to thank everyone involved for his or her support and cooperation. We encourage all employees to bring forward any questions they have concerning N.S.C. issues to the Office.

Thank you,
Safety Manager

Hours of Service Overview

Section: 2:05.1

Part 2: Safety & Compliance

Company drivers and Owner/Operators are responsible for ensuring that the hours of service regulations are obeyed. All parties could be penalized for violations.

While on the road, drivers must have in their possession, completed logs for the preceding (CANADA 14 DAYS) (U.S.A. 7/8 DAYS). They must be presented on request to any enforcement officer.

Logs must be turned in to the office as soon as the trip is completed. The Company must retain these for at least 6 months.

CANADIAN HOURS OF SERVICE regulations state that a driver may be on duty a total of 14 hours in one working shift, with no more than 13 hours driving time provided that the driver has had a minimum of 10 hours off duty prior to commencing his/her shift. A driver may not drive beyond the 16th hour after coming on-duty, following 10 hours off duty.

UNITED STATES HOURS OF SERVICE regulations state that a driver may drive 11 hours after 10 hours off duty. A driver may not drive beyond the 14th hour after coming on-duty, following 10 hours off duty. A driver may not drive after 60/70 on duty hrs. in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.

Drivers must have only one daily log for any calendar day. Keeping multiple logbooks is an offense and grounds for disciplinary action.

Northwest Freightways Ltd. has adopted a "Zero Tolerance" policy re: N.S.C. /F.M.C.S.A. Hours of Service rules and regulations. It shall be considered a condition of employment that all drivers follow the rules and regulations. Failure to comply will result in termination of your employment.

REMEMBER: All drivers MUST call in their hours, DAILY {total of lines 3 & 4} from your logbook by no later than 10:00am Monday to Friday.

1. DAY

A 24- hour period beginning at the time designated by the carrier

Each "Day" is independent and there are certain on-duty, off duty driving limits for each day.

- ❖ The start time of the "Day" remains the same throughout the cycle
- ❖ To change the start time of the day
- ❖ Reset and start a new cycle
- ❖ Maximum of 13 hours of driving in a day.
- ❖ No driving after 14 hours of on- duty in a day.
- ❖ Minimum of 10 hours of off-duty must be taken every day.
- ❖ Off-duty periods - minimum 30 minute increments.

2. WORKSHIFT

- ❖ After 13 hours of driving, you've to take a minimum of 8 consecutive hours of off-duty before you can drive again.
- ❖ After 14 hours of on-duty, you have to take a minimum 8 consecutive hours off duty before you can drive again.
- ❖ Maximum of 16 hours elapsed time.
- ❖ Time period, which starts the instant, you are on duty after having just taken minimum 8 hours off-duty.
- ❖ Includes all time
- ❖ 8 consecutive hours off-duty resets the work shift.
- ❖ Sleep berth rest periods are not counted in the 16-hour duty period when they qualify for the sleeper berth rest provision.

3. DEFERRAL OF OFF DUTY

- ❖ 48 hour averaging allows a driver to reduce the daily off duty requirement of 10 hours by up to 2 hours provided the 2 hours is not part of the 8 consecutive hours.
- ❖ This time is added to the 8 consecutive hours on the second day. This provision may be exercised every 2nd day if a driver chooses.

4. CYCLES

- ❖ Must be in compliance with 1 of 3
 - 60 hours in 7 days (US)
 - 70 hours in 8 days (US)
 - 70 hours in 7 days

- ❖ Must have 24 hours off duty within 14 days when using 70 hour cycle.
- ❖ Must select only one
- ❖ Cycle 1-70 hours in 7 days

6. SLEEPER BERTH

- ❖ A SINGLE DRIVER must use two separate periods totaling 10 hours off duty, provided neither period is less than 2 hours.
- ❖ TEAM DRIVERS must use two separate periods totaling 8 hours off-duty provided neither is less than 4 hours.
- ❖ No driving after accumulating (total before and after each sleeper berth period)
 - 13 hours of driving
 - 14 hours on-duty
- ❖ No driving time occurs after the 16th elapsed hour in the work shift.
- ❖ Maximum 13 driving hours each day.
- ❖ No driving after 14th on-duty hours in each day.
- ❖ 10 off-duty hours must be taken by driver in each day.

7. 14 DAY REQUIREMENT

- ❖ Mandatory 24 consecutive hours
- ❖ Applies regardless of amount of on-duty time accumulated.

8. PERSONAL USE EXEMPTION

- ❖ CMV is unloaded
- ❖ Not towing a trailer
- ❖ Maximum of 75km/day
- ❖ Odometer readings are recorded
- ❖ Driver is not subject of an 00S declaration
- ❖ Not subject to a Pre-Trip report until you report for duty

10. DRIVING WITHIN 160 KM-TIME RECORDS

- ❖ Clearly identify all duty status for each 24 hour period
- ❖ State driving & on duty time separately
- ❖ Indicate cycle that the driver is using

- ❖ Note if any off-duty deferral is being used
- ❖ Records any personal use of CMV with odometer readings.

SUMMARY

- ❖ 13 Hours Driving
- ❖ 14 Hours On Duty
- ❖ 16 hours in a work shift
- ❖ (begins and ends with minimum of 8 consecutive hours off)
- ❖ 10 hours off duty
- ❖ 1 cycles
- ❖ 70 hours in 7 days
- ❖ Ability to reset cycle
- ❖ May defer up to 2 hours off duty time from Day 1 to Day 2

SLEEPER BERTH

- ❖ Each day a minimum of 10 hours must be taken

SINGLE DRIVER

- ❖ 2 periods neither less than 2 hours total

TEAM DRIVER

- ❖ 2 periods neither less than 4 hours to total 8 hours (10 hours must be taken in the day)
- ❖ Preceding 14 days of logs must be retained to confirm 24 hours off at least once in every 14 days
- ❖ Detailed time records

Driver Daily Log Books

Section: 2:06.1

Part 2: Safety & Compliance

All commercial drivers are required to keep daily hours of service log. The logs allow enforcement officers to check compliance to safety standards. Daily logs must be completed in duplicate so that both the driver and the employer have copies and *turned in to the company within 20 days. Safety Officer will monitor the logs and all supporting document/ bill of lading. All the logs will be audited, placed on files and kept available for the last 6 months.*

Driver's daily logs must show the following information:

- Date
- Driver's name {printed}
- Odometer reading {start of driving}
- Odometer reading {end of driving}
- Total distance driven
- Tractor identification
- Trailer identification
- Carrier identity
- Driver's signature
- Co-driver's signature {if applicable}
- 24 hour period starting time
- Carrier's main office address
- Total hours in each duty status
- Shipper & Commodity (USA)

Manual logs must incorporate a graph grid which drivers must use to record time spent driving, in a sleeper berth, on duty (on driving) and off duty, as well as the time and location of each change of duty status, including *flagging and spiking* for brake checks, border stops, load checks and fueling.

Motor Vehicle Act Regulations

Section: 3:01.1

Part 2: Act & Regulations

Motor vehicle act regulations Division 37- Safety Code, Federal regulations applicable on the company and other related regulations are available for the information. Copy of the Motor Vehicle Act Regulations Division is a part of this safety policy.

MOTOR VEHICLE ACT REGULATIONS

DIVISION 37 — SAFETY CODE

PART 1 — INTERPRETATION

INTERPRETATION

37.01 In this Division:

"adverse driving conditions" means

- (a) snow, sleet, fog or other adverse weather conditions,
- (b) a highway covered with snow or ice, or
- (c) unusual adverse road and driving conditions,

which were not known to the driver or the person dispatching the driver before the driver began the driving time;

"applicant" means a person who applies for a safety certificate;

"carrier" means, in relation to a commercial motor vehicle,

(a) the owner of the commercial motor vehicle, including a person in possession of the commercial motor vehicle under a contract by which the person may become the owner of the commercial motor vehicle on full compliance with the contract,

(b) any other person having management of the commercial motor vehicle or determination of the uses to which it is put, and

(c) the lessee of the commercial motor vehicle if the lease for the commercial motor vehicle has a term of at least one month,

but a person is not a carrier merely because he or she is the driver of the commercial motor vehicle;

"co-driver" means a person who is present in a commercial motor vehicle because he or she 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

- (a) a truck or truck tractor with a licensed gross vehicle weight exceeding 5 000 kg and includes an attached trailer,
- (b) a bus,

(c) a motor vehicle the operator of which is required to hold a licence under the *Motor Carrier Act* or a licence or temporary operating permit under the *Passenger Transportation Act*, or

(d) a business vehicle, as defined in section 237 of the Act, that has a gross vehicular weight in excess of 5 000 kilograms;

"cycle" means

(a) cycle 1, under which on-duty time is accumulated over a period of 7 days, and

(b) cycle 2, under which on-duty time is accumulated over a period of 14 days;

"daily log" means a record in the form set out in Schedule 2 of this Part containing the information required by section 37.18.02;

"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 person who drives 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" means, in respect of a driver,

(a) off duty time other than off duty time under paragraph (b),

(b) off duty time spent in a sleeper berth,

(c) driving time, or

(d) on duty time other than driving time;

"electronic recording device" means an electric, electronic or telematic device that is installed in a commercial motor vehicle and is capable of accurately recording, in accordance with section 37.18.03, each period of duty status, in whole or in part;

"home terminal" means the place of business of a carrier at which a driver ordinarily reports for work and, for the purposes of sections 37.18 to 37.18.02 and Schedule 2 of this Part, includes a temporary work site designated by the carrier;

"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 transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;

"on duty" with respect to a driver and "on-duty time" means the period that begins when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver

- (a) inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle,
- (b) travelling in a commercial motor vehicle as a co-driver, when the time is not 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 for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched,
- (f) waiting for a commercial motor vehicle or its load to be inspected,
- (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, except
 - (i) time counted as off-duty time in accordance with section 37.13,
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of sections 37.13.02 and 37.13.03, and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.13.03, and
- (i) performing any work for any carrier;

"principal place of business" means the place identified in writing by the carrier to the director, and approved by the director, where daily logs, supporting documents and the records required to be maintained by section 37.29 are kept by the carrier;

"safety certificate" means a certificate issued under section 37.04 or 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 Part;

"supporting document" means a document or information recorded or stored by any means required by the director to assess compliance with this Part;

"trip inspection report" means a record kept pursuant to section 37.23.

Part 2 — Safety Certificate

Certificate required

37.02 (1) Subject to subsection (2), no carrier shall permit a driver to drive for the carrier, and no driver shall drive a commercial motor vehicle, unless the carrier holds a valid safety certificate issued by the director under this Division.

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

(a) a vehicle not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, or

(b) a road building machine as defined in the *Commercial Transport Act*, a farm tractor or implement of husbandry.

(3) The director may exempt persons or commercial motor vehicles from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

(4) A person shall not represent, in any way, that a commercial motor vehicle is operated pursuant to a safety certificate other than the one issued to the carrier.

(5) A carrier shall maintain evidence of a valid safety certificate in all commercial motor vehicles for which the carrier is required to hold a safety certificate and shall make the evidence available for inspection on demand by a peace officer.

(6) Where a commercial motor vehicle is not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, the carrier does not require a safety certificate to operate that vehicle unless the director, for the purpose of promoting and securing road safety, restricts the use of the motor vehicle to use in conjunction with a safety certificate held by the carrier.

Application for safety certificate

37.03 (1) A person wishing 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*, B.C. Reg. 334/91, unless, within 6 months after the date on which the safety certificate is issued, the person pays the fee that is payable under the *Motor Carrier Regulation No. 2*, B.C. Reg. 252/94, for an application for a license under the *Motor Carrier Act*, in which event no fee is payable under this paragraph,
- (c) a transcript of the driving record of each driver employed or otherwise engaged by the person within British Columbia, issued by the responsible agency in the jurisdiction in which the driver received his or her driver's license, and dated not later than the driver's date of employment,
- (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 commercial motor vehicles for which the person is required to hold a safety certificate,
 - (i) records of vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from the vehicle's manufacturer 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 a human being, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and

(f) such other information as the director may request relating to the road safety history of the person and the person's vehicles and drivers.

(2) The director may refuse to issue a safety certificate

(a) to a corporation where a director or officer of the corporation has held a safety certificate that was suspended or cancelled for cause,

(b) to an individual where 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, or

(c) 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 vehicles;

(iii) if that person is a corporation, one or more of the directors or officers of that person;

(iv) one or more of the drivers employed or otherwise engaged by that person within British Columbia.

(2.1) If the director gives notice under section 118.96 (2) of the Act in respect of a person and the person applies under section 118.97 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.

(3) A person shall hold no more than one valid and subsisting safety certificate.

Issuance of safety certificate

37.04 (1) The director shall issue a safety certificate to an applicant if, in the director's opinion,

(a) the applicant or, where 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, including this regulation, and

(ii) where the applicant is or intends to be transporting dangerous goods, has knowledge of the *Transport of Dangerous Goods Act* and the *Transportation of Dangerous Goods Act (Canada)* and the regulations made under both those Acts,

(b) the applicant has a satisfactory history of commercial motor vehicle safety,

(c) the applicant has provided satisfactory evidence that his commercial motor vehicles are in safe mechanical condition,

(c.1) 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

(d) 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 holder of a safety certificate claims, in writing, that the certificate has been lost, destroyed or wrongfully taken, the director must issue to that holder a new certificate in place of the original if the holder pays to the director the replacement certificate fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91.

Condition

37.05 (1) The director is authorized and empowered to issue safety certificates with or without conditions.

(2) The holder of a safety certificate which is subject to a condition under subsection (1) shall comply with the condition.

Changes

37.06 A holder of a safety certificate shall notify the director of any change in the holder's name or address within 10 days after the change.

Safety rating

37.061 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 the carrier:

(a) satisfactory unaudited;

(b) satisfactory;

- (c) conditional;
- (d) unsatisfactory.

Profiles

37.07 (1) The director may monitor the safety records of carriers and of drivers, including the following:

- (a) warnings and notices given to carriers by the director, police officers and other officials who have duties respecting road safety;
- (b) warnings and notices given to drivers by the director, the superintendent, police officers and other officials who have duties respecting road safety;
- (c) accidents reported under section 249 of the Act.

(2) The director may compile information and profiles of carriers with respect to

- (a) accidents reported under section 249 of the Act,
- (b) their compliance 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 37.03 (1) (e) (iii) and 37.29 (1) (c) (iii).

(3) The director may share 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) 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

37.071 A carrier who holds a safety certificate must ensure that whenever a business vehicle in respect of which that safety certificate is held is being operated on a highway, the name of the carrier who 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.

Notice of safety certificate number

37.072 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.

Repealed

37.08–37.10 Repealed.

Part 3 — Hours of Service

Application of this Part

37.11 This Part does not apply to a driver who is driving

- (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 where the driver or his employer is the producer of the products,
- (a.1) 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,
- (b) Repealed.
- (c) an emergency vehicle,
- (d) a commercial motor vehicle transporting passengers or goods for the purpose of providing relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster,

- (e) a road building machine as defined in the *Commercial Transport Act*, 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 within the definition of "commercial motor vehicle" in section 37.01 but for personal use if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 km in a day,
 - (iv) the driver makes a notation in the daily log indicating the odometer reading at the beginning and end of the personal use, and
 - (v) the driver is not the subject of an out-of-service declaration, or
- (h) vehicles and other equipment 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, but does apply to him or her while travelling to or from that site.

Exemption for commercial motor vehicles of a certain weight

37.11.01 The director may

- (a) exempt from this Part, unconditionally, or on conditions the director considers desirable, commercial motor vehicles with a licensed gross vehicle weight or gross vehicular weight of over 5 000 kilograms and under 11 795 kilograms, and
- (b) substitute, if the director considers it desirable for the purpose of more effectively promoting and securing road safety, other requirements in a case in which the director grants an exemption under paragraph (a).

Responsibilities of carriers, shippers, consignees and drivers

37.12 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive if

- (a) the driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive,
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,
- (c) the driver is the subject of an out-of-service declaration, or
- (d) the driver, in doing so, would not be in compliance with this Part.

Travelling as a passenger — off-duty time

37.13 If a driver, who has, at the request of the carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger in a commercial motor vehicle to the destination at which the driver will begin driving, 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.

Daily driving and on-duty time

37.13.01 (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

37.13.02 (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 of time 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

37.13.03 (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 fewer 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 37.13.02.

Deferral of daily off-duty time

37.13.04 Despite sections 37.13.01 and 37.13.03, a driver who is not splitting off-duty time in accordance with section 37.16 or 37.16.01 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 "Remarks" section of the daily log 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 two of that time.

Ferries

37.14 Despite sections 37.13.02 and 37.13.03, 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 time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours,
- (b) the hours are recorded in the daily log as off-duty time spent in a sleeper berth,
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees, and

- (d) the supporting document coincides with the daily log entries.

Logging truck hours

37.15 (1) If a driver is driving a commercial motor vehicle designed exclusively for the transportation of logs or poles,

- (a) the driver must 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,
- (b) sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
 - (i) 15 hours have not elapsed since the end of the most recent period of 9 or more consecutive hours of off-duty time, and
 - (ii) the driver takes at least 24 consecutive hours of off-duty time at least once in every period of 7 consecutive days, and
- (c) the off-duty time referred to in paragraphs (a) and (b) is recorded in the daily log as off-duty time and as "operating under logging truck hours" in the "Remarks" section of the daily log.

(2) A carrier must not allow a driver operating under this section to drive and a driver must not drive after having 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.

(3) Despite section 37.16.05, a driver who drives a commercial motor vehicle in accordance with this section must not reset the cycle.

(4) Despite section 37.13.04, a driver who drives a commercial motor vehicle in accordance with this section must not defer off-duty time.

Oil well service vehicle hours

37.15.01 (1) If a driver is driving an oil well service vehicle, sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if

- (a) in addition to complying with daily off-duty requirements of section 37.13.03, 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 37.16.02, 37.16.03 or 37.16.04.
- (2) Waiting time and standby time at an oil or natural gas well site or ancillary facility must not be included 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 daily log as off-duty time and denoted as waiting or standby time in the "Remarks" section.
- (3) The time referred to in subsection (2) must not be included in the mandatory minimum of 8 consecutive hours of off-duty time.

Splitting of daily off-duty time — single driver

- 37.16** (1) A driver who is driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 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 16th 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 14th hour.
- (2) The 16th hour is 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 fewer 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 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

Splitting of daily off-duty time — team of drivers

37.16.01 (1) A team of drivers driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 by accumulating 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 2 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 16th 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 14th hour, and

(h) the total of off-duty time in the day is at least 10 hours.

(2) The 16th 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 fewer 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 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

Cycles

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

Cycle 1

37.16.03 Subject to section 37.16.05, 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 or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended.

Cycle 2

37.16.04 Subject to section 37.16.05, 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, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended, 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

37.16.05 (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

37.16.06 (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 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.

Exemption for commercial motor vehicles other than oil well service vehicles

37.17 (1) The director may, by permit in writing and unconditionally or on conditions the director considers desirable, make an exemption in respect of a carrier and substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety, 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 only does one or both of the following:
 - (i) reduces the 2 hours of daily off-duty time required by section 37.13.03 (3);
 - (ii) increases driving time and on-duty time of 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 his or her 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 the employees of the carrier are not or are not likely to be jeopardized.

(2) In order 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) information, forms and records the director requires, in the form required by the director, relating to the road safety history of the carrier and of the commercial motor vehicles and drivers of the carrier.

Exemption by director in unforeseen event

37.17.01 Despite anything in this Part, the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of this Part 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 exemption

37.17.02 (1) A carrier to whom an exemption is given by the director must

- (a) require that a copy of the exemption 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 applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles,
- (c) make available for inspection by the director or a peace officer, immediately on request, the daily log and the supporting documents of the drivers of the commercial motor vehicles in respect of which the exemption applies, and
- (d) notify the director in writing without delay of any accident involving any of the commercial motor vehicles to which the exemption applies if it is required, by the laws of the province, state or country in which the accident occurred, to be reported to the police.

- (2) A driver who is driving in accordance with an exemption given by the director must drive, and the carrier must ensure that he or she drives, in accordance with the conditions or requirements of the exemption.

Emergencies and adverse driving conditions

37.17.03 (1) The requirements of this Part in respect of 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 operating the vehicle may extend the allowed 13 hours of driving time specified in sections 37.13.01 and 37.13.02 and reduce the 2 hours of daily off-duty time required by section 37.13.03 (3) 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 his or her driving, on-duty or elapsed time because of an emergency or adverse driving conditions must record the reason for doing so in the "Remarks" section of the daily log.

Local time to be used in daily log

37.18 A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver's home terminal.

Requirement to fill out a daily log

37.18.01 (1) A carrier must require every driver to fill out and every driver must fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.

- (2) This section does not apply if
- (a) the driver operates or is instructed by the carrier to operate a commercial motor vehicle within a radius of 160 km of the home terminal,
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time, and

(c) the carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded.

(3) Despite subsection (2), this section applies to an oil well service vehicle whether or not paragraphs (a) to (c) are met by the driver of and carrier for the oil well service vehicle.

Content of daily logs

37.18.02 (1) At the beginning of each day, a carrier must require that a driver enters legibly and the driver must enter legibly the following information in the daily log:

- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (b) in the case of a driver who is not driving in accordance with an oil well service vehicle exemption, the cycle that the driver is following;
- (c) the commercial motor vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial motor vehicles operated by the driver;
- (e) the names and the addresses of the home terminal and the principal place of business of every carrier by whom the driver was employed or otherwise engaged during that day;
- (f) in the "Remarks" section of the daily log, if the carrier or driver was not required to keep a daily log 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 the day;
- (g) if applicable, a declaration in the "Remarks" section of the daily log that states that the driver is deferring off-duty time under section 37.13.04 and that clearly indicates whether the driver is driving under day one or day two of that time.

(2) The carrier must require that the driver records and the driver must record in the daily log the hours in each duty status during the day covered by the daily log, in accordance with Schedule 2 of this Part, and the location of the driver each time his or her duty status changes, as that information becomes known.

(3) At the end of each day, the carrier must require that the driver records and the driver must record the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the driver's personal use of the vehicle, as well as the odometer reading at the end of the day, and sign the daily log attesting to the accuracy of the information recorded in it.

Use of electronic recording devices

37.18.03 A driver may use an electronic recording device for recording his or her duty status if

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format,
- (b) when requested to do so by the director or a peace officer, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a printout or any other intelligible output, or any combination of these,
- (c) the device is capable of displaying
 - (i) the driving time and other on-duty time for each day on which the device is used,
 - (ii) the total on-duty time remaining and the total on-duty time accumulated in the cycle being followed by the driver, and
 - (iii) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used,
- (d) the driver is capable, if so requested by the director or a peace officer, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used,
- (e) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences,
- (f) the device records the time spent in each duty status of the driver,
- (g) any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy, and
- (h) the carrier provides blank daily log forms in the commercial motor vehicle for the driver's use.

Possession of daily logs and supporting documents by drivers

37.18.04 A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has in his or her possession

- (a) a copy of the daily logs for the previous 14 days or, in the case of a driver to whom section 37.13 applies or who is driving an oil well service vehicle, for the previous 24 days,
- (b) the daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred, and
- (c) any supporting documents or other relevant records that the driver received in the course of the current trip.

Distribution and keeping of daily logs

37.18.05 (1) A driver must, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the carrier must ensure that the driver does so.

(2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a daily log, and the carriers must ensure that the driver forwards

- (a) the original of the daily log to the home terminal of the first carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked, and
- (b) the original supporting documents to the home terminal of the applicable carrier.

(3) The carrier must

- (a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them, and
- (b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

Tampering

37.18.06 (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than one daily log in respect of any day.

- (2) A carrier must not request, require or allow any person to enter and a person must not enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

Monitoring by carrier

37.19 (1) A carrier must monitor the compliance with this Part of each driver.

- (2) A carrier that determines there has been non-compliance with this Part 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, and
 - (b) record the date on which the non-compliance occurred, the date of issuance of the notice of non-compliance and the action taken by the carrier.

Out-of-service declaration

37.19.01 (1) A director or peace officer may issue an out-of-service declaration in respect of a driver if

- (a) the driver contravenes section 37.12 (a) or (b),
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption,
 - (c) the driver is unable or refuses to produce his or her daily log book in accordance with section 37.20,
 - (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log, or
 - (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or peace officer cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption.
- (2) An out-of-service declaration applies
- (a) for 10 consecutive hours, if the driver contravenes section 37.12 (a) or (b),
 - (b) for 10 consecutive hours, if the driver contravenes section 37.13.01,

(c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of sections 37.13.01 to 37.16.06, and

(d) for 72 consecutive hours, if the driver contravenes section 37.18.06 or 37.20.

(3) The out-of-service declaration in respect of a driver who contravenes section 37.18.06 or 37.20 continues to apply beyond the 72 hours until the driver rectifies the daily log, 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.

Authority to enter premises for an inspection

37.19.02 (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 purpose of inspecting the daily logs and supporting documents.

(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 purpose of verifying that the sleeper berth meets the requirements of Schedule 1 of this Part.

Production of daily logs and supporting documents by driver

37.20 (1) At the request of a peace officer, a driver must immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the previous 14 days as well as any exemption given by the director in respect of a carrier in accordance with which the driver is driving.

(2) If an electronic recording device is installed in the commercial motor vehicle, the driver must retrieve the information stored by the device for each day that it was used.

(3) The driver must, at the request of a peace officer, immediately give the peace officer a copy of the daily logs, supporting documents and other relevant records for the previous 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any exemption given by the director in respect of the carrier in accordance with which the driver is driving.

(4) The peace officer must provide a receipt for the copies or originals of the daily logs, supporting documents, other relevant records and exemptions.

(5) In the case of a driver who is driving an oil well service vehicle, a reference in subsections (1) and (3) to 14 days must be read as a reference to 24 days.

Production of daily logs and supporting documents by carrier

37.20.01 (1) A carrier must, during business hours, at the request of the director, immediately make available for inspection at a place specified by the director daily logs, supporting documents and other relevant records as well as any exemption given by the director in respect of the carrier in accordance with which a driver is or has been driving during the period for which the director makes the request for the documents.

(2) The director must

(a) immediately return the exemption if it is still current and provide a receipt for any expired exemption as well as for the daily logs, supporting documents and other relevant records, and

(b) return the expired exemption, daily logs, supporting documents and other relevant records within 14 days after receiving them.

Obstruction of director or peace officer

37.21 A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or a peace officer engaged in carrying out their duties and functions under this Part.

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 is securely fixed to it,
- (c) it is not located in or on a trailer,
- (d) it is located in the cargo space and it is 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 in shape 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,
- (k) it is reasonably 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 toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Schedule 2

Duty Status

.....
Name

.....
Date

Cycle 1 (7 days) []

OR Cycle 2 (14 days) []

..... (Hour at which day begins – Use local time at home terminal)

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

Remarks

Total distance driven

Signature

Instructions

1 Fill out the grid as follows:

(a) for each duty status,

(i) mark the beginning time and the end time, and

(ii) draw a continuous line between the time markers;

(b) record the name of the municipality or give the location on a highway or in a legal subdivision and the name of the province or state where a change in duty status occurs;

(c) if the driver is engaged in making deliveries in a municipality that result in a number of periods of driving time being interrupted by a number of 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;

(d) enter on the right of the grid the total number of hours of each period of duty status, which total must equal 24 hours.

Part 4 — Trip Inspection

Pre-trip and post-trip inspections

37.22 (1) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the requirements of this section are met.

(2) The driver or a person specified by the carrier shall satisfy himself or herself that the commercial motor vehicle is in a safe operating condition 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) shall be performed daily before the first trip of the day.

(4) If a trip lasts more than one day, the inspection required by subsection (2) shall 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) shall be carried out before the commercial motor vehicle's first trip that is not for that purpose.

(6) The driver or the person specified under subsection (2) shall,

(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 defects observed as a result of this inspection or while in charge of the commercial motor vehicle.

Trip inspection report

37.23 (1) This section applies to a commercial motor vehicle to which Part 1 of Division 25 of this regulation applies under section 25.01 (2), but does not apply to

(a) commercial motor vehicles rented for a single trip,

(b) an emergency vehicle,

(c) a 2 axle vehicle with a licensed gross vehicle weight not exceeding 14 600 kg, excluding a bus, school bus, special activity bus or special vehicle, or

(d) a taxi where the carrier requires the driver of the taxi to immediately notify the carrier of defects found in the inspections under section 37.22 and defects that come to the driver's attention while operating the taxi.

(2) A carrier shall require every driver employed or otherwise engaged by the carrier or a person specified by the carrier to prepare the trip inspection report in accordance with this section.

(3) The driver or the person specified by the carrier under subsection (2) shall prepare, for each commercial motor vehicle driven, the trip inspection report in accordance with this section in legible writing before driving the commercial motor vehicle for the first time in a day.

(4) The trip inspection report shall

(a) state the licence plate or unit numbers for the commercial motor vehicle,

(b) specify any defect in the operation of each item listed in section 37.22 (2),

(b.1) specify 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,

(c) state that no defect was discovered or came to the attention of the driver, should that be the case,

(d) state the date the report is made, and

(e) contain the signature of the driver or other person making the report.

(5) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the driver has the current trip inspection report in his possession.

(6) A driver shall, on the request of a peace officer, produce to the peace officer for inspection the current trip inspection report.

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

Multiple drivers

37.24 Where 2 or more drivers are employed or otherwise engaged to drive a commercial motor vehicle, only one driver is required, under section 37.23 (4) (e), to sign the trip inspection report, provided all drivers agree as to the defects to be reported, but where there is a disagreement over the defects to be reported, all drivers shall sign and indicate the nature of the disagreement.

Delivery of report

37.25 A driver who prepares a trip inspection report shall deliver the original report to the carrier responsible for the commercial motor vehicle referred to in the trip inspection report, or to its agent, within 20 days after completing the trip inspection report.

Corrective action

37.26 A carrier shall not permit a driver to drive, and a driver shall not drive, a commercial motor vehicle unless, before doing so, the carrier or the carrier's agent has

(a) repaired or corrected items listed on the trip inspection report which 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 records

- 37.27** (1) A carrier shall keep the original of each trip inspection report for at least 3 months from the date the document was prepared and shall, during that period, make the document available for inspection by a peace officer.
- (2) A carrier shall, within 30 days after receiving the trip inspection report, place them at the location where the carrier retains its records relating to its drivers or at another location approved in writing by the director.

Part 5 — Facility Audits

Application of this Part

- 37.28** This Part does not apply to a driver of, or the operation of, a farm tractor, an implement of husbandry or a road building machine as defined in the *Commercial Transport Act*.

Maintenance of records

- 37.29** (1) Subject to subsection (2), the carrier shall maintain at its principal place of business in the Province or at another place approved by the director

- (a) a transcript of the driving record of each driver employed or otherwise engaged by that carrier within the Province, issued by the responsible agency in the jurisdiction in which the driver received his driver's licence, and dated the later of

- (i) the driver's date of employment, 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 3 and 4 of this Division, and

- (ii) records of the notification of the carrier of accidents, violations and convictions relative to each driver while in the employ of or 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 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,
- (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of a human being, 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 vehicle maintenance plan applicable to the carrier.

(2) The driver shall deliver the records referred to in subsection (1) (b) (ii) to the carrier by whom the driver was employed or otherwise engaged within 15 days of the accident, violation or conviction referred to in that subsection.

(3) The director may exempt a carrier from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively securing and promoting road safety.

Retention of records

37.30 With the exception of records kept under Parts 3 and 4 of this Division and Division 25, a carrier shall maintain the records required to be maintained under section 37.29 and shall keep the records readily accessible for inspection and audit purposes for the calendar year in which they were made and the following 4 calendar years.

Inspectors

37.31 The director may appoint an inspector for the purpose of inspecting and auditing records referred to in section 212 (4) (c) and (f) of the Act.

Compliance review

37.32 (1) An inspector may, during business hours, enter the place where records are kept under section 37.29 and conduct a compliance review for the purpose of determining whether a carrier meets the requirements of sections 37.29 and 37.30.

(2) No person shall obstruct an inspector conducting a compliance review under this section.

Audit

37.33 (1) An inspector may, during normal business hours, enter the place where records are kept under section 37.29 and conduct an audit for the purpose of determining whether a carrier meets the requirements of this Division.

(2) No person shall obstruct an inspector conducting an audit under this section.

Documents must be delivered

37.331 Without limiting sections 37.32 and 37.33, if an inspector asks a carrier to deliver, for the purposes of a compliance review or an audit, some or all of the records kept by the carrier under section 37.29, 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 approved for that purpose by the director.

Carrier administered audit

37.34 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 approved by the director.

Part 6 — Offences

Unsafe vehicle

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

False records

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

(2) A person shall 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.

Offences

37.37 (1) A person commits an offence who contravenes sections 37.02 (1), (4) or (5), 37.03 (3), 37.05 (2), 37.06, 37.12 (a), (b), (c) or (d), 37.13.01 (1) or (2), 37.13.02 (1), (2) (3) or (4), 37.13.03 (1) or (3), 37.15 (1) (a) or (2), 37.15.01 (1) (a) or (b), 37.15.01 (3), 37.16 (3), 37.16.01 (3), 37.16.02, 37.16.03, 37.16.04 (a) or (b), 37.16.06 (1) (a) or (b), 37.17.02 (1) (a), (b), (c) or (d) or (2), 37.17.03 (3), 37.18.01 (1), 37.18.02 (1), (2) or (3), 37.18.04 (a), (b) or (c), 37.18.05 (1) or (2) (a) or (b) or (3) (a) or (b), 37.18.06 (1) or (2), 37.19 (1), (2) or (3), 37.20 (1), (2) or (3), 37.20.01 (1) or 37.21, 37.22 (1), (2) or (6), 37.23 (2), (3), (5) or (6), 37.24, 37.25, 37.26, 37.27 (1) or (2), 37.29 (1) or (2), 37.30, 37.32 (2), 37.33 (2), 37.35 or 37.36 (1) or (2).

(2) 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.

Operating a vehicle while under suspension

37.38 (1) Repealed. [B.C. Reg. 135/2003, s. 14 (a).]

(2) 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.

(3) A carrier who contravenes subsection (2) commits offence.

Motor Vehicle Accident Reporting

Section: 4:01.1

Part 4: Claims and Accidents

Occurrence of any accident must be informed to the company asap. Any accident involving your unit, no matter how minor, must be reported to the Office. Accidents include those that are caused by you, the negligence of others or fall under the comprehensive classification. Comprehensive claims include theft, fire, animal hits, broken windshields etc.

If you are involved in an accident or collision with a third party, you must stop. Do not leave the scene of the accident. You or ask others to call the police and, if necessary, an ambulance.

If the vehicles are endangering other traffic, position warning devices. Do not move the vehicles unless instructed to do so by the police.

Protect yourself and others from further danger. Do not move an injured person.

Make sure you obtain the following information from all parties involved:

- Name and Address of all witnesses
- Drivers license number
- Vehicle license number
- Insurance Company name and address
- Name, Detachment Location & Phone Number of Police Officer.

Provide the above information when asked. YOU are required to do so by law. Write down any other relevant information including the names, addresses, and telephone numbers of all witnesses. Do not wait until later. Do it right away.

Do not express opinions about the accident. Do not volunteer information other than what is required by law. If any other driver appears to be impaired, make sure the police are notified.

Notify your dispatcher if the accident occurs after hours. You must let someone know you have a problem.

REMEMBER: As per The Company Drug and Alcohol Policy, you may have to be tested. Your written report with all the pertinent information must be turned into or faxed to the Safety Office within 24 hours.

Motor Vehicle Accidents & Reporting

Section: 4:01.1

Part 4: Claims and Accidents

The Insurance Companies defines a collision as:

Upset or collision of a vehicle with another object, including but not limited to:

The surface of the ground, the roadway being traveled on or an object on, in, under, over or adjacent to the roadway; including a road sign, guard rail, pier, bridge or culvert or any body of water or waterway under or adjacent to the pier, bridge, culvert or roadway.

A pedestrian as defined in part three of the Motor Vehicle Act.

A vehicle attached to a vehicle.

Cargo, including animals, carried in or on a commercial motor vehicle the gross vehicle weight of which exceeds 3,700 kg or a commercial trailer.

It is in your own best interest to own a camera. Even an inexpensive point and shoot disposable camera will take a picture that is adequate. The Company will re-imburse you the cost (with original receipt) of the disposable camera or the cost of film developing for your own camera if it is used for Company business.

REMEMBER: one picture is worth a thousand words.

The picture you take could verify your statement and save you a lot of time, trouble and money.

Accident report with the related documents must be submitted to the company immediately. This will be placed on files within 15 days from the date of occurrence and retained for current plus four years.

MOTOR VEHICLE ACCIDENTS AND REPORTING



Insurance
Corporation
British
Columbia

Driver Report

| | | |
|----------------------|-------------------|------------------|
| Date of Incident: | Time of Incident: | Weather: |
| City: | Prov/State: | Road Conditions: |
| Direction of Travel: | Street: | Cross Street: |

Illustrate position of cars at time of collision

If diagram is insufficient, please draw your own on a separate page and submit with report.

Accident Description:

Signature:

Date:

Are you accepting liability for this accident?

Please attach any documents needed (police reports, scene or damage photos, statements, receipts)

FORMS & SAMPLES

Section: 5:01.1

Part 5: Misc. Forms

Some forms and samples are available in this section. All related forms are also available in company's office. Call dispatcher or safety officer to get.

Mi Joo Tours & Travel Ltd.

207-403 North Road

Coquitlam BC V3K 3V9

Bus No.....

Odometer Reading.....

Date.....

| "R" INSPECTION-RUN UP or Pre Trip | ✓ | NOTES |
|---|----------|--------------|
| All Fluid levels before starting | | |
| Check operation of starter | | |
| Check air build up & governor cut out (118-120psi) | | |
| Turn on "Fast Idle" control (off with parking brake-off when in gear {auto only}) | | |
| Check instruments, gauges (front & rear) low air, oil, hot engine warning systems | | |
| Check all lights and glass condition | | |
| Check wipers and washer operation | | |
| Park brake and warning lights | | |
| Interior – lights and broken seats | | |
| Free pedal & clutch brake (feel only) | | |

Signature.....

Bus No.....

Odometer Reading.....

Date.....

| "A" INSPECTION- 5,000 MILES | ✓ | NOTES |
|---|----------|--------------|
| Chassis lubrication | | |
| Adjust front & rear brakes, inspection, brake lining | | |
| Check clutch adjustment & mechanism 1/8" clearance at T.O. Brg. At least 1 1/4" pedal free play | | |
| Check "U" joint condition and flange bolt | | |
| Drain air tanks | | |
| Check oil levels, steering box & washer fluid | | |
| Inspect suspensions including bushing & shocks and bags | | |
| Check all drive belts for tension & condition. Check cylinder protrusion (1 1/4") | | |
| Check tires for inflation, uneven wear & damage 100#, Hub oil levels | | |
| Check coolant level & antifreeze | | |
| Check battery water level, clean compartment & terminals if required | | |
| Check front & rear flap condition | | |
| Check wheels and stud nuts front & back for cracks, looseness etc. | | |
| Air clean indicator | | |

Signature.....

Mi Joo Tours & Travel Ltd.

207-403 North Road

Coquitlam BC V3K 3V9

Bus no..... Odometer Reading..... Date.....

| "B" INSPECTION – 10,000 + MILES | ✓ | NOTES |
|---|---|-------|
| Oil Change (and filters) | | |
| Check engine air cleaner | | |
| Check radiator shutter & damper operation | | |
| Damper, shutter rods & cranks | | |
| Lining Condition | | |
| Front Left _____ Front Right _____ | | |
| Drive Left _____ Drive Right _____ | | |
| Tag Left _____ Tag Right _____ | | |
| Check King pin | | |
| Check heater & defroster fan & air-conditioning operation | | |

Bus No..... Odometer Reading..... Date..... Signature.....

| "C" INSPECTION – 20,000 MILES | ✓ | NOTES |
|--|---|-------|
| Fuel Filters as required | | |
| Check cond. & evap motor, wheels & brushes | | |
| Check shutdowns, oil pressure & hot water | | |

Signature.....

ANNUAL

Bus No..... Odometer Reading..... Date.....

| |
|---|
| <p>Check safety equipment & tools / Check fire extinguisher & service</p> <p>Notes:</p> |
| <p>Check seat recline & upholstery / seat belt anchor, recoil lock</p> <p>Notes:</p> |

Signature.....

Mi Joo Tour & Travel Ltd.

NEW DRIVER ACKNOWLEDGMENT FORM

I, _____ driver and employee of Mi Joo Tour & Travel Ltd. agree to abide by all requirements as outlined within the policy manual. In summary, I agree to the following:

1. To provide my employer with a copy of license when renewed or any name or address change occur.
2. I understand that it is a requirement as part of my employment to have a current N print driver abstract in my drivers file each year.
3. I understand that any tickets or violations, notice or orders, accident reports & roadside inspections must be reported to my employer within 24 hours and he must have a copy or original of the ticket within 20 days.
4. I understand it is part of my job requirement to complete a vehicle trip inspection report daily, and it must be filled correctly, completely and accurately as per training. A pre trip and post trip must be conducted. I realize that these must be submitted to my employer every 20 days. I understand that filling a false report is an offence. I also understand that ensuring the vehicle brakes are adjusted is my responsibility at time of inspection.
5. I understand that is my responsibility to complete an accurate record of hours of service for each day and it must be completed accurately and submitted to my employer within 20 days. I also understand the maximum hours for daily driving and the minimum rest period required before driving again the next day.
6. I completely understand the disciplinary policy. I understand that continued violations and unsafe driving or failure to follow all administrative guidelines will result in termination of employment.
7. I understand I must know where the registration and inspection documents are for the vehicle I am driving before I start driving.
8. I understand I must report any defects immediately and I must have repairs done (that will impact vehicle safety) before driving.
9. I understand I must ensure that the vehicle's load is secure.

10. I completely understand the drug and alcohol policy as outlined within the policy manual. I also understand there is a zero tolerance policy for substance abuse and usage while using company vehicles and while under the company's NSC number.

11. I understand that any driver suspensions must be reported to the employer immediately.

12. I understand I am only able to carry authorized passengers.

13. I understand that if applicable, my TDG certificate must be kept up to date if I am transporting dangerous goods.

I understand that by not abiding by the requirements stipulated above, that I will be terminated from employment with Mi Joo Tour & Travel Ltd.

Driver Signature

Date

Mi Joo Tour & Travel Ltd.
OPERATOR & COMPANY DRIVER
ACKNOWLEDGEMENT & RECEIPT FORM

Name: _____

Unit Number: _____

Position: _____

By signing below, I hereby acknowledge receipt of the Company Policy Manual. I also acknowledge that I am expected to make myself aware of all the policies and procedures contained in this manual, and that I also agree to follow all the Company policies as outlined in this manual.

Dated on the _____ Day of _____, _____
Day Month Year

Mi Joo Tour & Travel's DIRECTOR

Employee Signature

Employee Name Printed

Northwest Transport Ltd.. POLICY MANUAL

HOURS OF SERVICE MONITORING

Name of Company.....

Name of Driver:.....MONTH:.....

CYCLE: 1 2 (Circle any one)

| DATE | RESET | OFF DUTY | DRIVING TIME | ON DUTY TIME | TOTAL ON DUTY TIME | ELIGIBLE HOURS TOMORROW |
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