

Transport Compliance for CANADA

A guide to motor carrier safety and fleet operation requirements



- PROVINCE-TO-PROVINCE TRANSPORT
- CROSS-BORDER TRANSPORT
- SAFETY AND COMPLIANCE
- VEHICLE SIZES AND WEIGHTS
- FUEL TAX REGISTRATION REQUIREMENTS

For All Commercial Motor Vehicles



J. J. Keller
& Associates, Inc.
Since 1953


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Transport Compliance for Canada

Introduction

The purpose of this publication is to keep you up-to-date with the safety and operational requirements of each jurisdiction in Canada. Whether you operate in all jurisdictions or just a handful, this publication provides you with what you need to know to operate legally throughout Canada.

The publication incorporates the National Safety Code standards and provincial and territorial laws and regulations that will have a significant impact on your business and your drivers. Regarding motor carrier safety, the publication covers carrier safety fitness certificate requirements and carrier profile information, hours of service, daily vehicle inspections, periodic vehicle inspections and maintenance, driver qualification and licensing, cargo securement, distracted driving rules, and more.

Our “cross-reference charts” feature provides jurisdiction-by-jurisdiction details on the definition of a commercial motor vehicle, driver qualification file requirements, daily vehicle inspection requirements, and hours of service requirements. These easy-to-read cross-reference charts allow you to quickly compare requirements across all jurisdictions, helping ensuring compliance wherever you do business.

For the operational or “business” side of trucking, the publication gives details on fuel tax requirements, vehicle registration information, vehicle size and weight limits, oversize/overweight permits, authorities, bills of lading, and vehicle marking requirements. The publication also contains government agency contact information, border crossing information, sample forms, and detailed U.S. regulation summaries to aid you with your compliance efforts.

Revision bars, like the one at the left of this paragraph, are used in this publication to show where significant changes were made on update pages. The revision bar next to text on a page indicates that the text was revised. The date at the bottom of the page tells you when the revised page was issued.

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Did You Know

Drivers using the personal use provision in Canada are limited as to the distance they are able to travel in a day. Drivers are limited to 75 kilometres of personal use travel in a day.

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Safety

The regulations specify two types of drivers – those driving south of the 60th parallel and those driving north of the 60th parallel. The 60th parallel runs along the northern borders of British Columbia, Alberta, Manitoba, and Saskatchewan, and continues through the very northern regions of Québec and Newfoundland/Labrador. Because the greatest number of drivers will fall under the requirements for drivers south of the 60th parallel, the following explanation covers the requirements for those drivers. A brief explanation of the requirements for drivers north of the 60th parallel is included towards the end of this explanation.

Driver cycles

Because the intent of the regulation is to limit the driving and on-duty time in a day, and to ensure drivers obtain enough rest, the regulations establish cycles that drivers must follow. Cycle 1 allows drivers to accumulate 70 hours of on-duty time over seven days, while Cycle 2 allows drivers to accumulate 120 hours of on-duty time over 14 days. When a driver accumulates 70 hours of on-duty time in Cycle 2, he/she is required to take at least 24 consecutive hours off duty.

If a driver reaches the 70-hour or 120-hour limits, then he/she can reset the cycle by taking 36 hours or 72 hours of off-duty time, respectively. Drivers may also switch from Cycle 1 to Cycle 2 by taking 36 hours of off-duty time, or switch from Cycle 2 to Cycle 1 by taking 72 hours of off-duty time.

All drivers, regardless of cycle, must have taken at least 24 consecutive hours off-duty time in the preceding 14 days.

Limitations

Drivers that are operating south of the 60th parallel are subject to the following limitations for driving, on-duty time, and off-duty time:

Daily driving and on-duty time

Drivers may not drive after accumulating 13 hours driving within a day or 14 hours of on-duty time within a day.

Daily off-duty time

Drivers are required to take at least 10 hours off-duty or sleeper-berth time within a day. Two hours of the total 10 hours can be taken throughout the day in blocks of no less than 30 minutes. The two hours cannot be counted as part of a required eight consecutive hour break. Please note, however, that the two additional hours can be added onto a required eight-hour break, thereby creating a consecutive 10-hour break.

Off-duty time

After a driver has accumulated 13 hours driving time or 14 hours on-duty time, within a day or within his/her workshift (described below), the driver must take at least eight consecutive hours of off-duty time before driving again.

Length of workshift and workshift limits

The rules prohibit drivers from driving after 16 hours have elapsed from the start of their workshift. The 16-hour period is determined by the conclusion of the most recent period of eight or more consecutive hours off duty to the start of the next period of eight or more consecutive hours off duty. The 16 hours includes all driving, on-duty, and off-duty time between the eight consecutive hour off-duty periods.

Drivers may not drive after accumulating 13 hours of driving or 14 hours of on-duty time within a workshift. This means that drivers have 16 hours from the start of the workshift to complete their driving time. Drivers cannot extend the workshift by taking off-duty time for lunches, naps, etc.

Deferring daily off-duty time

Sometimes, drivers may encounter situations where they may not be able to take the additional two hours of off-duty time in a day. The deferral provision allows a driver to defer up to two hours of the **daily off-duty time** to the next day. The deferral is allowed only if all of the following conditions are met:

- The off-duty time deferred is not part of a mandatory eight consecutive hours of off-duty time;
- The total off-duty time taken over the two days is at least 20 hours;
- The off-duty time that was deferred is added to the eight consecutive hours of off-duty time taken in the second day;
- The total driving time over the two days does not exceed 26 hours; and
- The driver makes a notation in the “Remarks” area of the log for each day whether he/she is operating under day one or day two of the deferral.



Compliance Point

The deferral provisions do not allow a driver to exceed the 13-hour driving rules or drive after accumulating 14 on-duty hours in a workshift, as the workshift limits are still in effect. For a driver to use the deferral option, he/she must complete eight consecutive hours off-duty within the first day. If any part of the eight consecutive hours falls on the next day, then the driver is in violation of trying to defer time that is part of a mandatory eight consecutive hours off duty.

Again, the deferral is not to be used as an extension of the workshift. Workshift limits are still in effect.

Splitting daily off-duty time

Single drivers and team drivers driving commercial vehicles equipped with sleeper berths are allowed to split the daily off-duty time into two periods, instead of taking one long period of off-duty time. Single drivers who wish to split time must ensure that:

- Each period of off-duty time is at least two hours;
- The total of the two periods of off-duty time is at least 10 hours;
- Both periods of off-duty time are taken in the sleeper berth;
- None of the off-duty time is deferred to the next day; and
- In the time before and after each period:
 - The driving time does not exceed 13 hours;
 - That there is no driving after the 14th hour on duty; and
 - The elapsed time does not include any driving after the 16th hour.

The rules are slightly different for drivers in a team situation. Team drivers who split their daily off-duty time must meet the same requirements as a single driver, except that the periods of off-duty time must be at least 4 hours and the total of the two periods of off-duty time must be at least eight hours. Team drivers are still required to obtain 10 hours of off-duty time within a day.

In both a single driver and a team driver situation, the driver(s) must not exceed 16 hours of elapsed time in the periods immediately before and after the periods of off-duty time. The 16th hour is calculated by excluding any sleeper berth periods that are two or more hours, or four hours for team drivers, that when added to a subsequent period equals 10 hours, or eight hours for team drivers. Included in the 16 hour elapsed time is all on-duty time, all off-duty time not in the sleeper berth, all periods of sleeper berth time that are less than two hours, or four hours for team drivers, and any other period spent in the sleeper berth that does not meet the requirements.

Drivers north of the 60th parallel

Drivers north of the 60th parallel have slightly longer driving and elapsed time limits. After accumulating 15 hours driving, or 18 hours of on-duty time, a driver must take at least eight hours off duty before driving again. The daily off-duty time is reduced to eight hours off duty. The rules prohibit drivers from driving after 20 hours have elapsed from the start of the workshift. The 20-hour period is determined by the conclusion of the most recent period of eight or more hours off duty to the start of the next period of eight or more hours off duty. The 20 hours includes all driving, on-duty, and off-duty time between the eight-hour off-duty periods.

Drivers north of the 60th parallel may split the required off-duty time in the same manner as drivers south of the 60th parallel. However, single drivers only need to obtain eight hours, not 10 hours, of off-duty time. Drivers north of the 60th parallel are also allowed 18 hours of elapsed time, instead of 16 hours, in the periods immediately before and after the periods of off-duty time.

The cycle limits for drivers north of the 60th parallel are Cycle 1, 80 hours in seven days, and Cycle 2, 120 hours in 14 days. The cycle reset and switching provisions are the same as those for drivers south of the 60th parallel.

Daily log requirements

The requirement to fill out a daily log applies to every driver except a driver who meets the following conditions:

- The driver operates the commercial vehicle within a 160 kilometre radius of the home terminal;
- The driver returns to the home terminal each day to begin at least eight consecutive hours of off-duty time;
- The carrier maintains accurate and legible records showing for each day the driver's duty status, elected cycle, hour at which each duty status begins and ends, and the total hours spent in each duty status and keeps the records for at least six months; and
- The driver is not driving under any special hours of service permits.



Documentation

The following information is required on a driver's log:

- Date, start time if other than midnight, the driver's name, and the co-driver name (as applicable);
- Driver's cycle;
- Starting and ending odometer readings of each commercial vehicle operated by the driver;
- Commercial vehicle licence plates or unit numbers;
- Names and addresses of the home terminal and principal place of business of every motor carrier by whom the driver was employed or otherwise engaged during the day;
- In the "Remarks" area, a 14-day record of on-duty and off-duty time if no log was required the previous day; and
- In the "Remarks" area, if the driver is deferring time, an indication of whether the driver is operating under day one or day two of the deferral.

The driver is required to record the hours spent in each duty status on the graph grid and record the location of each duty status change (the name of the municipality or the location on a highway or in a legal sub-division and the name of the province or state where a change in duty status occurs).

If a 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.

At the end of the day, the driver is required to record the total hours for each duty status, total distance driven during the day (minus personal use), and the ending odometer reading. The driver must also sign the log attesting to its accuracy.

Provinces/Territories: **Alberta**

Effective February 23, 2017, Alberta Transportation made enhancements to the public-facing carrier profile. Public carrier profile reports will now include the carrier's conviction and CVSA inspection summary data, a collision summary, a violation analysis and violation summary, and a monitoring summary and monitoring details. The report will not include driver-specific information or any type of personal information. The report is available online or hardcopy and there is a fee to obtain a carrier's public profile. For more information see www.transportation.alberta.ca/5613.htm or email carrier.services@gov.ab.ca.

Facility Audits

A facility audit is an in-depth inspection of a carrier's activities relative to applicable safety standards and recordkeeping. The audit covers the safety policies and procedures used by a carrier and consists of:

- An examination of records and related source documents;
- Interviews with personnel responsible for safety management and drivers;
- An inspection of vehicles on site; and
- The recording and reporting of findings.

Audits may be conducted randomly, in response to a complaint or accident(s), and may consist of an examination of specific records or a carrier's entire operation. Where noncompliance is evident, penalties may be imposed. Evidence of severe noncompliance may result in the carrier being given an "unsatisfactory" rating.

It is the carrier's responsibility to have the required records for vehicles registered in Alberta (and for the operators of those vehicles) available for the inspector at the carrier's main place of business.

Premium Carrier Programs

Partners in compliance (PIC)

Alberta's Partners in Compliance (PIC) program rewards carriers that consistently meet and exceed safety requirements. Carriers must apply for and obtain membership to the voluntary program before they can take advantage of the program's benefits.

One of the program's primary benefits is the in-cab transponder which allows PIC members to bypass weigh stations. Other benefits to PIC enrollment include improving safety within the carrier's operations and recognition for maintaining safe highways and workplaces.

Carriers also display the bright yellow PIC licence plate on their vehicles and can use their PIC membership and safety status as a marketing tool.

For information on becoming a PIC member, go to www.picalberta.ca.

Carrier and Driver Safety Standards

Driver Qualification

Driver licencing

Alberta's classified licence system requires a driver to hold a valid licence that matches the type of vehicle being driven. A valid licence is one which has not been cancelled, revoked, suspended, or fraudulently obtained or altered.

A driver may only hold one driver's licence.

Provinces/Territories: **Alberta**

Classified licence system

The table below outlines the vehicles which may be driven by a holder in each class.

LICENCE	PERMITS THE OPERATION OF	MINIMUM AGE
Class 1*	<ul style="list-style-type: none"> • Any vehicle or vehicle combination (excluding motorcycles) • Class 6 type vehicles for learning only • Airbrake endorsement included as part of this licence (road test requires a tractor-trailer with airbrakes) 	18
Class 2*	<ul style="list-style-type: none"> • Buses • Any vehicle or vehicle combination that a holder of a Class 3, 4 or 5 licence may operate • Airbrakes endorsement (Q) required to operate airbrake-equipped vehicles. 	18
Class 3*/**	<ul style="list-style-type: none"> • Any single motor vehicle with 3 or more axles • Any motor vehicle with 3 or more axles towing a trailer with 1 or more axles, where the trailer is not equipped with air brakes • Any vehicle or vehicle combination that a holder of a Class 5 licence may operate • A mobile crane in combination with a boom dolly if the operator is an apprentice or holds an existing applicable trade certificate. • Airbrakes endorsement (Q) required to operate airbrake-equipped vehicles. 	18
Class 4*	<ul style="list-style-type: none"> • Ambulances • Taxicabs • Buses, with a designed seating capacity of not more than 24 passengers (excluding the operator) • Any vehicle or vehicle combination that a holder of a Class 5 licence may operate • All motor vehicle included under Classes 1, 2, 3, and 6 for learning only • Airbrakes endorsement (Q) required to operate airbrake-equipped vehicles. 	18
Class 5***	<ul style="list-style-type: none"> • Any 2 axle single motor vehicle (excluding motorcycles) • A recreational vehicle with not more than 3 axles • A 3 axle R.V. & Trailer if trailer has not more than 2 axles and is not equipped with air brakes. • Any 2 axle motor vehicle or 2 axle recreational vehicle towing a trailer with 1 or more axles, where the trailer is not equipped with air brakes • A moped • Classes 1, 2, 3, 4 and 6 type vehicles, for learning only 	16
Class 6	<ul style="list-style-type: none"> • Motorcycles • Mopeds • All motor vehicles under Class 5 	16
Class 7	<ul style="list-style-type: none"> • Class 5 vehicles and motorcycles 	16 (for motorcycles)

*An applicant for a Class 1, 2, 3 or 4 licence must be the holder of a Class 5 or better licence and be 18 years old.

**Class 3 licence does not permit the operation of (1) a motor vehicle that has a seating capacity of more than 15 while that vehicle is transporting any person in addition to the operator, or (2) a motor vehicle used to transport passengers for hire.

***Class 5 operators may not drive a motorcycle, a motor vehicle with a seating capacity of more than 15 when the vehicle is transporting a passenger, or a motor vehicle that is transporting passengers for hire.

Provinces/Territories: **Alberta**

Medical standards

Medical reports are required in Classes 1, 2, and 4:

- On initial application and on renewal;
- Every five years to age 45;
- Every two years from age 45 to age 65; and
- Every year from age 65.

Medical reports are required in Classes 3, 5, 6, and 7 on initial application or if applicant is 75; and on renewal when a person reaches age 75. Persons 75 to 77 years of age are normally issued licenses which will expire on their 80th birthday. Persons 78 years of age or over are licensed for periods of two years.

The law requires that you report any medical condition, change in health, or physical disability that may affect your driving. Such reports must be made to Alberta Registries through a Registry Agent who will in turn inform Driver Records (Medical Review Board). This is the driver's responsibility and legal obligation, not that of his/her doctor.

Code "W"

An Alberta-licensed driver with any of the following medical conditions is not medically qualified to operate into the United States:

- Diabetes that requires insulin;
- Epilepsy and/or seizures;
- Unable to meet minimum hearing requirements to transport dangerous goods; and
- Monocular vision.

A Code "W" identifier is displayed on the driver's licence and driving record of those individuals not medically eligible to operate a commercial motor vehicle outside of Canada.

Driver qualification files

Carriers are required to maintain driver files for all drivers operating commercial vehicles that are registered in the name of the carrier. Each file should include, but is not limited to, the following:

- The driver's completed application filed with the carrier;
- A copy of the driver's abstract or commercial driver's abstract dated within 30 days of hiring, and annual updated copies (Note: carriers with an excellent safety rating, or those who provide evidence of the equivalent when registered outside of Alberta, will not be charged fees for obtaining the driver abstracts or commercial driver abstracts; three-, five-, and 10-year abstracts are available);
- The driver's employment history for three years immediately preceding the time the driver started working for the carrier;
- A record of any administrative penalty imposed on the driver under safety laws;
- A record of any convictions issued to the driver of any safety laws relating to operating a motor vehicle in the current year and in each of the four preceding years;
- A record of all collisions reported to a peace officer involving any motor vehicle operated by the driver registered to that carrier (current year plus the previous four years' worth);

Provinces/Territories: Alberta

- A record of the driver's completed training enabling him/her to operate a commercial motor vehicle and compliance with safety laws;
- Notifications from the driver to the carrier of accidents, violations, or convictions;
- Copies of the driver's certificates in electronic or paper form, for the previous five years, issued upon completion of training under the *Transportation of Dangerous Goods Control Regulations* under the *Transportation of Dangerous Goods Act (Canada)*; and
- A copy of the driver's current medical certificate (a carrier could meet this requirement by keeping a copy of the driver's licence and/or a current copy of the driver's abstract or commercial driver's abstract).

The driver file requirements apply to carriers with Provincial operating status and to carriers with Federal operating status.

Carriers must also have an ongoing program in place to regularly evaluate a driver's driving skills and ensure he/she is qualified to drive.

When a driver is no longer employed with the carrier, carriers must keep the driver's driver qualification file for the year in which it was created, plus an additional four years.

Law

Traffic Safety Act, R.S.A. 2000

Regulation

Commercial Vehicle Certificate and Insurance Regulation AR 98/2007; Commercial Vehicle Carrier Profile Regulation, 99/2007; Operator Licensing and Vehicle Control Regulation, 168/2009

Hours of Service

The **federal** hours of service regulations apply to **federal-status** carriers. Alberta has not adopted the federal hours of service regulations for its provincial-status carriers.

Alberta's enforcement policy on the use of electronic logs (not including electronic on-board recorders) can be found by visiting <http://tinyurl.com/ABelogs>. The policy applies to both federal and provincial status carriers.

Alberta has hours of service exemption permits available for both provincial and federal-status carriers. Visit <http://tinyurl.com/ABhospermits> for more information on the permits and their associated requirements.

The following hours of service information pertains to **provincial-status** carriers in the province.

Application

The requirements apply to the drivers of vehicles with a registered gross weight of 11,794 kilograms or more, or drivers of buses with a seating capacity of more than 10, including the driver, with the exception of:

- Public vehicle or combination of public vehicles exempted by the Alberta Transportation Safety Board;
- Public vehicle or combination of public vehicles providing disaster relief by transporting passengers or goods;
- Emergency vehicles such as any fire-fighting vehicle, ambulance, police vehicle, or other vehicle that is used for the purpose of an emergency;

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