

# Final Report: Electronic Logging Device Requirements for Federally Regulated Truck and Bus Motor Carriers in Canada Associated Regulations & Related Amendments

## Introduction

This Final Report details work undertaken to mandate that federally regulated<sup>1</sup> truck and bus motor carriers use certified electronic logging devices (ELDs) in Canada. As an item on the Canadian Free Trade Agreement's Regulatory Reconciliation and Cooperation Table (RCT) Work Plan, this work was advanced by Transport Canada<sup>2</sup> and the Canadian Council of Motor Transport Administrators (CCMTA)<sup>3</sup>.

### A. Issue Identification

Driver fatigue is recognized as a critical risk factor associated with motor vehicle crashes. Fatigue in commercial drivers is especially important given that large trucks and buses involved in crashes can cause more severe injuries and more frequent fatalities than private passenger vehicle crashes.

To mitigate the risk of fatigue, regulations are in place to limit a driver's on-duty and driving time and require minimum periods of rest or off-duty time to reduce fatigue-related crashes, injuries and fatalities. These requirements are specified in Canada's federal *Commercial Vehicle Drivers Hours of Service Regulations* (the "Regulations"). As a component of the Regulations, certain drivers of commercial buses and trucks are required to maintain reports of their on-duty time, off-duty time and driving time.

The Regulations previously required drivers to self-report their driving time using paper daily logs, or via an electronic recording device<sup>4</sup>. This log would be reviewed by provincial and territorial roadside inspectors and facility auditors for compliance purposes, however, the information generated from these reports could be falsified, incomplete, duplicated or missing altogether. This made it difficult for roadside enforcement or the motor carrier to detect non-compliance. An employee that drives or works in excess of the legally allowed driving limits can also provide the non-compliant operator with a competitive advantage over those motor carriers that comply with the Regulations.

On December 16, 2015, the U.S. Federal Motor Carrier Safety Administration, an agency of the U.S. Department of Transportation, published a final rule mandating the use of ELDs by motor carriers and drivers to monitor and track compliance with the federal Hours of Service rules in the U.S. As of

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<sup>1</sup> A federally-regulated truck or motor coach carrier refers to a carrier whose drivers cross provincial boundaries or the border into Canada and are subject to federal [Commercial Vehicle Drivers Hours of Service Regulations](#)

<sup>2</sup> Under the Motor Vehicle Transport Act, Transport Canada is responsible for certain operational matters relating to commercial motor vehicle activity (e.g., hours of service to mitigate risk of fatigue, safety ratings). Provinces and territories are responsible for the enforcement of federal motor carrier operational regulations.

<sup>3</sup> CCMTA is an incorporated body that coordinates matters dealing with the administration, regulation and control of motor vehicle transportation and highway safety. Membership includes representation from provincial and territorial governments, as well as the federal government of Canada. All federal and provincial/territorial jurisdictions work collaboratively through the CCMTA to achieve national consistency.

<sup>4</sup> This included electric, electronic or telematics devices installed in commercial vehicles to record their daily driving time.

December 18, 2017, the U.S. required all motor carriers, including the Canadian motor carriers, to acquire, install and use ELDs.

An ELD is a tamper-resistant device that connects to the electronic control module of a commercial motor vehicle. The ELD automatically records driving time by syncing with the engine of the vehicle and makes it easier and faster to track, manage, share, and improve the accuracy of a driver's Hours of Service record.

Transport Canada announced that the federal government intended to mandate the use of ELDs on February 16, 2016.

The adoption of ELDs for federally regulated truck and bus motor carriers in Canada presents several benefits and will help to:

- ensure that federally regulated drivers of commercial motor vehicles operating in Canada, including those that cross the border into Canada, drive within their legally allowed driving hours and accurately log their working hours as established in federal Commercial Vehicle Drivers Hours of Service Regulations, making roads safer for industry workers and all road users in Canada
- reduce fatigue related crashes, injuries and deaths
- reduce administrative costs for industry and enforcement costs for provinces and territories
- make competition fairer for federally regulated commercial drivers in Canada (drivers who travel between provinces/territories or across the Canadian border)
- make it easier for drivers and motor carriers to comply with regulations

This item was added to the RCT Work Plan in 2018 (see Appendix). At the time, federally regulated truck and bus motor carriers in Canada were not required to use ELDs. This presented an opportunity to adopt regulations and establish the framework necessary to support implementation of ELDs to reduce regulatory divergences that would add cost and administrative burden for Canadian carriers and facilitate fair competition.

### B. Outcomes Sought

The following table details outcomes that were sought for this RCT Work Plan item:

<b>Outcome 1</b>	Amend the Regulations to mandate that federally regulated truck and bus motor carriers, who were previously required to maintain a daily paper log of their hours of service, use certified ELDs to record their hours of service (“federal ELD mandate”).
<b>Outcome 2:</b>	Establish the framework necessary for provinces and territories to enforce ELD requirements for federally-regulated truck or motor coach carriers within their respective jurisdictions – including standards and criteria to certify ELDs for use in Canada.
<b>Outcome 3:</b>	Promote a consistent approach concerning the implementation and enforcement of the ELD requirements for federally regulated truck or motor coach carriers within provinces and territories to the extent possible.

## C.Actions & Deliverables

The following table details the work undertaken and specific deliverables achieved in relation to the above outcomes:

<b>Outcome 1</b>	<ul style="list-style-type: none"> <li>• Federal <u>Commercial Vehicle Drivers Hours of Service Regulations</u> have been amended to (1) mandate that federally regulated truck and bus motor carriers in Canada use certified ELDs to record their hours of service, and (2) allow certification bodies to apply for accreditation so that they can test and certify ELDs for use in Canada. These amendments were published by Transport Canada on June 12, 2019 and detailed a phased implementation period.</li> </ul>
<b>Outcome 2</b>	<ul style="list-style-type: none"> <li>• <u>Technical standards for ELDs</u> have been established to specify minimum requirements and specifications to be considered compliant for use in Canada. Technical standards were originally published by the Canadian Council of Motor Transport Administrators on April 11, 2019 and have been revised to reflect updates and developments.</li> <li>• The <u>National Safety Code (NSC) 9 – Commercial Vehicle Drivers Hours of Service</u><sup>5</sup> has been amended to align with amendments made to federal <u>Commercial Vehicle Drivers Hours of Service Regulations</u>. Amendments were approved by the Council of Ministers Responsible for Transportation and Highway Safety and published by CCMTA in February 2022.</li> <li>• An <u>ELD accreditation scheme</u> has been established to allow certification bodies to apply for accreditation to test and certify ELDs for use in Canada. The accreditation scheme was finalized by Transport Canada and includes the Accreditation Services Program. This program details test procedures and responsibilities of certification bodies to ensure that ELD hardware and software has been tested and certified by a third party-certification body accredited by the federal Minister of Transport.</li> <li>• A list of <u>certified ELDs</u> has been published and made available to direct industry to devices which have been certified for use in Canada. The list of certified ELDs has been regularly updated as devices have become certified.</li> </ul>
<b>Outcome 3</b>	<ul style="list-style-type: none"> <li>• CCMTA supported provinces and territories in the implementation of the federal ELD mandate through collaboration and dialogue that promoted a framework to work towards national consistency.</li> <li>• In support of enforcement, on July 5<sup>th</sup>, 2023, the Government of Canada published amendments to the <i>Contravention Regulations</i>, giving enforcement officers the ability to issue fines (e.g. tickets) to violators of certain provisions of the <u>Commercial Vehicle Drivers Hours of Service Regulations</u>. The amendments to these regulations were developed in full</li> </ul>

<sup>5</sup> The NSC is a set of 16 standards designed to strengthen road safety, promote efficiency in the motor carrier industry, and achieve consistent safety standards across Canada. It was developed by the CCMTA in conjunction with the motor carrier industry and supports regulatory alignment amongst provincial, territorial, and federal governments.

	<p>consultation with provinces and territories and facilitate consistent enforcement tools across the country.</p> <ul style="list-style-type: none"> <li>• All jurisdictions in Canada are currently enforcing the ELD requirements for federally regulated truck and bus motor carriers within their respective jurisdictions.</li> </ul>
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## D. Stakeholders

Industry groups such as the Canadian Trucking Alliance (CTA), a federation of provincial trucking associations representing the trucking industry and carriers, have long called for federal leadership and a universal mandate to require the use of ELDs as a proactive measure to reduce falsification of driver logbooks.

Prior to this, CCMTA had initiated development of the ELD Technical Standard in 2010, based on a previous iteration of the U.S. proposed rule. The CCMTA’s ELD working group, co-chaired by Transport Canada and the province of Ontario, also included representation from seven other provincial and territorial governments, various motor carrier groups and providers of ELDs.

Transport Canada circulated a regulatory pre-consultation survey during the summer of 2016 to seek preliminary views on the broad policy issues from 27 industry stakeholders, 18 ELD suppliers and the 13 provincial and territorial governments. The survey sought input on a variety of matters including the length of the implementation period.

In early 2017, Transport Canada also conducted an additional consultation with provincial and territorial governments regarding key policy issues related to ELDs that were under consideration. These issues included the motor carriers, drivers and transportation activities that would be subject to ELD requirements, and those that would be exempt; the timeframe for industry to comply with the requirements; and the grandfathering provisions for the use of Electronic Recording Devices. This provided provincial and territorial governments with an opportunity to submit comments regarding the policy issues. These amendments were pre-published in the *Canada Gazette*, Part I, on December 16, 2017, followed by a comment period of 60 days.

## Conclusion

Based on the deliverables achieved, this RCT Work Plan item is considered complete. CCMTA continues to monitor implementation and identify alignment opportunities within jurisdictions to achieve national consistency to the greatest extent possible.

## **Appendix**

### Electronic Logging Devices – RCT Workplan Item # 11

<b>Description</b>	<b>Additional Information</b>	<b>Working Group</b>
<p>In Canada, electronic logging devices (ELDs) are not currently mandated for use in the trucking industry to track the consecutive hours of service (HOS) on the road; they are mandatory in the United States, affecting Canadian trucking companies.</p> <p>In December 2017 Transport Canada proposed changes to the Federal Commercial Vehicle Driver's Hours of Service (HOS) Regulations, including the mandated use of ELDs for interprovincial travel. As provinces and territories consider mandating for intraprovincial travel, a consistent in approach will enable more accurate monitoring of a driver's HOS, enhance road safety, and provide a level and competitive playing field for all carriers.</p>	<p>Carriers that work on both sides of the Canada-US border must implement ELDs because of US requirements already in effect. At this time, Canadian carriers are left to determine what device will meet the US ELD requirements while meeting current requirements of Canadian jurisdictions and predicting what future Canadian regulations will demand. There is an opportunity to adopt regulations and technical specifications that are compatible with US requirements of ELDs to ensure the uniform implementation of ELDs and prevent the introduction of regulatory divergences that would add cost and administrative burden for our carriers.</p>	<p>Canadian Council of Motor Transport Administrators (CCMTA) – ELD Policy and Implementation project group</p>