

# Manitoba Facility Audit

## FACILITY AUDIT and SCORING GUIDELINES MANUAL



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Motor Carrier Investigations

# TABLE OF CONTENTS

# PAGE

Introduction.....	3
Carrier Data Exchange.....	3
Carrier Profile (NSC Standard #7).....	3
Carrier Performance Threshold Rating.....	3
Safety Fitness Rating (NSC Standard # 14).....	4
Performance Intervention Levels.....	5
Regulatory Compliance and Enforcement.....	5
Facility Audit (NSC Standard # 15).....	5
Acquiring a Satisfactory Safety Fitness Rating .....	5
Carrier Selection and Notification.....	6
Conducting the Facility Audit.....	6
Facility Audit Structure.....	6
Facility Audit Follow-Up.....	6
Facility Audit Fines.....	6
Fine Reduction.....	7
Facility Audit Fine Scales.....	7
Facility Audit Operator Improvement Orders.....	7
Facility Audit Scoring for Exempt Drivers and Vehicles.....	7
Random Sampling of Drivers and Vehicles.....	8
Hours of Service Regulations.....	9
Can You Change From Extra-Provincial to Intra-Provincial.....	9
Applicability.....	9
Responsibilities of Motor Carriers, Shippers, Consignees and Drivers.....	10
Hours of Service Record Keeping.....	10
What is a Record of Duty Status (RODS)? .....	10
Who is a Driver? .....	10
Electronic Logging Device (ELD).....	11
What is an ELD? .....	11
Who Will Need an ELD? .....	11
What is the Technical Standard for an ELD? .....	12
What are the ELD Functionality Requirements? .....	12
ELD Recording of HOS Duty and Driving Limits.....	12
What Information Must the ELD Automatically Record? .....	13
What are the Driver Responsibilities? .....	13
What Documents are Required to be Carried? .....	14
ELD Malfunction Events.....	14
Transfer of ELD File.....	14
Email Transfer.....	15
USB Transfer.....	15
Bluetooth.....	15
ELD Exceptions.....	15
Tampering.....	15
What are the Rules Regarding the Tampering with a RODS? .....	16
When will ELD Requirements be Enforced?.....	16
RODS Exemption (Operating within 160 km radius of the home terminal).....	16
What Criteria Must a Driver Meet to Qualify for a RODS Exemption? .....	17
What Happens if a Driver Fails to Meet the RODS Exemption Criteria? .....	17
Change to Home Terminal.....	17
What ELD Reports Will a Carrier Have to Provide? .....	18
Unidentified Driver.....	18
Unassigned Driving Time.....	18
Edits.....	19

Ghost Driver Accounts Not Allowed.....	19
Inappropriate Uses.....	19
Use of Exempt Driver Option.....	19
Exempt Driver.....	20
Device Malfunctions.....	20
On-Duty Time Logged as Off-Duty.....	20
Off-Duty Driving.....	20
Special Driving Categories (Personal Conveyance / Yard Moves).....	20
What Falls Under the Definition of a “Yard”? .....	21
How is a Yard Move Recorded? .....	21
Does a Yard Move Count Towards my Drive Time? .....	21
Does a Yard Move Time Count Towards my 14-Hour Daily Limit? .....	21
What if a Driver Forgets to Change Status & the ELD Remains in Yard? .....	21
How are Yard Moves Audited? .....	21
How Does the ELD Mandate Apply to Rented and Leased Trucks? .....	21
The Rental and Leased Truck Exemption.....	22
Preparing for a Facility Audit.....	22
What Supporting Documents can an Inspector use to Verify a RODS? .....	23
Detecting False RODS.....	23
How do Drivers Falsify RODS? .....	23
Common RODS Falsification Violations Found in a Facility Audit.....	24
Motor Carrier Due Diligence.....	24
Manitoba Facility Audit Rating System.....	25
Driver Record Scoring Rubric.....	27
Driving Record (abstract).....	28
Review of Driving Record.....	29
Accident Disclosure.....	30
Conviction Disclosure.....	31
Transportation of Dangerous Goods.....	32
Driver Record Retention.....	33
Hours of Service Scoring Rubric.....	34
Monitoring by Motor Carrier.....	35
Daily Hours Compliance.....	36
Shift Hours Compliance.....	37
Cycle Hours Compliance.....	38
Required Information Compliance.....	39
Required Info Elements of Inspection.....	40
False RODS.....	42
Missing, Supporting Documents, Duplicate, or 4 <sup>th</sup> False RODS.....	42
Hours of Service Record Retention.....	44
Vehicle Records Scoring Rubric.....	45
Scheduled Preventative Maintenance & Inspection.....	46
Commercial Vehicle Safety Alliance (CVSA) Inspection.....	47
Commercial Vehicle Trip Inspection.....	48
Periodic Mandatory Vehicle Inspection (PMVI).....	49
Vehicle Record Retention.....	50
<b>Appendix “A”</b> Types of Driving Licences in Manitoba.....	51
<b>Appendix “B”</b> Scheduled Preventative Vehicle Maintenance & Inspection Tolerances.....	52
<b>Appendix “C”</b> Registering Commercial Vehicles in Manitoba.....	53
<b>Appendix “D”</b> Hours of Service Quick Guide – U.S / Canada Comparison.....	55
<b>Appendix “E”</b> Federal Motor Carrier Safety Administration – HOS Final Rule.....	56

## ***INTRODUCTION:***

The facility audit program and safety rating assignments are part of the National Safety Code (NSC) of Canada which was developed by the Provinces and Territories, the Government of Canada, and the Transportation Industry. The NSC has 16 minimum standards that support carriers and drivers to remain in compliance with local, national, and international rules for owning and operating commercial vehicles with the primary goal of reducing collisions and other highway incidents.

The NSC is a set of federal standards supported by provincial regulations in all Canadian jurisdictions. Many commercial carriers operate vehicles in more than one jurisdiction. Consequently, NSC standards have been designed to promote improved safety across Canada, and to implement a harmonized approach to safety monitoring and carrier compliance. Systems and processes have been developed to support Manitoba's participation in NSC. The three key components of NSC are Carrier Data Exchange, Carrier Profile and Facility Audit.

## ***CARRIER DATA EXCHANGE: (CDE)***

Carrier Data Exchange (CDE) allows for the exchange of information between jurisdictions. The Carrier Profile System (CPS) receives information from other jurisdictions that was recorded while Manitoba vehicles were operating in those jurisdictions. Conversely, CPS will send information to other jurisdictions that was recorded while vehicles from the other jurisdictions were operating in Manitoba. The information that is exchanged pertains to convictions, roadside vehicle inspections (CVSAs) and accidents.

## ***CARRIER PROFILE: National Safety Code Standard #7***

Information about Manitoba carriers operating in Manitoba or in another jurisdiction is used to assess NSC points captured in the Carrier Profile System (CPS). Points are assigned based on the outcomes of roadside inspections, types of violations, and types of unknown or at-fault accidents. From the CPS database, individual carrier profiles are generated based on the carrier's NSC number. The carrier profile report summarizes all incidents relating to the specific motor carrier over the most recent 24-month period.

## ***CARRIER PERFORMANCE THRESHOLD RATING:***

The carrier performance threshold rating is a measure of the carrier's on-road performance based on the results of on-road accidents, convictions and inspections. The carrier's performance rating is evaluated in comparison to other carriers operating regulated vehicles of similar fleet size.

If the carrier exceeds the acceptable point threshold in any of the monitored categories, the carrier profile system may "trigger" the carrier for a performance review letter, compliance review or [NSC Standard 15 facility audit](#).

The monitored performance threshold categories include:

- Accident threshold
- Inspection threshold
- Conviction threshold
- Overall threshold (aggregate of the other three)

## ***SAFETY FITNESS RATING: National Safety Code Standard # 14***

Manitoba Transportation and Infrastructure requires carriers to demonstrate safe operation and compliance with applicable highway safety laws and regulations related to motor carriers. In compliance with the [National Safety Code Standard 14](#), Manitoba has four safety fitness rating categories:

- **Satisfactory-unaudited:** Assigned to all new registrants of NSC vehicles. Carriers may exist in this category indefinitely, provided their carrier profile continues to demonstrate safe operation and compliance with applicable highway safety laws and regulations related to motor carriers.
- **Satisfactory:** Assigned when a carrier passes a NSC Standard 15 facility audit **AND** the carrier's profile demonstrates safe operation and compliance with applicable highway safety laws and regulations related to motor carriers.
- **Conditional:** Assigned when a carrier fails a NSC Standard 15 facility audit **OR** the carrier's profile does not demonstrate safe operation and compliance with applicable highway safety laws and regulations related to motor carriers. It is also assigned when a carrier is re-applying for a [Safety Fitness Certificate](#) after having it revoked.
- **Unsatisfactory:** Assigned when a carrier's safety performance deteriorates to such a degree that Manitoba Transportation and Infrastructure deems the carrier to be an unacceptable road safety risk. A carrier rated Unsatisfactory is prohibited from registering NSC vehicles in Manitoba or other Canadian jurisdictions.

A carrier's previous 24-month on-road performance record in the Carrier Profile System (CPS) is used to monitor and assess their safety level. A carrier is assessed to have demonstrated safe operation and compliance with applicable highway safety laws and regulations when their overall performance threshold in the CPS is less than 85%.

Carrier performance ratings are calculated each month and safety ratings are reviewed on a quarterly basis. Regardless of a carrier's overall on-road performance record, a carrier's safety rating may not be adjusted when their overall performance threshold is 85% or greater.

Carriers eligible for a safety rating change will have their carrier profile assessed on a case-by-case basis on the quarterly review cycle.

Any of the following items on a carrier's record may trigger additional review by department staff and may result in a full [National Safety Code Standard 15 facility audit](#):

- involved in a preventable collision
- operating a regulated vehicle without a valid [Periodic Mandatory Vehicle Inspection](#) (PMVI) certificate
- identified as having provided false information on their SFC Application
- multiple incidents on a single threshold (i.e. accidents, inspections, convictions) that indicates a culture of not complying with safety regulations
- failed an audit within the previous 36 months.

### **PERFORMANCE INTERVENTION LEVELS:**

The performance threshold is determined by comparing a carrier's on-road performance with other carriers of the same average vehicle fleet size. Performance thresholds are as follows.

0-40%	<b>acceptable</b>	no action required
41-64%	<b>minor attention required</b>	first warning letter is sent
65-85%	<b>major attention required</b>	second warning letter is sent
85+%	<b>department intervention</b>	an audit is likely

### **REGULATORY COMPLIANCE AND ENFORCEMENT:**

Provincial and territorial governments are responsible for ensuring that their safety rating systems comply with the requirements of the [Federal Motor Vehicle Transport Act](#). Transport Canada monitors the implementation and enforcement of these safety ratings and the [Safety Fitness Criteria and Certificates Regulation](#) M.R. 93/20015 through various channels, including the appropriate Canadian Council of Motor Transport Administrators standing committees and discussions with jurisdictions and industry representatives. Provisions were made in the Federal Motor Vehicle Transport Act to sanction jurisdictions that do not adhere to the regulations by revoking their authority to issue safety fitness certificates, without which motor carriers cannot operate.

### **FACILITY AUDIT: National Safety Code Standard # 15**

Manitoba's Motor Carrier Investigations Unit is responsible for conducting facility audits on both intra-provincial and extra-provincial carriers base-plated in Manitoba. Investigators are peace officers and federal Hours of Service inspectors. Investigators are highly trained professionals who have extensive knowledge of commercial carrier operations, the National Safety Code, the requirements of [The Highway Traffic Act](#) (of Manitoba)(HTA) and its regulations, and the [Federal Motor Vehicle Transport Act \(1987\)](#) and its regulations, including the [Commercial Vehicle Drivers Hours of Service Regulation](#) SOR 313-2005.

The goal of a facility audit is to promote safe motor carrier operations by ensuring carrier compliance with legislated requirements. Investigators use the facility audit process to assess the carrier's compliance in the areas of Driver records, Hours of Service, Vehicle records, and Transportation of Dangerous Goods. Facility audit results become part of the carrier profile, and play a major role in determining a carrier's Safety Fitness Rating. Carriers must understand the importance of achieving and maintaining an acceptable Safety Fitness Rating.

### **ACQUIRING A SATISFACTORY SAFETY FITNESS RATING:**

Carriers who failed an audit or seek improvement to their operations, and validation of their safety regimes may request an audit for the purpose of acquiring a **SATISFACTORY** safety fitness rating.

Request audits are prioritised based on available resources and the carrier's potential for a successful outcome. Carriers are encouraged to obtain the services of a transportation safety consultant first to assess their compliance with applicable highway safety laws and regulations. The department maintains a list of approved consultants that is available upon request. Carriers' may contact the Manager, Motor Carrier Investigations at 204-945-2319 to request a facility audit.

## ***Carrier Selection and Notification***

A facility audit or safety investigation may be initiated for-cause, based on information in the carrier's profile, or on substantiated complaints or concerns received from the general public, policing agencies, and the transportation industry. Facility audits or safety investigations may also be initiated for situations such as a wheel-off occurrence, an accident involving a regulated vehicle, misuse of the Safety Fitness Certificate, or the coercing of drivers to drive in excess of the prescribed Hours of Service Regulations. Some facility audits are also conducted randomly.

Once it is determined that a facility audit is required, the carrier may be notified 5 to 10 working days before the facility audit. This allows the carrier sufficient time to gather and organize the requested records. (**NOTE:** There is no requirement to give advance notice.)

Under Section 318.10(2) of [The Highway Traffic Act](#), carriers must make their records available for inspection at any reasonable time. In situations where an immediate safety concern has been identified, the investigator may enter the carrier's chief place of business without prior notice and place a demand on the carrier to present records for examination.

## ***Conducting the Facility Audit***

The facility audit is usually conducted at the carrier's place of business. However, it may, on occasion, be conducted at the Manitoba Motor Carrier Investigations office or by virtual meeting due to extenuating circumstances such as the carrier's location, a carrier having demonstrated inappropriate behavior or a lack of space to accommodate an investigator or team.

## ***Facility Audit Structure***

The facility audit is a quantifiable audit. This means that compliance for every operator will be measured against the same standards, including:

- consistent rules/guidelines for determining compliance
- quantifiable methods to arrive at the overall audit score
- random sampling in situations where the carrier has more than five of either drivers and/or vehicles

## ***Facility Audit Follow-Up***

The investigator will complete the audit report. If no violations are found, no action will be taken, as the carrier has demonstrated an acceptable level of compliance.

If violations have been identified, the carrier will be provided with a copy of them in a document called the Summary of Violations Report. An appointment will be made for a mandatory carrier interview, which is held at the Motor Carrier Investigations offices. The purpose of the interview is to review the audit findings, and provide the carrier with an opportunity to: present evidence to refute any of the findings, make comments, or give explanations. The other purpose of the interview is to discuss the actions necessary to bring the carrier into full compliance.

## ***FACILITY AUDIT FINES:***

The department uses a system of administrative sanctions for facility audit fines. Unlike fees, fines do not recover costs associated with administering the facility audit program. Fines are recorded as count-for-count in the driver records, hours of service, and vehicle records audit categories.

## ***Fine Reduction***

Facility audit fines are reduced to 25% of the set fine amount(s) specified in the Preset Fines and Offence Descriptions [Regulation M.R. 96/2017](#).

Facility audit fine amounts may be further reduced by the average cost of a Transportation Safety Consultant for carriers that demonstrate effort to improve between the first, second and subsequent audits. Reducing fines by the cost of a consultant will have a number of benefits, including: encouraging education, safety over fines and training tailored to the carrier's operation.

## ***Facility Audit Fine Scales***

Audit fines will be assessed using the following scales:

**First audit** – fine amount ranges between 0-33% of the maximum calculated fine

- Investigators may use discretion when applying fine amounts based on the audit result

**Second audit** - fine amount ranges between 34-67% of the maximum calculated fine

- Investigators may use discretion when applying fine amounts based on the audit result and operator improvement orders implemented in a previous audit

**Third and subsequent audits** – fine amount ranges between 68-100% of the maximum calculated fine

- Investigators may use discretion when applying fine amounts based on the audit result and operator improvement orders implemented in previous audits

The fine system is based on the number of audits conducted and the carrier's level of compliance with highway safety laws and regulations related to motor carriers.

## ***FACILITY AUDIT OPERATOR IMPROVEMENT ORDERS:***

In addition to facility audit fines and where the director is not satisfied that the operator is complying adequately with [The Highway Traffic Act](#), [The Drivers and Vehicles Act](#) and the regulations under those Acts, may do one or more of the following:

- (a) order the operator to do such things as the minister considers reasonably necessary to improve compliance, including any one or more of the following:
  - (i) to submit to one or more audits of the operator's operations by a third party auditor designated by the director,
  - (ii) to limit the size of the operator's fleet,
  - (iii) to institute a safety plan acceptable to the director,
  - (iv) to retain an auditor at the operator's expense to develop a safety plan for the purposes of subclause (iii),or any similar thing;
- (b) adjust the operator's safety fitness rating;
- (c) suspend or revoke the operator's safety fitness certificate;
- (d) impose a monetary penalty of not more than \$25,000 on the operator

## ***FACILITY AUDIT SCORING FOR EXEMPT DRIVERS AND VEHICLES:***

Drivers and vehicles will not be scored when exempt under regulation. N/A will be selected on applicable facility audit worksheets.



### ***RANDOM SAMPLING OF DRIVERS AND VEHICLES:***

The number of driver and vehicle records included in the facility audit is determined by the [NSC 15 sample size guidelines](#) of the total number of drivers and vehicles under the carrier's control. In order to ensure objectivity for carrier's that have more than five drivers/vehicles, a random sampling of drivers and vehicles must be used. If a vehicle/driver is removed from the audit, it must be replaced with another.

The following table summarizes the number of drivers, power units and trailers that will be audited based on the size of the operator's fleet and the number of drivers.

<b>Number of Drivers/Vehicles</b>	<b>Minimum Sample Size (Drivers/Vehicles)</b>
1	1
2 to 5	All
6 to 9	6
10 to 12	8
13 to 15	9
16 to 18	10
19 to 22	11
23 to 26	12
27 to 32	13
33 to 40	14
41 to 50	15
51 to 64	16
65 to 85	17
86 to 121	18
122 to 192	19
193 to 413	20
414 to 500	21
+500	25

**REMINDER:** Drivers and/or vehicles can be added to the facility audit if the investigator has a concern about a particular driver and/or vehicle. For instance, the carrier forgot to list a driver/vehicle, omitted a driver because the carrier had dismissed him/her, disposed of a vehicle or deliberately omitted a driver/vehicle. However, it is up to the investigator to explain why the addition(s) have been made.

When a vehicle or driver has not been disclosed by the carrier, the investigator will note it and watch for references to the driver/vehicle as the audit proceeds before deciding to include the driver/vehicle as part of the audit.

## **HOURS OF SERVICE REGULATIONS:**

Hours of service regulations define the maximum driving times and minimum off-duty times for drivers of commercial vehicles (both bus and truck) in Canada. These limits were created to prevent dangerous fatigue-related incidents from happening. Operators of regulated vehicles must include information about hours of service in their safety programs.

The Commercial Vehicle Driver's Hours of Service Regulation (Federal: [SOR/2005-313](#)) applies **to extra-provincial motor carriers** and their drivers. Extra-provincial carriers are those that have crossed a provincial or international border at least once.

The Commercial Vehicle Driver's Hours of Service Regulation (Provincial: [MR 72/2007](#)) applies to **intra-provincial motor carriers** and their drivers. Intra-provincial carriers are those that **have never crossed** a provincial or international border.

## **CAN YOU CHANGE FROM EXTRA-PROVINCIAL TO INTRA-PROVINCIAL?**

Manitoba Transportation and Infrastructure will change a motor carrier's designation **if**:

- The carrier self declares on their Safety Fitness Certificate renewal that they have not operated outside of Manitoba in the previous 12 months,
- During the course of a facility audit or investigation the carrier discloses that they have not operated outside of Manitoba in the previous 12 months,
- The carrier's on-road activities and supporting documents confirm they have not operated outside of Manitoba in the previous 12 months; **and**
- The carrier's regulated vehicles comply with insurance and registration class requirements

## **APPLICABILITY:**

The hours of service regulations apply to all regulated vehicles other than the following:

- (a) A two or three-axle commercial vehicle being used for
  - (i) transporting the primary products of a farm, forest, sea or lake, if the driver or the motor carrier is the producer of the products, or
  - (ii) 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) an emergency vehicle; and
- (c) a vehicle engaged in providing relief in the case of a public welfare emergency, as that expression is defined in section 5 of the *Emergencies Act*.

## ***RESPONSIBILITIES OF MOTOR CARRIERS, SHIPPERS, CONSIGNEES AND DRIVERS:***

Motor Carriers, shippers, consignees (receivers), other persons (safety officers; dispatchers), and drivers all have a role in preventing fatigue-related incidents. By law, these parties must take steps to prevent the driver from driving *if*:

- The driver's faculties are impaired to the point where it is unsafe for the driver to drive
- Driving would jeopardize the safety of the public, the driver or the employees of the motor carrier
- The driver is subject to an out-of-service declaration
- The driver, in doing so, would not be in compliance with the hours of service regulations

Drivers who are in violation of hours of service regulations may be subject to fines as well as being placed out of service roadside. Convictions under the hours of service regulations will negatively affect the carrier's profile. This may result in the carrier being identified for a facility audit. It will also negatively affect a driver's commercial driving record (abstract).

## ***HOURS OF SERVICE RECORD KEEPING: SOR 2005-313***

Records and supporting documents of each driver's HOS during each trip driven must be maintained for at least 6 months. Source documents include: payroll records, driver trip reports, bridge tolls, dispatch records, invoices, bills of lading, fuel receipts, and accommodation receipts to verify the accuracy of the reported information on the records of duty status or other time records, with the exception of the following vehicles:

- Two or three-axle vehicle transporting primary products of a farm, forest, sea or lake if produced by the motor carrier or the driver; or on the return trip, if empty or transporting products used in the principal operation of a farm, forest, sea or lake
- An emergency vehicle
- A vehicle transporting people or goods to provide disaster relief
- An urban transit service bus
- A regulated vehicle may be driven for personal use, if:
  - It has been unloaded
  - Any trailers have been unhitched
  - The distance travelled does not exceed 75 km per day, and
  - The driver records in the record of duty status the odometer readings at the beginning and end of the personal use

## ***WHAT IS A RECORD OF DUTY STATUS (RODS)?***

Commercial motor vehicle drivers must document their duty status times each day. There are three ways to record information:

- Electronic Logging Device (ELD) – Required as of June 12, 2021
- Paper RODS
- Electronic RODS (E.g. Computer Generated Logbook)

## ***WHO IS A DRIVER?***

A driver is a person who has driven, drives or intends to drive a regulated vehicle. All drivers must complete a RODS each day that accounts for all of the driver's on-duty time and off-duty time for that day.

## ***ELECTRONIC LOGGING DEVICE (ELD):***

As of June 12, 2021, regulated vehicle drivers must use an ELD. This device is installed in a commercial vehicle and records each period of duty status for the driver.

### **ELD's are designed to:**

- Be integrally synchronized with the engine of the commercial motor vehicle (CMV) such that driving time can be automatically recorded for the driver driving the CMV and using the ELD
- Allow for manual inputs from the driver and the motor carrier support personnel and to automatically capture date and time, vehicle position and vehicle operational parameters
- Record a driver's electronic RODS and other supporting events with the required data elements specified in the Technical Standard
- Generate a standard output file and transfer it to an inspector roadside upon request
- Specify the minimal required data elements that must be part of an event record such that a standard ELD output file can be produced by all compliant ELDs

## ***WHAT IS AN ELD?***

An electronic logging device, or ELD, is a device or technology that automatically records a driver's driving time and facilitates the recording of the driver's record of duty status, and that is certified by an accredited certification body.

An ELD may be implemented as a stand-alone technology or within another electronic device. It may be permanently installed in a commercial vehicle or may be implemented on a handheld unit that may be moved from vehicle to vehicle. The ELD is connected to the vehicle's electronic control module (ECM) via hardwired or wireless connection. The device is mounted in a fixed position during the operation of the regulated vehicle and is visible to the driver when the driver is in the normal driving position.

## ***WHO WILL NEED AN ELD?***

Commercial/regulated vehicle operators, who are currently required to use a Record of Duty Status (RODS) or log book to record their HOS will be required to use an ELD.

Commercial/regulated vehicles crossing provincial boundaries, including vehicles that would otherwise be exempt when travelling within Manitoba, will be required to use an ELD, unless specifically exempted under the federal regulation.

The federal regulation outlines some exceptions to the ELD requirement for commercial/regulated vehicles crossing provincial boundaries. Via the adoption of the federal regulation, the following exemptions also apply to carriers and vehicles operating solely within Manitoba:

- A motor carrier operating under a permit specifically allowing for an exemption;
- A motor carrier to which there is an existing exemption to hours of service requirements;
- Vehicles that are subject to a lease/rental agreement that is no longer than 30 days; and,
- A vehicle manufactured prior to the year 2000. (NOTE: model year 2000 or newer vehicles but with a pre-2000 engine are not exempt)

## **WHAT IS THE TECHNICAL STANDARD FOR AN ELD?**

The Drivers Hours of Service Regulations requires that a motor carrier shall ensure that each regulated vehicle that is operated by it, is equipped with an ELD that meets the requirements of the [Technical Standard for Electronic Logging Devices](#).

### **Key elements of the technical standard:**

- It is tailored to requirements under current Canadian HOS regulations; it does not provide requirements over and above HOS provisions or necessarily include or require all features that can be offered by ELD manufacturers
- It ensures consistency and interoperability by adapting the U.S. ELD final rule to Canada's own unique operational and regulatory requirements
- It meets the minimum HOS regulatory and operational requirements for the majority of motor carriers that would use ELDs but is not necessarily tailored to all HOS regulatory provisions (i.e. exclusive of operations under permits)
- The ELD must be integrally synchronized with the engine of the Commercial Motor Vehicle (CMV) and include a location sensor (GPS)

The driver shall record for each day, in accordance with the Regulations and the Technical Standard, all the information associated with their record of duty status as their duty status changes.

## **WHAT ARE THE ELD FUNCTIONALITY REQUIREMENTS?**

- Must be integrally synchronized with the specific operations of the CMV
- Shall produce, upon demand, driver's HOS chart, electronic display, or printout of time and sequence of duty status changes, including start time at the beginning of each day
- ELD must be designed to be reasonably viewed by an inspector without entering the CMV
- Not required to be printed if there is a display
- Specific display requirements
- The ELD must be able to transfer files by telematics (email) with an option of local transfer (USB or Bluetooth®)
- Allows for edits and annotations but must keep original entries
- Displays malfunctions (for all users of the device) and data diagnostic (for all unidentified driver events and events under the current driver) events
- Must produce RODS in a graph-grid format (minimum 4 cm x 15 cm when printed)

Drivers are required to produce for inspection RODS for the current day and the preceding 14 days in their existing format. For records in electronic format, the driver shall produce either the display or a printout of the records and, if requested by the inspector to transmit the RODS, shall transmit them by the transfer method identified by the inspector that is provided for in the [Technical Standard for Electronic Logging Devices](#) and is supported by the ELD.

## **ELD RECORDING OF HOS DUTY AND DRIVING LIMITS:**

An ELD must track the total hours for each driver, each duty status for the current operating zone (North/South of 60°, U.S.), day, work shift and cycle being used. It must automatically set the duty-/driving-hour limitations for the current operating zone, the current day, the work shift and the cycle being used, as per prescribed limitations in the HOS regulations.

The ELD must allow for the driver to change cycles, operating zone and day start time to ensure adherence to the HOS rules for the appropriate cycle and/or location.

The ELD must allow for a driver to add hours that were not recorded for the current motor carrier. If the driver has indicated additional hours, these must also be accounted for in the ELD to notify the driver prior to any duty-/driving-hour limitation prescribed in the HOS regulations.

### **WHAT INFORMATION MUST THE ELD AUTOMATICALLY RECORD?**

- Date
- Time
- Geographic location
- Engine hours
- Vehicle kilometers
- Driver identification data (CDL number, name, etc.)
- Vehicle identification data
- Motor carrier identification data
- Change of duty status elements
- Records driving time and mileage any time the vehicle is going more than 8 km/h (unless device is in yard moves, then 32km/h)
- Intermediate locations every continuous hour if the vehicle is in motion
- Data diagnostic and malfunction events
- The date and time that the RODS were certified or re-certified by the driver
- Any time an authorized user logs in or logs out

### **WHAT ARE THE DRIVER RESPONSIBILITIES?**

Most of the data elements and information are automatically captured by the ELD. However, there is some information the driver is required to have and/or input manually. The driver is responsible to input or verify the following:

- To log in using the Driver ID number the motor carrier provides
- The date and the start time, if different from midnight
- The cycle he/she is following
- Power unit number and plate
- Trailer number(s) or plate(s), if applicable
- Name and addresses of the home terminal and principal place of business of the motor carrier
- CMV location if not automatically drawn from the geo-location database
- The previous 14 days of duty status regardless of whether a RODS was required on those days or not
- Any deferral, if applicable
- Any annotations that may be required to complete the RODS

A driver shall, immediately after recording the last entry for a day, certify the accuracy of their record of duty status.

If the driver was working for more than one motor carrier during the current or previous 14 days, the driver must input the total number of hours for each duty status accumulated by the driver for each day, along with the start and end time of each 16-hour work shift. The driver must also input the start and end times of each duty status in the current day before he/she logged into the ELD.

## ***WHAT DOCUMENTS ARE REQUIRED TO BE CARRIED?***

Each CMV must have on board an ELD information packet containing the following items:

- A user manual (may be electronic format stored within the ELD)
- An instruction sheet describing in detail the data transfer option the device is using, and a step-by-step instruction for the driver to produce and transfer the hours-of-service records to the inspector (may be electronic format stored within the ELD)
- An instruction sheet describing the ELD malfunction reporting requirements (may be electronic format if on separate device)
- A supply of blank driver RODS with graph-grids sufficient to record the driver's duty status and other related information for a minimum of 15 days

The driver must be able to produce a printout or display and be able to transfer from the ELD the RODS according to the instruction sheet at the request of an inspector.

## ***ELD MALFUNCTION EVENTS:***

When an ELD malfunctions, the driver must notify the motor carrier as soon as the vehicle is parked. The driver should check the device to see if the previous 14 days are still accessible. If not, the driver should have the previous RODS emailed or faxed to him/her, if possible. If not possible, the driver must reconstruct the previous 14 days of RODS and continue to complete alternative RODS until the device is repaired or replaced and produce them for an inspector at roadside.

On the day of the malfunction and every day following until the device is repaired, the driver must record in the RODS the malfunction code set out in the Technical Standard, the date and time the event was noticed, and the time the motor carrier was notified.

Once the motor carrier is aware of the malfunction, the device must be repaired or replaced within 14 days of the discovery. If the driver is on a planned trip that will be longer than 14 days, they have until the driver can return to the home terminal.

The motor carrier shall maintain a register of ELD malfunction events for ELDs it operates for which a malfunction was noticed, and that register shall contain the following information:

- Name of the driver who discovered the issue
- Name of any driver who used the CMV after the discovery
- The make, model and serial number of the ELD
- The license plate or VIN number of the vehicle
- The date and location of the ELD malfunction
- The date the motor carrier became aware of the malfunction
- The date the ELD was repaired or replaced
- A concise description of the actions taken by the motor carrier for replacement or repair.

## ***TRANSFER OF ELD FILE:***

Every ELD manufacturer must ensure the ELD can transmit the ELD file by email method. In addition to email, the ELD may also include a local method of either USB2 or Bluetooth®.

After the inspector has examined the hours-of-service records for the driver on the device, the inspector may also request the driver to transfer the ELD file (PDF Format) at the time of inspection to him or her by one of the means listed above. The inspector may provide an output file comment to the driver to include when transferring the files.

### ***EMAIL TRANSFER:***

The ELD must be able to send an encrypted email to the inspector once the driver is provided with an email address.

This file will be sent in PDF and CSV formats with a specified title if the email indicating ELD Records from "ELD Certification ID" and "ELD Identifier."

### ***USB TRANSFER (optional):***

ELDs certified for the USB data transfer mechanism must be capable of transferring ELD records using the Universal Serial Bus Specification. The ELD must be capable of providing power to a standard USB-compatible drive provided by an inspector during an inspection.

### ***BLUETOOTH® (optional):***

Upon request of an inspector, the ELD must become discoverable by the inspector's technology and generate a random code that the driver must share with the inspector. An ELD must re-authenticate the driver prior to transmitting the driver's ELD output file(s) to an external device. The ELD must connect to the inspector's technology via Bluetooth® and transfer the required ELD output file(s) to the Bluetooth®-compatible device.

### ***ELD EXCEPTIONS:***

A driver's RODS must be maintained on an electronic logging device unless the driver is driving under one of the following exceptions:

- The vehicle is being operated under any hours of service exemption permit issued by a director or an ELD exemption permit issued by the Manitoba permit office for intra-provincial carriers who mainly operate within 160 km radius
- Operating under an exemption within the Act
- A vehicle subject to a rental agreement for no longer than 30 days (extensions and renewals do not qualify for this exception)
- A CMV manufactured before model year 2000 as indicated by the VIN shown on the registration (Note that the vehicle model year and not the engine year determines the requirement to have an ELD. A 2005 Chassis with a 1998 Engine would require an ELD.)
- A driver that drives and is instructed to drive within 160 km radius of his/her home terminal, providing the driver returns to the terminal at the end of the work shift for eight consecutive hours off (the motor carrier must keep track of the on- duty times of the driver and the cycle work for each day)

### ***TAMPERING:***

No motor carrier or driver shall keep more than one RODS in respect of any day, enter inaccurate information, falsify, mutilate, obscure, alter, delete, destroy or deface the records of supporting documents.

No motor carrier or driver shall, disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the device does not accurately record and retain the data that is required to be recorded and retained.



## ***WHAT ARE THE RULES REGARDING THE TAMPERING WITH A RODS?***

It is a violation of the Hours of Service Regulation to tamper with the RODS. Tampering with the RODS includes any of the following activities:

- Driver keeps more than one RODS for any day
- Driver records inaccurate information in a daily log, whether it is handwritten or produced using an electronic device
- Driver falsifies, mutilates or defaces a RODS or supporting documents. If a RODS contains false information, an Inspector can charge a driver with the violation, even if the driver has not signed the RODS

An Inspector can also issue an out-of-service declaration or place the driver on a regulatory shut down for any of the violations listed above.

## ***WHEN WILL ELD REQUIREMENTS BE ENFORCED?***

Manitoba is allowing drivers and carriers to acquire and learn more about the use of ELDs before full enforcement takes place. Enforcement officers will issue warnings to drivers and carriers who are required to use ELDs until January 1, 2023. In Manitoba, warnings are not included on a carrier's profile and have no impact on performance thresholds.

Manitoba will begin full enforcement of the ELD regulatory requirements on January 1, 2023. Drivers and carriers are encouraged to take the time prior to full enforcement of the ELD requirements to familiarize themselves with the use of ELDs and equip their vehicles with ELDs if they are required to do so by regulation.

Drivers and carriers who utilize ELDs prior to the full enforcement stage are still required to follow the regulatory requirements with respect to their use.

## ***RODS EXEMPTION (Operating within 160 Km radius of the home terminal):***

Drivers who drive within 160 kilometre radius of their home terminal may qualify for a record of duty status exemption (i.e., do not need to fill out a RODS), if the motor carrier maintains a record of duty status for the driver.

Manitoba recognizes that some carriers operate only occasionally beyond the 160 km radius exemption. To support these operators, Manitoba developed a permit to allow intra-provincial carriers operating commercial/regulated vehicles to travel without an ELD when making an occasional trip that exceeds the 160 km radius exemption and occurs entirely within provincial borders.

In addition to the exceptions outlined in the federal regulation, Manitoba is exempting school buses that operate strictly in Manitoba from using ELDs. School bus drivers will still be required to maintain a RODS.

## **WHAT CRITERIA MUST A DRIVER MEET TO QUALIFY FOR A RODS EXEMPTION?**

A driver does not need to fill out a RODS, as long as the motor carrier and driver meets all of the following criteria:

- Driver drives a commercial vehicle within a radius of 160 kilometres of the home terminal. The home terminal is the motor carrier's place of business where the driver normally reports for work. Radius means "by air," so using the home terminal as the centre point on a map, a driver can drive within a 160-kilometre circle (radius).
- Driver returns to the home terminal each day to start a minimum of 8 consecutive hours of off-duty time. This includes drivers who split daily off duty time in a sleeper berth.
- The motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty time. Motor carriers must maintain a record of the on-duty time accumulated by the driver each day while using the RODS exemption.
- A Manitoba intra-provincial carrier must only make an accurate time record showing the drivers daily hours of on-duty time, including the work shift start and end times.
- Driver is not driving under a permit issued under these regulations.
- Driver is not driving under an exemption issued under the Act.

## **WHAT HAPPENS IF A DRIVER FAILS TO MEET THE RODS EXEMPTION CRITERIA?**

If a driver drives beyond the 160 km radius or fails to meet any of the other RODS exemption criteria, the driver must do the following:

- Fill out a RODS for the day the driver does not qualify for the exemption. A driver must prepare a RODS as soon as the driver is aware that he/she will not qualify for the exemption.
- Record all driving hours in a day, regardless of whether the driver qualified for the exemption or not. The RODS must account for the entire day, including changes in duty status that occurred earlier in the day (when the driver still qualified for the exemption).
- Record in the remarks section of the RODS the number of off-duty and on-duty hours for each of the previous 14 days.

## **CHANGE TO HOME TERMINAL:**

There are several situations where it is common for a carrier to change the home terminal for a driver:

- In the school bus industry, bus drivers take their bus home and begin and end their workday at an "out park" location. An "out park" location can be at the driver's home or a parking place near the home, such as a farm, school or shopping centre. For these drivers, the "out park" location is their home terminal (normal work-reporting location).
- In the gravel truck industry, city gravel haulers drive out to various rural locations and work for 2 - 3 weeks at a time and stay in a hotel. For these drivers, the hotel is their home terminal.
- In the oil / gas service industry, drivers work from a motel/camp for a week or so, then change motels/camps to do a different job. For these drivers, the motel may be their home terminal.

A motor carrier can change the home terminal for a driver to a new location (may include a temporary work site) to qualify for the RODS exemption. In these situations, the driver and motor carrier must do the following:

- On the day that the trip from the old location to the new location occurs, the driver must record the change in a RODS, because the driver has not returned to the normal home terminal.
- For example, in the oil / gas service industry, on the day(s) that the driver is moving to a new motel at a different location, the driver uses a RODS to record all duty status activities. Once the driver is operating from the new motel, the driver qualifies for the RODS exemption again.
- For the days that the driver qualifies for the RODS exemption, the motor carrier must maintain a record of duty status for the driver.

### ***WHAT ELD REPORTS WILL A CARRIER HAVE TO PROVIDE?***

During a facility audit carriers may be requested to provide the following reports:

- ELD record of duty status (RODS) for each selected driver
- Paper RODS for each driver (if applicable)
- Exempt time records for each driver (if applicable)
- Supporting documents for each driver in the facility audit sample
- ELD malfunction report for each selected power unit
- Unassigned driver report for each selected power unit
- Personal conveyance report for each selected driver
- Unconfirmed log report for each selected driver
- Edit report for each selected driver
- Yard move report for each selected driver (if applicable)
- Driver vehicle inspection report (DVIR) for each selected power unit
- HOS violation report for each selected driver (compliance monitoring report)
- Odometer jump report for each selected power unit (if available)
- Driver roster report, and
- Any other legislated records or documents requested by the investigator

Contrary to popular belief, detecting evidence of log falsification does not go away with electronic logging. The process simply becomes more technical. The investigator will ask for and audit electronic RODS for specific drivers, including those who were involved in crashes or placed out of service, drivers who received HOS violations during roadside inspections, and top performing drivers. ***The investigator will focus their attention on the following key areas:***

#### **Unidentified driver**

This is the status of the ELD when the vehicle is driven and there is no driver logged into the device. Therefore, when a driver logs into an ELD, he/she must review any unidentified drive time that appears on the ELD and determine whether the kilometers belong to him/her or if someone else drove the vehicle. The driver then accepts or rejects the unassigned kilometers. The motor carrier may suggest an edit. The driver may accept or reject the suggested edit.

#### **Unassigned driving time**

The investigator will examine the details surrounding any unassigned driving time he/she encounters. It is not uncommon for drivers to falsify records in an attempt to drive more than the limits allow, including logging in late, logging out early, or not logging in at all.

The investigator will determine who was operating the vehicle immediately before and after the unassigned driving. By reviewing the supporting documents related to the vehicle including trip reports, payroll and dispatch records, shipment paperwork, etc.

### Edits

A driver may request to edit, enter missing information and annotate ELD recorded events in some cases. The motor carrier may request a driver to edit the RODS after submission to ensure accuracy. The driver can accept or reject the edit and resubmit the records, and all edits must be accepted by the driver. Drivers cannot be forced to make changes to their records. Automatically recorded driving time cannot be shortened.

While log edits are normal (especially when a carrier first begins using an ELD device), an excessive number of edits or those that fit certain patterns may catch the investigator's eye. The investigator may be most concerned about edits that switch on-duty time to off-duty time. The investigator may consider the reason for the edit and verify legitimacy using supporting documents.

### Ghost driver accounts not allowed

Common ghost accounts include:

- **Maintenance** – used for maintenance movements by mechanics who are not required to log
- **Road Tests** – used when a driver who has not been hired and/or entered in the logging system is road tested
- **Yard Moves** – used when a road truck is used to switch trailers in the yard by non-drivers who are not required to log

When a driver uses one of these accounts, he or she will typically log in under the ghost account and use it while driving or not log in at all.

### Inappropriate uses

Some drivers or supervisors that know about the ghost driver accounts may use them to “hide” driving time and on-duty time. A driver might be tempted to log in to the ghost driver account if short on available hours. In some fleets, supervisors actually have set up ghost driver accounts solely for this purpose.

ELD regulations clearly state that all accounts must be assigned to an individual and all driver accounts must have a driver's licence number associated with them, meaning that ghost driver accounts are not allowed in an ELD system. The only exception is the ‘unidentified driver’ account. Any driving time that comes into this account must be either assigned to a specific driver, or a comment must be attached to the driving time explaining why it could not be assigned to a specific driver.

### Use of exempt driver option

Fortunately, ELD systems allow for another option that can help eliminate the need for ghost accounts. “Exempt driver” accounts can be set up to exempt drivers – those who are not subject to the HOS or logging regulations. With these accounts, the driving time is captured and assigned to the correct driver, but a regular log is not generated. This way, the driver can log in whenever moving a vehicle, eliminating the need for a ghost driver account or having to deal with unassigned driving time.

### **Exempt driver**

The ELD must allow a motor carrier to configure an ELD for a driver who may be exempt from the use of an ELD. An example of an exempt driver would be a driver driving under the short-haul exemption under the HOS Regulation. Even though exempt drivers do not have to use an ELD, an ELD equipped CMV may be shared between exempt and non-exempt drivers and motor carriers can use this allowed configuration to avoid issues with unidentified driver data diagnostics errors.

### **Device malfunctions**

To determine a possible device malfunction, an investigator will look at the drivers involved, the hours logged at the time the failure occurred, and if any patterns are evident. If the investigator sees potential problems, an in-depth audit will be performed.

### **On-duty time logged as off-duty**

While not a data issue, a lack of on-duty time may trigger the investigator's interest. If the driver has little or no on-duty time recorded, the investigator may ask for supporting documents and begin checking for falsification (logging off-duty vs. on-duty).

### **Off-duty driving**

Another potential issue lies in the accuracy of ELog systems. Most systems provide the back office with the ability to move assigned or unassigned driving to 'personal conveyance' and assign it to the correct driver. During an audit, the investigator will verify that the movement actually met the requirements to be considered personal conveyance.

### **Special driving categories (personal conveyance/yard move)**

A driver can select one of three special driving categories. If a motor carrier authorizes a driver to operate a commercial vehicle for yard moves (YM) within a terminal, depot or port, and that is not on a public road. This does not include truck stops. The motor carrier shall ensure that the driver's ELD has been configured so that the driver can indicate those moves.

If the driver uses personal conveyance on an ELD, the device must record the distance and automatically switch off of Personal Conveyance (PC) when the driver reaches 75 km in a day.

The ELD will record all data elements during YM and PC except for location during PC.

**NOTE:** The distance driver under PC will not be included in the accumulated vehicle distance displayed in the header. The distance driver under PC can be determined by subtracting the day starting odometer from the ending odometer, as well as reviewing the event log where start and end odometer readings of each PC period recorded.

YM are recorded as on duty time and PC is recorded as off duty time. The driver is required to deselect the special driving category upon completion.

Although the YM category provides an added convenience when applied correctly to a driver's HOS, inappropriate use of the category will result in a falsification violation. To avoid falsification violations, make sure your drivers are aware of the following FAQs pertaining to yard moves.

## **WHAT FALLS UNDER THE DEFINITION OF A “YARD”?**

The Commercial Vehicle Drivers Hours of Service Regulation does not yet have a formal definition of a yard. In the absence of and until there is a formal definition, you likely need to have guidance that helps you avoid compliance problems.

“Driving” time is considered time behind the wheel of a CMV. A yard move is considered on-duty (not driving). To log on-duty (not driving) it is prudent to only use the “yard move” within a terminal, depot or port and that is not on a public road.

## **HOW IS A YARD MOVE RECORDED?**

The driver’s time when logged in under yard move will be recorded on the ELD as on-duty. *The driver must select “Yard Move” prior to entering the special category, and must annotate the ELD record describing the activity.*

## **DOES A YARD MOVE COUNT TOWARDS MY DRIVE TIME?**

No, it does not count towards my drive time but does count as on-duty not driving time.

## **DOES YARD MOVE TIME COUNT TOWARD MY 14-HOUR DAILY LIMIT?**

Yes, yard move time will count toward the 14-hour daily and shift on-duty not driving limit.

## **WHAT IF THE DRIVER FORGETS TO CHANGE STATUS & THE ELD REMAINS IN YARD?**

The time will be incorrectly captured as Yard Move (on-duty yard time, rather than driving time). This could be considered a false log. To address this, the driver should immediately attach a comment to the log explaining the error. To follow up, the driver will have to edit the log and manually enter the correct driving time.

## **HOW ARE YARD MOVES AUDITED?**

Yard movements are easy to audit in an ELD. The officer, investigator, or in-house auditor simply investigates the location data at the time of the yard move, either the location description in the log data or the longitude/latitude data, and the driver’s work assignment for the time in question.

Using this information, the officer, investigator, or in-house auditor can decide if the driver was in a yard at the time yard movement was used, or if the driver was on a roadway or in a public area. If the vehicle was not in a yard or was moving down the road at the time the driver selected yard move, the driver falsified the record.

## **HOW DOES THE ELD MANDATE APPLY TO RENTED AND LEASED TRUCKS?**

Carriers and their drivers must obey the HOS regulations, including the ELD mandate. Equipment providers, as in leasing and rental companies, are not covered by these regulations as they are not carriers and they do not employ the driver driving the vehicle. An ELD is only required if the driver operating the vehicle is required to use an ELD.

### ***THE RENTAL AND LEASED TRUCK EXEMPTION:***

If the carrier puts a driver that must use an ELD into a rented or leased truck, it is up to the carrier to make sure the vehicle has an ELD. The only exception applies to a rental agreement that is no longer than 30 days that is not an extended or renewed rental of the same vehicle. In this case, the driver can use paper logs while operating the rented vehicle.

#### **To use the exemption:**

- The driver must have a copy of the “rental agreement,”
- The rental agreement must identify the carrier and the dates of the rental period (and the rental period is 30 days or less in duration), and
- The driver must have records of duty status for the previous 14 days (printouts from a previously-used ELD system are acceptable)

If an investigator determines that a carrier has replaced one rental unit that has reached the end of the 30 day period with another rental vehicle in an attempt to avoid complying with ELD requirements, the carrier will be in violation for not using ELDs when required.

### ***PREPARING FOR A FACILITY AUDIT:***

When Manitoba Transportation and Infrastructure audits HOS compliance for carrier’s using ELDs, the audit will be much different than for carriers using paper logs. This is because the records or data will show when the driver was driving and where, increasing the number of supporting documents the investigator will need to check. Additionally, ELD devices that meets the regulatory requirements will provide accurate daily duty-line totals in an easy-to-use format.

Knowing where to focus your attention is key to proactive compliance management. To prepare for changes in the Manitoba Facility Audit process, modify your internal auditing to look for the same issues the investigator will be looking for during an audit.

1. Make sure your ELD records are organized and accessible.
2. Create and follow an internal auditing system for HOS and ELD records, including setting out how often it will be done, how many drivers and records will be checked, what ELD system reports to use, what ELD supporting documents to use, login activity and personal conveyance and yard move checks, and making sure ELDs communicate with the web portal for transferring data to law enforcement.
3. Consider getting an external consultant to conduct a mock audit/investigation consistent with Manitoba Transportation and Infrastructure procedures. There are a number of transportation safety consulting companies that can do this.

## ***WHAT SUPPORTING DOCUMENTS CAN AN INSPECTOR USE TO VERIFY A RODS?***

In addition to the record of duty status, an Inspector needs to review supporting documentation to determine if the driver is maintaining the record of duty status accurately.

The Inspector needs to be satisfied that the driver and the truck were where the record of duty status indicates they were. Useful documentation includes:

- Trip envelope
- Shipping papers
- Toll receipts
- Violation tickets
- Weight tickets
- Tach card
- Fuel receipts
- Meal receipts
- Warning notices
- Special permits
- Driver / vehicle inspection reports
- Other time-dated materials

## ***DETECTING FALSIFIED RODS:***

The RODS provide a record of driver activities and are critical for determining whether drivers are driving in compliance with the Hours of Service Regulation. Because of the limits and requirements in the regulations, some drivers may attempt to sidestep the regulations to gain more time behind the wheel.

Drivers may falsify the RODS by driving while recording off-duty or sleeper berth time, or failing to accurately record on-duty or driving time. However, it is also the investigator's job to scrutinize RODS and ensure that fatigued drivers are not jeopardizing the safety or health of the public, the driver or the employees of the motor carrier.

## ***HOW DO DRIVERS FALSIFY RODS?***

Drivers usually falsify their RODS using one of the following methods:

- Compression
- Dropped trip
- Ghost driver
- Failing to record on-duty time
- Driving while recording off-duty or sleeper berth time



### **COMMON RODS FALSIFICATION VIOLATIONS FOUND IN A FACILITY AUDIT:**

While electronic logging devices may be harder to cheat than paper logs, that doesn't mean carriers aren't responsible for overseeing them. The most commonly cited ELD violations in an audit was the carrier failing to ensure the driver's ELD record was accurate. Common ELD violations found in an audit include:

- Carrier fails to electronically produce ELD records upon request, and failing to review records of unidentified driving time and/or annotate the record explaining why the time was unassigned.
- The same driver using different logins, or not logging in. Investigators will review the list of login IDs and the login activity, and unassigned driving time.
- On-duty locations do not match where the driver went off-duty. If these locations are different and the driver does not have a team driver, that ELD record may be false.
- Off-duty, personal conveyance "PC" driving activity does not adhere to the HOS regulation. Beginning and ending odometer values may identify excessive distance that point to a need to examine that PC use more closely.
- Annotations and edits are unjustified when compared to the original. Falsification may occur when driver edits on-duty not driving time to off-duty or sleeper berth time.
- Malfunction and diagnostic codes indicate possible tampering, or to a carrier's failure to address malfunctions and repair ELDs as required.
- Finally, the electronic logs do not match supporting documents, such as fueling records. Supporting documents must be filed in a way that allows for easy matching to ELD records by compliance investigators.

### **MOTOR CARRIER DUE DILIGENCE:**

The carrier is graded on its compliance to the Hours of Service Regulation. The carrier is responsible for monitoring the compliance of each driver with the regulation and document the immediate remedial actions taken to correct the non-compliance.

Points will not be deducted for violations found **if** the carrier has found the violation(s) and made an effort to have the driver comply with regulatory requirements (due diligence). The carrier **must** show evidence of enforcing disciplinary procedures to not have points deducted.

## **MANITOBA FACILITY AUDIT RATING SYSTEM:**

Manitoba Transportation and Infrastructure's facility audit program is comprised of three sections:

- **Section One** – Driver Records – [The Highway Traffic Act](#)
- **Section Two** – Hours of Service Records – [The Commercial Vehicle Drivers Hours of Service](#)
- **Section Three** – Vehicle Records – [The Highway Traffic Act](#) & [National Safety Code Standard 11](#)

Once the audit is completed the scores in all three audit sections are averaged to determine the overall facility audit score. Audit scores 85% or greater will receive a **PASS** result and scores less than 85% will receive a **FAIL** result.

### **DRIVER RECORDS:**

The carrier is graded on its record-keeping compliance.

Each driver sampled is scored on the maximum points available per applicable category for driver records. Points will be deducted upon detection of an infraction in the following area(s):

#### **Maximum Points Available:**

- **50 Points** – Driving Record (abstract) (see page 27)
- **20 Points** – Review of Driving Record (see page 28)
- **10 Points** – Accident Disclosure (see page 29)
- **10 Points** – Conviction Disclosure (see page 30)
- **10 Points** – Transportation of dangerous goods (if applicable) [TDG Act](#) (see page 31)
- **0 Points** – Refuse access or fail to provide requested supporting documents (see page 32)

Once the audit is completed the scores for all drivers sampled in the audit are averaged to provide a total section score.

### **HOURS OF SERVICE:**

The carrier is graded on its compliance to the Commercial Vehicle Drivers Hours of Service Regulation. The carrier is responsible for monitoring the compliance of each driver with the regulation and for documenting the immediate remedial actions taken to correct the non-compliance.

Points **will not** be deducted for violations found **if** the carrier has found the violation(s) and made an effort to have the driver comply with regulatory requirements (due diligence). The carrier **must** show evidence of enforcing disciplinary procedures to not have points deducted.

Each driver sampled is scored on the maximum points available per applicable category for hours of service. Points will be deducted upon detection of an infraction in the following area(s):

**Maximum Points Available:**

- **10 Points** – Monitoring by Motor Carrier (see page 34)
- **15 Points** (*reduced 5 pts per infraction*) – Daily Hours Compliance (see page 35)
- **15 Points** (*reduced 5 pts per infraction*) – Shift Hours Compliance (see page 36)
- **15 Points** (*reduced 5 pts per infraction*) – Cycle Hours Compliance (see page 37)
- **15 Points** (*reduced 5 pts per infraction*) – Required Information Compliance (see page 38)
- **30 Points** (*reduced 10 pts per infraction*) – False RODS (see page 41)
- **0 Points:**
  - Fourth instance of false RODS,
  - Any missing or duplicate RODS, or
  - Refuse access or fail to provide requested supporting documents (see pages 41-43)

Once the audit is completed the scores for all drivers sampled in the audit are averaged to provide a total section score.

**VEHICLE RECORDS:**

The carrier is graded on its compliance to their scheduled preventative maintenance and inspection program, on-road CVSA inspections and record keeping requirements.

Each vehicle sampled is scored on the maximum points available per applicable category for vehicle records. Points will be deducted upon detection of an infraction in the following area(s):

**Maximum Points Available:**

- **60 Points** (*reduced 20 pts per infraction*) – Scheduled preventative maintenance & inspection (see page 45)
- **5 Points** – Commercial Vehicle Safety Alliance (CVSA) (see page 46)
- **5 Points** – Commercial vehicle trip inspection (see page 47)
- **30 Points** – Periodic Mandatory Vehicle Inspection (PMVI) (see page 48)
- **0 Points** – Refuse access or fail to provide requested supporting documents (see page 49)

Once the audit is completed the scores for all vehicles sampled in the audit are averaged to provide a total section score.

### ***DRIVER RECORD SCORING RUBRIC:***

Each driver sampled is scored on the maximum points available per applicable category for driver records. Points will be deducted upon detection of an infraction in the following area(s):

Section	Description	Maximum Points Available
<b>Driver Records</b>	Driving record (abstract)	50
	Review of driving record (abstract)	20
	Accident disclosure	10
	Conviction disclosure	10
	Transportation of dangerous goods <i>(if applicable)</i>	10
	Refuse access or fail to provide requested supporting documents	0
<b>Total</b>		<b>100</b>

### ***DRIVER RECORDS:***

A regulated vehicle driver must hold only one valid driver's license, and must be licensed in only one jurisdiction. The driver must disclose suspensions, cancellation, prohibition or change in classification of the driver's license. A driver must report, and provide the carrier with copies of any convictions, accident reports, and on-road or terminal inspections within 14 days of the occurrence.

#### **Driver's file must contain:**

- Initial driving record (abstract) current within 30 days of hire date
- Driving record (abstract) current within 12 months thereafter
- Documented review of driving record
- Dangerous goods training certificates (if applicable)
- Other driving qualifications as applicable (air brake endorsement, transportation of dangerous goods certificate, extended combinations endorsement)
- Record of all traffic offenses and criminal driving offenses for which the driver had care and control of any motor vehicle during the past two years
- Records of all collisions for which the driver had care and control of any motor vehicle during the past two years, including the name of the driver, date and circumstance of the collision, and information identifying the vehicle involved

### **DRIVING RECORD (ABSTRACT):**

Each driver sampled will have 50 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Regulation HTA
No driving record (abstract) on file	Sec. 318.6(1)(2)
Abstract not current within 30 days of hire date	Sec. 318.6(1)
Abstract not current within 12 months of previous abstract date	Sec. 318.6(2)
Abstract obtained after audit notification	Policy
The department discovers that a driver's licence is invalid. Pursuant to The Freedom of Information and Privacy Protection Act (FIPPA), particulars of the licence invalidation will not be disclosed to the carrier. Only the driver's name will be provided to the carrier.	Policy

### **CARRIER RESPONSIBILITY:**

The carrier to ensure each driver has a valid driver's licence for the class of vehicle they will be operating as specified in Appendix "A" on page 50.

### **EXCEPTION:**

As a matter of policy, points will not be deducted *if*:

- The driving record was obtained prior to audit notification and is current within 12 months of the facility audit date

### **CONDUCTING THE AUDIT:**

- Examine RODS, carrier profile report and other supporting documents to determine whether the driver drove during the period when there was no abstract on file
- Determine if the driver has driven while prohibited or suspended, or with the wrong class of licence

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
Driver abstract will not be required if: <ul style="list-style-type: none"><li>• The carrier operates only one regulated vehicle that is not a school bus; and</li><li>• Its only driver is an individual;<ul style="list-style-type: none"><li>○ Who is also the carrier, or</li><li>○ Who controls the corporation that is the carrier</li></ul></li></ul>	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

## REVIEW OF DRIVING RECORD:

Each driver sampled will have 20 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Regulation HTA
No evidence of review of driving record on file	Sec. 318.6(2)
No driver abstract on file to perform review of driving record	Sec. 318.6(2)
Review of driving record not conducted within 30 days of abstract date	Sec. 318.6(2)
Driving record (abstract) obtained after audit notification	Policy
Review of driving record conducted after audit notification	Policy
Review of driving record does not include "reviewed by" name	Policy
Review of driving record does not include "date of review"	Policy

## EXCEPTION:

As a matter policy, a written review is not required *if*:

- The driver's hire date is less than 12 months, **and**
- The driving record (abstract) was obtained prior to audit notification and is current within 12 months of the facility audit date
  - Select "**N/A**" for review of driving record on the Driver Record & HOS and Summary of Audit Section Scores worksheets

## CONDUCTING THE AUDIT:

- Examine driver RODS, carrier profile report and other supporting documents to verify whether the driver drove in the period when there was no driving record (abstract) on file
- Examine the driver licence status
- Determine if the driver has driven while prohibited or suspended, or with the wrong class of licence

## MISSING RECORDS:

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## PARAMETERS OF DISCRETION / CONSIDERATION:

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
Reviews may be conducted on a specific date, anniversary/hire date or internal schedule	Policy
Driver abstract has a notation including the date and signature of the person conducting the review	Policy
Driver review not required if: <ul style="list-style-type: none"> <li>• The carrier operates only one regulated vehicle that is not a school bus; and</li> <li>• Its only driver is an individual;               <ul style="list-style-type: none"> <li>○ Who is also the carrier, or</li> <li>○ Who controls the corporation that is the carrier</li> </ul> </li> </ul>	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

## ACCIDENT DISCLOSURE:

Each driver sampled will have 10 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Regulation HTA
No accident disclosure on file (operating any motor vehicle)	Sec. 318.1(3)
Accident disclosure not current within 30 days of accident date	Policy
No driving record (abstract) on file to determine accident disclosure requirement	Policy
Driving record (abstract) obtained after audit notification (unable to determine disclosure requirement)	Policy
The department discovers an unreported accident. Pursuant to The Freedom of Information and Privacy Protection Act (FIPPA), particulars of the licence invalidation will not be disclosed to the carrier. Only the driver's name and date of accident will be provided to the carrier.	Policy

## EXCEPTION:

As a matter of policy, accident disclosure is not required *if*:

- The driver's hire date is less than 12 months, **and**
- The driving record was obtained prior to audit notification and is current within 12 months of facility audit date
  - Select "**N/A**" for review of driving record on the Driver Record & HOS and Summary of Audit Section Scores worksheets

## CONDUCTING THE AUDIT:

- Using the carrier profile, review accidents to identify trends in drivers, vehicles, types of infractions, etc.

## MISSING RECORDS:

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## PARAMETERS OF DISCRETION / CONSIDERATION:

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The abstract does not identify a reportable accident in the previous 24 months	Policy
Abstract has a notation including the date and details of a reportable accident	Policy
Accident disclosure will not be required if: <ul style="list-style-type: none"><li>• The carrier operates only one regulated vehicle that is not a school bus; and</li><li>• Its only driver is an individual;<ul style="list-style-type: none"><li>○ Who is also the carrier, or</li><li>○ Who controls the corporation that is the carrier</li></ul></li></ul>	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

## CONVICTION DISCLOSURE:

Each driver sampled will have 10 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Regulation HTA
No conviction disclosure on file (operating any motor vehicle)	Sec. 318.1(3)
Conviction disclosure not current within 30 days of conviction date	Policy
No driving record (abstract) on file to determine conviction disclosure requirement	Policy
Driving record (abstract) obtained after audit notification (unable to determine conviction disclosure requirement)	Policy
The department discovers an unreported conviction. Pursuant to The Freedom of Information and Privacy Protection Act (FIPPA), particulars of the licence invalidation will not be disclosed to the carrier. Only the driver's name and date of conviction will be provided to the carrier.	Policy

## EXCEPTION:

As a matter of policy, conviction disclosure will not be required *if*:

- The driver's hire date is less than 12 months, **and**
- The driving record was obtained prior to audit notification and is current within 12 months of the facility audit date
  - Select "**N/A**" for review of driving record on the Driver Record & HOS and Summary of Audit Section Scores worksheets

## CONDUCTING THE AUDIT:

- Using the carrier profile, review convictions to identify trends in drivers, vehicles, types of infractions, etc.

## MISSING RECORDS:

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## PARAMETERS OF DISCRETION / CONSIDERATION:

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The abstract does not identify a reportable conviction	Policy
Abstract has a notation including the date and details of a reportable conviction	Policy
Conviction disclosure will not be required if: <ul style="list-style-type: none"><li>• The carrier operates only one regulated vehicle that is not a school bus; and</li><li>• Its only driver is an individual;<ul style="list-style-type: none"><li>○ Who is also the carrier, or</li><li>○ Who controls the corporation that is the carrier</li></ul></li></ul>	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy



## **TRANSPORTATION OF DANGEROUS GOODS** (if applicable):

Each driver sampled will have 10 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Regulation SOR/2001-286
No TDG driver training certificate on file	Part 6, Section 6.1(2)(a)

### **NOT APPLICABLE:**

Carriers that do not transport dangerous goods will not be assessed

- Select “**N/A**” for transportation of dangerous goods on the Driver Record & HOS and Summary of Audit Section Scores worksheets

### **CONDUCTING THE AUDIT:**

- Examine TDG training certificates for:
  - Employer’s signature
  - Name and address of place of business
  - Expiry date (preceded by the words “Expired On”)
  - Indication of training received

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

## **REFUSE ACCESS OR FAIL TO PROVIDE REQUESTED SUPPORTING DOCUMENTS:**

Each driver sampled will have 100 points deducted in the driver record section when requested supporting documents are mutilated, obscured, altered, deleted, destroyed or not provided.

## **DRIVER RECORD RETENTION:**

A **carrier** infraction will be recorded upon detection of an infraction in the following area(s):

Description of Violation		Regulation
Driving record (abstract)	Records must be maintained for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(1)
Review of driving record	Records must be maintained for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(1)
Accident disclosure	Records must be maintained for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(1)
Conviction disclosure	Records must be maintained for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(1)
TDG shipping documents	Records must be maintained for a minimum period of 2 years after it was prepared	<a href="#">SOR 2001-286 / MR 55/2003</a> Sec 3.11 (2)
TDG training records/materials	Records must be maintained for a minimum period of 2 years after the expiry of the training certificate	<a href="#">SOR 2001-286 / MR 55/2003</a> Sec. 6.6

## HOURS OF SERVICE (HOS) SCORING RUBRIC:

Each driver sampled is scored on the maximum points available per applicable category for hours of service. Points will be deducted upon detection of an infraction in the following area(s):

Section	Description	Maximum Points Available
Hours of Service	Monitoring by motor carrier	10
	Daily hours compliance	15 (reduced 5 pts per infraction)
	Shift hours compliance	15 (reduced 5 pts per infraction)
	Cycle hours compliance	15 (reduced 5 pts per infraction)
	Required Info	15 (reduced 5 pts per infraction)
	False RODS	30 (reduced 10 pts per infraction)
	<ul style="list-style-type: none"><li>• Fourth instance of false RODS</li><li>• Any missing or duplicate RODS</li><li>• Refuse access or fail to provide requested supporting documents</li></ul>	0
<b>Total</b>		<b>100</b>

## FACILITY AUDIT HOS SAMPLE SIZE:

The facility audit will examine **one calendar month** of RODS, plus previous 14 days to confirm cycle, for each driver sampled.

The carrier is graded on its compliance to the Commercial Vehicle Drivers Hours of Service Regulation. The carrier is responsible for monitoring the compliance of each driver with the regulations and document the immediate and remedial actions taken to correct identified non-compliance.

Points are not deducted for violations **if** the carrier has found the violation(s) and made an effort to have the driver comply with regulatory requirements (due diligence). The carrier **must** show evidence of enforcing disciplinary procedures to correct identified non-compliance to not have points deducted.

Note: drivers who operate in both Canada and U.S. jurisdictions must be compliant with the hours of service regulations in both countries. For more information on the differences between Canada and the U.S. refer to appendix's D and E on pages 55-55.

## **MONITORING BY MOTOR CARRIER:**

Each driver sampled will have a maximum of 10 points deducted upon detection of an infraction in the following area(s):

Description of Violation		Regulation SOR 2005-313
Monitoring	No evidence of a monitoring process to verify driver compliance with the hours of service regulations	Sec. 87(1)
Monitoring	The carrier fails to provide the most recent compliance monitoring report for any driver sampled	Sec. 87(1)
Monitoring	No evidence of documented remedial action(s) taken when violations are found. Records must include dates of violation and action(s) taken	Sec. 87(2)

A carrier shall monitor the compliance of each driver with the regulations. A carrier that determines that there has been non-compliance with the regulations shall take immediate remedial action and record the dates on which the non-compliance occurred and the action taken.

The carrier must provide the investigator with the *most recent* compliance monitoring report for each driver sampled. Failure to do so, will result in 10 points being deducted for each driver sampled without a compliance monitoring report.

A carrier should conduct forensic driver hours of service audits by comparing RODS against supporting documents for compliance with the regulations as recommended in the monitoring schedule below.

### **RECOMMENDED FORENSIC MONITORING SCHEDULE:**

- Carriers with 1 to 10 drivers check every driver at least once a month for HOS violations; or
- Carriers with more than 10 drivers should check at least ten drivers plus 10 per cent of the remaining drivers on a monthly basis.
- For example, a carrier with 30 drivers would check 10 drivers plus 10 per cent of the remaining 20 drivers, for a total of 12 drivers each month.

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### **DAILY HOURS COMPLIANCE:**

Each driver sampled will have 5 points per infraction (to a maximum of 15 points) deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation <u>SOR 2005-313</u>
13 hour daily	Exceeds 13 hours driving in a day	Sec. 12(1)
14 hour daily	Exceeds 14 hours of on-duty time in a day	Sec. 12(2)
10 hour daily	Requires 10 hours off-duty time in a day	Sec. 14(1)

### **CONDUCTING THE AUDIT:**

- Use the 13, 14 and 10 hour rules to examine the RODS
- Refer to section 76 when a driver reports driving in an emergency or adverse weather conditions
- Record violations that occur in any **Canadian** jurisdiction

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted **if**:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### **SHIFT HOURS COMPLIANCE:**

Each driver sampled will have 5 points per infraction (to a maximum of 15 points) deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation SOR 2005-313
13 hour shift	Driving after the accumulation of 13 hours without taking mandatory rest	Sec. 13(1)
14 hour shift	Driving after the accumulation of 14 hours without taking mandatory rest	Sec. 13(2)
16 hour shift	Drives after 16 hours of elapsed time between mandatory rest periods	Sec. 13(3)

### **CONDUCTING THE AUDIT:**

- Use the 13, 14 and 16 hour shift rules to examine the RODS
- Verify that the driver has not driven after 16 hours of elapsed time between periods of 8 or more consecutive hours of off-duty time
- Refer to section 76 when a driver reports to be driving in an emergency or adverse weather conditions
- Record violations that occur in any **Canadian** jurisdiction

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### **CYCLE HOURS COMPLIANCE:**

Each driver sampled will have 5 points per infraction (to a maximum of 15 points) deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation SOR 2005-313
Cycle 1 (24 hrs in 14 days)	Requires at least 24 consecutive hours of off-duty time in the preceding 14 days	Sec. 25
Cycle 1 (70 hrs in 7 days)	Accumulated more than 70 hours on-duty time during preceding 7 days in cycle	Sec. 26
Cycle 2 (120 hrs in 14 days)	Accumulated more than 120 hours on-duty time during preceding 14 days in cycle 2	Sec. 27(a)
Cycle 2 (24 hrs off-duty time before the 70 <sup>th</sup> hr)	Requires 24 consecutive hours of off-duty time before completing the 70 <sup>th</sup> on-duty hour	Sec. 27(b)

### **CONDUCTING THE AUDIT:**

- Examine the driver’s accumulated declared cycle hours
- Verify the day before the beginning of the cycle to ensure the driver had adequate rest before entering the cycle
- Refer to section 76 when a driver reports driving in an emergency or adverse weather conditions
- Record violations that occur in any **Canadian** jurisdiction

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### **REQUIRED INFORMATION COMPLIANCE:**

Each driver sampled will have 5 points per infraction (to a maximum of 15 points) deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation SOR 2005-313
Required Info	Missing required information in accordance with the regulations	Sec. 82(1)(2)(6)

### **CONDUCTING THE AUDIT:**

- Examine RODS for required information (see table for elements of inspection)
- If a driver is engaged in making deliveries in a municipality that results in a number of periods of driving time being interrupted by a number of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined on the grid
- Both driving and other on-duty time must be recorded separately on the grid
- Supporting document time markers must align with the grid
- Refer to section 76 when a driver reports driving in an emergency or adverse weather conditions
- Record violations that occur in **any** jurisdiction

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted **if**:

Parameters of Discretion / Considerations	Regulation
Do not record a violation for printed name if the signature is legible	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy



## REQUIRED INFORMATION ELEMENTS OF INSPECTION:

Ensure Completion Of:	Evaluation Criteria:
<p>Are the RODS completed in accordance with regulations by ensuring legible completion of the date? SOR/2005-313, Section 82(1)(a)</p>	<p>All ROD must be dated legibly and correctly</p>
<p>Are the RODS completed in accordance with regulations by ensuring the legible completion of the name of the driver? SOR/2005-313, Section 82(1)(a)</p>	<p>Driver name to be entered legibly on all RODS Must use legal name</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of the odometer reading at the beginning and the end of the day? SOR/2005-313, Section 82(1)(d)</p>	<p>Odometer reading must be legibly recorded on all RODS, unless shown as broken on the trip inspection (a timely repair must also be shown for this to apply). Must be recorded as a defect in the trip inspection report.</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of total distance driven by the driver during the day (excluding the distance driven in respect of the driver's personal use of the vehicle)? SOR/2005-313, Section 82(3)</p>	<p>Total distance must be legibly shown on all RODS The driver's <b>estimate</b> of total kilometres is acceptable for a reasonable period of time when the odometer is broken</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of commercial motor vehicle licence plate or unit number? SOR/2005-313, Section 82(1)(c)</p>	<p>Must be legibly recorded on all RODS for power units <b>and</b> trailers</p>
<p>Are the RODS completed in accordance with regulations by ensuring legible completion of name of every carrier with whom the driver worked or with whom the driver was otherwise engaged during the day? SOR/2005-313, Section 82(1)(e)</p>	<p>Full legal NSC name must be legibly recorded on all RODS</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of start of the period covered by the record of duty status where it is different than midnight? SOR/2005-313, Section 82(1)(a)</p>	<p>If the period covered by RODS is other than midnight to midnight, the RODS must show the actual 24 hour period. For example, noon to noon</p>
<p>Are the RODS completed in accordance with regulations by ensuring legible completion of home terminal address and principal place of business of each carrier for whom the driver worked or was otherwise engaged during the day? SOR/2005-313, Section 82(1)(e)</p>	<p>Must legibly show the home terminal address and principal place of business on all RODS. The address should be the complete address as it shows on NSC records</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of total hours spent in each period of duty status? SOR/2005-313, Section 82(3)</p>	<p>All RODS must be accurately recorded to the ¼ hour</p>

Ensure Completion Of:	Evaluation Criteria:
<p>Are the RODS completed in accordance with regulations by ensuring completion of signature of driver?</p> <p>SOR/2005-313, Section 82(3)</p>	<p>At time of audit, must be present on all RODS</p> <p>In the case of electronic signatures are acceptable</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion of the graph by drawing a continuous line between the appropriate time markers on the graph grid to record each period of the driver's duty status in accordance with schedule 2</p> <p>SOR/2005-313, Schedule 2</p>	<p>The horizontal lines joining the vertical time markers must be present and completed for the entire 24 hour period</p> <p>If the driver has been doing local deliveries (bundling), the time should be recorded as on-duty and estimated time should be recorded in the driving section.</p>
<p>Are the RODS completed in accordance with regulations by ensuring legible completion of the name of the municipality or location on a highway and the name of the province or state where a change in duty status occurs, and recorded as the aggregate of all on duty time in that municipality or location, other than driving time as a continuous line?</p> <p>SOR/2005-313, Schedule 2</p>	<p>All RODS must show clearly where the driver was</p> <p>No city/municipality abbreviations may be used</p>
<p>Are the RODS completed in accordance with regulations by ensuring completion in the "Remarks" section:</p> <ul style="list-style-type: none"> <li>• Total on-duty and off-duty hours in the previous 14 days if a record of duty status was not required</li> </ul> <p>SOR/2005-313, Section 82(1)(f)</p> <p>And/or</p> <ul style="list-style-type: none"> <li>• The driver is deferring off duty time and whether the driver is driving under day 1 or day 2?</li> </ul> <p>SOR/2005-313, Section 82(1)(g)</p>	<p>Total on-duty and off-duty hours that were accumulated by the driver each day during the previous 14 days must be entered in the "Remarks" section of the RODS on the day the driver no longer qualifies for the 160 km radius exemption.</p> <p>Deferral and day 1 or 2 must be recorded in the "Remarks" section of the RODS.</p>
<p>Are the RODS completed in accordance with regulations by ensuring that the driver has recorded the odometer reading at the beginning and end in respect of the driver's personal use of the vehicle?</p> <p>SOR/2005-313, Section 2(1)(e)</p>	<p>The driver must note the odometer reading at the beginning and end of the personal use of a commercial vehicle. The distance is not to exceed 75 km in a day.</p>

## FALSE (RODS):

Each driver sampled will have 10 points per infraction (to a maximum of 30 points) deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation SOR 2005-313
False / inaccurate RODS	Supporting documents do not validate or are contrary to the RODS	Sec. 86(2)
False / inaccurate RODS	Falsify, mutilate or deface a RODS or supporting documents	Sec. 86(2)
On-duty time	On-duty activity is performed in sleeper berth or off-duty status	Sec. 86(2)
Insufficient on-duty time	On-duty activities such as fueling, Commercial Vehicle Trip Inspection, loading/unloading is performed in less than 15 minutes	Sec. 86(2)
Calculated average speed	<ul style="list-style-type: none"> <li>If the over speed is more than 10 km over the posted highway speed limit</li> <li>If after adding 15 minutes to the travel time, the time over distance speed is more than the calculated average speed</li> </ul>	Sec. 86(2)
Fuel	If a fuel receipt or statement time or location is more than 30 minutes from the recorded time or location	Sec. 86(2)
Odometer gaps	Odometer gaps more than 75 km	Sec. 86(2)
Personal use	The vehicle is loaded, trailer attached, distance exceeds 75 km, missing start/end odometer reading or driver is out of service	Sec. 86(2)
ELD tampering	ELD has been tampered with so that the device does not accurately record and retain the required data	Sec. 86(3)

## MISSING, SUPPORTING DOCUMENTS, DUPLICATE, or 4<sup>th</sup> FALSE (RODS):

Each driver sampled will have 100 points deducted upon detection of an infraction in the following area(s):

Description of Violation	Conditions	Regulation SOR 2005-313
Missing RODS	Any missing RODS in the sample month	Sec. 84(b)
Missing Exempt RODS	Any missing exempt RODS in the sample month	Sec. 81(2)(c)
Supporting Documents	Supporting documents not provided upon request	Sec. 84(c)
Duplicate RODS	Any duplicate RODS in the audit sample month	Sec. 86(1)
4 or more False RODS	Detection of 4 or more false RODS in the sample month	Sec. 86(2) (policy)

### **CONDUCTING THE AUDIT:**

- Examine the **same calendar month** sample of RODS for each driver
- Compare the information on the RODS to supporting documents to ensure that the driver has recorded “on-duty” time for all on-duty activities
- Check the time/distance (i.e. the travel between two known points) to determine the average speed
- Check the odometer readings for missing mileage or unreported personal use
- Examine the supporting documents (i.e. fuel, co-driver records of duty status, bills of lading, repair receipts, toll receipts, fax receipts, scale tickets, CVSAs, hotel receipts, etc.)

### **SUPPORTING DOCUMENTS:**

- **Supporting documents** are documents or information recorded or stored by any means that are required to assess compliance with the hours of service regulations, sec 99(1) and CVSAs
- Where applicable, examine any time dated document that will put a driver in a given location at a given time such as dispatch records, highway tolls, ferry receipts, and weigh scale slips
- Determine how drivers are paid then compare mileage on trips against payroll records

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

<b>Parameters of Discretion / Considerations</b>	<b>Regulation</b>
There is no RODS for the day(s) the driver normally has off-duty (ex. Sat – Sun), unless there is evidence the driver was on-duty during that period	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### ***REFUSE ACCESS OR FAIL TO PROVIDE REQUESTED SUPPORT DOCUMENTS:***

Each driver sampled will have 100 points deducted in the hours of service section when requested supporting documents are mutilated, obscured, altered, deleted, destroyed or not provided.

### ***HOURS OF SERVICE (HOS) RECORD RETENTION:***

A **carrier** infraction will be recorded upon detection of an infraction in the following area(s):

Description of Violation		Regulation SOR 2005-313
RODS (home terminal)	A driver shall, within 20 days, forward the RODS to the home terminal	Sec. 85(1)
RODS (principal place of business)	The carrier shall, deposit RODS at its principal place of business within 30 days after receiving them	Sec. 85(3)
RODS (chronological order)	The carrier shall, keep RODS in chronological order for a period of 6 months	Sec. 85(3)
Supporting documents	Supporting documents must be kept for a period of 6 months	Sec. 85(3)

## **VEHICLE RECORDS SCORING RUBRIC:**

Each vehicle sampled is scored on the maximum points available per applicable category for vehicle records. Points will be deducted upon detection of an infraction in the following area(s):

<b>Section</b>	<b>Description</b>	<b>Maximum Points Available</b>
Vehicle Records	Scheduled preventative maintenance and inspection	60 (reduced 20 pts per infraction)
	Commercial Vehicle Safety Alliance (CVSA) inspection	5
	Commercial Vehicle Trip Inspection	5
	Periodic Mandatory Vehicle Inspection (PMVI)	30
	Refuse access or fail to provide requested supporting documents	100
<b>Total</b>		<b>100</b>

## **VEHICLE MAINTENANCE OPERATIONS:**

A carrier must ensure that all regulated vehicles are in safe operating condition before being operated on a public highway, and that no vehicle is dispatched in unsafe condition.

Under the NSC, a carrier must maintain the following records for a minimum of two years, and for at least a further six months after the vehicle has left the control of the carrier. It is recommended that the carrier establish a separate file for each vehicle containing:

- Monthly reports of scheduled preventative maintenance and inspection for all regulated vehicles
- Records of CVSA inspections
- Commercial Vehicle Trip Inspections (must be retained for six months)
- Periodic Mandatory Vehicle Inspection (PMVI) certificates
- On-road and terminal inspection reports
- Records of manufacturer recalls and corrective actions

The records must contain a description of the service or repairs completed along with the date and odometer reading of the vehicle.

## **SCHEDULED PREVENTATIVE MAINTENANCE & INSPECTION (SPM&I) PROGRAM:**

The carrier should establish and maintain a schedule of regular maintenance on all regulated vehicles. The carrier may consider the manufacturer's recommended maintenance schedule when determining their program.

## **SCHEDULED PREVENTATIVE MAINTENANCE & INSPECTION (SPM&I):**

Each vehicle sampled will have 20 points per infraction (to a maximum of 60 points) deducted upon detection of an infraction in the following area(s):

<b>Description of Violation</b>		<b>Regulation HTA</b>
SPM&I	60 points will be deducted for each vehicle sampled missing complete records of SPM&I on file	Sec. 318.7(3)
SPM&I	60 points will be deducted for each vehicle sampled that does not comply with the carrier's department approved NSC record keeping compliance plan (if applicable)	Sec. 318.7(3)
SPM&I	20 points (max 60) will be deducted for each vehicle sampled that does not comply with the carrier's SPM&I interval schedule (per occurrence)	Sec. 318.7(3)
SPM&I	20 points (max 60) will be deducted for each vehicle sampled record missing required info (odometer, VIN/plate, date and description of work completed)	Sec. 318.7(3)
SPM&I	20 points (max 60) will be deducted for each vehicle sampled missing a repair record to correct defect(s) identified on a CVSA inspection report	Sec. 318.7(3)

## **CONDUCTING THE AUDIT:**

- Examine SPM&I records and supporting documents for the previous 2 years
- Identify service gaps, anomalies, trends or violations
- Vehicles used for storage, OOS, disposed of or inactive for 6 months or more will not be included in the audit sample
- Examine SPM&I records for compliance to the carrier's interval schedule
- Determine if the SPM&I schedule is appropriate to the carrier's operation and vehicle usage
- Review manufacturer recall notices against repair reports
- Review repair record to confirm CVSA defects where repaired within required period
- A violation will be recorded when a vehicle has been sold, destroyed or returned to the lessor, and its SPM&I records are not maintained for a period of 6 months

## **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

<b>Parameters of Discretion / Considerations</b>	<b>Regulation</b>
SPM&I intervals are within tolerance levels specified in Appendix "B"	Policy
The carrier can explain large gaps in the SPM&I schedule	Policy
There is evidence that all SPM&I records for a sold vehicle have been transferred to the new owner	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

## **COMMERCIAL VEHICLE SAFETY ALLIANCE (CVSA) INSPECTION:**

Each vehicle sampled will have 5 points deducted upon detection of an infraction in the following area(s):

<b>Description of Violation</b>		<b>Regulation HTA</b>
CVSA	Any missing CVSA inspection report identified in the carrier's profile for the previous 24 months that is not maintained on file (if applicable)	Sec. 322.1(1)

## **CONDUCTING THE AUDIT:**

- Examine CVSA inspection report(s) and maintenance/repair documents for evidence of vehicle repair for specified defects

## **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

<b>Parameters of Discretion / Considerations</b>	<b>Regulation</b>
Points will not be deducted if the carrier does not have CVSA inspections identified on their carrier profile report	Policy
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy



## COMMERCIAL VEHICLE TRIP INSPECTION:

Each vehicle sampled will have 5 points deducted upon detection of an infraction in the following area(s):

Description of Violation		Regulation MR 95/2008
Not inspected	The vehicle was not inspected as required	Sec. 4(a)
Required info	Fail to enter complete information on inspection report	Sec. 12(1)
Major defect	Vehicle operated with a major defect	Sec. 18(1)
Minor defect	Vehicle operated with a minor defect	Sec. 19(2)
False report	False or misleading inspection report	Sec. 23
Report	Mutilated, altered or defaced inspection report	Sec. 24

## CONDUCTING THE AUDIT:

- The driver of a commercial vehicle that is a truck tractor or other truck must inspect the vehicle or have it inspected for the minor or major defects listed in Schedule “A” every 24 hours that the vehicle is in service
- Examine trip inspection reports where it is determined through regulation that the vehicle requires a written report to be completed
- Lack of trip inspection documents should be spot checked against other supporting material (CVSAs, PMVIs, accidents, convictions, etc.) to ensure that the vehicle was indeed not in use at that time
- Evidence that the vehicle was operated on a highway can be confirmed by being matched to hours of service records and other supporting documents indicating that the vehicle was in use
- Conduct RODS analysis for missing required information

## MISSING RECORDS:

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

## PARAMETERS OF DISCRETION / CONSIDERATION:

Parameters of Discretion / Considerations	Regulation
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy
A <b>written</b> inspection report is not required if: <ul style="list-style-type: none"> <li>• The vehicle is operated solely within 160 km of the place of business where the driver reports to work; <b>or</b></li> <li>• It is the only CMV (that is not a school bus) operated by the carrier, and the only driver is also the carrier or the person who controls the carrier’s operation</li> </ul>	Sec. 2(3)

## **PERIODIC MANDATORY VEHICLE INSPECTION (PMVI):**

Each vehicle sampled will have 30 points deducted upon detection of an infraction in the following area(s):

<b>Description of Violation</b>		<b>Regulation MR 76/94</b>
Operating without a PMVI	There is evidence that a vehicle was operated on a highway without a valid PMVI	Sec. 3(1)
Fail to provide PMVI	Fail to provide a PMVI inspection certificate within a reasonable time	Sec. 3(4)

### **EXCEPTION:**

MR 76/94, Section 3.3 authorizes a regulated vehicle to:

- Deliver it to an inspection station or place for repair with written authority of the registrar
- Deliver it to an inspection station or place for repair, or to test it after repairs, if dealers' or repairers' plates are displayed
- Demonstrate it for sale if it is a new vehicle and dealers' plates are displayed

### **CONDUCTING THE AUDIT:**

- Examine the PMVI inspection certificate for each selected vehicle
- Compare repair defects on the PMVI report against repair records to verify repairs are complete
- Evaluate defects recorded on PMVI reports to determine if these defects were identified on pre-trip inspection reports or if they should have been addressed in the carrier's SPM&I program

### **MISSING RECORDS:**

- Identify any missing records
- Allow the carrier the opportunity to locate and provide the missing record during the facility audit
- Record the violation if the record is not provided during the facility audit

### **PARAMETERS OF DISCRETION / CONSIDERATION:**

As a matter of policy, points will not be deducted *if*:

<b>Parameters of Discretion / Considerations</b>	<b>Regulation</b>
The carrier shows evidence of enforcing disciplinary procedures for non-compliance	Policy

### **Excluded Vehicles from PMVI (Sec 2.1)**

- Farm trailer, truck, registered as a farm truck, and is not a truck tractor
- Truck tractor, registered as a farm truck with a GVRW less than 21,952 kgs
- A motor vehicle or trailer designed or modified for mobile living
- A regulated passenger vehicle owned by an individual and used solely for personal use
- A vehicle, registered by registration card restricts its use to highways in and adjoining remote communities
- A new vehicle in transit between the facilities of the manufacturer, wholesaler and/or retailer
- antique vehicles
- A motor vehicle used in a public transportation system owned or operated on behalf of the City of Winnipeg or City of Brandon

## **REFUSE ACCESS OR FAIL TO PROVIDE REQUESTED SUPPORT DOCUMENTS:**

Each vehicle sampled will have 100 points deducted in the vehicle record section when requested supporting documents are mutilated, obscured, altered, deleted, destroyed or not provided.

## **VEHICLE RECORD RETENTION:**

A **carrier** infraction will be recorded upon detection of an infraction in the following area(s):

<b>Description of Violation</b>		<b>Regulation</b>
SPM&I, vehicle repair and manufacturer recall notices	Records must be kept for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(1)
CVSA	Records must be kept for a minimum period of 2 years	<a href="#">MR 119/2014</a> Sec. 6.1(2)
Commercial vehicle trip inspection	Records must be maintained for at least 6 months after the date that the report was prepared	<a href="#">MR 95/2008</a> Sec. 22
PMVI	The vehicle's operator must retain the (current) inspection certificate until the classified vehicle is next inspected	<a href="#">MR 76/94</a> Sec. 3(5)
Vehicles leaving the carrier's control	Records must be kept for a minimum period of 6 months	<a href="#">NSC Standard 11</a> Part "A" Sec. 1(c)

## **APPENDIX A: TYPES OF DRIVING LICENCES IN MANITOBA**

Manitoba has six classes of driver's licence, numbered from 1 to 6. Depending on what vehicles you'll be driving and whether you'll be driving for a living, you'll need at least one of these licences. Each has its own requirements.

<b>Licence classes</b>		
<b>Class</b>	<b>Minimum age</b>	<b>Allows you to operate</b>
<b>1</b>	18	<ul style="list-style-type: none"> <li>• Semi-trailer trucks</li> <li>• Includes all vehicles in classes 2, 3, 4 &amp; 5</li> </ul>
<b>2</b>	18	<ul style="list-style-type: none"> <li>• Buses having a seating capacity of over 24 passengers (while carrying passengers)</li> <li>• School buses with a seating capacity over 36 passengers</li> <li>• Includes all vehicles in classes 3, 4 &amp; 5</li> </ul>
<b>3</b>	18	<ul style="list-style-type: none"> <li>• A truck with more than two axles</li> <li>• A combination of vehicles that includes a truck with more than two axles (not including a semi-trailer truck)</li> <li>• A combination of vehicles consisting of a truck with two axles or class 5 passenger vehicle, and a towed vehicle with a registered gross vehicle weight of more than 4,540 kg</li> <li>• Includes all vehicles in classes 4 &amp; 5</li> </ul>
<b>4</b>	18	<ul style="list-style-type: none"> <li>• Ambulances and other emergency vehicles</li> <li>• Buses with a seating capacity of 10 and 24 passengers (while carrying passengers)</li> <li>• School buses with a seating capacity of 10 and 36 passengers (while carrying passengers)</li> <li>• Includes all vehicles in class 5</li> <li>• Note: individual municipalities may require a class 4 licence to operate a vehicle for hire – contact your municipality for information</li> </ul>
<b>5</b>	16 or 15 ½ if enrolled in MPI's Driver Z Program that's currently in progress	<ul style="list-style-type: none"> <li>• A passenger car (other than class 4 vehicles)</li> <li>• A bus while not carrying passengers</li> <li>• A truck with two axles</li> <li>• A combination of vehicles consisting of a passenger car or truck with two axles and a towed vehicle with a registered gross vehicle weight of up to 4,540 kg</li> <li>• May operate class 3 vehicles registered as a farm truck and the driver holds a class 5I (intermediate stage) licence or 5F (full stage) licence</li> <li>• May operate a moped, if 16 years of age or older</li> <li>• May operate infrastructure equipment or agricultural equipment on a provincial highway within the municipal boundaries of a city, town or urban municipality, subject to supervising driver requirements</li> </ul>
<b>6</b>	16	<ul style="list-style-type: none"> <li>• Motorcycles</li> </ul>
<b>Air Brake Endorsement</b>		<ul style="list-style-type: none"> <li>• Air brake endorsement permits the holder to drive vehicles equipped with air brakes in the class of vehicle for which the person is licenced</li> <li>• Note: drivers of class 3 trucks registered as farm trucks equipped with air brakes are exempt from this requirement</li> </ul>

**APPENDIX B: SCHEDULED PREVENTATIVE MAINTENANCE & INSPECTION TOLERANCES**

<b>SPM&amp;I to be performed every...</b>	<b>Tolerance</b>
<b><i>TIME INTERVAL</i></b>	<b><i>DAYS</i></b>
1 month	6
2 months	12
3 months	18
4 months	24
5 months	30
6 months	30
7 months	30
8 months	30
9 months	30
10 months	30
11 months	30
12 months	30
<b><i>MILEAGE INTERVAL</i></b>	<b><i>KILOMETERS</i></b>
5,000 km	1,000 km
10,000 km	2,000 km
15,000 km	3,000 km
20,000 km	4,000 km
25,000 km	5,000 km
30,000 km	5,000 km
35,000 km	5,000 km
40,000 km	5,000 km

**NOTE:** Tolerance is calculated at 20% to a maximum of one month or 5,000 km.

**NOTE:** For seasonal operators there is no tolerance at the seasonal start-up.

## APPENDIX C: REGISTERING COMMERCIAL VEHICLES IN MANITOBA

### Commercial trucks

A commercial vehicle is a truck or trailer combination used for business or commercial purposes and operated **more than**:

- 30 km from the registered owner's place of business, if the business is not located in an urban municipality
- 30 km from the municipal boundary, if the business is located in an urban municipality other than Winnipeg
- 20 km from the City of Winnipeg municipal boundary, if the business is located in Winnipeg

Commercial vehicles can be registered as commercial trucks, commercial trailers or commercial driveaway units.

A commercially-plated vehicle (CT plates) operating solely within Manitoba can be registered at any [Autopac agent or MPI Service Centre](#).

### Limited-use trucks

Limited-use commercial trucks have a gross vehicle weight of 4,500 kg or more, are used for commercial purposes other than gain or compensation and are operated **less than or equal to**:

- 30 km from the registered owner's place of business, if the business is not located in an urban municipality
- 30 km from the municipal boundary, if the business is located in an urban municipality other than Winnipeg
- 20 km from the City of Winnipeg municipal boundary, if the business is located in Winnipeg

A vehicle may also be designated a limited-use commercial truck depending on its specific use. See your [Autopac agent](#) for more information.

### Registering under IRP

The [International Registration Plan \(IRP\)](#) is a vehicle registration system for trucks and buses operating inter-jurisdictionally between Manitoba and other provinces or states throughout North America. Under the IRP Agreement, carriers are required to register vehicle(s) in their base jurisdiction. If carriers have established a base of operations in more than one member jurisdiction, they must register applicable vehicles operating from that base in that jurisdiction. Base plate shopping is not allowed.

Carriers may apportionably register their vehicle(s) if the vehicle(s) travels into two or more IRP jurisdictions and is used to transport passengers for hire or is designed, used or maintained primarily for the transportation of property, and meets at least one of the following conditions:

- two axles and a gross vehicle weight or registered gross vehicle weight in excess of 11,797 kgs or 26,000 lbs
- is a power unit having three or more axles, regardless of weight
- is used in combination, when the weight of such combination exceeds 11,797 kgs or 26,000 lbs gross vehicle weight
- has a regular route bus or buses used in the transportation of chartered parties

Vehicles, or combinations thereof, having a gross vehicle weight of 11,797 kgs or 26,000 lbs or less, or two-axle vehicles may be proportionally registered at the option of the registrant.

The IRP exempts the following vehicles from IRP registration. However, a regular Manitoba plate must be obtained and displayed on:

- Vehicles operating under separate reciprocity agreements that are not superseded by the IRP.
- Commercial vehicles used solely within the Province of Manitoba.
- Recreational vehicles used for personal pleasure or travel by an individual or family.
- Government-owned vehicles.
- Commercial vehicles displaying restrictive plates which have geographic area, distance or commodity restrictions.

Due to jurisdictional statutes and regulations, some exemptions may not be recognized. A carrier should check with a jurisdiction prior to conducting operations.

### **Semi-trailers**

A semi-trailer can be defined as a trailer constructed so that its weight and the weight of its load are carried partly upon an axle of the truck-tractor towing it and partly upon an axle of the trailer, and equipped with the upper half of a fifth wheel. Semi-trailers attached to a truck-tractor registered in Manitoba require a semi-trailer plate for identification purposes. The semi-trailer must be registered in the name of the semi-trailer owner only.

A pup trailer, single or double axle, with or without a steering axle, when attached to a semi-trailer unit as a train, requires a semi-trailer identification plate. However, if hauled behind a vehicle other than a truck-tractor-trailer unit, then a standard A8, C2 or P3 trailer plate and insurance are required.

### **Exemptions**

Semi-trailers owned by a non-resident and registered for the current registration period in a province, state or country of which the owner is a resident can expose an identification plate of such province, state or country.

Semi-trailers owned and operated on behalf of the Department of National Defence and that carry an identification number plate issued by the Department of National Defence are exempt from registration requirements.

**APPENDIX D: HOURS OF SERVICE QUICK GUIDE – U.S./CANADA COMPARISON**

 <b>HOURS OF SERVICE QUICK GUIDE</b> <b>U.S./CANADA COMPARISON</b> <small>FOR PROPERTY CARRYING DRIVERS (S OF 50') FOR CANADA</small>		
		
 <b>DRIVING TIME</b>	11 HOURS AFTER 10 HOURS OFF	13 HOURS AFTER 8 HOURS OFF
 <b>ON-DUTY TIME</b>	14 HOUR WORKDAY requires a 10 HOUR BREAK	14 HOUR WORKDAY requires an 8 HOUR BREAK
 <b>OFF-DUTY TIME</b>	10 CONSECUTIVE HOURS 30-min break required after 8th consecutive hour into work- shift.	8 HOURS BEFORE DRIVING 10 HOURS PER DAY 24 consecutive hours within past 14 days
 <b>LENGTH OF WORKDAY</b>	AFTER 14 CONSECUTIVE HOURS, NO DRIVING CAN BE DONE	AFTER 16 CONSECUTIVE HOURS, NO DRIVING CAN BE DONE
 <b>DUTY CYCLES</b>	60 HOURS/7 DAYS 70 HOURS/8 DAYS	70 HOURS/7 DAYS (Cycle 1) 120 HOURS/14 DAYS (Cycle 2)
 <b>RESET</b>	34 HOURS	36 HOURS (CYCLE 1) 72 HOURS (CYCLE 2) Upon reaching 70th hour in Cycle 2, driver must take 24 consecutive hours off duty.
 <b>LOGS</b>	PREVIOUS 7 DAYS, PLUS TODAY SUBMIT WITHIN 13 DAYS 6 months carrier log retention	PREVIOUS 14 DAYS, PLUS TODAY SUBMIT WITHIN 20 DAYS 6 months carrier log retention



## APPENDIX E: Federal Motor Carrier Safety Administration - HOS Final Rule

### HOS Final Rule

On June 1, 2020, FMCSA revised four provisions of the hours of service regulations to provide greater flexibility for drivers without adversely affecting safety. Motor carriers are required to comply with the new HOS regulations starting on September 29, 2020.

#### What has changed?

	<b>Short-haul Exception</b> Expands the short-haul exception to 150 air-miles and allows a 14-hour work shift to take place as part of the exception.
	<b>Adverse Driving Conditions Exception</b> Expands the driving window during adverse driving conditions by up to an additional 2 hours.
	<b>30-Minute Break Requirement</b> Requires break of at least 30 consecutive minutes after 8 cumulative hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break.
	<b>Sleeper Berth Provision</b> Modifies the sleeper berth exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7 hours of that period in the berth combined with a minimum off-duty period of at least 2 hours spent inside or outside the berth, provided the two periods total at least 10 hours. When used together as specified, neither qualify period counts against the 14-hour driving window.