



Module 23

Enforcement Action



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Things to think about ...

Inspectors need to ensure that commercial vehicle drivers are operating in compliance with the Federal *Commercial Vehicle Drivers Hours of Service Regulations*. Inspectors can use a five-step guide to check for compliance with the Regulations. If an inspector finds that a driver is not operating in compliance with the Regulations, the inspector can proceed with enforcement action.

How can an inspector check for compliance?

What happens if a driver is not in compliance?

What will I learn in this module?

- Compliance checks
- Enforcement action

How can an inspector check for compliance with the Regulations?

An inspector can use the following five-step guide to check for compliance with the Regulations:

- 1) Ensure the Log Is Current to the Last Change of Duty Status
- 2) Ensure the Logbook Is True and Accurate
- 3) Check the Day
- 4) Check the Work Shift
- 5) Check the Cycle



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Step 1 - Ensure the Log Is Current to the Last Change of Duty Status

When an inspector obtains a logbook from a driver, the inspector should follow these steps:

- Note the time the driver was stopped
- Note the time and date of the last entry in the logbook. The inspector should make a copy of the logbook (if possible) before allowing the driver to update the logbook from the last change of duty status to the time when the driver was stopped.
- If the driver claims to be a 160-kilometre radius exemption driver, check to ensure all criteria required for this exemption are properly met (refer to Module 18)
- Be aware that times recorded in the logbook reflect the local time at the driver's home terminal
- Check logbook "form and manner" (i.e., check to see that the driver has recorded everything that is required in a daily log). Refer to pages 5 – 6 for a Daily Log Checklist and Module 17 for the time of day that a driver needs to record the entries (i.e., start of day, during the day, or end of day)
- Ensure the full 24 hours are recorded for each day
- Check that the driver possesses a daily log for the current day plus copies of the daily logs for the previous 14 days (refer to Module 17)
- Check that the driver has supporting documentation for the current trip



Daily Log Inspection Checklist	
Item	Requirements
Current	Record is current to the last change of duty status (refer to Module 4)
Handwriting	Handwritten entries are legible and in the driver's own handwriting
Date	Month, day, and year for the beginning of each 24-hour period
Start time	Hour at which the day begins, if different from midnight
Cycle	Cycle that the driver is following (i.e., Cycle 1 or Cycle 2) Note: Drivers operating under an oil well service vehicle permit do not need to record the cycle (refer to Module 10)
Odometer	Odometer reading of each commercial power unit operated by the driver at the start and end of each day
Distance Driven	Total distance driven within a 24-hour period (excluding any distance driven for personal use) for completed days
Vehicle Identification	Unit number(s) and / or license plate numbers for each truck or tractor driven during a 24-hour period
Carrier Identification	Name(s) and address(es) of the home terminal and principal place of business of every motor carrier(s) for whom the driver will work during the day
Driver Identification	Name of the driver maintaining the log is legible on the daily log
Co-driver Identification	If applicable, the name of the co-driver is on the log
Driver's Signature	Driver must sign the daily log to certify that it is accurate
Duty status hours	Off-duty time, other than time spent in a sleeper berth; Off-duty time spent in a sleeper berth; Driving time; On-duty time, other than driving time recorded to the nearest 15-minute increment
Time Base	Covers a full 24-hour period based on the local time of the driver's home terminal



Daily Log Inspection Checklist	
Item	Requirements
Total Hours	Total hours in each duty status recorded to the right of the graph grid and the total equals 24 hours
Remarks	<p>Municipality or location on a highway or in a legal sub-division and the province or state for each change in duty status</p> <p>Emergency or adverse driving conditions that may account for an extension of the daily limits (refer to Module 14).</p> <p>If the driver was not required to keep a daily log before the current day (i.e., was using the radius exemption), the remarks include the total number of hours of off-duty time and of on-duty time for each day during the previous 14 days</p> <p>If applicable, the remarks include use of the off-duty time deferral and whether the driver is driving under Day 1 or Day 2 of the deferral</p>



Step 2 - Ensure the Logbook Is True and Accurate

An inspector should check for evidence of a falsified logbook by reviewing the following (refer to Module 22):

- Review bills of lading, fuel receipts, trip permits, toll receipts, custom documents, violation notices, inspection reports, payroll records, meal receipts, and then compare dates, times, and locations with those in the logbook
- Check distance traveled against driving time. Consider whether the driver has been operating on primary highways, off-road work, etc.
- Question the driver about any discrepancies between the logbook and the supporting documents. Determine if the logbook is accurate.
- If the discrepancy can't be resolved, determine if the driver produced a false logbook or an inaccurate logbook. A false logbook is one where the driver seeks gain (i.e., financial, etc.) whereas an inaccurate logbook is one where the driver simply made a mistake.
- If the inspector determines the logbook is false, a violation has occurred and the driver can be placed out-of-service (refer to Enforcement Action later in this module). Request that the driver produce a true and accurate logbook (i.e., complete a new logbook so that the logbook matches the supporting documents).
- If the driver continues to produce a false logbook on subsequent demands, the driver will not be permitted to drive. The driver will be placed out-of-service regardless of whether the driver eventually produces a true and accurate logbook (refer to Enforcement Action later in this module).
- Once the driver produces a true and accurate logbook, continue with steps 3 - 5 and determine if the driver has exceeded any of the daily, work shift or cycle limits



Step 3 – Check the Day

In Step 3, the inspector must determine if the driver is operating within the daily limits and requirements (refer to Module 5):

- No driving after 13 hours driving
- No driving after 14 hours on-duty
- At least 10 hours off-duty before driver can drive again
 - 8 consecutive off-duty hours (i.e., core rest period)
 - 2 additional hours off-duty (blocks \geq 30 minutes) that are not part of 8 consecutive hours

However, if the driver indicated on the log that he / she used the deferral of off-duty time option (refer to Module 7), the inspector must determine if the driver is operating within the following limits and requirements:

- Total driving time in 2 days \leq 26 hours
- Total off-duty time in 2 days \geq 20 hours
- At least 8 consecutive hours off-duty in Day 1 and 10 consecutive hours plus 2 additional hours off-duty in Day 2

The inspector must check each day of the driver's daily log to determine if there are any daily limit or requirement violations. If there is a violation, the inspector may proceed with enforcement action (refer to Enforcement Action later in this module).





Step 4 – Check the Work Shift

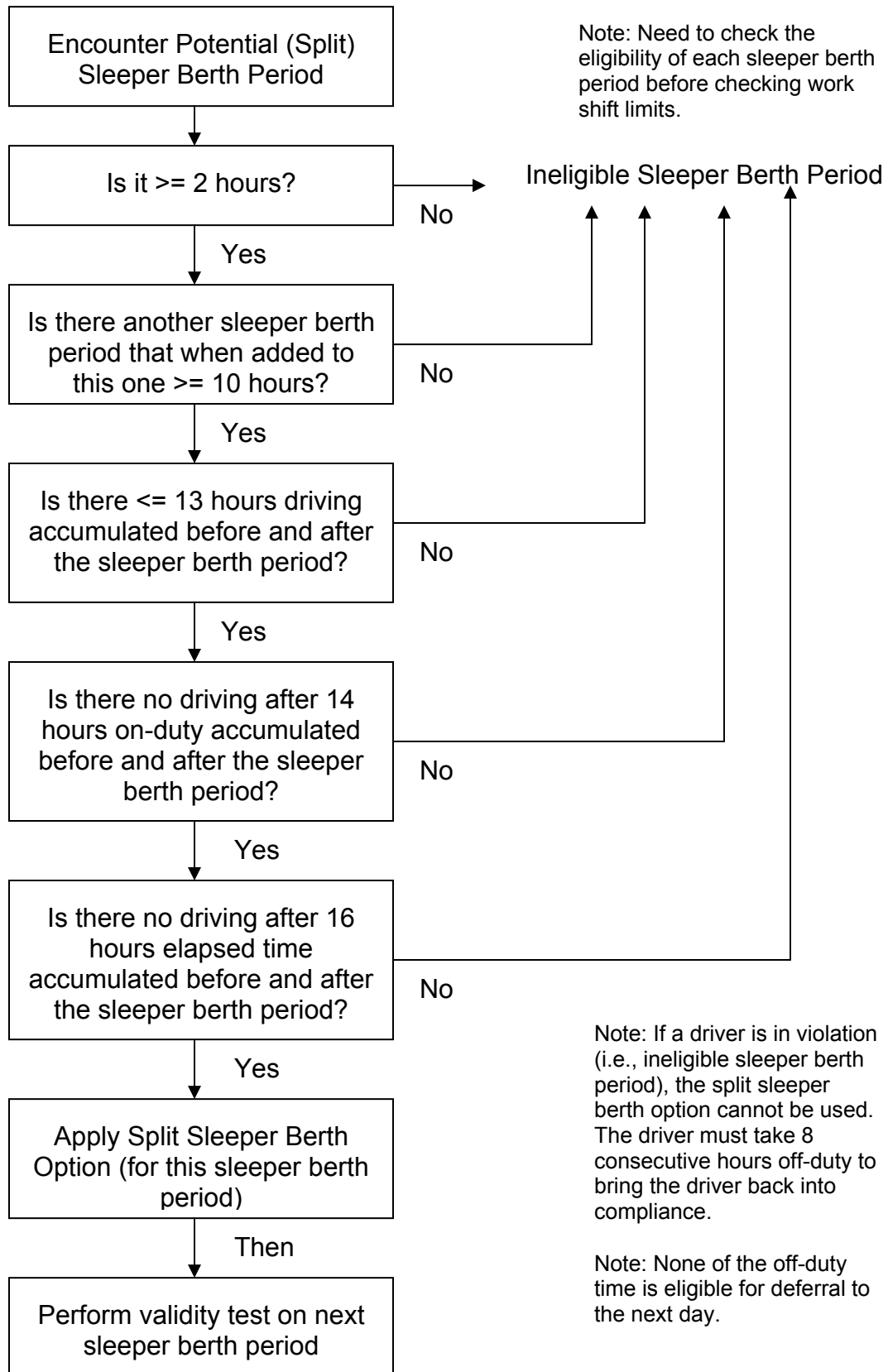
In Step 4, the inspector needs to check for compliance with work shift limits and requirements:

Type	Work Shift Limits and Requirements
No sleeper berth (refer to Module 6)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No driving after 13 hours driving in a work shift <input checked="" type="checkbox"/> No driving after 14 hours on-duty in a work shift <input checked="" type="checkbox"/> No driving after 16 hours elapsed time (includes all time in work shift)
Single driver using a sleeper berth (refer to Module 8) * Single Driver Sleeper Berth Reference Guide is on page 10	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No driving after 13 hours driving on either side of each eligible sleeper berth period <input checked="" type="checkbox"/> No driving after 14 hours on-duty on either side of each eligible sleeper berth period <input checked="" type="checkbox"/> No driving after 16 hours elapsed time on either side of each eligible sleeper berth period (excluding time in eligible sleeper berth period) <p>(Eligible sleeper berth period ≥ 2 hours and total for 2 eligible sleeper berth periods ≥ 10 hours)</p>
Team drivers using a sleeper berth (refer to Module 8) * Team Drivers Sleeper Berth Reference Guide is on page 11	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No driving after 13 hours driving on either side of each eligible sleeper berth period <input checked="" type="checkbox"/> No driving after 14 hours on-duty on either side of each eligible sleeper berth period <input checked="" type="checkbox"/> No driving after 16 hours elapsed time on either side of each eligible sleeper berth period (excluding time in eligible sleeper berth period) <p>(Eligible sleeper berth period ≥ 4 hours and total for 2 eligible sleeper berth periods ≥ 8 hours. Require 2 additional hours of off-duty time.)</p>

An inspector must check every work shift in the driver’s daily log to determine if there are any work shift or core rest violations (refer to Core Rest Options on page 12). If there is a violation, the inspector may proceed with enforcement action (refer to Enforcement Action later in this module).

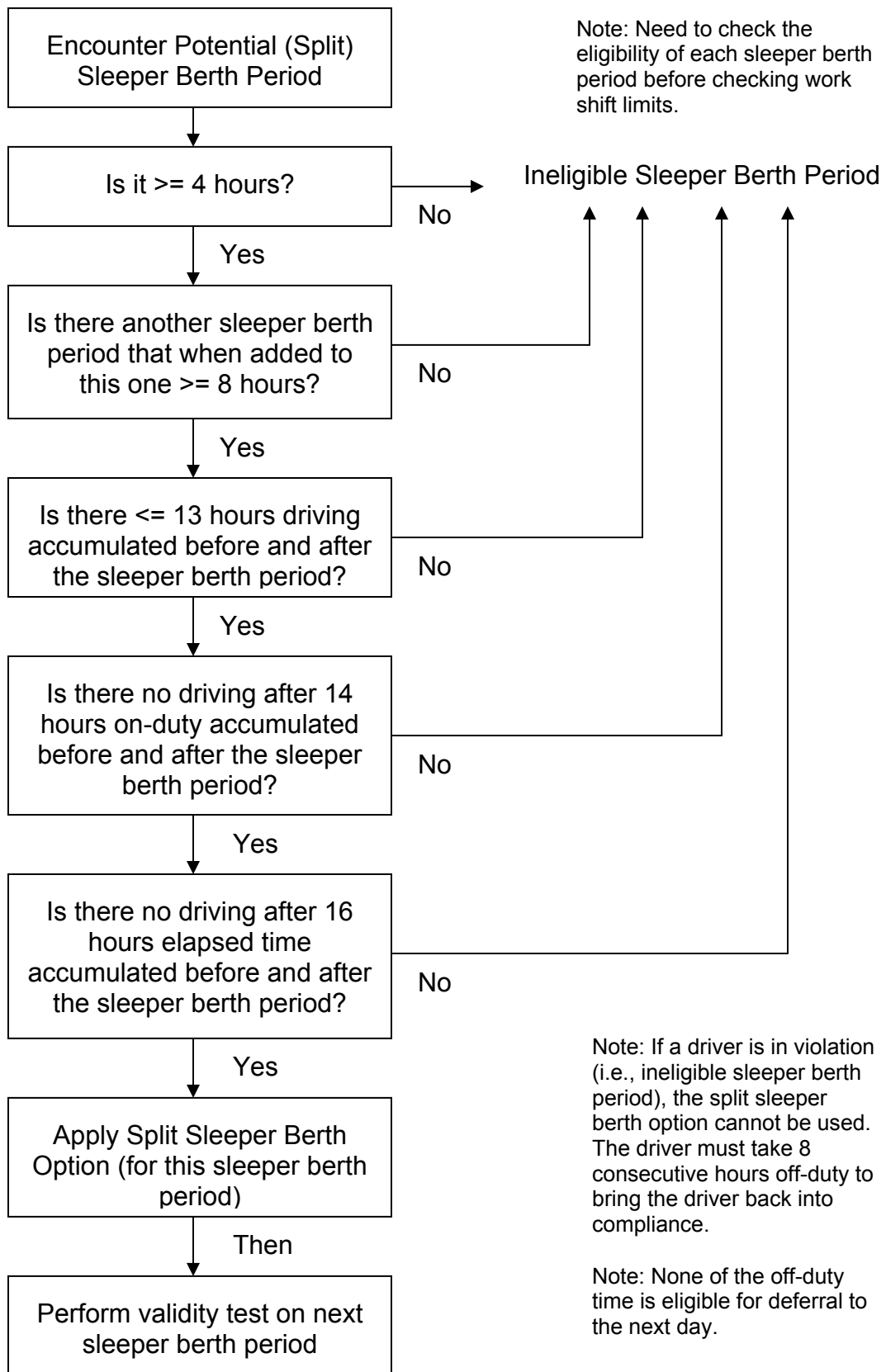


Single Driver Sleeper Berth Reference Guide





Team Drivers Sleeper Berth Reference Guide





Core Rest Options		
Type	Option	Description
Single Driver – No Sleeper Berth	1	8 consecutive and uninterrupted hours off-duty
<hr/>		
Single Driver – Sleeper Berth	1	10 consecutive and uninterrupted hours off-duty in the sleeper berth
	2	Two separate eligible sleeper berth periods that total 10 hours, with each period in the sleeper berth a minimum of 2 hours duration
<hr/>		
Team Drivers – Sleeper Berth	1	8 consecutive and uninterrupted hours off-duty in the sleeper berth
	2	Two separate eligible sleeper berth periods that total 8 hours, with each period in the sleeper berth a minimum of 4 hours duration



Step 5 – Check the Cycle

In addition to the daily and work shift rules, the inspector needs to check for compliance with the cumulative cycle limits and requirements. A driver can operate under one of two cycles (refer to Module 9):

- Cycle 1 - limit of 70 hours on-duty time over a period of 7 consecutive days

- Cycle 2 - limit of 120 hours of on-duty time over a period of 14 consecutive days (with at least 24 consecutive hours off-duty time before reaching 70 hours of on-duty time)

- Day Off Regardless of Cycle – 24 consecutive hours off-duty in preceding 14 days

An inspector must check the driver's daily log to determine if there are any cycle violations. An inspector can use the following job aids to check for cycle violations:

- Cycle 1 Check or Job Aid on pages 14 – 16
- Cycle 2 Check or Job Aid on pages 17 – 20

If there is a violation, the inspector should check to see if the driver is operating under a special permit (refer to Modules 10 - 13 for further information regarding special permits). If so, the inspector needs to check for compliance with the terms and conditions of the permit.

If there is a violation and the driver is not operating under a special permit, the inspector may proceed with enforcement action (refer to Enforcement Action later in this module).



Cycle 1 Check (70 hours in 7 days)

If a driver is operating under Cycle 1, an inspector can check for compliance using the following:

Step	Task	Example
1	On a sheet of paper, write the current date and the previous six days.	3/15 3/16 3/17 3/18 3/19 3/20 3/21
2	List the sum of the driving hours AND on-duty hours for each day. Calculate the total hours.	3/15 6 hours 3/16 14 hours 3/17 12 hours 3/18 11 hours 3/19 13 hours 3/20 9 hours 3/21 <u>12.5 hours</u> TOTAL 77.5 hours
3	If the total is less than or equal to 70 hours, there is no violation. If the total is greater than 70 hours, there may be a violation. In any case, the driver may not drive again until the total is under 70 hours.	77.5 minus 70 hours equals 7.5 hours
4	To determine if there is a violation, subtract 70 from the total. In the driver's daily logs, count back (driving and on-duty hours only) the number of hours to determine the point where the driver reached the 70 th hour. Any driving time from that point forward is a violation.	Check driver's daily log on 3/21 Driver reached 70 th hour at 5 th hour (driving and on-duty hours only) Any driving time from that point forward is a violation.



If a driver exceeds the Cycle 1 limit, the driver must stop driving immediately. An inspector can determine the date and time that a driver can drive again by using the following calculations:

- 1) List the next calendar day on your paper.
- 2) Subtract the top number of hours from the total hours.
- 3) If the total hours are less than 70 hours, the driver may drive on that day. If not, continue, until the number is less than 70. Once the number is less than 70, the driver may drive only the number of hours that will bring the total back up to 70.

Date	On-Duty	Total Hours Accumulated
3/15	6 hours	
3/16	14 hours	
3/17	12 hours	
3/18	11 hours	
3/19	13 hours	
3/20	9 hours	
3/21	12.5 hours	3/15 to 3/21 = 77.5 hours (over 70-hour limit)
3/22	0 hours	3/16 to 3/22 = 71.5 hours (over 70-hour limit so driver is not eligible to drive)
3/23		3/17 to 3/23 = 57.5 hours so driver is eligible to drive a maximum of 12.5 hours (starting at 00:01 on 3/23) (i.e., 57.5 hours + 12.5 hours = 70 hours)

Once the driver has completed the minimum time required for off-duty or off-duty time in a sleeper berth, the driver may drive again.

The driver also has the option to take 36 consecutive hours of off-duty time to reset the cycle. In some cases, this reset period may be less than the number of hours that a driver has to wait until the driver is under the 70-hour limit. After the reset period, the driver starts a new cycle and resumes driving (i.e., on-duty time starts from zero).



The inspector may also use the following job aid:

Number of days in Cycle	Calendar date	Total on-duty hours	Total hours accumulated
7			
6			
5			
4			
3			
2			
1			

Total Hours _____

Hours Over _____

Date eligible to drive _____

for _____ hours



Cycle 2 Check (120 hours in 14 days)

If a driver is operating under Cycle 2, an inspector can check for compliance using the following:

Step	Task	Example																																
1	On a sheet of paper, write the current date and the previous thirteen days.	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">3/15</td> <td style="width: 50%;">3/22</td> </tr> <tr> <td>3/16</td> <td>3/23</td> </tr> <tr> <td>3/17</td> <td>3/24</td> </tr> <tr> <td>3/18</td> <td>3/25</td> </tr> <tr> <td>3/19</td> <td>3/26</td> </tr> <tr> <td>3/20</td> <td>3/27</td> </tr> <tr> <td>3/21</td> <td>3/28</td> </tr> </table>	3/15	3/22	3/16	3/23	3/17	3/24	3/18	3/25	3/19	3/26	3/20	3/27	3/21	3/28																		
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3/18	3/25																																	
3/19	3/26																																	
3/20	3/27																																	
3/21	3/28																																	
2	List the sum of the driving hours AND on-duty hours for each day. Calculate the total hours.	<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">3/15</td> <td style="width: 25%;">6 hours</td> <td style="width: 25%;">3/22</td> <td style="width: 25%;">0 hours</td> </tr> <tr> <td>3/16</td> <td>9 hours</td> <td>3/23</td> <td>13 hours</td> </tr> <tr> <td>3/17</td> <td>11 hours</td> <td>3/24</td> <td>12 hours</td> </tr> <tr> <td>3/18</td> <td>12.5 hours</td> <td>3/25</td> <td>9 hours</td> </tr> <tr> <td>3/19</td> <td>13 hours</td> <td>3/26</td> <td>5 hours</td> </tr> <tr> <td>3/20</td> <td>12 hours</td> <td>3/27</td> <td>13 hours</td> </tr> <tr> <td>3/21</td> <td>6.5 hours</td> <td>3/28</td> <td><u>8 hours</u></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL 130 hours</td> </tr> </table>	3/15	6 hours	3/22	0 hours	3/16	9 hours	3/23	13 hours	3/17	11 hours	3/24	12 hours	3/18	12.5 hours	3/25	9 hours	3/19	13 hours	3/26	5 hours	3/20	12 hours	3/27	13 hours	3/21	6.5 hours	3/28	<u>8 hours</u>	TOTAL 130 hours			
3/15	6 hours	3/22	0 hours																															
3/16	9 hours	3/23	13 hours																															
3/17	11 hours	3/24	12 hours																															
3/18	12.5 hours	3/25	9 hours																															
3/19	13 hours	3/26	5 hours																															
3/20	12 hours	3/27	13 hours																															
3/21	6.5 hours	3/28	<u>8 hours</u>																															
TOTAL 130 hours																																		
3	If the total is less than or equal to 120 hours, there is no violation. If the total is greater than 120 hours, there may be a violation. In any case, the driver may not drive again until the total is under 120 hours.	130 minus 120 hours equals 10 hours																																
4	To determine if there is a violation, subtract 120 from the total. In the driver's daily logs, count back (driving and on-duty hours only) the number of hours to determine the point where the driver reached the 120 th hour. Any driving time from that point forward is a violation.	<p>Check driver's daily log on 3/27 and 3/28</p> <p>Driver reached 120th hour at 11th hour (driving and on-duty hours only)</p> <p>Any driving time from that point forward is a violation.</p>																																



Step	Task	Example			
5	In addition, the inspector must check the off-duty requirement for Cycle 2. Add the daily on-duty hours until the total equals 70 hours. If the driver took at least 24 consecutive hours off-duty time before reaching 70 hours of on-duty time, there is no violation. If the driver did not take at least 24 consecutive hours off-duty time after reaching 70 hours of on-duty time, there is a violation.	3/15	6 hours	3/22	0 hours
		3/16	9 hours		
		3/17	11 hours		
		3/18	12.5 hours		
		3/19	13 hours		
		3/20	12 hours		
		3/21	<u>6.5 hours</u>		
		70 hours			

Note: The driver cannot exceed 70 hours at any time without taking 24 consecutive hours of off-duty time. For example, if a Cycle 2 driver took 24 hours off after 15 hours on-duty, the driver would have to take another 24 hours off-duty before exceeding the 85th hour on-duty.



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If a driver exceeds the Cycle 2 limit, the driver must stop driving immediately. An inspector can determine the date and time that a driver can drive again by using the following calculations:

- 1) List the next calendar day on your paper.
- 2) Subtract the top number of hours from the total hours.
- 3) If the total hours are less than 120 hours, the driver may drive on that day. If not, continue, until the number is less than 120. Once the number is less than 120, the driver may drive only the number of hours that will bring the total back up to 120.

Date	On-duty	Total Hours Accumulated
3/15	6 hours	
3/16	9 hours	
3/17	11 hours	
3/18	12.5 hours	
3/19	13 hours	
3/20	12 hours	
3/21	6.5 hours	
3/22	0 hours	
3/23	13 hours	
3/24	12 hours	
3/25	9 hours	
3/26	5 hours	
3/27	13 hours	
3/28	8 hours	3/15 to 3/28 = 130 hours (over 120-hour limit)
3/29	0 hours	3/16 to 3/29 = 124 hours (over 120-hour limit so driver is not eligible to drive)
3/30		3/27 to 3/30 = 115 hours so driver is eligible to drive a maximum of 5 hours (starting at 00:01 on 3/30) (i.e., 115 hours + 5 hours = 120 hours)

Once the driver has completed the minimum time required for off-duty or off-duty time in a sleeper berth, the driver may drive again.

The driver also has the option to take 72 consecutive hours of off-duty time to reset the cycle. In some cases, this reset period may be less than the number of hours that a driver has to wait until the driver is under the 120-hour limit. After the reset period, the driver starts a new cycle and resumes driving (i.e., on-duty time starts from zero).



The inspector may also use the following job aid:

Number of days in Cycle	Calendar date	Total on-duty hours	Total hours accumulated
14			
13			
12			
11			
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			

Check for 70th Hour Qualification
Check for 24 consecutive hours off-duty in preceding 14 days

Total Hours _____

Hours Over _____

Date eligible to drive _____

for _____ hours

What enforcement action is available to an inspector?

If an inspector determines that a driver is operating in violation of the Federal *Commercial Vehicle Drivers Hours of Service Regulations*, the inspector has the discretion to choose the level of enforcement action. Depending on the situation and agency policies, the inspector can choose one of the following enforcement actions:

- Issue a verbal warning to the commercial vehicle driver explaining the violation(s)
- Issue a written warning (Commercial Vehicle Inspection Report) to the commercial vehicle driver outlining the violation(s). This report can also serve as an out-of-service declaration (refer to Module 20).

The main purpose of issuing an out-of-service declaration is to remove fatigued drivers from the highway. When a driver has not had the required off-duty time or has exceeded maximum driving times, the driver is a safety risk, and the inspector has the authority and responsibility to remove the driver from the highway before a collision occurs.

An inspector can use the following wording for an out-of-service declaration:

On (date) (time), (driver name) employed by (name of company) is hereby placed out-of-service in accordance with section 91 of the Commercial Vehicle Drivers Hours of Service Regulation, SOR/2005-313. (driver name) is not permitted to operate a commercial vehicle until (time) (date) in accordance with this out-of-service declaration and Regulation.

A driver cannot drive a commercial vehicle while subject to an out-of-service declaration. The length of time that a driver is out-of-service varies depending on the violation (refer to Out-of-Service Summary on page 23). The driver can resume driving when the driver is no longer in violation of the Federal *Commercial Vehicle Drivers Hours of Service Regulations* or related legislation.

It is important to note that an inspector can only issue an out-of-service declaration for a current violation. If an inspector identifies a past violation, the inspector can lay a charge but not place the driver out-of-service.

- Issue an appearance notice to the driver and then complete a long-form information formally charging the driver with the violation(s). The inspector needs to have the long-form information reviewed and sworn by a Justice of the Peace. Sample appearance notice and sample long-form information follow on pages 24 - 27. The driver will appear in Provincial Court and a judge will determine the penalty for the violation(s).



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Out-of-Service Summary

Violation	Section	Out-of-Service
Drive a commercial vehicle when driver's faculties are impaired to the point where it is unsafe for the driver to drive	Sec. 4(a)	10 consecutive hours
Drive a commercial vehicle when driving jeopardizes the safety or health of the public, driver or employees of the motor carrier	Sec. 4(b)	10 consecutive hours
Drive a commercial vehicle after accumulating 13 hours of driving time in a day	Sec. 12(1)	10 consecutive hours
Drive a commercial vehicle after accumulating 14 hours of on-duty time in a day	Sec. 12(2)	10 consecutive hours
Drive a commercial vehicle after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours off-duty time	Sec. 13(3)	Number of hours needed to correct the failure
Fail to take at least 10 hours of off-duty time in a day	Sec. 14(1)	Number of hours needed to correct the failure
Drive after accumulating 70 hours of on-duty time during any period of 7 days (Cycle 1)	Sec. 26	Number of hours needed to correct the failure
Drive after accumulating 120 hours of on-duty time during any period of 14 days (Cycle 2)	Sec. 27(a)	Number of hours needed to correct the failure
Drive after accumulating 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time	Sec. 27(b)	Number of hours needed to correct the failure
Keep more than one daily log in respect of any day	Sec. 86(1)	72 consecutive hours
Enter inaccurate information in a daily log or falsify, mutilate or deface a daily log or supporting documents	Sec. 86(2)	72 consecutive hours
Fail to immediately produce for inspection daily logs, supporting documents and other relevant records for current trip and preceding 14 days	Sec. 98(1)	72 consecutive hours



CANADA
PROVINCE OF ALBERTA
PROVINCE D'ALBERTA

issued by a Peace Officer to a person not yet charged with an offence
 délivrée par un agent de la paix à une personne qui n'est pas encore inculpée d'infraction

Appearance Notice
 Citation à comparaître

c 609551

Form 9
 Criminal Code
 Sections 496
 and 497

Formule 9
 Code criminel
 Articles 496
 et 497

To: Name / À: Nom (Last / (nom de famille), (First / (prénom), (Middle / (autres prénoms))
 Address / Adresse (Street / (rue), (Municipality or Post Office / (municipalité ou bureau de poste), (Province), (Postal Code / (Code postal))
 (Occupation / (profession ou occupation), (Date of Birth / (date de naissance))

YOU ARE ALLEGED TO HAVE COMMITTED
 IL EST ALLÉGUÉ QUE VOUS AVEZ COMMIS

1. You are required to attend court on _____ at _____ o'clock in the _____ noon,
 Vous êtes requis d'être présent au tribunal le _____ à _____ heures,
 at the Provincial Court of Alberta at _____ in the Province of Alberta, and to attend thereafter as required by
 à la cour provinciale de l'Alberta à _____ en Alberta, et d'être présent par la suite selon les

(Court Room # / (salle d'audience n°), at _____ of _____
 the court, in order to be dealt with according to law.
 exigences du tribunal, afin d'être traité selon la loi.

2. You are also required to appear on _____ at _____ o'clock in the _____ noon,
 Vous êtes en outre requis de comparaître le _____ à _____ heures,
 at _____ (Police Station / (poste de police)) _____ Address / (adresse)
 for the purposes of the Identification of Criminals Act. Ignore it not filed in _____
 pour l'application de la Loi sur l'identification des criminels. (Ne pas tenir compte de
 cet avis si n'est pas rempli.)

You are warned that failure to appear at a time and place stated, if any, for the purposes of the
 identification of Criminals Act or to attend court in accordance with this appearance notice is an
 offence under subsection 145(5) of the Criminal Code.
 Vous êtes avertis que l'absence d'être présent au tribunal en conformité de la présente citation à
 comparaître constitue une infraction en vertu du paragraphe 145 (5) du Code criminel.

Subsections 145 (5) and (6) of the Criminal Code reads as follows:
 L'article 145 (5) et (6) du Code criminel s'énonce comme suit:
 (5) Every person who is named in an appearance notice or promise to appear, or in a recognizance
 entered into before an officer in charge of another peace officer, that has been committed by a
 person, to appear at the time and place stated therein, if any, for the purposes of the
 Identification of Criminals Act, or to attend court in accordance with this appearance notice, is guilty of
 (a) an indictable offence and liable to imprisonment for a term not exceeding two years, or
 (b) an offence punishable on summary conviction.
 (6) For the purposes of subsection (5), it is not a lawful excuse that an appearance notice, promise
 to appear or recognizance states defectively the substance of the alleged offence.
 L'article 502 du Code criminel s'énonce comme suit:
 "502. Lorsque un prévenu a qui une citation à comparaître, une promesse de comparaître ou un engagement
 contracté devant un fonctionnaire responsable ou un autre agent de la paix en vertu de l'article 500 et
 ordonné, sans excuse légitime, dont la preuve lui incombe, de comparaître aux lieux et dates
 indiqués pour l'application de la Loi sur l'identification des criminels ou d'être présent au
 tribunal ou conformément avec ce document.
 (5) Pour l'application du paragraphe (5), le fait qu'une citation à comparaître, une promesse de
 comparaître ou un engagement contracté devant un fonctionnaire responsable ou un autre agent de la
 paix en vertu de l'article 500 et ordonné, sans excuse légitime, dont la preuve lui incombe, de
 comparaître aux lieux et dates indiqués pour l'application de la Loi sur l'identification des criminels
 ou d'être présent au tribunal ou conformément avec ce document, ne constitue pas une excuse légitime."
 L'article 502 du Code criminel s'énonce comme suit:
 "502. Lorsqu'un prévenu a qui une citation à comparaître, une promesse de comparaître
 ou un engagement contracté devant un fonctionnaire responsable ou un autre agent de la
 paix en vertu de l'article 500 et ordonné, sans excuse légitime, dont la preuve lui incombe, de
 comparaître aux lieux et dates indiqués pour l'application de la Loi sur
 l'identification des criminels, ne comparaît pas aux lieux et dates indiqués, un juge ne peut
 pas, lorsque le chef de la citation à comparaître, la promesse de comparaître ou l'engagement a été
 confirmé par un juge de paix en vertu de l'article 500, décerner un mandat pour l'arrestation
 du prévenu pour l'infraction dont il est inculpé."

Signature of Accused / Signature du prévenu
 Issued at / Délivrée à _____ M. _____ heures
 Confirmed by / Confirmée par _____
 on / le _____ year / année _____ Signature of Peace Officer / Signature de l'agent de la paix _____ Justice / Juge de paix _____
 at / à _____ Alberta. _____ Force and Detachment / Corps et détachement _____ Date _____

J 415 Rev Oct 88

Court / Tribunal



CANADA
Province of Alberta
Province d'Alberta

**Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine**

Docket No. N° de rôle

Police File No. N° du dossier de police

CASE FILE #:

CF- - - -NLF-

Adult
Adulte

Youth
Adolescent

Form 2
Criminal Code
Sections 506 and 788

Formule 2
Code criminel
Articles 506 et
788

THIS IS THE INFORMATION OF

LES PRÉSENTES CONSTITUENT LA DÉNONCIATION DE

Insert full name, residence, and occupation of informant

Insérer le nom complet, le domicile et la profession ou l'occupation du dénonciateur

_____ , a member
of **Commercial Vehicle Enforcement, Alberta Infrastructure and Transportation**

hereinafter called the informant. *ci-après appelé le dénonciateur.*

THE INFORMANT SAYS THAT he has reasonable grounds to believe and does believe that *LE DÉNONCIATEUR DÉCLARE QU' il a des motifs raisonnables de croire et qu'il croit que*

For Administrative purposes only. Does not form part of the charge. Espace réservé à l'administration. Ne fait pas partie de l'accusation.

Name in full _____ Male Female
le nom complet _____ Homme _____ Femme _____

born on _____ of _____
né(e) le _____ year année month mois day jour de _____ address adresse

Occupation _____

State the offence
Indiquer l'infraction

On or about the _____ day of _____ A.D. 20____ at or near _____
in the Province of Alberta.

DID UNLAWFULLY drive a commercial vehicle after accumulating 13 hours of driving time in a day, contrary to Section 12(1) of the Commercial Vehicle Drivers Hours of Service Regulations, 2005 SOR/2005-313, thereby committing an offence contrary to Section 18 of the Motor Vehicle Transport Act 1987, R.S. c29.

Sworn before me this

on _____
le _____, (year) (année),

at _____, Alberta.

à _____

Justice of the Peace *Juge de paix*

Signature of Informant *Signature du dénonciateur*

ADJUDICATION AND DISPOSITION BELOW

DÉCISION CI - DESSOUS

Driver's Licence No. N° du permis de conduire Year Année Province
MVID / NSC/DOT #



CANADA
Province of Alberta
Province d'Alberta

**Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine**

Docket No. N° de rôle

Police File No. N° du dossier de police

CASE FILE #:
CF- - - -NLF-

Adult Youth
Adulte Adolescent

Form 2
Criminal Code
Sections 508 and 788

Formule 2
Code criminel
Articles 508 et 788

THIS IS THE INFORMATION OF LES PRÉSENTES CONSTITUENT LA DÉNONCIATION DE

Insert full name, residence, and occupation of informant

Insérer le nom complet, le domicile et la profession ou l'occupation du dénonciateur

, a member of Commercial Vehicle Enforcement, Alberta Infrastructure and Transportation

hereinafter called the Informant. *ci-après appelé le dénonciateur*
THE INFORMANT SAYS THAT he has reasonable grounds to believe and does believe that *LE DÉNONCIATEUR DÉCLARE QU'IL A des motifs raisonnables de croire et qu'il croit que*

For Administrative purposes only. Does not form part of the charge. Espace réservé à l'administration. Ne fait pas partie de l'accusation.

Name in full *le nom complet* _____ Male Female
Homme Femme
born on *né(e) le* _____ of _____ address *adresse* _____

Occupation _____

State the offence *Indiquer l'infraction*

On or about the _____ day of _____ A.D. 20____ at or near _____ in the Province of Alberta,

DID UNLAWFULLY drive a commercial vehicle after 16 hours of time having elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours off-duty time, contrary to Section 13(3) of the Commercial Vehicle Drivers Hours of Service Regulations, 2005 SOR/2005-313, thereby committing an offence contrary to Section 18 of the Motor Vehicle Transport Act 1987, R.S. c29.

Sworn before me this _____ on _____ (year) (année), at _____, Alberta. à _____

Justice of the Peace *Juge de paix* _____ Signature of Informant *Signature du dénonciateur* _____

ADJUDICATION AND DISPOSITION BELOW *DÉCISION CI - DESSOUS*

Driver's Licence No. *N° du permis de conduire* Year *Année* Province
MVID / NSC/DOT # _____



Module Self-Check Questions

If you can answer the following questions, you are ready to move to the next module. If you can't answer the questions, please review the module again before continuing.

- 1) Review the following daily logs that an inspector obtained from a driver. Use the 5-step guide to check for compliance.

Step 1 - Ensure the Log Is Current to the Last Change of Duty Status

The inspector stops this driver in Cold Lake, AB on June 11 at 23:30. The driver tells the inspector that the driver just finished a rest in the sleeper berth and has just started driving. Is the logbook up-to-date and when was the last change of duty status?

Step 2 - Ensure the Logbook Is True and Accurate

For the purposes of this Self-Check Exercise, assume the inspector interviewed the driver and reviewed the logbook and supporting documentation, and determined that log is true and accurate.

Step 3 – Check the Day

Review the daily logs and identify any daily limit or requirement violations. If there are any violations, identify how many hours the driver drove in violation.



Step 4 – Check the Work Shift

Review the daily logs and identify any work shift violations. If there are any violations, identify how many hours the driver drove in violation.

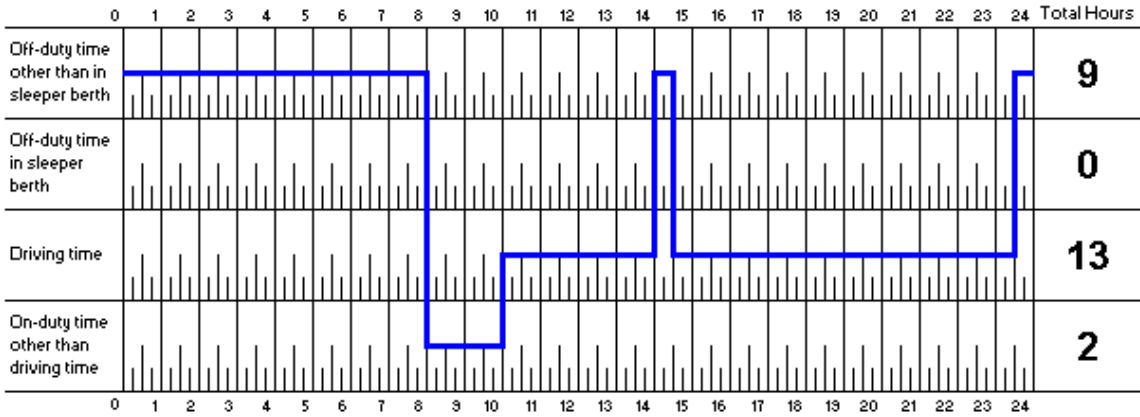
Step 5 – Check the Cycle

Review the daily logs and identify any cycle violations. If there are any violations, identify how many hours the driver drove in violation. Also, if the driver exceeded the cycle limit, determine when the driver may resume driving.

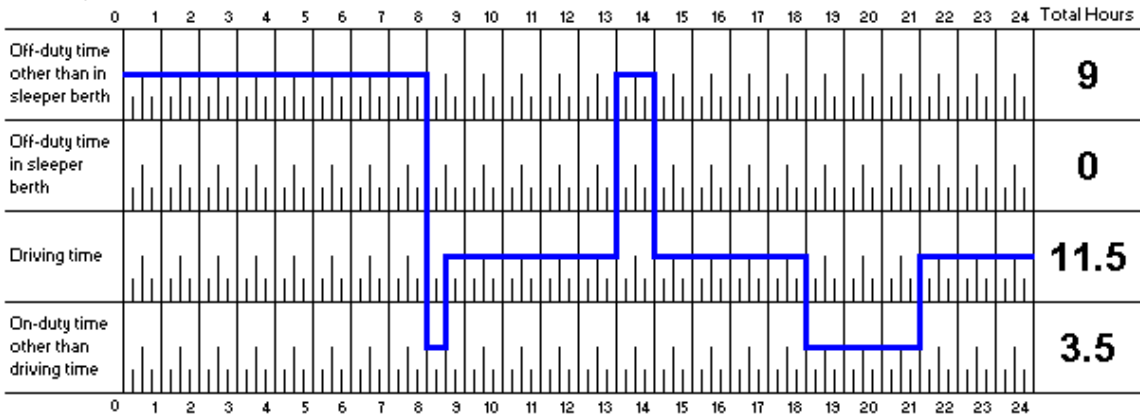
Identify the Enforcement Actions that are available to the inspector for the violations.



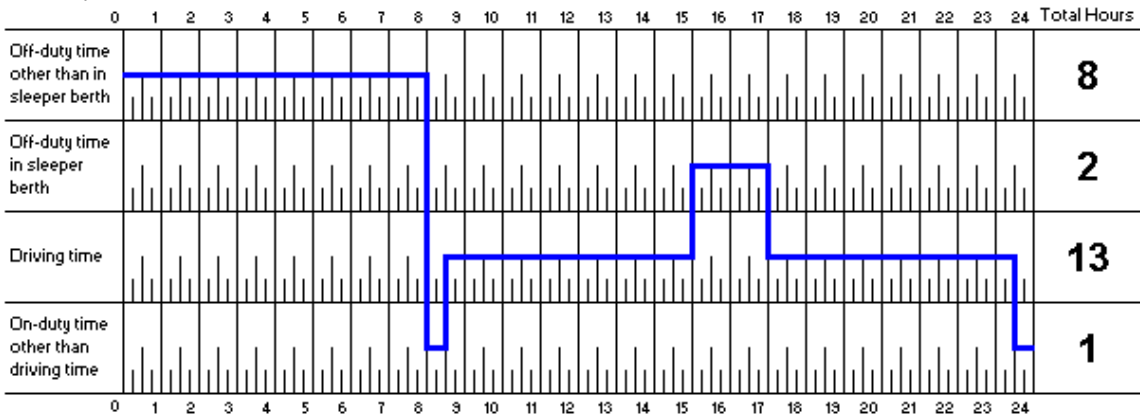
June 5, 2007



June 6, 2007

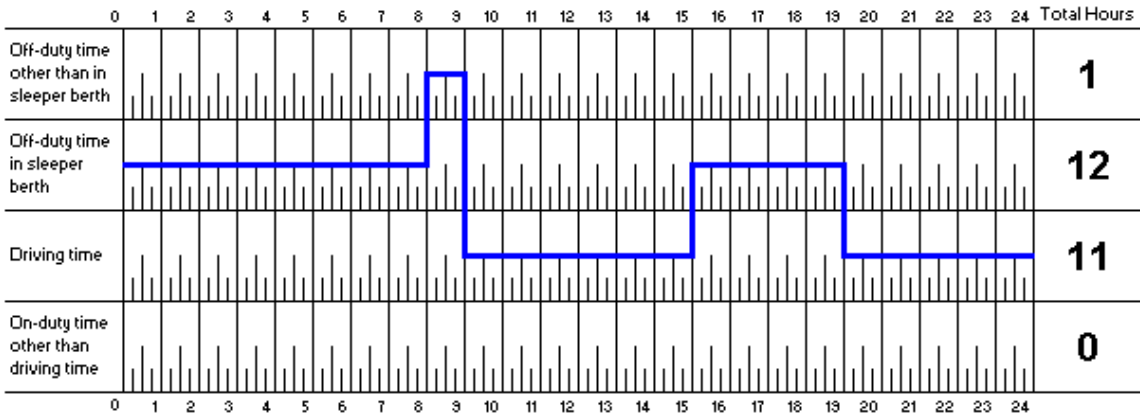


June 7, 2007

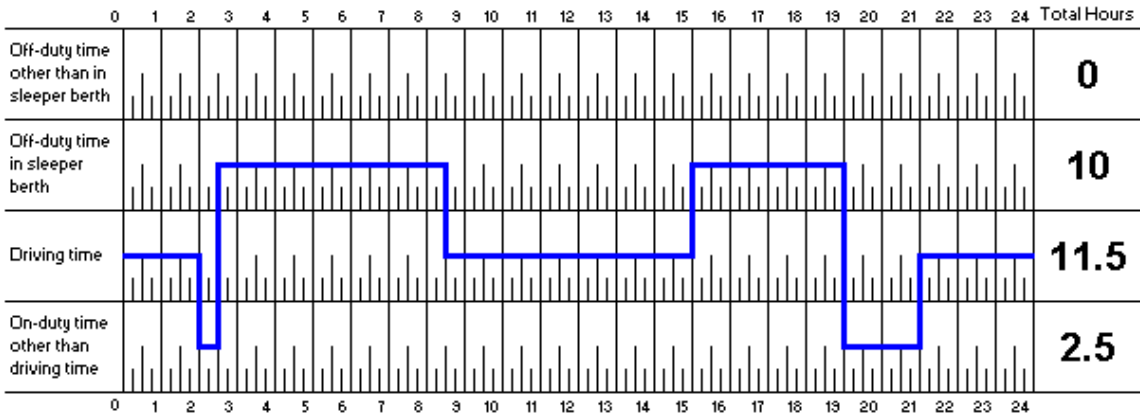




June 8, 2007

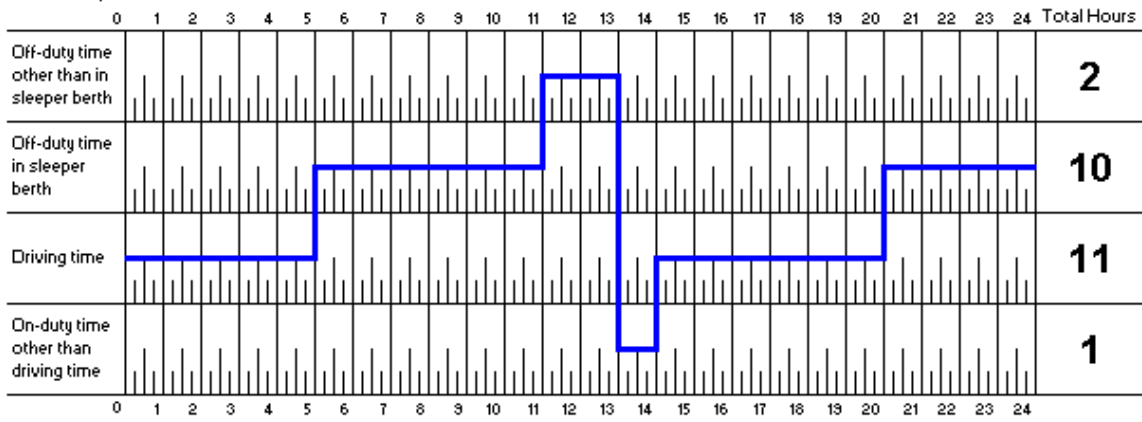


June 9, 2007

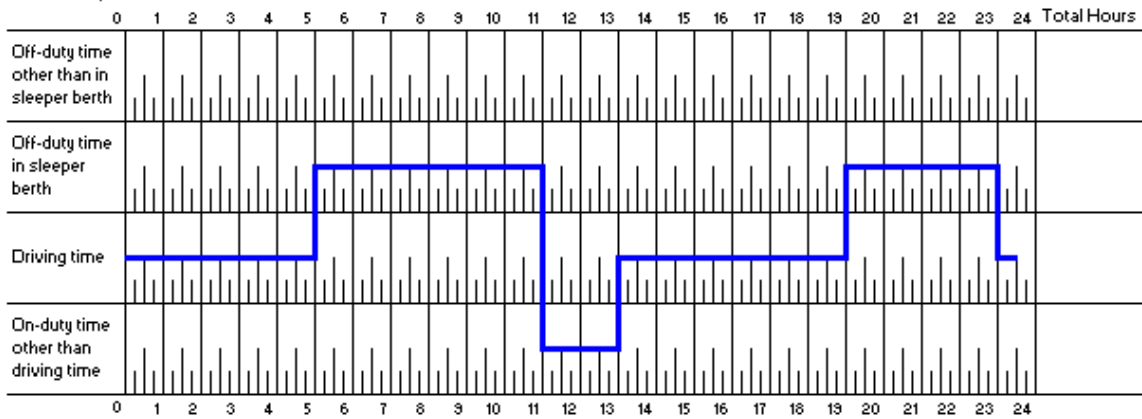




June 10, 2007



June 11, 2007



↑
Inspection
at 23:30



Answers to Module Self-Check Questions

- 1) Review the following daily logs that an inspector obtained from a driver. Use the 5-step guide to check for compliance.

Step 1 - Ensure the Log Is Current to the Last Change of Duty Status

The inspector stops this driver in Cold Lake, AB on June 11 at 23:30. The driver tells the inspector that the driver just finished a rest in the sleeper berth and has just started driving. Is the logbook up-to-date and when was the last change of duty status?

- The logbook is up-to-date
- The last change of duty status was at 23:00

Step 2 - Ensure the Logbook Is True and Accurate

For the purposes of this Self-Check Exercise, assume the inspector interviewed the driver and reviewed the logbook and supporting documentation, and determined that log is true and accurate.

Step 3 – Check the Day

Review the daily logs and identify any daily limit or requirement violations. If there are any violations, identify how many hours the driver drove in violation.



Date	No driving after 13 hours driving	No driving after 14 hours on-duty	At least 10 hours off-duty - 8 hours core rest - 2 additional hours (blocks ≥ 30 minutes) not part of core rest
June 5	✓ (13 hours)	✗ 15 hours - Drove in violation 22:30 – 23:30 (1 hour)	✗ 9 hours - Did not take 2 additional hours (only took 1)
June 6	✓ (11.5 hours)	✗ 15 hours - Drove in violation 23:00 – 24:00 (1 hour)	✗ 9 hours - Did not take 2 additional hours (only took 1)
June 7	✓ (13 hours)	✓ (14 hours)	✓ (10 hours = 8 + 2 sleeper berth)
June 8	✓ (11 hours)	✓ (11 hours)	✓ (13 hours = 12 sleeper berth + 1)
June 9	✓ (11.5 hours)	✓ (14 hours)	✓ (10 hours sleeper berth)
June 10	✓ (11 hours)	✓ (12 hours)	✓ (12 hours = 10 hours sleeper berth + 2)
June 11	✓ (11 hours)_	✓ (13 hours)	✓ (11 hours sleeper berth)



Step 4 – Check the Work Shift

Review the daily logs and identify any work shift violations. If there are any violations, identify how many hours the driver drove in violation.

Sleeper Berth Period	≥ 2 hours	This period + another period ≥ 10 hours	≤ 13 hours driving before and after sleeper berth period	No driving after 14 hours on-duty before and after sleeper berth period	No driving after 16 hours elapsed time before and after the sleeper berth period	Eligible Sleeper Berth Period
A	Yes (2)	Yes (A + B = 10)	Yes (6.5 + 6.5)	Yes (7 + 7)	Yes (7 + 7)	Yes
B	Yes (8)	Yes (B + C = 12)	Yes (6.5 + 6)	Yes (7 + 6)	Yes (7 + 7)	Yes
C	Yes (4)	Yes (B + C = 12)	Yes (6 + 7)	Yes (6 + 7.5)	Yes (7 + 7.5)	Yes
D	Yes (6)	Yes (D + E = 10)	No (7 + 6.5)			No
E	Yes (4)	Yes (D + E = 10)	No (6.5 + 8)			No
F	Period F is 8 consecutive hours off-duty (6 hours in the sleeper berth followed by 2 hours off-duty). This off-duty qualifies as a core rest period so brings the driver back into compliance.					
G	Yes (4)	Yes (G + H = 10)	Yes (6 + 5)	Yes (7 + 5)	Yes (9 + 5)	Yes
H	Yes (6)	Yes (G + H = 10)	Yes (5 + 6)	Yes (5 + 8)	Yes (5 + 8)	Yes



Work Shift	No driving after 13 hours driving in a work shift	No driving after 14 hours on-duty in a work shift	No driving after 16 hours elapsed time
1 (June 5 8:00 – 23:30)	✓ (13 hours)	✗ 15 hours - Drove in violation 22:30 – 23:30 (1 hour)	✓ (15.5 hours)
2 (June 6 8:00 – 24:00)	✓ (11.5 hours)	✗ 15 hours - Drove in violation 23:00 – 24:00 (1 hour)	✓ (16 hours)
3 (June 7 8:00 – 24:00)	✓ (13 hours) (6.5 + 6.5)	✓ (14 hours) (7 + 7)	✓ (14 hours) (7 + 7)
4 (June 7 17:00 – June 8 15:00)	✓ (12.5 hours) (6.5 + 6)	✓ (13 hours) (7 + 6)	✓ (14 hours) (7 + 7)
5 (June 8 8:00 – June 9 2:30)	✓ (13 hours) (6 + 7)	✓ (13.5 hours) (6 + 7.5)	✓ (14.5 hours) (7 + 7.5)



Work Shift	No driving after 13 hours driving in a work shift	No driving after 14 hours on-duty in a work shift	No driving after 16 hours elapsed time
<p>6 (June 8 19:00 – June 10 5:00)</p> <p>(*Note: Periods D & E are not eligible sleeper berth periods)</p>	<p>✘ Reached 13th hour June 9 at 14:30 - Drove in violation a total of 8.5 hours June 9 14:30 - 15:00 (0.5 hour) + June 9 21:00 – 24:00 (3 hours) + June 10 0:00 – 5:00 (5 hours)</p>	<p>✘ Reached 14th hour June 9 at 15:00 - Drove in violation a total of 8 hours June 9 21:00 – 24:00 (3 hours) + June 10 0:00 – 5:00 (5 hours)</p>	<p>✘ Reached 16th hour June 9 at 11:00 - Drove in violation a total of 12 hours June 9 11:00 – 15:00 (4 hours) June 9 21:00 – 24:00 (3 hours) + June 10 0:00 – 5:00 (5 hours)</p>
<p>7 (June 11 0:00 – 19:00)</p>	<p>✓ (11 hours) (5 + 6)</p>	<p>✓ (13 hours) (5 + 8)</p>	<p>✓ (13 hours) (5 + 8)</p>



Step 5 – Check the Cycle

Review the daily logs and identify any cycle violations. If there are any violations, identify how many hours the driver drove in violation. Also, if the driver exceeded the cycle limit, determine when the driver may resume driving.

Number of days in Cycle	Calendar date	Total on-duty hours	Total hours accumulated
7	June 5	15	
6	June 6	15	
5	June 7	14	
4	June 8	11	
3	June 9	14	
2	June 10	12	
1	June 11	13.5	94.5
	June 12	0	79.5
	June 13	*5.5 eligible	70

Total Hours 94.5

Hours Over 24.5

Date eligible to drive June 13 (at 00:01)

for 5.5 hours

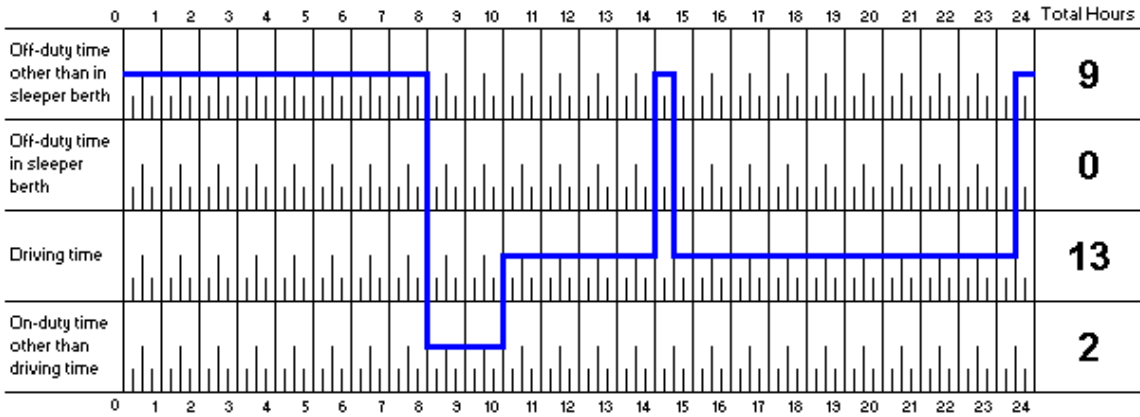
- Driver reached 70th hour on June 10 at 1:00
 Driver drove in violation for a total of 21.5 hours
 June 10 1:00 – 5:00 (4 hours)
 June 10 14:00 – 20:00 (6 hours)
 June 11 0:00 – 5:00 (5 hours)
 June 11 13:00 – 19:00 (6 hours)
 June 11 23:00 – 23:30 (0.5 hour)
- Driver may resume driving on June 13 (at 00:01) for 5.5 hours

Identify the Enforcement Actions that are available to the inspector for the violations.

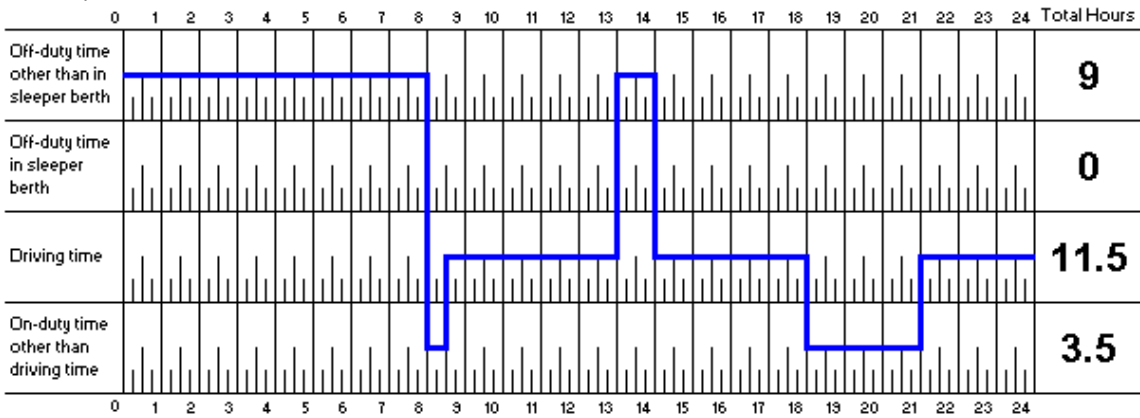
- Issue a verbal warning to the commercial vehicle driver explaining the violation(s)
- Issue a written warning (Commercial Vehicle Inspection Report) to the commercial vehicle driver outlining the violation(s). This report can also serve as an out-of-service declaration. Because the driver drove after accumulating 70 hours of on-duty time during any period of 7 days, the inspector can place the driver out-of-service for the number of hours needed to correct the failure (i.e., 24 consecutive hours on June 12). The driver is out-of-service at the time of the stop and is not eligible to drive again until June 13 (at 00:01). The driver is eligible to drive for 5.5 hours on June 13.
- Issue an appearance notice to the driver and then complete a long-form information formally charging the driver with the violation(s). The inspector will need to have the long-form information reviewed and sworn by a Justice of the Peace. The driver will appear in Provincial Court and a judge will determine the penalty for the violation(s).



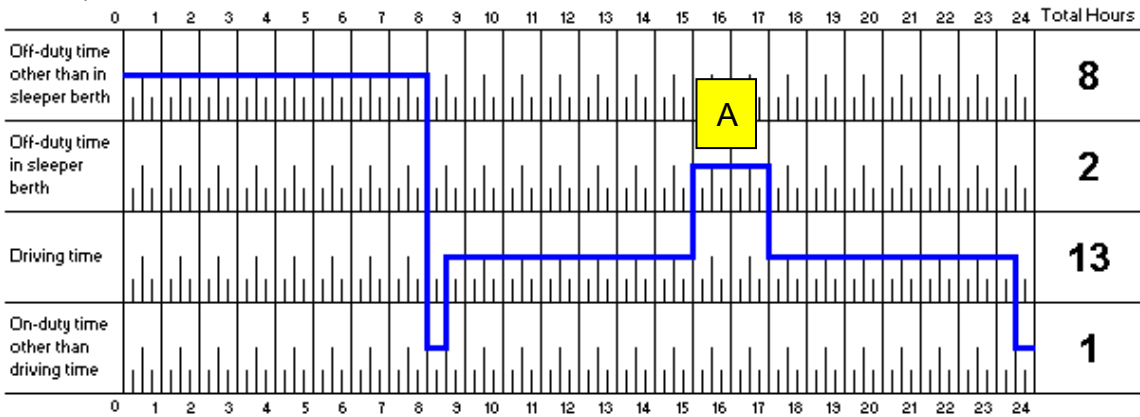
June 5, 2007



June 6, 2007

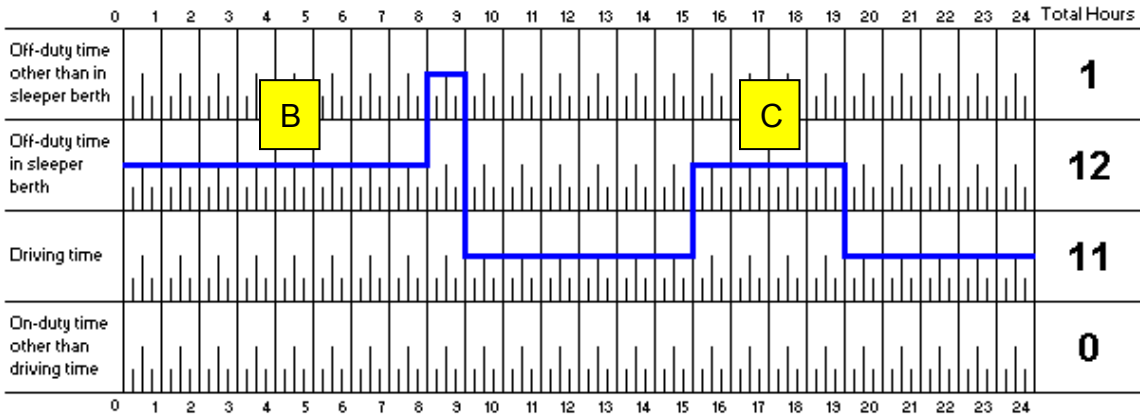


June 7, 2007

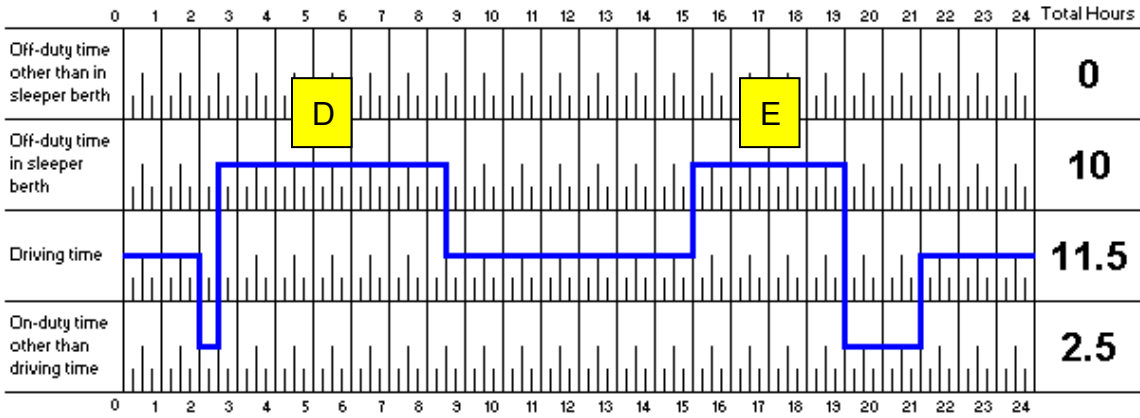




June 8, 2007

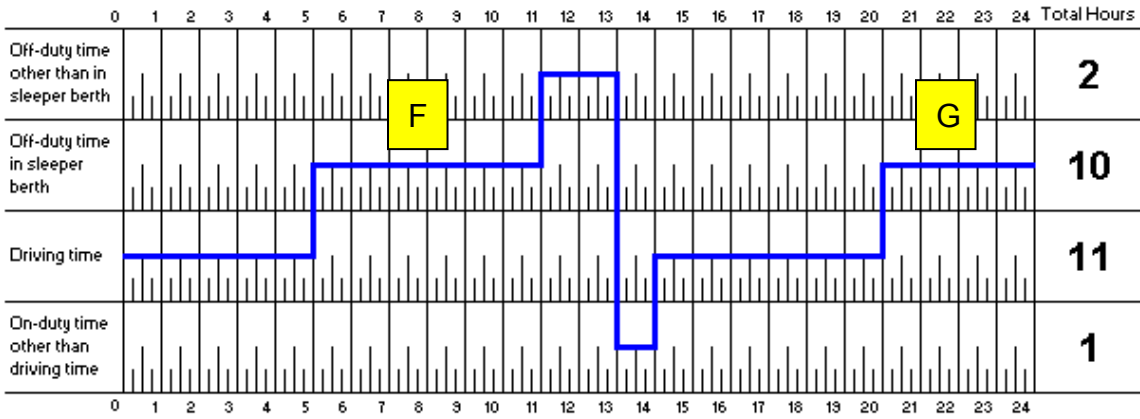


June 9, 2007

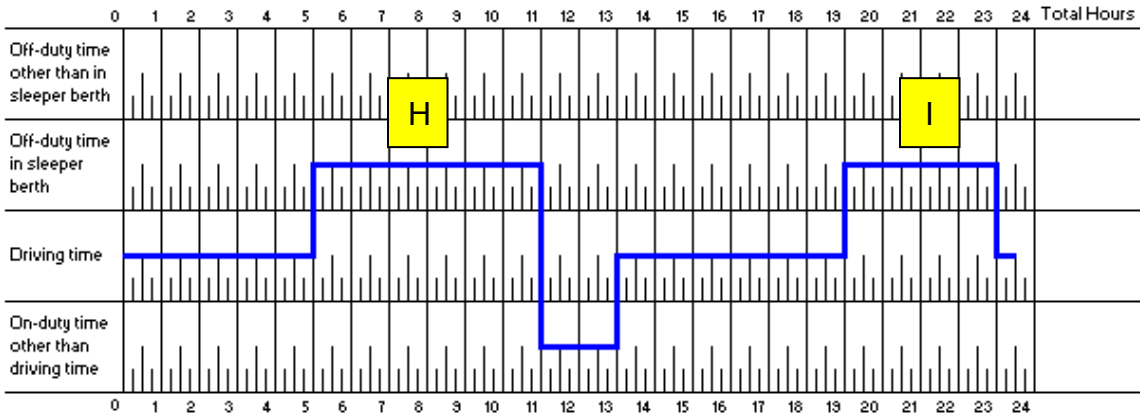




June 10, 2007



June 11, 2007



↑
Inspection
at 23:30