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# Module 8: Provincial Hours of Service Regulations

Commercial Vehicle Safety Compliance  
in Alberta

**Module 8: Provincial Hours of Service Regulations aims to introduce carriers and drivers to the basics of the provincial drivers’ hours of service regulations. The contents of this module include information about:**

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**This module serves only as a guide and cannot replace regulatory legislation.**

However, every effort has been made to ensure the information in this module is accurate at the time of preparation. The material in these documents are not intended to represent a full training course in any subject area covered, nor is it intended to be reproduced or sold for commercial purposes or financial gain.

**NOTE**

**A “driver” is a person who is driving or is in actual physical control of a vehicle.**

# PROVINCIAL HOURS OF SERVICE REGULATIONS

Provincial hours of service regulations define maximum driving limits and minimum off-duty requirements for drivers of regulated commercial vehicles (both bus and truck) in Alberta. These limits were created to prevent dangerous fatigue-related incidents. Carriers must include information about drivers' hours of service laws in their safety programs.

According to Section 2 of the Alberta [Drivers Hours of Service Regulation \(AR 317/2002\)](#), provincial drivers' hours of service regulations apply to drivers of:



## Commercial vehicles

that are registered for a gross vehicle weight of 11,794 kilograms or more and that operate only within Alberta.



## Commercial vehicles

with a manufacturer's seating capacity originally designed for 11 or more persons, including the driver, operate only within Alberta.

Carriers who operate all of their regulated vehicles only in Alberta are provincially regulated. This means they must follow the Alberta drivers' hours of service laws.

**Note:** If a carrier operates one vehicle in multiple provinces, territories or states, they are federally regulated. This means their drivers must follow the federal drivers' hours of service laws. See Module 7 for more information on the federal drivers' hours of service laws.

## RESPONSIBILITIES OF DRIVERS

It is strongly recommended that everyone involved in the operation of commercial vehicles demonstrates due diligence in preventing fatigue related incidents. Carriers, Dispatchers, managers, and drivers are all responsible for ensuring a vehicle is operated in the safest manner possible.

According to Part 4 of the [Traffic Safety Act](#) and Section 249 of Canada's Criminal Code, a driver cannot operate a motor vehicle in a manner that is dangerous to the public. This means that a driver must not be driving if they are impaired according to the *Traffic Safety Act*.

Fatigued driving poses a serious risk to the driver and to the motoring public. In order to ensure a driver does not operate a vehicle in a state of fatigue, provincially regulated carriers must follow all requirements set out in the [Drivers Hours of Service Regulation \(AR317/2002\)](#).

### Understanding Responsibilities

As part of ensuring they are operating safely, it is important that carriers and their drivers understand the provincial drivers' hours of service laws. Any questions about the provincial driver's hours of service laws can be directed to the department.

# EXEMPTIONS

## General Exemptions

Alberta hours of service laws **do not** apply to the following vehicles:

- Private Passenger vehicles;
- Commercial vehicles with a total registered gross vehicle weight (including trailers) of less than 11,794 kilograms;
- “Emergency vehicles” as defined in Section 1(m) of the [Traffic Safety Act](#);
- Commercial vehicles transporting goods or passengers for the purpose of providing relief in the case of a natural disaster or a disaster caused by human intervention;
- Commercial vehicles that are used primarily to transport an agricultural product where the driver of the vehicle:
  - Is a bona fide farmer who owns or produced that agricultural product, or
  - Is an employee of that farmer;
- Two or three-axle vehicles transporting primary products of a forest, lake or river, and the driver (carrier) is the producer of the products. This includes tree farms and fish farms;
- Recreational vehicles;
- Urban transit buses;
- Commercial vehicles with a mounted mobile service rig, or equipment used in the operation/transportation of a mobile service rig; and
- Commercial vehicles that are exempted by the Registrar.



## Adverse Driving Conditions

According to Section 6(3) of the **Provincial Drivers' Hours of Service Regulations**, a driver may extend the number of hours that a driver is permitted to drive if:

- The driving, on-duty and elapsed time is not extended more than 2 hours;
- The driver still takes the required 8 consecutive hours of off-duty time; and
- The trip could have been completed under normal driving conditions without the extension.

**"Adverse driving conditions" means conditions that make driving hazardous and that were not known to the driver or the carrier at the time the trip began. Such conditions include:**



Snow, sleet, fog or smoke in amounts that obscure a person's vision to the extent that the person cannot drive safely



A highway covered with snow or ice.



Physical circumstances, other than snow or ice, that make the highway or driving unsafe.

## Hours of Driving Exemption

According to Section 6(4) of the Provincial Drivers' Hours of Service Regulations, the driver of a vehicle may exceed the number of hours that a driver is permitted to drive if the safety of an occupant, goods being transported or the vehicle itself is in jeopardy.

The driver is permitted to drive until they reach the first place of safety for the person, goods or vehicle.

# DRIVER DUTIES

The duties performed by a driver can be classified into four categories or “Duty Statuses.”

**These duty statuses are:**



**Driving Time**  
(on-duty time)



**On-Duty Time**  
(other than driving time)



**Off-Duty Time**  
(other than time spent  
in a sleeper berth)



**Sleeper Berth Time**  
(off-duty time spent  
in a sleeper berth)

In the Alberta hours of service regulations, **on-duty time** means the period that begins when a driver begins work or is required by the motor carrier to be available to work. This period ends when the driver stops work. Although not an exhaustive list, “on-duty” time includes driving time and any time spent by the driver:

- a) Checking in or preparing reports at the start or end of a work shift;
- b) Inspecting, servicing, repairing, conditioning or starting a commercial vehicle;
- c) Driving a vehicle;
- d) In the case of a vehicle that is being operated by co-drivers, travelling as one of the drivers, except the time that the driver spends resting en route in a sleeper berth;
- e) Participating in the loading or unloading of a commercial vehicle;
- f) Inspecting or checking the load of a commercial vehicle;
- g) Waiting, at the request of the carrier by whom the driver is employed or otherwise engaged, for a vehicle to be serviced, loaded or unloaded;
- h) Waiting for a vehicle or load to be checked at customs, at a vehicle inspection station or by a peace officer;
- i) At the request of the carrier by whom the driver is employed or otherwise engaged, travelling as a passenger to a work assignment when the driver has not been off-duty for at least 8 consecutive hours immediately prior to departure;
- j) Waiting at a point en-route due to an accident involving the vehicle that the driver is operating or other unplanned event; and
- k) at the request of the carrier by whom the driver is employed or otherwise engaged, waiting in readiness for work at any place other than
  - i. a private residence, or
  - ii. a motel, hotel or other similar place of rest, where the accommodation is provided by the carrier

NOTE: This is not an exhaustive list of each activity a driver may be required to conduct in the course of their duties. Time spent by the driver performing any other work related function for the carrier may be considered “on-duty” time by section 10 of the *Interpretation Act*, RSA 2000, c I-8.

# LOG BOOKS

Carriers must ensure their drivers maintain accurate records of their duty status times for each work day. These times must be recorded in a log book or on a radius record (when all criteria are met for the 160 kilometer radius record exemption).

These records must be kept so that a carrier may ensure a driver does not exceed the specified hour limitations. Carriers and drivers can obtain blank daily log books from truck stops, stationary stores or printing companies.



**According to Section 9 of the Provincial [Drivers Hours of Service Regulation \(AR 317/2002\)](#), each daily log is required to contain the following information:**

- The date
- Start time of work shift and the location where that work shift started
- Name and signature of the driver (and co-driver if applicable)
- The vehicle's unit or licence plate number
- The starting odometer reading of the vehicle
- Total distance driven by the driver during that day
- Where a vehicle is being operated by co-drivers, the total number of hours that the vehicle has travelled during a work day
- Address for the principle place of business for the carrier
- Address of the driver's home terminal
- In the "Remarks" section, a daily log must indicate:
  - The name of the location where each change of duty occurred;
  - Whether the driver used any exemptions that allowed them to exceed the maximum driving limitations (emergency or adverse driving conditions).



## Log Books – Graph Grids

Log book data must be completed on a graph grid so that each piece of required information may be recorded accurately. The grid is filled out in a way that ensures all of the driver’s hours are accounted for in each of the four duty statuses.

### Schedule Grid

#### DUTY STATUS

Use Local Time Standard at Home Terminal

	Midnight	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off Duty																										
2. Sleeper Berth																										
3. Driving																										
4. On Duty (not driving)																										
REMARKS																										

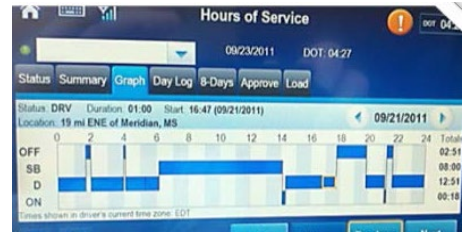
## Instructions for Filling in a Log Grid

1. Draw a continuous line between the appropriate time markers to record the period of time off duty, time spent in a sleeper berth, driving time and time on duty other than driving time.
2. Under “Remarks”, record
  - a) the name of the city, town or village or the highway location and the name of the province or state where each change of duty occurs, and
  - b) the name of each city, town or village or highway location and the name of each province or state where fuel was obtained and the number of litres or gallons of fuel.
3. Record the total number of hours of time off duty, time spent in a sleeper berth, driving time and time on duty other than driving time.
4. Record the aggregate of the hours referred to in section 3 of these instructions.

## Automatic Onboard Recording Devices

An automatic onboard recording device is permitted instead of the driver maintaining a log book as long as the device still provides all the required information found in Section 9(3) of the Drivers' Hours of Service Regulation (AR 317/2002). Drivers may keep daily logs in electronic format. Drivers must maintain written or printed records of the information recorded or collected by the automatic onboard recording device. In order for those records to be valid, the driver must sign them.

The driver must be ready to manually prepare a log book if the device malfunctions. Where a driver is required to maintain a daily log, the driver must be prepared to produce daily logs and supporting documents if requested to do so by a peace officer for inspection.



## Radius Record Partial Exemption

According to Section 12 of the Drivers' Hours of Service Regulation (AR317/2002), a driver may be exempt from filling out daily logs if they are **eligible** for the 160 kilometer radius exemption. This exemption applies **ONLY** to record keeping requirements. All other requirements of the regulations must be met. To qualify for this exemption, all of the following requirements must be met:

- The driver operates within a 160 kilometer radius of driver's home terminal;
- The driver's work shift does not exceed 15 hours;
- The driver starts and ends the shift at their home terminal; and
- The carrier that employs the driver maintains and keeps accurate time records of the driver's start time and of the end time for each work day and retains these records for a period of at least six months.

## Possession of Logs and Supporting Documents

Where a driver is required to maintain a daily log, they must at all times during their work shift have the following documents in their possession:

- All Bills of Lading and other shipping documents;
- A log for the driver's current work shift and the 2 previous days;
- Any fuel and accommodation receipts for expenses that occurred during the trip.

A driver is required to send each completed log to the carrier within 20 days of being produced. The carrier must, within 30 days of receiving the original copy of a daily log, retain that copy of the log at their principal place of business. All original log book records must be retained by the carrier for a period of at least 6 months from the date the information was recorded in a log.



A driver who is employed by two or more carriers is required to provide each carrier with a copy of all logs. The carriers must also keep a copy of drivers' logs for at least 6 months and must have copies retained at their principal place of business within 30 days of receiving them.

Section 17 of the Drivers' Hours of Service Regulation (AR317/2002), states that a driver must also keep a copy of all of their daily logs for a period of at least 6 months from the date that the information is recorded in the daily log. These logs must be kept at the residence of the driver.

The following is an example of a compliant radius record.

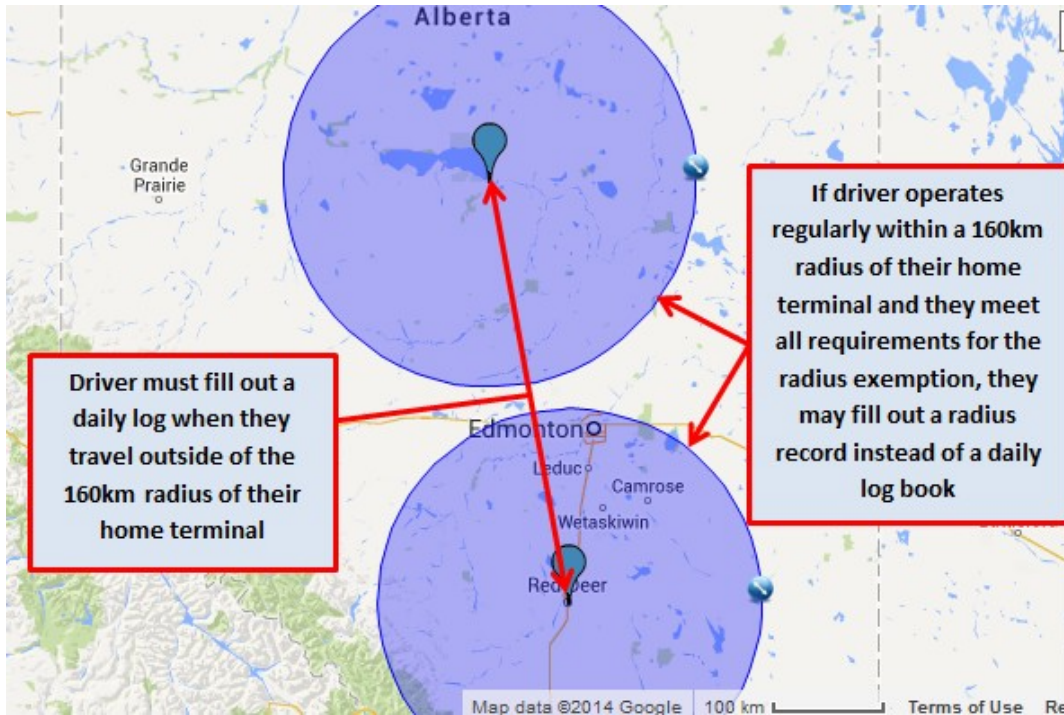
<b>Carrier Name and Address:</b>				
<b>DRIVER'S TIME RECORD</b>				
Day of Month	On-Duty Time		Description	Unit #
	Start	End	i.e. Field Trip, Service Trip, Training, Teaching,	
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
<b>Driver's Name (Print):</b>			<b>Month:</b>	<b>Year:</b>
<b>Driver's Signature:</b>		<b>Note:</b> All work days must be accounted for. If you had no on-duty time for the period covered by this time record, please write "OFF" over the above dates and submit this time record as specified below.		
<b>This Time Record Must Be Submitted to the Transportation Department Immediately Following the 1<sup>st</sup> of This Month</b>				

**Note:** The exemption ends immediately upon one or more of the conditions under which a person is excused from maintaining a daily log ceases to exist. If this occurs the driver must commence keeping a daily log, and record in the daily log the total number of hours on duty accumulated during the 7 days immediately preceding the day on which that condition ceased to exist.

## Driver's Home Terminal

"Home terminal" means "home terminal" means, in respect of a driver, the place of business of a carrier at which the driver normally reports for work.

For example, if a driver normally reports to a terminal in Red Deer, then that is their home terminal. If that same driver makes a trip to Slave Lake and reports to a terminal there for several days or weeks, that may temporarily be their home terminal until they return to Red Deer. They would, however, be required to fill out a daily log for their trip from Red Deer to Slave Lake.



## Tampering

It is against the law to falsify information on a daily log. Tampering with the daily log includes any of the following activities:

- Driver keeps more than one daily log for any day;
- Driver records inaccurate or false information in a daily log, whether it is handwritten or produced using an electronic device;
- Driver falsifies, mutilates or defaces a daily log or supporting documents; or
- Safety officer or any other individual alters or tampers with original daily logs.

Daily logs must be signed at the end of the driver's work shift to confirm that all of the information recorded in a log is accurate. If a log contains false information, a peace officer can still charge a driver with a violation even if the driver has not yet signed the daily log. A peace officer can also issue an out-of-service declaration for any of the violations listed above.

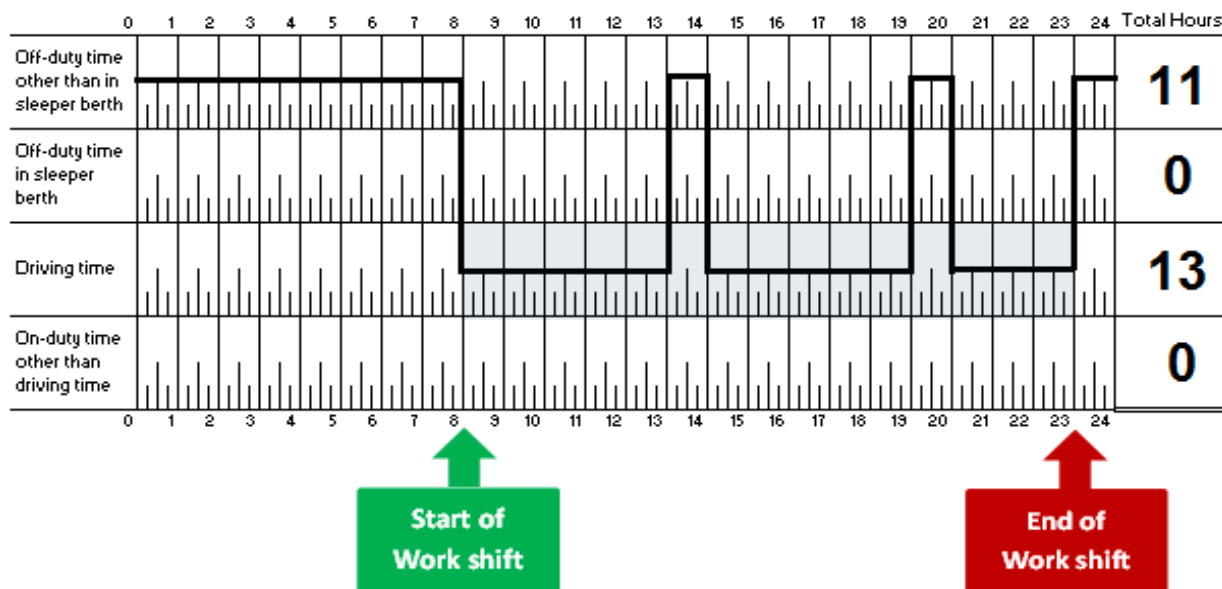
# PROVINCIAL DRIVING LIMITATIONS

It is important that all carriers are aware of and enforce these work shift-driving limitations to ensure the safety of their drivers and of the motoring public. Fatigued drivers pose a great risk to themselves and all motorists around them. Fatigued drivers must not operate a commercial vehicle in such a state.

Provincial work shift means the period of time during which a driver is on duty. A work shift can span across more than one workday.

## 13-Hour Driving Rule

According to Section 6(1) of the provincial [Drivers' Hours of Service Regulation \(AR 317/2002\)](#), a driver may not drive a commercial vehicle after they have already driven 13 hours in a work shift. They may drive again after they have taken at least 8 consecutive hours of off-duty time.



## 15-Hour On-Duty Rule

According to Section 6(2) of the provincial regulations, a driver may not drive a commercial vehicle at anytime after they have been on duty for 15 or more consecutive hours. They may drive again after they have taken at least 8 consecutive hours off-duty.

## 8 Consecutive Hours of Rest Rule

According to Section 5 of the Provincial Drivers' Hours of Service Regulations, a driver must have at least 8 consecutive hours of off-duty time immediately before they start their next work shift.

The number of hours that the driver is off-duty before the driver starts their next work shift may be reduced not less than 4 hours if:

- The total consecutive hours that the driver will be off duty after the next work shift will be at least 8 hours PLUS the number of hours by which the driver's time off duty had been reduced;
- The reduced rest provision is available only once in a seven day period.

## Time Breaks Rule

According to Section 7 of the Provincial Drivers' Hours of service Regulation a driver may drive a vehicle continuously for a maximum of:

- **4 Hours**
  - As long as the driver takes at least 10 minutes of non-driving time at the end of that period; or
- **6 Hours**
  - As long as the driver takes at least 30 minutes of non-driving time at the end of that period.

## Reduced Rest Option

According to Section 5(4) of the Provincial Regulations, once every 7 days a driver may reduce the required 8 hours of rest to no less than 4 hours if:

1. Before the reduced rest, the driver has not been on-duty more than 15 hours; and
2. The reduced number of hours taken off is added to the next rest period that is at least 8 hours long.

### NOTES ON REDUCED REST

- The reduced rest provision is not available to a driver who is in violation of any driving or on-duty limits until the driver has taken a minimum of eight consecutive hours off-duty.
- Bus or truck seating cannot be used to be eligible for any sleeper berth exemption.

## Sleeper Berth Exemption

A sleeper berth means a facility that:

- i. Is located in or on a vehicle, and
- ii. Is designed and maintained for the purposes of providing sleeping accommodations for the persons operating the vehicle.

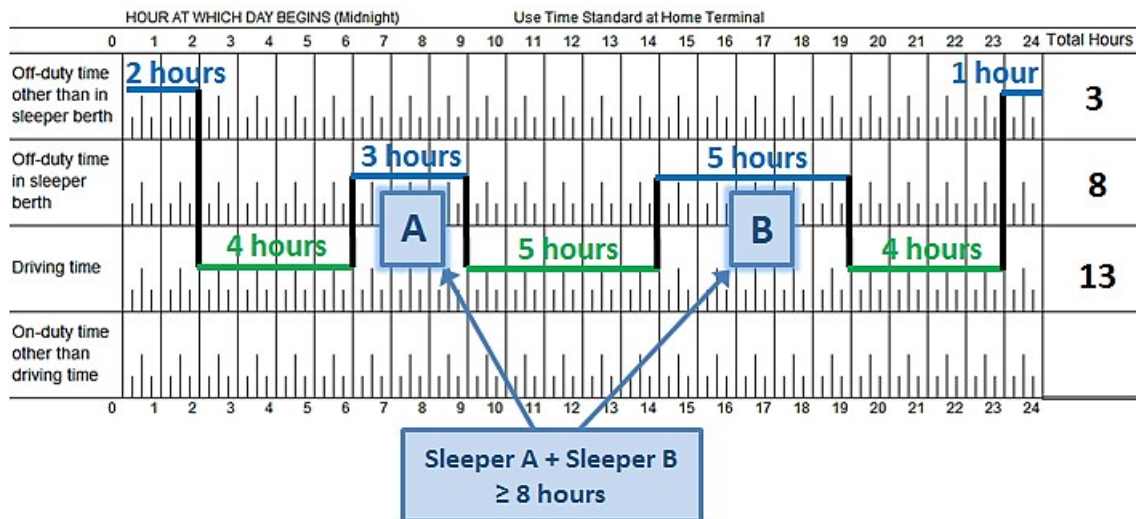


If the vehicle has a sleeper berth, the driver may accumulate the required eight hours rest over two periods of time in the sleeper berth if:

- Neither period is less than two hours;
- The total time spent in the 2 sleeper berth periods is at least eight hours; and
- The total driving time immediately before and after the rest period(s) does not exceed 13 hours.

Sleeper berths requirements can be found in the provincial [Drivers Hours of Service Regulations](#) section 5(3) AR317/2002. These requirements are also available in Appendix 1 of this module.

### Example of an acceptable use of a sleeper berth:



- Stop driving after 13 hours driving time in a work shift;
- Stop driving after 15 hours on-duty time in a work shift;
- Each sleeper berth period is at least 2 hours;
- The total time spent in the 2 sleeper berth periods is at least eight hours;
- The total driving time immediately before and after each rest period does not exceed 13 hours; and
- The driver took appropriate time breaks:
  - Time Breaks (after 4 hours of driving) = 3 hours of off duty time ≥ 10 minutes
  - Time Breaks (after 5 hours of driving) = 5 hours of off duty time ≥ 10 minutes
  - Time Breaks (after 4 hours of driving) = 1 hour of off duty time ≥ 10 minutes

**Note: The Alberta regulations do NOT include any daily limits or cycle limits like in the federal regulations.**



# INTERNAL MONITORING

According to Section 6 of the [Drivers' Hours of Service Regulation \(AR 317/2002\)](#), carriers must ensure their drivers do not exceed provincial driving limitations. To show due diligence, it is recommended that carriers:

- Evaluate all drivers to ensure they are complying with the regulations;
- Record the date(s) in which any violation(s) occurred;
- Record the date of issuance of a notice of non-compliance; and
- Record any action taken with the driver.

Monitoring activities involve the review of driver logbooks, supporting documents (such as fuel and lodging receipts) and any other relevant information. Carriers must document their findings to support any corrective or disciplinary action taken against a non-compliant driver.

It is recommended that carriers check their driver's logs as frequently as possible. Carriers should consider reviewing their driver's logs on a monthly basis.

The number of drivers and logs checked by a carrier every month may vary according to the size of the company. A small company may choose to monitor all drivers' logs every month, while a large company may choose only to monitor a portion of their drivers each month. Although a carrier has the option to monitor a percentage of their drivers each month, every driver should be checked at least once each year.

The objective of internal monitoring is to ensure all drivers become fully compliant every day – not just to document each driver's performance. It is recommended that carriers closely monitor new drivers or drivers with a history of non-compliance until they can demonstrate that they understand and are able to comply with the Drivers' Hours of Service Regulations.

# ENFORCEMENT AND PENALTIES

## Disciplinary Action and Enforcement

According to Section 8 of the [Drivers' Hours of Service Regulation \(AR317/2002\)](#), a peace officer may prohibit a driver from driving a vehicle where the peace officer determines that the driver :

- Has not had the time off duty as required by the regulation;
- Has been driving for a longer period of time than permitted in the regulation; or
- Has been driving when prohibited from doing so under the regulation.



If a driver has been prohibited from driving, they will not be permitted to drive a vehicle until the driver

- Has had the time off duty as required under the regulation; and
- Has met all on-duty and time break requirements under the regulation.

Hours of service violations are included in the Carrier Profile. An accumulation of these violations may result in the carrier being identified for further monitoring, penalties, or enforcement actions.

Hours of service violations will also be shown on the driver's commercial driver abstract (CDA). More information on the CDA can be found on the Alberta Transportation website at: [www.alberta.ca/commercial-driver-abstract.aspx](http://www.alberta.ca/commercial-driver-abstract.aspx)



# FATIGUE MANAGEMENT

Driver fatigue is a critical safety issue that affects the transportation industry and increases the risk of collisions, which in turn impacts the safety of the motoring public. Fatigue impacts driver attention and alertness and, as a result, increases instances of human error. It is estimated that 20 percent of fatal collisions can be linked to driver fatigue as a contributing factor (Canadian Council of Motor Transport Administrators, 2010).

It is recommended that all carriers create a fatigue management program.

This program can be used to address issues related to fatigue in the workplace while reducing risks related to fatigue and decreasing the number of fatigue-related incidents. Every carrier can benefit from having a fatigue management program, regardless of the size or type of business. Fatigue management policies should be a part of a company's journey management. Planning the journey ensures that employees are better prepared to safely handle unplanned events or circumstances during trips. With journey management processes in place, potential risks can be better identified prior to the trip, and proactive measures can be taken to help manage or prevent the risks from happening during the trip.



## North American Fatigue Management Program

The North American Fatigue Management Program (NAFMP) was created to reduce incidents related to driver fatigue by providing:

- Information on how to develop a corporate culture that helps reduce driver fatigue;
- Fatigue management education for drivers, drivers' families, carrier executives and managers, shippers/receivers, and dispatchers;
- Information on sleep disorders, screening and treatment;
- Driver and trip scheduling information; and
- Information on Fatigue Management Technologies.



Carriers are encouraged to take part in this program. Carriers, owner/operators, managers, drivers and dispatchers may all find material presented by the NAFMP to be very helpful and may more effectively contribute to the prevention of motor vehicle incidents caused by fatigue as a result of their understanding. More information of the NAFMP is available at: [www.nafmp.com](http://www.nafmp.com)

## RESOURCES FOR CARRIERS

For a better understanding as to how provincial hours of service regulations affect their operations, carriers may wish to refer to these online resources for more information.

Alberta Transportation: Hours of Service Training Information  
[www.alberta.ca/hours-of-service-and-fatigue-management.aspx](http://www.alberta.ca/hours-of-service-and-fatigue-management.aspx)

Fatigue Management Program and Training  
[www.alberta.ca/fatigue-management-program-and-training.aspx](http://www.alberta.ca/fatigue-management-program-and-training.aspx)

Drivers' Hours of Service Regulation (AR 317/2002)  
[www.qp.alberta.ca/documents/Regs/2002\\_317.pdf](http://www.qp.alberta.ca/documents/Regs/2002_317.pdf)

North American Fatigue Management Program  
[www.nafmp.com](http://www.nafmp.com)