



SUBJECT: Use of Hours of Service Applications on Mobile Devices

Managers, Victoria	Passenger Transportation Board	Commercial Transport Insp.
Regional CVSE Managers	Passenger Transportation Branch	(Inspection Stations)
Area Vehicle Inspectors	Carrier Safety Inspectors	ICBC
Deputy Director, CVSE	Government Agents	Supt of Motor Vehicles
ADM, Highways Department	Law Enforcement Agencies	Trucking Industry

PURPOSE OF CIRCULAR

To advise that Commercial Vehicle Safety and Enforcement (CVSE) has a new policy directive providing guidelines for the use of electronic daily logs for hours of service; this does not include electronic onboard recording devices (EOBRs).

This policy does not take the place of the regulatory requirements of Division 37 of the Motor Vehicle Act Regulations (MVAR) for maintaining a daily log. This policy is not recommending any specific electronic log technology (applications) or company which provides the electronic log application. This policy is approved by the Director responsible for Hours of Service in the Province of British Columbia.

BACKGROUND

Current legislation regulating daily logs for drivers' hours of service does not mention electronic devices or applications for maintaining a daily log, referred to in this circular as 'electronic daily logs'. Examples of electronic daily logs are programs used on laptop computers or applications for tablets or smartphones.

This policy provides guidelines for the enforcement of the use of such electronic daily logs. This policy does not include electronic recording device (as defined in Section 37.18.03 of the MVAR).

This enforcement policy has been jointly agreed to by the 'Provincial Hours of Service Directors' in British Columbia, Alberta and Saskatchewan through the New West Partnership Agreement.

APPLICATION

Electronic daily logs will be accepted and treated as conventional daily logs as described in Division 37, MVAR.

- An electronic daily log produced by a driver or co-driver must contain the same information in the same format that is required by regulation for a handwritten daily log. This includes the Schedule 2 grid requirements.
- Failing to produce an electronic daily log will be treated the same as failing to produce a daily log in a handwritten format. This includes if the electronic daily log data is:

- illegible,
 - inoperable due to driver error,
 - inoperable due to device malfunction, or
 - unavailable for any other reason.
- If the data cannot be viewed immediately upon request, the driver shall be given an opportunity to send the data from the application electronically within a reasonable time as specified by the requesting officer. If the data cannot be sent electronically in this manner, the driver will be given the opportunity to prepare a handwritten daily log from the information stored in the device for each of the required days and provide it to the enforcement officer, within a reasonable time as specified by the requesting officer. For this handwritten daily log, the driver or co-driver must sign on each page attesting to its accuracy.
 - Seizure of an electronic daily log is not permitted due to the personal information which may be on the device. If an accurate electronic transfer of the data is not possible, the enforcement officer shall allow the driver to complete a signed, handwritten copy of his electronic daily log for seizure purposes within a reasonable time as specified by the requesting enforcement officer. The driver or co-driver must sign on each page attesting to its accuracy.
 - An electronic signature will be considered the same as a handwritten signature.
 - Electronic daily logs records must be retained as prescribed by Division 37 of the MVAR, and must be produced upon demand as required by a Peace Officer or a designate to the Director for audits or investigational purposes.
 - Drivers and/or carriers are responsible for ensuring the use of electronic daily logs is authorized prior to using them in other Provinces, States or Territories.
 - This policy shall in no way override any provincial statutory prohibition against the use of electronic devices while driving.

For further information on the use of electronic logs to maintain hours of service or clarification on the enforcement of this policy, please contact Barb Morris, Manager, National Safety Code at (250) 953-4012 or email Barbara.Morris@gov.bc.ca or Phil Easton, Manager, Compliance, Training and Policy, at (250) 953-4042 or email Phil.Easton@gov.bc.ca.

REFERENCE

Motor Vehicle Act
Motor Vehicle Act Regulations, Division 37



Brian Murray
Director, Commercial Vehicle Safety and Enforcement Branch
Ministry of Transportation & Infrastructure