



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 98

ST. JOHN'S, FRIDAY, JUNE 23, 2023

No. 25

MINERAL ACT

NOTICE

PUBLISHED IN ACCORDANCE with section 62 of CNLR 1143/96 under the *Mineral Act, cM-12, RSNL 1990* as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral License held by on map sheet	23218M William Mercer 12A/16
Mineral License held by on map sheet	25315M Jacob Kennedy 12H/01
Mineral License held by on map sheet	25633M Walter Sweetapple 02C/12
Mineral License held by on map sheet	25594M Wesley Keats 02E/01
Mineral License held by on map sheet	26461M Jacob Kennedy 12H/01

Mineral License held by on map sheet	26661M Roland Quinlan 01M/09
Mineral License held by on map sheet	27591M James Richard Crocker 02E/01, 02E/02
Mineral License held by on map sheet	31066M Wesley Keats 02E/07
Mineral License held by on map sheet	31067M Wesley Keats 02E/10
Mineral License held by on map sheet	31068M Wesley Keats 02E/10
Mineral License held by on map sheet	31069M Wesley Keats 02E/10
Mineral License held by on map sheet	31080M Wesley Keats 02E/10
Mineral License held by on map sheet	31081M Wesley Keats 02E/10

Mineral License held by on map sheet	31082M Wesley Keats 02E/07, 02E/10	Mineral License held by on map sheet	31200M Wesley Keats 02E/07, 02E/10
Mineral License held by on map sheet	31083M Wesley Keats 02E/07	Mineral License held by on map sheet	31203M Wesley Keats 02E/07
Mineral License held by on map sheet	31084M Wesley Keats 02E/07	Mineral License held by on map sheet	31222M Precious Metals NL 02E/10
Mineral License held by on map sheet	31085M Wesley Keats 02E/07	Mineral License Held by On map sheet	31239M Transition Metals Corp. 01M/10
Mineral License held by on map sheet	31086M Wesley Keats 02E/07	Mineral License Held by On map sheet	31240M Transition Metals Corp. 01M/10
Mineral License held by on map sheet	31087M Wesley Keats 02E/07	Mineral License Held by On map sheet	31243M Transition Metals Corp. 01M/10
Mineral License held by on map sheet	31088M Wesley Keats 02E/10	Mineral License held by on map sheet	31702M Wesley Keats 02D/16, 02E/01
Mineral License held by on map sheet	31089M Wesley Keats 02E/10	Mineral License held by on map sheet	31705M Wesley Keats 02D/16, 02E/01
Mineral License held by on map sheet	31090M Wesley Keats 02E/10	Mineral License held by on map sheet	31706M Wesley Keats 02D/16, 02E/01
Mineral License held by on map sheet	31091M Wesley Keats 02E/07	Mineral License held by on map sheet	31824M Stephen Keats 02E/01, 02F/04
Mineral License held by on map sheet	31092M Wesley Keats 02E/07	Mineral License held by on map sheet	31825M Stephen Keats 02E/01, 02F/04
Mineral License held by on map sheet	31093M Wesley Keats 02E/10	Mineral License held by on map sheet	31826M Zachary Keats 02E/01
Mineral License held by on map sheet	31094M Wesley Keats 02E/10	Mineral License held by on map sheet	31827M Zachary Keats 02E/01
Mineral License held by on map sheet	31095M Wesley Keats 02E/10	Mineral License held by on map sheet	31871M Ryan Kalt 12A/08
Mineral License held by on map sheet	31154M D3 Exploration 02E/08	Mineral License held by on map sheet	31908M Ryan Kalt 12A/08
Mineral License held by on map sheet	31173M Blake Morgan 2E/07	Mineral License held by on map sheet	31912M Ryan Kalt 02D/04, 12A/01

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Mineral License held by on map sheet	31917M Ryan Kalt 12A/01	Mineral License held by on map sheet	32921M Sigma Mining Group Ltd. 02D/04
Mineral License held by on map sheet	32003M Pearce Bradley 02F/05	Mineral License held by on map sheet	32981M Brian Penney 02E/10
Mineral License held by on map sheet	32009M William Stockley 02C/13	Mineral License held by on map sheet	32986M Sigma Mining Group Ltd. 02D/03, 02D/04
Mineral License held by on map sheet	32085M Peter Rogers 02E/01	Mineral License held by on map sheet	33103M Kevin Ryan 12H/01
Mineral License held by on map sheet	32283M United Gold Inc. 12H/01	Mineral License held by on map sheet	33105M Angus Bradley 02E/01
Mineral License held by on map sheet	32389M Dustin Keats 02D/16	Mineral License held by on map sheet	33312M Robert Neville 02D/04
Mineral License held by on map sheet	32513M Jason Tiller 02F/04	Mineral License held by on map sheet	33327M Wayde Guinchard 02E/08
Mineral License held by on map sheet	32557M Alexander T. Stares 02D/11, 02D/14	Mineral License held by on map sheet	Walter Sweetapple 33362M 02C/13
Mineral License held by on map sheet	32582M Francis Skeard 02F/04	Mineral License held by on map sheet	33389M Hilary Butt 02D/03
Mineral License held by on map sheet	32583M Francis Skeard 02F/04	Mineral License held by on map sheet	33390M Hilary Butt 02D/03
Mineral License held by on map sheet	32621M Darrin Hicks 12H/01	Mineral License held by on map sheet	33418M Hilary Butt 02D/03
Mineral License held by on map sheet	32679M Crest Resources Inc. 02D/05	Mineral License held by on map sheet	33468M Hilary Butt 02D/05
Mineral License held by on map sheet	32908M Darrin Hicks 12H/01	Mineral License held by on map sheet	33498M Everett Burt 02E/07
Mineral License held by on map sheet	32916M Sigma Mining Group Ltd. 02D/04, 02D/05	Mineral License held by on map sheet	33499M Everett Burt 02E/07
Mineral License held by on map sheet	32919M Sigma Mining Group Ltd. 02D/03, 02D/04	Mineral License held by on map sheet	33500M Everett Burt 02E/07
Mineral License held by on map sheet	32920M Sigma Mining Group Ltd. 02D/04	Mineral License held by on map sheet	33549M Donald Kean 02F/04

Mineral License 33575M
held by Timothy Howse
on map sheet 02E/07

A portion of
Mineral License 35231M
held by Shawn A. Ryan
on map sheet 02E/04, 12H/01

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08, 28/09, 5/2013 3/17, and 12/22 and outlined on 1:50 000 scale digital maps maintained by the DEPARTMENT OF INDUSTRY, ENERGY AND TECHNOLOGY, will be open for staking after the hour of 9:00 a.m. on the 32nd clear day after the date of this publication.

DEPARTMENT OF INDUSTRY,
ENERGY AND TECHNOLOGY
Trina Adams, Mineral Claims Recorder

June 23

URBAN AND RURAL PLANNING ACT, 2000

**NOTICE OF REGISTRATION
AMENDMENT TO
NEW-WES-VALLEY
DEVELOPMENT REGULATIONS**

TAKE NOTICE that the TOWN OF NEW-WES-VALLEY Development Regulations Amendment No. 2, adopted on the 30th day of May 2023, has been registered by the Minister of Municipal and Provincial Affairs.

This amendment gives Council discretionary authority to allow seasonal dwellings to be constructed in the Seasonal Residential zone on lots that do not front onto a public street.

This amendment comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the documents may do so at the New-Wes-Valley Town Office during normal business hours.

TOWN OF NEW-WES-VALLEY
Marilyn Kellaway, CAO/Town Clerk

June 23

NOTICE OF REGISTRATION

**AMENDMENT NO. 6, 2023
SOUTHERN SHORE HIGHWAY (ROUTE 10)
PROTECTED ROAD ZONING PLAN (2002-2012)**

TAKE NOTICE that Amendment No. 6, 2023 to the SOUTHERN SHORE HIGHWAY Protected Road Zoning Plan, 2002-2012 has been registered under authority of the *Urban and Rural Planning Act, 2000*.

In general terms, the purpose of Amendment No. 6, 2023 to the SOUTHERN SHORE HIGHWAY Protected Road Zoning Plan, 2002-2012 is to change specific Rural Conservation zoning to Mixed zoning in the community of Renew-Cappahayden to allow for the development of a residential lot along a section of the protected highway.

Amendment No. 6, 2023 to the SOUTHERN SHORE HIGHWAY Protected Road Zoning Plan, 2002-2012 will come into effect on the date that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of Amendment No. 6, 2023 to the SOUTHERN SHORE HIGHWAY Protected Road Zoning Plan, 2002-2012 may do so at the Department of Municipal and Provincial Affairs during regular business hours.

DEPARTMENT OF MUNICIPAL
AND PROVINCIAL AFFAIRS
Darren Randell, MCIP, Land Use Planning

June 23

**NOTICE OF REGISTRATION
TOWN OF UPPER ISLAND COVE
MUNICIPAL PLAN
AMENDMENT No. 6, 2023,
and
DEVELOPMENT REGULATIONS
AMENDMENT No. 14, 2023**

TAKE NOTICE that the TOWN OF UPPER ISLAND COVE Municipal Plan Amendment No. 6, 2023, and Development Regulations Amendment No. 14, 2023, adopted by Council on the 17th day of April, 2023, has been registered by the Minister of Municipal and Provincial Affairs.

Municipal Plan Amendment No. 6, 2023, will re-designate an area of land on the north side of Crane's Road from Residential to Commercial-Industrial. Development Regulations Amendment No. 14, 2023, will re-zone the same area of land from Residential II (R-II) to Commercial-Industrial (C-I).

The TOWN OF UPPER ISLAND COVE Municipal Plan Amendment No. 6, 2023, and Development Regulations Amendment No. 14, 2023, comes into effect on the day that this notice is published in the Newfoundland and Labrador Gazette. Anyone who wishes to inspect a copy of the TOWN OF UPPER ISLAND COVE Municipal Plan Amendment No. 6, 2023, and Development Regulations Amendment No. 14, 2023, may do so at the Town Office, Upper Island Cove during normal working hours.

TOWN OF UPPER ISLAND COVE
Neil Shute, Town Clerk

June 23

CHANGE OF NAME ACT, 2009

Under the authority vested in me by the Change of Name Act, 2009, SNL2009 cC-8-1, I hereby certify the following names have been changed.

Former Surname	Former Given Name(s)	Current Surname	Current Given Name(s)
JONES	MICHAEL WILLIAM	DELUKA	MIKHAEL
LANE	JOSHUA DAVID WILLIAM	SNOW	REN SUSANNAH
ROWSSELL	GREYSON JOHN LEE	BRENNAN-ROWSSELL	GREYSON JOHN LEE
OMAR	REDWAN SALIH	OMER	REDWAN SALIH
OMAR	LAYLA SALIH	OMER	LAYLA SALIH
WHALEN	MEGAN HEATHER	MCVEIGH	MEGAN HEATHER
SHERRY	BRUCE TERENCE	THOMPSON	BRUCE TERENCE
GALLOP	HOLDEN LENNON TOWNES	GALLOP-MORGAN	HOLDEN LENNON TOWNES
WHITE-MALLALEY	CHLOE LISA	HAYWARD	CHLOE LISA
HOLLAHAN	NICHOLAS DALE	KING	ZOEY
STEPHENS	LISAL SCOTT	GARNIER	SCOTT RICHARD
BURROWS	LEAH REBECCA JANE	COLES	LEAH REBECCA JANE
BOLAND	ELIZABETH STELLA RAE	PARSONS	ELIZABETH STELLA RAE
MACKEY-MOORE	EDWARD LEWIS	MACKEY	EDWARD LEWIS
BOLAND	PIPER CATHLEEN	PARSONS	PIPER ISABELLA
NOSEWORTHY	COURTNEY VIOLET	VIOLET	COURTNEY
GENGE	KATIE MEGAN	SMITH	KATIE MEGAN
OSMOND	CHRISTOPHER CARL LLOYD	LERICHE	CHRISTOPHER CARL LLOYD

Dated this 20th day of June 2023

DIGITAL GOVERNMENT AND SERVICE NL
Sheena Gough, Registrar of Vital Statistics

LANDS ACT

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL 1991 C36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2)(d) of the said *Act*, to that piece of Crown lands situated within 15 metres of the waters of Atlantic Ocean; Elliston for the purpose of pedestrian trail and viewing area.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see the website below:
<http://www.ma.gov.nl.ca/lands/sec7notifications.html>

Please note: It may take up to 5 days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of the notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

June 23

QUIETING OF TITLES ACT

**CHAPTER Q-3, RSNL
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

NOTICE is hereby given to all parties that JESSIE RITA HICKEY, of the Town of Southern Harbour, in the Province of Newfoundland and Labrador, and JANE CATHERINE ALICE HICKEY, of the City of St. John's, in the Province

of Newfoundland and Labrador have applied to the Supreme Court, General Division, Grand Bank, to have title to all that piece or parcel of property situate at the Town of Southern Harbour, in the District of Placentia West-Bellevue, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedule "A" hereto annexed and shown in Schedule "B" hereto annexed.

ALL BEARINGS aforementioned, for which JESSIE RITA HICKEY and JANE CATHERINE ALICE HICKEY claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said JESSIE RITA HICKEY and JANE CATHERINE ALICE HICKEY have been ordered to publish this Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said JESSIE RITA HICKEY and JANE CATHERINE ALICE HICKEY shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Grand Bank, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 24th day of July, 2023, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

All such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland and Labrador, Grand Bank, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 19th day of June, 2023.

MILLS PITTMAN TWYNE LAW OFFICES
Solicitors for the Applicants
PER: Gregory French

ADDRESS FOR SERVICE:
111 Manitoba Drive, Suite 201
Clarenville, NL A5A 1K2

Tel: (709) 466-6108
Fax: (709) 466-7109

Schedule "A"

DESCRIPTION
Land Gazette No.M7V6YA

April 7th, 2022

ALL THAT piece or parcel of land situate and being in the Town of Southern Harbour, in the Provincial Electoral District of Placentia West-Bellevue, in the Province of Newfoundland and Labrador, abutted and bounded as follows, that is to say;

BEGINNING at a point in the southeasterly limit of Centennial Hill Road, the said point having grid coordinates, NAD83, of North 5287418.020 metres and

East 232334.079 metres for the Modified Three Degree Transverse Mercator Projection System for the Province of Newfoundland and Labrador;

THENCE curving, concave to the southeast, along the said southeasterly limit of Centennial Hill Road, for a distance of nineteen decimal eight five five metres, more or less, to a point, the said point being distant nineteen decimal eight one seven metres as measured on a bearing North thirty-seven degrees fifty-six minutes fifty-eight seconds East from the point of beginning; And thence North forty-two degrees sixteen minutes fifty-six seconds East one decimal six two zero metres;

THENCE along land now or formerly of James Emberly South sixty degrees zero five minutes fifty-five seconds East thirty-nine decimal one five two metres;

THENCE along land now or formerly of Robert Watts South thirty-three degrees thirty-six minutes forty-six seconds West zero decimal eight two four metres; And thence South twenty-three degrees zero four minutes forty-seven seconds West twelve decimal one seven three metres;

THENCE along land of Raymond Pittman South twenty-six degrees ten minutes zero zero seconds West five decimal two six four metres;

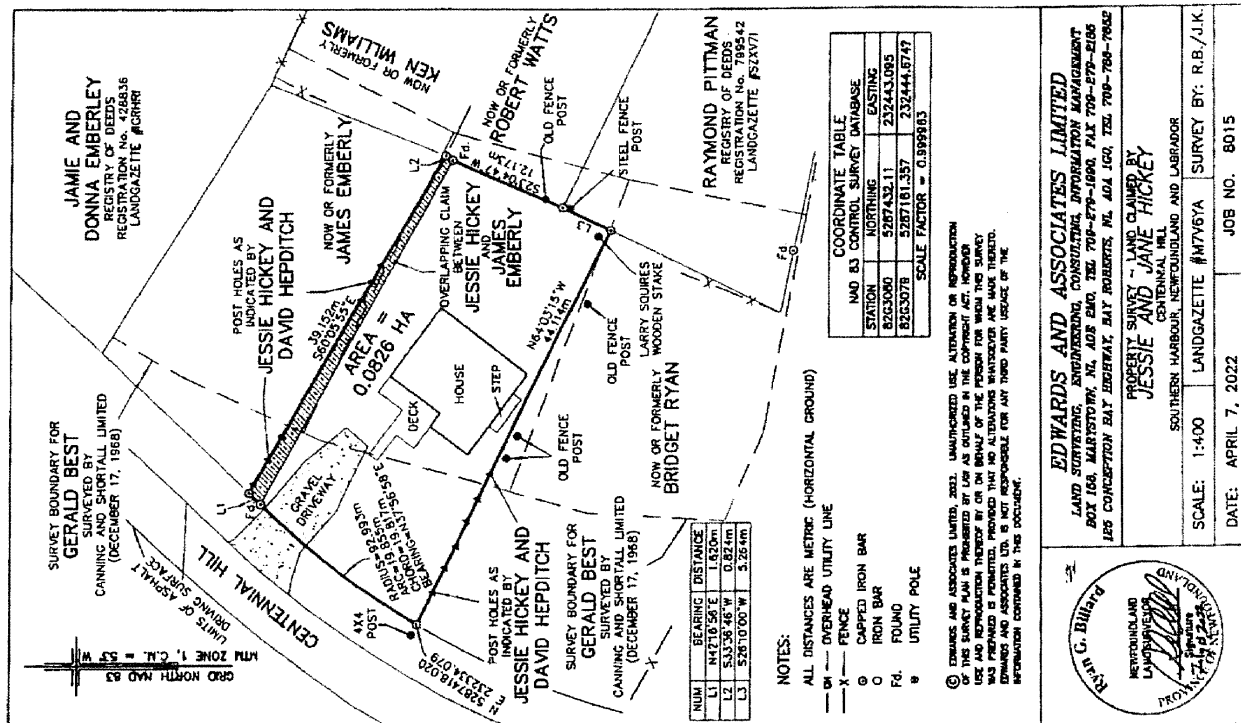
THENCE along land now or formerly of Bridget Ryan North sixty-four degrees zero three minutes fifteen seconds West forty-four decimal one one four metres, more or less, to the point of beginning;

The above described piece or parcel of land containing an area of zero decimal zero eight two six hectares, more or less, and being more particularly shown and delineated on the attached plan;

All bearings being referred to the central meridian of fifty-three degrees west longitude, zone one, of the above mentioned projection system.

EDWARDS AND ASSOCIATES LIMITED 2022
Ryan G. Billard, Land Surveyer

Schedule "B"



TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of WEI JIAN FANG, Late of St. John's, in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by full or half blood, legal adoption or marriage) upon or affecting, the Estate of WEI JIAN FANG, Gentleman, who died at St. John's, NL on or about 22nd day of May, 2022, are hereby requested to send particulars thereof in writing, duly attested, to: OFFICE OF THE PUBLIC TRUSTEE, Suite 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the OFFICE OF THE PUBLIC TRUSTEE, as Administrator of the Estate of WEI JIAN FANG, on or before 23rd, of July, 2023, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED AT the City of St. John's, in the Province of Newfoundland and Labrador, this 23rd day of June, 2023.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
WEI JIAN FANG

ADDRESS FOR SERVICE:
Suite 401 - 136 Crosbie Road
St. John's, NL
A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

June 23

ESTATE NOTICE

IN THE MATTER OF the Estate of ate RUBY FREAKE, of the Town of Norris Arm North, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of RUBY FREAKE, the aforesaid Deceased, who died at Lewisporte, in the Province of Newfoundland and Labrador on or about the 11th day of March, 2023, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 3rd day of July, 2023 after which date the Executor have had notice.

DATED AT the Town of Gander, Newfoundland and Labrador, this 13th day of June, 2023.

PEDDLE LAW
Solicitor for the Executor
PER: Michael D. Peddle

ADDRESS FOR SERVICE:

P.O. Box 563
137 Bennett Drive
Gander, NL
A1V 2E1

Tel: (709) 651-4949
Fax: (709) 651-4951

June 23

ESTATE NOTICE

IN THE MATTER OF the Estate of MADONNA FRYE, Late of Stephenville, in the Province of Newfoundland and Labrador, Deceased May 2, 2023.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MADONNA FRYE, Late of Stephenville, in the Province of Newfoundland and Labrador, Deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 24th day of July, 2023, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED AT Stephenville, Newfoundland and Labrador this 20th day of June, 2023.

ROXANNE PIKE LAW OFFICE
Solicitor for the Executor
PER: Roxanne Pike

ADDRESS FOR SERVICE:

P.O. Box 272
43 Main Street
Stephenville, NL A2N 2Z4

Tel: (709) 643-6436
Fax: (709) 643-9343

June 23

ESTATE NOTICE

IN THE MATTER OF the Estate of JAMES MAXWELL HODDINOT, of Gander, in the Province of Newfoundland and Labrador, Retired Pharmacist, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands upon or affecting the Estate of JAMES MAXWELL HODDINOT, the aforesaid Deceased, who died at Gander, in the Province of Newfoundland and Labrador on or about the 28th day of August, 2022, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitor for the Executors of the Estate on or before the 3rd day of July, 2023, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims to which he shall then have had notice.

DATED AT the Town of Gander, Province of Newfoundland
and Labrador, this 13th day of June, 2023.

PEDDLE LAW
Solicitor for the Executor
PER: Michael D. Peddle

ADDRESS FOR SERVICE:

P.O. Box 563
137 Bennett Drive
Gander, NL
A1V 2E1

Tel: (709) 651-4949
Fax: (709) 651-4951

June 23

ESTATE NOTICE

IN THE MATTER OF the Estate of Late GERTIE
MARCELLA HOLLOWAY of Mount Pearl, in the Province
of Newfoundland and Labrador, Retired, Deceased.

ALL PERSONS claiming to be creditors of or who have any
claims or demands upon or affecting the Estate of GERTIE
MARCELLA HOLLOWAY, the aforesaid Deceased, who
died at Mount Pearl, in the Province of Newfoundland and
Labrador on or about the 19th day of February, 2023, are
hereby requested to send particulars thereof in writing, duly
attested, to the undersigned Solicitor for the Executrix of
the Estate on or before the 3rd day of July, 2023 after which
date the Executrix will proceed to distribute the said Estate
having regard only to the claims of which she shall then have
had notice.

DATED AT the Town of Gander, Newfoundland and
Labrador, this 13th day of June, 2023.

PEDDLE LAW
Solicitor for the Executor
PER: Michael D. Peddle

ADDRESS FOR SERVICE:

P.O. Box 563
137 Bennett Drive
Gander, NL
A1V 2E1

Tel: (709) 651-4949
Fax: (709) 651-4951

June 23



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART II
SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 98

ST. JOHN'S, FRIDAY, JUNE 23, 2023

No. 25

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 45/23
NLR 46/23
NLR 47/23
NLR 48/23**



**NEWFOUNDLAND AND LABRADOR
REGULATION 45/23**

Carrier Safety Regulations (Amendment)
under the
Highway Traffic Act

(Filed June 22, 2023)

Under the authority of section 197 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, June 20, 2023.

Sarah Stoodley
Minister of Digital Government and
Service Newfoundland and Labrador

REGULATIONS

Analysis

- | | |
|---------------------------------------------------|---------------------------------|
| 1. S.4 Amdt.
Registration | 5. S.10 Amdt.
Safety rating |
| 2. S.5 Amdt.
Duties and powers of
registrar | 6. S.11 Amdt.
Interventions |
| 3. S.6 Amdt.
Inspection | 7. S.13 Amdt.
Driver reports |
| 4. S.7 Amdt.
Carrier rating | 8. S.14 Amdt.
Records |

- | | |
|------------------------------------|----------------------------------------------|
| 9. S.16 Amdt.
Hearing | 12. S.21 Amdt.
Facility audit of vehicles |
| 10. S.17 Amdt.
Fleet suspension | 13. S.22 Amdt.
Facility audit of drivers |
| 11. S.18 Amdt.
Variance | 14. Sch. Amdt. |
| | 15. Commencement |

CNLR 1160/96
as amended

1. Paragraph 4(8)(c) of the *Carrier Safety Regulations* is amended by deleting the words "he or she" and substituting the words "the registrar".

2. Subsection 5(2) of the regulations is amended by

(a) deleting the words "him or her" and substituting the words "the registrar"; and

(b) deleting the words "he or she" and substituting the words "the registrar".

3. Section 6 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the inspector's".

4. Paragraph 7(2)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

5. Subsection 10(4) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

6. Subsection 11(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

7. Subsection 13(1) of the regulations is amended by deleting the words "he or she" wherever they appear and substituting the words "the driver".

8. (1) Paragraph 14(1)(f) of the regulations is repealed and the following substituted:

- (f) a copy of each driver's record of duty status, as required by sections 34 and 39 of the *Hours of Service Regulations, 2023*, or where a driver is exempt from maintaining a record of duty status, a copy of the carrier's record of hours on duty for the driver;

(2) Paragraph 14(1)(g) of the regulations is amended by deleting the reference "*Highway Traffic Trip Inspection Report Regulations*" and substituting the reference "*Trip Inspection Report Regulations*".

(3) Paragraph 14(4)(d) of the regulations is amended by

(a) deleting the reference "*Highway Traffic Hours of Service Regulations*" and substituting the reference "*Hours of Service Regulations, 2023*"; and

(b) deleting the reference "*Highway Traffic Trip Inspection Report Regulations*" and substituting the reference "*Trip Inspection Report Regulations*".

(4) Paragraph 14(4.1)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the driver".

9. (1) Subsection 16(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

(2) Subsection 16(5) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

10. Subsection 17(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the driver's".

11. (1) Subsection 18(4) of the regulations is amended by deleting the words "his or her" and substituting the words "the registrar's".

(2) Subsection 18(6) of the regulations is amended by deleting the words "he or she" wherever they appear and substituting the words "the registrar".

(3) Subsection 18(7) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

12. Subsection 21(8) of the regulations is amended by deleting the reference "*Highway Traffic Trip Inspection Report Regulations*" and substituting the reference "*Trip Inspection Report Regulations*".

13. (1) Paragraph 22(2)(a) of the regulations is amended by deleting the words "he or she" and substituting the words "the driver".

(2) Subsection 22(3) of the regulations is amended by deleting the words "log book records" and substituting the words "records of duty status".

(3) Subsection 22(4) of the regulations is repealed and the following substituted:

(4) A carrier shall receive points under subsection (3) only where, in accordance with the *Hours of Service Regulations, 2023* it is able to provide accurate records of duty status or, if exempt from keeping a record of duty status, accurate time records, for all drivers selected for the facility audit.

(4) Subsection 22(6) of the regulations is amended by deleting the reference "*Highway Traffic Hours of Service Regulations*" and substituting the reference "*Hours of Service Regulations, 2023*".

(5) Subsection 22(8) of the regulations is repealed and the following substituted:

(8) A carrier shall receive points under subsection (7) only where, in accordance with the *Hours of Service Regulations, 2023*, it is able to demonstrate that all drivers selected for a facility audit have all items on their records of duty status completed.

14. The Schedule to the *Carrier Safety Regulations* is amended by deleting the section references, offences and compliance indicators in relation to the *Hours of Service Regulations* and substituting the following:

Hours of Service Regulations, 2023 Provision	Compliance Indicators	Description of Offence
5(a)	1	Carrier, shipper, cosignee or person requesting, requiring or allowing a driver to drive or a driver driving where driving would be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier.
5(b)	1	Carrier, shipper, cosignee or person requesting, requiring or allowing a driver to drive or a driver driving where the driver is the subject of an out-of-service declaration.
5(c)	1	Carrier, shipper, cosignee or person requesting, requiring or allowing a driver to drive or a driver driving where driving would not be in compliance with the regulations.
8(1)	3	Carrier requesting, requiring or allowing a driver to drive or a driver driving after the driver has accumulated 13 hours of driving time in a day.
8(2)	3	Carrier requesting, requiring or allowing a driver to drive or a driver driving after the driver has accumulated 14 hours of on-duty time in a day.
9(1)	3	Carrier requesting, requiring or allowing a driver to drive or a driver driving without having taken at least 8 consecutive hours of off-duty time after the driver accumulated 13 hours of driving time.

9(2)	3	Carrier requesting, requiring or allowing a driver to drive or a driver driving without having taken at least 8 consecutive hours of off-duty time after the driver accumulated 14 hours of on-duty time.
9(3)	3	Carrier requesting, requiring or allowing a driver to drive and a driver driving after 16 hours have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of next 8 or more consecutive hours of off-duty time.
10	1	Carrier failing to ensure that driver has taken or driver failing to take at least 10 hours of off-duty time in a day as prescribed by the regulations.
15(1)	1	Carrier failing to require that driver follows or driver fails to follow either cycle 1 or 2.
15(2)	3	Carrier requesting, requiring or allowing a driver to drive or a driver driving without having taken at least 24 consecutive hours of off-duty time in the preceding 14 days.
15(3)	3	Carrier requesting, requiring or allowing a driver who is following cycle 1 or a driver who is following cycle 1 driving after having accumulated 70 hours of on-duty time in 7 days.
15(4)(a)	3	Carrier requesting, requiring or allowing a driver who is following cycle 2 to drive or a driver who is following cycle 2 driving after having accumulated 120 hours of on-duty time in 14 days.

15(4)(b)	3	Carrier requesting, requiring or allowing a driver who is following cycle 2 to drive or a driver who is following cycle 2 driving after having accumulated 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.
17(1)	1	Carrier requesting, requiring or allowing a driver to switch or a driver switching cycles without first taking the prescribed off-duty time before beginning to drive again.
31	1	Carrier failing to perform its obligations as a permit holder.
34(1)	3	Motor carrier failing to ensure that a commercial vehicle is equipped with an electronic logging device that meets the requirements of the Technical Standard.
38(1)	2	Carrier failing to require a driver or driver failing to complete a record of duty status.
39(1) and (2)	2	Carrier failing to require a driver or driver failing to legibly enter the prescribed information in the record of duty status.
40	1	Carrier requesting, requiring or allowing a driver to drive or a driver driving while not in possession of records of duty status and supporting documents.
41(1) and (2)	1	Carrier failing to ensure that a driver or a driver failing to forward the record of duty status and supporting documents to the home terminal within the prescribed time period.

41(3)(a)	1	Carrier failing to deposit records of duty status and supporting documents at its principal place of business within the prescribed time period.
41(3)(b)	1	Carrier failing to retain records of duty status and supporting documents for the prescribed time period.
42(1)	3	Carrier requesting, requiring or allowing a driver to keep or a driver keeping more than one record of duty status in respect of any day.
42(2)	3	Carrier requesting, requiring or allowing a person to or a person entering inaccurate information in a record of duty status or falsifying, mutilating, obscuring, altering, deleting, destroying or defacing records of duty status or supporting documents.
42(3)	3	Carrier requesting, requiring or allowing a person to or a person blocking or degrading a signal transmission or reception or tampering with an electronic logging device.
43(1)	1	Carrier failing to monitor compliance of driver with regulatory requirements.
43(2)	1	Carrier failing to take remedial action where non-compliance exists.
46(4)	3	Obstructing, hindering or knowingly making false or misleading statements to an inspector engaged in carrying out duties and functions.
47	1	Driver failing to produce documents

		requested by an inspector for inspection.
48(2)	3	Carrier failing to produce documents requested by an inspector for inspection at the place specified by the inspector.

Commencement

15. These regulations come into force on December 1, 2023.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 46/23**

Hours of Service Regulations, 2023
under the
Highway Traffic Act

(Filed June 22, 2023)

Under the authority of section 197 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, June 20, 2023

Sarah Stoodley
Minister of Digital Government and
Service Newfoundland and Labrador

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- Short title **1.** These regulations may be cited as the *Hours of Service Regulations, 2023*.
- Definitions **2.** In these regulations,
- (a) "adverse driving conditions" means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them;
 - (b) "co-driver" means a person who is present in a commercial vehicle because of having been, or being about to be, its driver;
 - (c) "commercial vehicle" means a vehicle that
 - (i) is operated by a motor carrier and propelled otherwise than by muscular power, and
 - (ii) is a truck, tractor, trailer or any combination of them that has a registered gross vehicle weight in excess of 4,500 kilograms or a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver;
 - (d) "cycle" means
 - (i) cycle 1, under which on-duty time is accumulated over a period of 7 days, and
 - (ii) cycle 2, under which on-duty time is accumulated over a period of 14 days;
 - (e) "day", in respect of a driver, means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver's cycle;
 - (f) "director" means a federal director or a provincial director;
 - (g) "driver" means

- (i) a person who drives a commercial vehicle, and
 - (ii) with respect to a motor carrier, a person employed or otherwise engaged by the motor carrier to drive a commercial vehicle, including a self-employed driver
- and for the purpose of section 47, includes a co-driver;
- (h) "duty status" means any of the following periods:
- (i) off-duty time, other than time spent in a sleeper berth,
 - (ii) off-duty time spent in a sleeper berth,
 - (iii) driving time, or
 - (iv) on-duty time, other than driving time;
- (i) "electronic logging device" means a device or technology that
- (i) automatically records a driver's driving time and facilitates the recording of the driver's record of duty status, and
 - (ii) is certified by an accredited certification body under section 79.1 of the *Commercial Vehicle Drivers Hours of Service Regulations* (Canada);
- (j) "emergency vehicle" means a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes;
- (k) "federal director" means the Chief of the Motor Carriers Division of the federal Department of Transport;
- (l) "home terminal" means the place of business of a motor carrier at which a driver ordinarily reports for work and, for the purposes of recording information related to the driver's record of duty status, includes a temporary work site designated by the motor carrier;
- (m) "inspector" means

- (i) a person designated under subsection 4(2), or
 - (ii) a peace officer within the meaning of section 2 of the *Criminal Code*;
- (n) "motor carrier" means a person who is engaged in the operation of an intra-provincial or extra-provincial bus undertaking or an intra-provincial or extra-provincial truck undertaking;
- (o) "off-duty time" means any period other than on-duty time;
- (p) "oil well service vehicle" means a commercial vehicle that is
- (i) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
 - (ii) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas well facilities or for servicing and repairing oil or natural gas well facilities;
- (q) "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, except where the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver
- (i) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial vehicle,
 - (ii) travelling in a commercial vehicle as a co-driver when the time is not spent in the sleeper berth,
 - (iii) participating in the loading or unloading of a commercial vehicle,
 - (iv) inspecting or checking the load of a commercial vehicle,
 - (v) waiting before and while a commercial vehicle is serviced, loaded, unloaded or dispatched,

- (vi) waiting before and while a commercial vehicle or its load is inspected and the driver's requirements are assessed, and, if relevant, the time spent taking the required remedial actions,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) resting in or occupying a commercial vehicle for any other purpose, except
 - (A) time counted as off-duty time in accordance with section 6,
 - (B) time spent in a sleeper berth,
 - (C) time spent in a stationary commercial vehicle to satisfy the requirements of subsection 10(3), and
 - (D) time spent in a stationary commercial vehicle that is in addition to the off-duty requirements of subsection 10(3), and
- (ix) performing any work for any motor carrier; and
- (x) performing yard moves of a commercial vehicle within a terminal, depot or port and that is not on a public road;
- (r) "out-of-service declaration" means a declaration issued by a director or inspector under section 44;
- (s) "principal place of business" means the place or places designated by the motor carrier where records of duty status and supporting documents are stored;
- (t) "provincial director" means, unless the context indicates otherwise, a person designated by the minister under subsection 4(1);
- (u) "record of duty status" means a record in which a driver records the information required under section 34 or 39, as the case may be, for each day;

- (v) "supporting document" means any one of the following documents or information received or prepared by a driver in the course of the driver's duties or received or prepared by the motor carrier:
- (i) any electronic mobile communication record reflecting communications between a driver and a motor carrier transmitted through a driver call-in or fleet management system,
 - (ii) any payroll record, settlement sheet or equivalent document that indicates payments to the driver,
 - (iii) any government-issued document indicating the location of the commercial vehicle,
 - (iv) any reports, receipts, records or other documentation relating to the load of the commercial vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip,
 - (v) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial vehicle, and
 - (vi) any reports, dispatch or trip records, receipts or other documentation indicating the date, time or location of the commercial vehicle during a trip, including arrival and departure times; and
- (w) "Technical Standard" means the Technical Standard for Electronic Logging Devices, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time, other than provision 4.5.1.11(b)(9) of that standard.

Application

- 3.** (1) These regulations apply to all commercial vehicles except
- (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;
- (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* (Canada);
- (d) a bus that is part of the public transit service that is provided in a municipality, in contiguous municipalities or within 25 kilometres of the boundary of the municipality or contiguous municipalities in which the public transit service is provided; and
- (e) a commercial vehicle when driven for personal use, if
- (i) the commercial vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 kilometres in a day,
 - (iv) the driver has recorded in the record of duty status the odometer reading at the beginning and end of the personal use,
 - (v) the driver is not the subject of an out-of-service declaration under section 44, and
 - (vi) the commercial vehicle is not used in the course of the business of the motor carrier.

(2) Notwithstanding subsection (1), the minister may exempt a commercial vehicle or motor carrier from the application of these regulations where that exemption is, in the opinion of the minister,

required in the interest of public safety, and the exemption may be subject to the terms and conditions that the minister may impose.

Director and inspectors designated

4. (1) The minister may designate a person to exercise in the province the duties and functions of a director for the purposes of these regulations.

(2) A director may designate inspectors for the purpose of these regulations.

Responsibilities of motor carriers, shippers, consignees and drivers

5. A motor carrier, shipper, consignee or other person shall not request, require or allow a driver to drive and a driver shall not drive if

(a) driving would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier;

(b) the driver is the subject of an out-of-service declaration; or

(c) the driver, in doing so, would not be in compliance with these regulations.

Travelling as a passenger, off-duty time

6. If a driver who has, at the request of the motor carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger, by any mode of transportation, to the destination at which the driver will begin driving takes 8 consecutive hours of off-duty time before beginning to drive, the time spent as a passenger shall be counted as off-duty time.

**PART I
DRIVING SOUTH OF LATITUDE 60° NORTH**

Application

7. Sections 8 to 17 apply with respect to driving south of latitude 60° north.

Daily driving and on-duty time

8. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 13 hours of driving time in a day.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 14 hours of on-duty time in a day.

Mandatory off-duty time

9. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

(3) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive 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 of off-duty time.

Daily off-duty time

10. (1) A motor carrier shall ensure that a driver takes and the driver shall take at least 10 hours of off-duty time in a day.

(2) Off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.

(3) The total amount of off-duty time taken by a driver in a day shall include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time required by section 9.

Deferral of daily off-duty time

11. Notwithstanding sections 8 and 10, a driver who is not splitting off-duty time in accordance with section 13 or 14 may defer a maximum of 2 hours of the daily off-duty time to the following day if

- (a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time;
- (b) the total off-duty time taken in the 2 days is at least 20 hours;
- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day;
- (d) the total driving time in the 2 days does not exceed 26 hours; and

- (e) there is a declaration in the record of duty status that
 - (i) states that the driver is deferring off-duty time under this section, and
 - (ii) clearly indicates whether the driver is driving under day one or day two of that time.

Ferries

12. Notwithstanding sections 9 and 10, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 consecutive hours of off-duty time if

- (a) the time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 kilometres from the point of disembarkation from the ferry combine to total a minimum of 8 hours;
- (b) the hours are recorded in the record of duty status as off-duty time spent in a sleeper berth;
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees; and
- (d) the supporting document coincides with the record of duty status entries.

Splitting of daily off-duty time, single driver

13. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 9 and 10 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 10 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the sleeper berth meets the requirements of the schedule;
- (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;

- (f) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty, calculated in accordance with subsection (2);
 - (g) none of the daily off-duty time is deferred to the next day; and
 - (h) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.
- (2) The 16th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

Splitting of daily
off-duty time, team
of drivers

14. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 9 and 10 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 4 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;

- (d) the sleeper berth meets the requirements of the schedule;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;
 - (f) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty, calculated in accordance with subsection (2);
 - (g) none of the daily off-duty time is deferred to the next day; and
 - (h) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.
- (2) The 16th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

Cycles

15. (1) A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

(3) A motor carrier shall not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 shall not drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days.

(4) A motor carrier shall not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 shall not drive after the driver has accumulated

(a) 120 hours of on-duty time during any period of 14 days; or

(b) 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.

Cycle reset, off-duty time

16. (1) Notwithstanding subsection 15(2), (3) or (4), a driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:

(a) for cycle 1, at least 36 consecutive hours; or

(b) for cycle 2, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle switching, off-duty time

17. (1) A motor carrier shall not request, require or allow a driver to switch and a driver shall not switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

(a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours; or

(b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After taking the off-duty time, driver begins the other cycle, the accumulated hours are set back to zero, and the driver's hours begin to accumulate again.

**PART II
DRIVING NORTH OF LATITUDE 60° NORTH**

Application

18. Sections 19 to 24 apply with respect to driving north of latitude 60° north.

Mandatory off-duty time

19. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated more than 15 hours of driving time or 18 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive if more than 20 hours of time has 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 of off-duty time.

Splitting of daily off-duty time, single driver

20. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time requirements of section 19 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the sleeper berth meets the requirements of the schedule;
- (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
- (f) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any

driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and

(g) none of the daily off-duty time is deferred to the next day.

(2) The 18th hour is calculated by

(a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and

(b) including

(i) all on-duty time,

(ii) all off-duty time not spent in the sleeper berth,

(iii) all periods of less than 2 hours spent in the sleeper berth, and

(iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

Splitting of daily
off-duty time, team
of drivers

21. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time requirements of section 19 by accumulating off-duty time in no more than 2 periods if

(a) neither period of off-duty time is shorter than 4 hours;

(b) the off-duty time is spent resting in the sleeper berth;

(c) the sleeper berth meets the requirements of the schedule;

(d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;

(e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and

- (f) none of the off-duty time is deferred to the next day.
- (2) The 18th hour is calculated by
 - (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

Cycles

22. (1) A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

(3) A motor carrier shall not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 shall not drive after the driver has accumulated 80 hours of on-duty time during any period of 7 days.

(4) A motor carrier shall not request, require or allow a driver who is following cycle 2 to drive and driver who is following cycle 2 shall not drive after the driver has accumulated

- (a) 120 hours of on-duty time in any period of 14 days; or
- (b) 80 hours of on-duty time, without having taken at least 24 consecutive hours of off-duty time.

Cycle reset, off-duty time

23. (1) Notwithstanding subsection 22(2), (3) or (4), a driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:

(a) for cycle 1, at least 36 consecutive hours; or

(b) for cycle 2, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle switching, off-duty time

24. (1) A motor carrier shall not request, require or allow a driver to switch and a driver shall not switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

(a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours; or

(b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

PART III PERMITS

Special permits

25. (1) The federal director may issue a special permit to a motor carrier for the purpose of a research or pilot project if the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized.

(2) Sections 8 to 24 and 33 to 48 do not apply in respect of special permits.

(3) The applicant shall provide to the federal director a detailed work plan that includes at least the following information:

(a) the nature of the proposed research or pilot project;

- (b) the objectives of the proposed research or pilot project;
- (c) the competence of the applicant to participate in the proposed research or pilot project;
- (d) the criteria and method for measuring results;
- (e) the safety implications and the approach to addressing any possible risks identified;
- (f) the duration of the proposed research or pilot project; and
- (g) the manner of and timing for reporting results.

Permits for commercial vehicles other than oil well service vehicles

26. (1) A provincial director may issue a permit to a motor carrier in respect of a commercial vehicle other than an oil well service vehicle if

- (a) the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized; and
- (b) a reduction of off-duty time or an increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach the driver's home terminal or destination,
 - (ii) to allow the delivery of perishable goods, or
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the motor carrier.

(2) The only deviations from the requirements of these regulations that may be authorised in the permit are

- (a) a reduction of the 2 hours of daily off-duty time required by subsection 10(3) if the commercial vehicle is operated south of latitude 60° north; and
- (b) an increase in driving time and on-duty time of up to a total of 2 hours.

Oil well service
vehicle permits

27. (1) A provincial director may issue a permit to a motor carrier in respect of an oil well service vehicle if

- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry; and
- (b) the safety and health of the public, the driver or the employees of the motor carrier are unlikely to be jeopardized.

(2) Sections 15 to 17 and 22 to 24 do not apply in respect of an oil well service vehicle permit, but instead the permit shall require that the driver take

- (a) at least 3 periods of off-duty time, each at least 24 hours long, in any period of 24 days, the periods being taken consecutively or separated by on-duty time; and
- (b) at least 72 consecutive hours of off-duty time after ending driving under the provisions of the permit and beginning driving under those sections.

(3) When the driver begins to drive again under sections 15 to 17 or 22 to 24, the driver begins to accumulate hours in the cycle.

(4) Waiting time and standby time at an oil or natural gas well site or ancillary facility shall not be included as on-duty time if

- (a) the driver performs no work during the time;
- (b) the time is fully and accurately recorded in the record of duty status as off-duty time and denoted as waiting or standby time; and
- (c) the time is not included in the mandatory minimum of 8 consecutive hours of off-duty time.

(5) None of the daily off-duty time shall be deferred to the next day.

Application for
permits

28. (1) A motor carrier may apply to a director for a permit by providing the following information and documents:

- (a) the name of the motor carrier;
- (b) the names of the drivers who will drive a commercial vehicle for the motor carrier;
- (c) the driver licence numbers of the drivers and the provinces of issuance;
- (d) a list of the commercial vehicles operated by the motor carrier;
- (e) a list of all accidents involving the motor carrier or any driver of the motor carrier that occurred during the 6 months before the date of the application if they are required by the laws of the province, state or country in which the accident occurred to be reported to the police;
- (f) the requested duration of the permit;
- (g) in the case of an extra-provincial truck undertaking, a detailed description of the load and the provinces in respect of which the permit is to apply;
- (h) in the case of an extra-provincial bus undertaking, a detailed description of the routes in respect of which the permit is to apply;
- (i) the requested schedule;
- (j) the reasons for the application, with supporting evidence;
- (k) a copy of every permit issued to the motor carrier under these regulations in the previous 5 years;
- (l) a signed declaration that discloses any other application for a permit under these regulations made by the motor carrier to any director within the 6 months before the date of the application; and
- (m) any other information required by the director to evaluate whether the granting of a permit would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier.

(2) If requested by the director to do so, the motor carrier shall make available to the director the records of duty status, supporting documents or records of on-duty times, for the 6 months before the date of the application, of every driver who will drive a commercial vehicle of the motor carrier under the permit.

Approval of other directors

29. (1) Before issuing a permit, a director shall obtain the written approval of the provincial directors of the provinces in which the commercial vehicle will be driven under the permit.

(2) A provincial director from whom approval is sought shall

(a) respond to the request for approval within 30 days after receiving it; and

(b) give approval if the provincial director has no reason to believe that the safety or health of the public, the driver or the employees of the motor carrier would be likely to be jeopardized by the granting of the permit.

Issuance of permits

30. A director who issues a permit shall specify in the permit

(a) the reasons for issuing it;

(b) its duration, which shall not exceed one year;

(c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the motor carrier; and

(e) the provinces in which the permit is to apply.

Obligations of permit holders

31. A motor carrier to whom a permit is issued shall

(a) require that a copy of the permit is placed in each commercial vehicle in respect of which it applies;

(b) provide the director with a list of the commercial vehicles in respect of which the permit applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles;

- (c) make available for inspection by the director, immediately on request, the record of duty status and the supporting documents of the drivers of the commercial vehicles in respect of which the permit applies; and
- (d) notify the director without delay of any accident involving any of the commercial vehicles to which the permit applies if it is required by the laws of the province, state or country in which the accident occurred to be reported to the police.

Amendment, cancellation and suspension of permits

32. (1) A director who issues a permit may amend, cancel or suspend it, and a director who approves a permit issued by another director may withdraw the approval, on written notification to the motor carrier, if

- (a) the motor carrier or the driver contravenes these regulations or any condition of the permit; or
- (b) the director determines that the safety and health of the public, the driver or the employees of the motor carrier are likely to be jeopardized.

(2) When a director withdraws approval for a permit issued by another director, the director who issued the permit shall amend it to remove the authority for a commercial vehicle to be operated under the permit in the province in respect of which approval is withdrawn.

PART IV EMERGENCIES AND ADVERSE DRIVING CONDITIONS

Non-application

33. (1) The requirements of these regulations with respect to driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.

(2) A driver who encounters adverse driving conditions while driving the vehicle during a trip south of latitude 60° north may extend the permitted 13 hours of driving time specified in sections 8 and 9 and reduce the 2 hours of daily off-duty time required by subsection 10(3) by the amount of time needed to complete the trip if

- (a) the driving, on-duty and elapsed time in the cycle the driver followed is not extended more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the reduction.

(3) A driver who encounters adverse driving conditions while driving the vehicle during a trip north of latitude 60° north may extend the permitted 15 hours of driving time specified in section 19 by the amount of time needed to complete the trip if

- (a) the extension of the driving time is no more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the extension.

(4) A driver who extends the driving, on-duty or elapsed time because of an emergency or adverse driving conditions shall record the reason for doing so in the record of duty status.

**PART V
ELECTRONIC LOGGING DEVICE RECORDS
OF DUTY STATUS**

Electronic logging device

34. (1) A motor carrier shall ensure that each commercial vehicle that it operates is equipped with an electronic logging device that meets the requirements of the Technical Standard, and shall ensure that it is mounted in a fixed position during the operation of the commercial vehicle and is visible to the driver when the driver is in the normal driving position, with the exception of a commercial vehicle that is

- (a) operated by a motor carrier under a permit;
- (b) operated by a motor carrier to which an exemption has been issued under the Act;

- (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle;
- (d) manufactured before model year 2000;
- (e) a school bus; or
- (f) a vehicle operated by or on behalf of a public utility.

(2) A motor carrier shall require a driver to record, and the driver shall record for each day, in accordance with these regulations and the Technical Standard, all the information associated with the driver's record of duty status as the driver's duty status changes.

(3) Subsections (1) and (2) do not apply if

- (a) the driver drives or is instructed by the motor carrier to drive a commercial vehicle within a radius of 160 km of the home terminal;
- (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time; and
- (c) the motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded.

(4) If a motor carrier authorizes a driver to operate a commercial vehicle for yard moves within a terminal, depot or port and that is not on a public road, the motor carrier shall ensure that the driver's electronic logging device has been configured so that the driver can indicate those moves.

(5) A driver shall manually input or verify the following information in the electronic logging device:

- (a) the date and the start time, if different from midnight, and the driver identification number;
- (b) the cycle that the driver is following;

- (c) the commercial vehicle licence plates as well as the unit number or trailer number, if applicable;
 - (d) the names and the addresses of the home terminal and the principal place of business of the motor carrier by which the driver was employed or otherwise engaged during that day;
 - (e) the commercial vehicle's location description, if it is not automatically drawn from the electronic logging device's geo-location database;
 - (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
 - (g) any deferral of off-duty time under section 11;
 - (h) if the driver was working for more than one motor carrier during the current day or the previous 14 days
 - (i) for each day during the 14 days immediately before the current day, the total number of hours for each duty status that were accumulated by the driver, and the beginning and end time of each 16-hour period referred to in subsection 9(3), and
 - (ii) the start and end times of each duty status in the current day, before the use of the electronic logging device; and
 - (i) any annotation necessary to complete the record of duty status.
- (6) A motor carrier shall not request, require or allow a driver to use, and a driver shall not use, more than one electronic logging device at the same time for the same period.
- (7) A motor carrier shall ensure that each commercial vehicle that it operates carries an electronic logging device information packet containing a current version of the following documents:
- (a) a user's manual;

- (b) an instruction sheet for the driver describing the data transfer mechanisms supported by the electronic logging device and the steps required to generate and transfer the data with respect to the driver's hours of service to an inspector;
- (c) an instruction sheet for the driver describing the measures to take in the event that the electronic logging device malfunctions; and
- (d) a sufficient number of records of duty status to allow the driver to record the information required under section 39 for at least 15 days.

(8) A motor carrier shall ensure that the driver records the information related to the driver's record of duty status and the driver is required to record that information in a complete and accurate manner.

Malfunction

35. (1) A motor carrier shall ensure that any electronic logging device that is installed or used in a commercial vehicle that it operates is in good working order and is calibrated and maintained in accordance with the manufacturer's or seller's specifications.

(2) If a driver of a commercial vehicle becomes aware of the fact that the electronic logging device is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard, the driver shall notify the motor carrier that is operating the commercial vehicle as soon as the vehicle is parked.

(3) A driver shall record, in the record of duty status on the day on which the driver noticed the malfunction or data diagnostic code, the following information:

- (a) the malfunction or data diagnostic code as set out in Table 4 of Schedule 2 of the Technical Standard;
- (b) the date and time when the malfunction or data diagnostic code was noticed; and
- (c) the time when notification of the malfunction or data diagnostic code was transmitted to the motor carrier.

(4) A driver shall record the code referred to in paragraph (3)(a) in each record of duty status following the day on which the code was noticed, until the electronic logging device is repaired or replaced.

(5) A motor carrier shall, within 14 days after the day on which it was notified of an electronic logging device malfunction or data diagnostic code by a driver or otherwise became aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the electronic logging device.

(6) A motor carrier shall maintain a register of electronic logging device malfunction or data diagnostic codes for electronic logging devices installed or used in commercial vehicles that it operates for which a malfunction was noticed, and that register shall contain the following information:

- (a) the name of the driver who noticed the malfunction or data diagnostic code;
- (b) the name of each driver that used the commercial vehicle following the discovery of the malfunction or data diagnostic code until the electronic logging device was repaired or replaced;
- (c) the make, model and serial number of the electronic logging device;
- (d) the licence plate of the commercial vehicle in which the electronic logging device is installed or used, or the Vehicle Identification Number;
- (e) the date when the malfunction or data diagnostic code was noticed and the location of the commercial vehicle on that date, as well as the date when the motor carrier was notified or otherwise became aware of the code;
- (f) the date the electronic logging device was replaced or repaired; and
- (g) a concise description of the actions taken by the motor carrier to repair or replace the electronic logging device.

(7) A motor carrier shall retain the information set out in subsection (6) for each electronic logging device for which a malfunction was noticed for a period of 6 months from the day on which the electronic logging device is replaced or repaired.

Accounts

36. A motor carrier shall create and maintain a system of accounts for electronic logging devices that is in compliance with the Technical Standard and that

- (a) allows each driver to record the driver's record of duty status in a distinct and personal account; and
- (b) provides for a distinct account for the driving time of an unidentified driver.

Verification of records of duty status

37. (1) A driver shall, immediately after recording the last entry for the day, certify the accuracy of the driver's record of duty status.

(2) A motor carrier shall verify the accuracy of the certified records of duty status that are forwarded by a driver according to the supporting documents provided and shall require from the driver those changes necessary to ensure the accuracy of the records.

(3) A driver shall either accept or reject the changes required by the motor carrier, make the necessary changes and recertify the accuracy of the driver's record of duty status and forward the amended records of duty status to the motor carrier.

Requirement to complete record of duty status

38. (1) A motor carrier shall require every driver to complete, and every driver shall complete a record of duty status each day that accounts for all of the driver's on-duty time and off-duty time for that day if

- (a) the driver is driving a commercial vehicle as set out in paragraphs 34(1)(a) to (f); or
- (b) the electronic logging device is displaying a malfunction or data diagnostic code set out in Table 4 of Schedule 2 of the Technical Standard.

(2) This section does not apply if

- (a) the driver drives, or is instructed by the motor carrier to drive, a commercial vehicle within a radius of 160 km of the home terminal;
- (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
- (c) the motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded; and
- (d) the driver is not driving a commercial vehicle under a permit issued under these regulations or is driving under an exemption issued under the Act.

Content of record of
duty status

39. (1) At the beginning of each day, a motor carrier shall require that a driver enters legibly, and the driver shall enter legibly, the following information in a record of duty status, using a grid in the form set by the minister:

- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (b) in the case of a driver who is not driving under an oil well service vehicle permit, the cycle that the driver is following;
- (c) the commercial vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial vehicles driven by the driver;
- (e) the names and addresses of the home terminal and the principal place of business of every motor carrier by which the driver will be employed or otherwise engaged during that day;
- (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were

accumulated by the driver each day during the 14 days immediately before the beginning of the day; and

- (g) if applicable, a declaration in the record of duty status that states that the driver is deferring off-duty time under section 11 and that clearly indicates whether the driver is driving under day one or day two of that time.

(2) The motor carrier shall require that the driver records, and the driver shall record, in the record of duty status, using the grid referred to in subsection (1), the following information as it becomes known:

- (a) the beginning time and ending time for each duty status by drawing a continuous line between the time markers;
- (b) the name of the municipality or legal subdivision and the name of the province or state where a change in duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number and the nearest kilometre marker as well as the name of the nearest municipality or legal subdivision,
 - (ii) the highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision, or
 - (iii) the numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision; and
- (c) the total number of hours of each period of duty status, which total must equal 24 hours.

(3) For greater certainty, nothing in subsection (2) prevents the driver from changing the hours at the top of the grid referred to in subsection (1) in order to reflect a different start time.

(4) A driver shall record in the record of duty status, as this information becomes known, the names and addresses of any other

motor carriers by which the driver has been employed or otherwise engaged during the day.

(5) 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 short periods 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 referred to in subsection (1).

(6) A motor carrier shall require that a driver records at the end of each day, and the driver shall record at the end of each day, on the grid referred to in subsection (1), the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the driver's personal use of the vehicle, as well as the odometer reading at the end of the day and the driver shall sign the record of duty status certifying the accuracy of the information recorded in it.

(7) A requirement that a driver record time in a record of duty status is a requirement to record the time using the local time at the driver's home terminal.

Possession of records of duty status and supporting documents by drivers

40. A driver who is required to complete a record of duty status shall not drive and a motor carrier shall not request, require or allow the driver to drive unless the driver has in the driver's possession

- (a) a copy of records of duty status for the preceding 14 days and, in the case of a driver driving under an oil well service permit, for each of the required 3 periods of 24 consecutive hours of off-duty time in any period of 24 days;
- (b) the record of duty status for the current day, completed up to the time at which the last change in the driver's duty status occurred; and
- (c) any supporting documents or other relevant records that the driver received in the course of the current trip.

Distribution and keeping of records of duty status

41. (1) A driver shall, within 20 days after completing a record of duty status, forward the record of duty status and supporting documents relating to that record of duty status to the home terminal and the motor carrier shall ensure that the driver does so.

(2) A driver who is employed or otherwise engaged by more than one motor carrier in any day shall forward, within 20 days after completing a paper record of duty status, and the motor carriers shall ensure that the driver forwards

(a) the original of the record of duty status to the home terminal of the last motor carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked; and

(b) the supporting documents relating to that record of duty status to the home terminal of the motor carrier for which the driver worked during the periods referred to in those supporting documents.

(3) A motor carrier shall

(a) deposit the records of duty status and supporting documents relating to the records of duty status at its principal place of business within 30 days after receiving them; and

(b) keep the records of duty status and supporting documents in chronological order for each driver for a period of at least 6 months after the day on which they are received.

Tampering

42. (1) A motor carrier shall not request, require or allow a driver to keep and a driver shall not keep more than one record of duty status in respect of any day.

(2) A motor carrier shall not request, require or allow any person to enter and a person shall not enter inaccurate information in a record of duty status or falsify, mutilate, obscure, alter, delete, destroy or deface records of duty status or supporting documents.

(3) A motor carrier shall not request, require or allow a person to, and a person shall not disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an electronic logging device so that the electronic logging device does not accurately record and retain the data that is required to be recorded and retained.

Monitoring by motor carriers

43. (1) A motor carrier shall monitor the compliance of each driver with these regulations.

(2) A motor carrier that determines that there has been non-compliance with these regulations shall take immediate remedial action and record the dates on which the non-compliance occurred and the action taken.

**PART VI
OUT-OF-SERVICE DECLARATIONS**

Out-of-service
declarations

44. (1) A director or an inspector may issue an out-of-service declaration in respect of a driver if

- (a) the driver contravenes paragraph 5(a);
- (b) the driver fails to comply with any of the driving time or off-duty time requirements of Part I, Part II or a term or condition of a permit;
- (c) the driver is unable or refuses to produce the driver's record of duty status in accordance with section 47;
- (d) there is evidence that shows that the driver has completed more than one record of duty status for a day, has entered inaccurate information in the record of duty status or has falsified information in the record of duty status;
- (e) the driver has falsified, mutilated, obscured, altered, deleted, destroyed or defaced a record of duty status or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements of Part I, Part II or of a term or condition of a permit; or
- (f) the driver uses an electronic logging device that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception or uses an electronic logging device that has been re-engineered, reprogrammed or otherwise tampered with so that it does not accurately record and retain data that is required to be recorded and retained, in such a way that the director or inspector is unable to determine whether the driver has complied with the driving time and off-duty time requirements of Part I, Part II or of a term or condition of a permit.

(2) The director or inspector shall notify the driver and the motor carrier in writing of the reason that the driver has been made the subject of an out-of-service declaration and the period during which it applies.

(3) An out-of-service declaration applies

(a) for 10 consecutive hours, if the driver contravenes paragraph 5(a);

(b) for 10 consecutive hours, if the driver contravenes section 8;

(c) for 8 consecutive hours, if the driver contravenes section 9 or 19;

(d) for 72 consecutive hours, if the driver contravenes section 42; and

(e) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Part I or Part II or of a term or condition of a permit or with the requirements of section 47.

(4) The out-of-service declaration in respect of a driver who contravenes section 42 continues to apply beyond the 72 hours until the driver rectifies the record of duty status, if applicable, and provides it to the director or inspector so that the director or inspector is able to determine whether the driver has complied with these regulations.

PART VII INSPECTIONS

Proof of authority

45. An inspector shall, at all times during the exercise of the inspector's functions, produce on request proof of the inspector's designation and title.

Authority to enter premises for an inspection

46. (1) An inspector may, during business hours, enter a motor carrier's home terminal or principal place of business, other than living quarters, for the purpose of verifying compliance with the requirements of these regulations.

(2) An inspector may, at any time, enter a commercial vehicle, or stop and enter it, for the purpose of verifying compliance with the requirements of these regulations.

(3) An inspector may, at any time, enter a sleeper berth, or stop a commercial vehicle and enter its sleeper berth for the purpose of verifying that the sleeper berth meets the requirements of the Schedule.

(4) A person shall not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to an inspector who is engaged in carrying out the inspector's duties and functions under these regulations.

Production of records of duty status and supporting documents

47. (1) At the request of an inspector, a driver shall produce for inspection

- (a) records of duty status for the current day and the preceding 14 days;
- (b) the supporting documents for the current trip in their existing format; and
- (c) any permit under which the driver may be driving.

(2) If the records of duty status requested by the inspector are in electronic format, the driver shall

- (a) produce either the display or a printout of the records of duty status; and
- (b) if requested by the inspector to transmit the records of duty status, transmit them by the transfer method identified by the inspector that is provided in the Technical Standard and is supported by the electronic logging device.

(3) The driver shall, at the request of an inspector, give the inspector

- (a) a copy of the paper records of duty status and supporting documents for the current day and the preceding 14 days, or the originals if it is not possible in the circumstances to make copies; and

(b) any permit under which the driver may be driving.

(4) The inspector shall provide the driver with a receipt, in the form set by the minister, for the paper records of duty status and supporting documents received.

Inspection

48. (1) An inspector may request that a motor carrier provide one or more of the following documents:

- (a) records of duty status and the supporting documents relating to those records of duty status that are in its possession;
- (b) records of driving time of an unidentified driver;
- (c) the documents referred to in subsection 34(7);
- (d) the register of electronic logging device malfunction set out in subsection 35(6);
- (e) any permit under which a driver is driving or was driving during the period for which the inspector makes the request; or
- (f) the information recorded under subsection 43(2).

(2) A motor carrier shall, during business hours, produce the documents requested under subsection (1) for inspection at the place specified by the inspector.

(3) A motor carrier shall transmit to the inspector the electronic records of duty status in the format, and using one of the transfer methods, set out in the Technical Standard.

(4) The inspector shall

- (a) immediately return the permit if it is still a current permit and provide a receipt in the form set by the minister for any expired permit as well as for the paper records of duty status and supporting documents; and
- (b) return the expired permits, paper records of duty status and supporting documents within 14 days after the day on which they were received.

**PART VIII
OFFENCE, REPEAL AND COMMENCEMENT**

Offence

49. (1) A person who contravenes section 42 is guilty of an offence and is liable on summary conviction to a fine of not less than \$500 and not more than \$2,000 for each contravention.

(2) A person who contravenes section 44 is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 and not more than \$3,000 for each contravention.

(3) A person who contravenes a provision of these regulations other than a provision referred to in subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 and not more than \$100 for each contravention.

NLR 94/06 Rep.

50. The *Hours of Service Regulations, 2006*, Newfoundland and Labrador Regulation 94/06, are repealed.

Commencement

51. These regulations shall come into force December 1, 2023.

Schedule

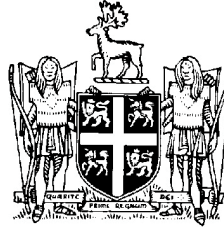
Sleeper berth

An area of a commercial vehicle is a sleeper berth if

- (a) it is designed to be used as sleeping accommodation;
- (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
- (c) it is not located in or on a semi-trailer or a full trailer;
- (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
- (e) in the case of a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 metres in length, 60 centimetres in width and 60 centimetres in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area;
- (f) in the case of a commercial vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 metres in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 centimetres in width, measured on the centre line of the transverse axis, and
 - (iii) 60 centimetres in height, measured from the sleeping mattress to the highest point of the area;

- (g) it is constructed so that there are no impediments to ready entrance to or exit from the area;
- (h) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
- (i) it is protected against leaks and overheating from the vehicle's exhaust system;
- (j) it is equipped to provide adequate heating, cooling and ventilation within the range of household temperatures;
- (k) it is reasonably sealed against dust and rain;
- (l) it is equipped with a mattress that is at least 10 centimetres thick; and
- (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial vehicle, the means being designed, installed and maintained to withstand a total force of 2,700 kilograms applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 47/23**

Home Heating Supplement Regulations (Amendment)
under the
Income Tax Act, 2000
(O.C. 2023-158)

(Filed June 23, 2023)

Under the authority of section 68 of the *Income Tax Act, 2000*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 22, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------------------------|-----------------------------|
| 1. S.2 Amdt.
Definitions | 4. S.5 Amdt.
Adjustments |
| 2. S.3 Amdt.
Overpayment and refund | |
| 3. S.4 Amdt.
Benefit reduction calculation | |

NLR 70/22

1. (1) Paragraph 2(d) of the *Home Heating Supplement Regulations* is repealed and the following substituted:

- (d) "eligible householder" means an individual who
 - (i) has an adjusted income equal to or less than \$150,000 for the 2022 taxation year, and
 - (ii) either
 - (A) filed a return of income for the 2022 taxation year as a resident of the province, or
 - (B) relocated to the province after December 31, 2022;

(2) Paragraph 2(f) of the regulations is repealed and the following substituted:

- (f) "home" means an individual's principal dwelling place in the province that consists of 2 or more rooms;

(3) Section 2 of the regulations is amended by deleting the word "and" after paragraph (g).

(4) Paragraph 2(h) of the regulations is repealed and the following substituted:

- (h) "program period" means December 1, 2022 to November 30, 2023; and

(5) Section 2 of the regulations is amended by adding immediately after paragraph (h) the following:

- (i) "return of income" means in respect of an individual who is resident in the province at the end of the taxation year, the individual's return of income, other than a return of income under subsection 70(2) or 104(23) of the federal Act, paragraph 128(2)(e) of the federal Act or subsection 150(4) of the federal Act, that is required to be filed for the taxation year or that would be required to be filed if the individual had tax payable under that Act for the taxation year.

2. Subsection 3(4) of the regulations is amended by deleting the year "2022" and substituting the year "2023".

3. Section 4 of the regulations is amended by deleting the year "2021" wherever it appears and substituting the year "2022".

4. Section 5 of the regulations is amended by deleting the year "2021" wherever it appears and substituting the year "2022".

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**NEWFOUNDLAND AND LABRADOR
REGULATION 48/23**

Petroleum Products Regulations (Amendment)
under the
Petroleum Products Act
(O.C. 2023-164)

(Filed June 22, 2023)

Under the authority of section 23 of the *Petroleum Products Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 22, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|----------------------------------------------------|-----------------------------------------------------------|
| 1. S.2 Amdt.
Definitions | 4. S.9 Amdt.
Initial setting of the
benchmark price |
| 2. S.4.1 Amdt.
Release of information | 5. S.13.1 Added
Carbon price adjustment |
| 3. S.7 Amdt.
Components of the
maximum price | 6. S.14 Amdt.
Periodic adjustment timing |

NLR 79/01
as amended

1. (1) Section 2 of the *Petroleum Products Regulations* is amended by adding immediately after paragraph (a.01) the following:

(a.02) "Argus" means Argus Americas Biofuels report or any other report published by Argus Media that the board considers relevant;

(2) Paragraph 2(a.1) of the regulations is repealed and the following substituted:

(a.1) "benchmark" means, with respect to a type, grade or component of heating fuel or motor fuel,

(i) the reported product price assessment by Platts and by Bloomburys or OPIS in the case of propane, and as set out in the Schedule,

(ii) the reported product price assessment by Argus, and

(iii) notwithstanding subparagraphs (i) and (ii), with respect to mid-grade and premium unleaded gasoline, the product price assessment for Unl 87;

(3) Section 2 of the regulations is amended by adding immediately after paragraph (b) the following:

(b.1) "carbon price adjustment" means a monetary adjustment established by the board in accordance with section 13.1;

(b.2) "low-carbon-intensity fuel" means low-carbon-intensity fuel as defined in the *Clean Fuel Regulations* (Canada);

(4) Section 2 of the regulations is amended by deleting the word "and" at the end of paragraph (e), deleting the period at the end of paragraph (f) and substituting a semi-colon and the word "and" and adding immediately after paragraph (f) the following:

(g) "primary supplier" means a primary supplier as defined in the *Clean Fuel Regulations* (Canada).

2. Subsection 4.1(1) of the regulations is amended by deleting the word "and" at the end of paragraph (e), deleting the period at

the end of paragraph (f) and substituting a semi-colon and the word "and" and adding immediately after paragraph (f) the following:

(g) the carbon price adjustment.

3. (1) Subsection 7(1) of the regulations is amended by deleting the word "and" at the end of paragraph (c), deleting the period at the end of paragraph (d) and substituting a semi-colon and the word "and" and adding immediately after paragraph (d) the following:

(e) the carbon price adjustment.

(2) Subsection 7(2) of the regulations is amended by deleting the word "and" at the end of paragraph (b), deleting the period at the end of paragraph (c) and substituting a semi-colon and the word "and" and adding immediately after paragraph (c) the following:

(d) the carbon price adjustment.

4. Subsection 9(1) of the regulations is repealed and the following substituted:

Initial setting of the benchmark price

9. (1) For each type of motor fuel and heating fuel, the benchmark price shall be the average of the average of the daily high and low product prices for the benchmark, as reported in Platts, Bloomborgs or Argus during the 4 week period immediately preceding the date on which the maximum wholesale price or maximum retail price is to take effect.

5. The regulations are amended by adding immediately after section 13 the following:

Carbon price adjustment

13.1 (1) The board shall establish a carbon price adjustment that mitigates the costs incurred for wholesalers and retailers as a result of a primary supplier's requirement to comply with the *Clean Fuel Regulations* (Canada).

(2) When establishing a carbon price adjustment, the board may consider the following

- (a) written submissions from primary suppliers, wholesalers and retailers regarding the financial and administrative burdens associated with the application of the *Clean Fuel Regulations* (Canada);
- (b) the cost of low-carbon-intensity fuel;
- (c) the costs incurred by wholesalers and retailers as a result of a primary supplier's requirement to comply with the *Clean Fuel Regulations* (Canada); and
- (d) any other information the board considers relevant in relation to the application of the *Clean Fuel Regulations* (Canada).

(2) The carbon price adjustment shall be expressed in Canadian cents per litre or other unit of measurement appropriate to the petroleum product.

6. (1) Subsection 14(2) of the regulations is repealed and the following substituted:

(2) For each type of motor fuel and heating fuel, the benchmark price shall be adjusted to be the average of the average of the daily high and low product prices for the benchmark, as reported in Platts, Bloombergs or Argus during the period immediately following:

- (a) the date on which the benchmark price was first established by the board; or
- (b) where the benchmark price has been previously adjusted, the date on which the benchmark price was last adjusted.

(2) Section 14 of the regulations is amended by adding immediately after subsection (4) the following:

(4.1) The board may, at any time, adjust the carbon price adjustment, after considering whether an adjustment would be reasonable given changes to the costs to wholesalers and retailers since the carbon price adjustment was last established by the board.

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Petroleum Products Regulations (Amdt.)	NLR 48/23	Amends NLR 79/01 S.2 Amdt. S.4.1 Amdt. S.7 Amdt S.9 Amdt. S.13.1 Added S.14 Amdt.	Jun. 23/23 p. 345

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