
DIVISION 37 – SAFETY CODE

Part 1 – Interpretation

Interpretation

37.01 In this Division:

“adverse driving conditions” means

- (a) snow, sleet, fog or other adverse weather conditions,
- (b) a highway covered with snow or ice, or
- (c) unusual adverse road and driving conditions,

which were not known to the driver or the person dispatching the driver before the driver began the driving time;

“applicant” means a person who applies for a safety certificate;

“carrier” means, in relation to a commercial motor vehicle,

- (a) the owner of the commercial motor vehicle, including a person in possession of the commercial motor vehicle under a contract by which the person may become the owner of the commercial motor vehicle on full compliance with the contract,
- (b) any other person having management of the commercial motor vehicle or determination of the uses to which it is put, and
- (c) the lessee of the commercial motor vehicle if the lease for the commercial motor vehicle has a term of at least one month,

but a person is not a carrier merely because he or she is the driver of the commercial motor vehicle;

“co-driver” means a person who is present in a commercial motor vehicle because he or she has been, or is about to be, its driver;

“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that is

- (a) a truck or truck tractor with a licensed gross vehicle weight exceeding 5 000 kg and includes an attached trailer,
- (b) a bus,
- (c) a motor vehicle the operator of which is required to hold a licence under the *Motor Carrier Act* or a licence or temporary operating permit under the *Passenger Transportation Act*, or
- (d) a business vehicle, as defined in section 237 of the Act, that has a gross vehicular weight in excess of 5 000 kilograms;

“cycle” means

- (a) cycle 1, under which on-duty time is accumulated over a period of 7 days, and

- (b) cycle 2, under which on-duty time is accumulated over a period of 14 days;
- “daily log”** means a record in the form set out in Schedule 2 of this Part containing the information required by section 37.18.02;
- “day”**, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver's cycle;
- “driver”** means a person who drives a commercial motor vehicle;
- “driving time”** means the period of time that a driver is at the controls of a commercial motor vehicle when the engine of the motor vehicle is in operation;
- “duty status”** means, in respect of a driver,
- (a) off duty time other than off duty time under paragraph (b),
 - (b) off duty time spent in a sleeper berth,
 - (c) driving time, or
 - (d) on duty time other than driving time;
- “electronic recording device”** means an electric, electronic or telematic device that is installed in a commercial motor vehicle and is capable of accurately recording, in accordance with section 37.18.03, each period of duty status, in whole or in part;
- “home terminal”** means the place of business of a carrier at which a driver ordinarily reports for work and, for the purposes of sections 37.18 to 37.18.02 and Schedule 2 of this Part, includes a temporary work site designated by the carrier;
- “off duty time”** means any period other than on duty time;
- “oil well service vehicle”** means a commercial motor vehicle that is
- (a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
 - (b) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;
- “on duty”** with respect to a driver and **“on-duty time”** means the period that begins when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver
- (a) inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle,
 - (b) travelling in a commercial motor vehicle as a co-driver, when the time is not spent in the sleeper berth,
 - (c) participating in the loading or unloading of a commercial motor vehicle,
 - (d) inspecting or checking the load of a commercial motor vehicle,

- (e) waiting for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched,
- (f) waiting for a commercial motor vehicle or its load to be inspected,
- (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (h) resting in or occupying a commercial motor vehicle for any other purpose, except
 - (i) time counted as off-duty time in accordance with section 37.13,
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of sections 37.13.02 and 37.13.03, and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.13.03, and
- (i) performing any work for any carrier;

“principal place of business” means the place identified in writing by the carrier to the director, and approved by the director, where daily logs, supporting documents and the records required to be maintained by section 37.29 are kept by the carrier;

“safety certificate” means a certificate issued under section 37.04 or a certificate issued under the law of any jurisdiction, in or outside Canada, where the law relating to the requirements is substantially the same as in this regulation;

“sleeper berth” means an area of a commercial motor vehicle that meets the requirements of Schedule 1 of this Part;

“supporting document” means a document or information recorded or stored by any means required by the director to assess compliance with this Part;

“trip inspection report” means a record kept pursuant to section 37.23.

[en. B.C. Reg. 456/90; am. B.C. Regs. 414/99, s. 8; 380/2004; 64/2005, s. 18; 36/2007, s. 1.]

Part 2 – Safety Certificate

Certificate required

- 37.02** (1) Subject to subsection (2), no carrier shall permit a driver to drive for the carrier, and no driver shall drive a commercial motor vehicle, unless the carrier holds a valid safety certificate issued by the director under this Division.
- (2) No safety certificate is required under subsection (1) to drive
- (a) a vehicle not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, or
 - (b) a road building machine as defined in the *Commercial Transport Act*, a farm tractor or implement of husbandry.

- (3) The director may exempt persons or commercial motor vehicles from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.
- (4) A person shall not represent, in any way, that a commercial motor vehicle is operated pursuant to a safety certificate other than the one issued to the carrier.
- (5) A carrier shall maintain evidence of a valid safety certificate in all commercial motor vehicles for which the carrier is required to hold a safety certificate and shall make the evidence available for inspection on demand by a peace officer.
- (6) Where a commercial motor vehicle is not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, the carrier does not require a safety certificate to operate that vehicle unless the director, for the purpose of promoting and securing road safety, restricts the use of the motor vehicle to use in conjunction with a safety certificate held by the carrier.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2 and 24; 135/2003, ss. 1 and 3.]

Application for safety certificate

- 37.03** (1) A person wishing to obtain a safety certificate from the director must first provide to the director
- (a) an application for the safety certificate in the form established by the director,
 - (b) a non-refundable application fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, unless, within 6 months after the date on which the safety certificate is issued, the person pays the fee that is payable under the Motor Carrier Regulation No. 2, B.C. Reg. 252/94, for an application for a licence under the *Motor Carrier Act*, in which event no fee is payable under this paragraph,
 - (c) a transcript of the driving record of each driver employed or otherwise engaged by the person within British Columbia, issued by the responsible agency in the jurisdiction in which the driver received his or her driver's licence, and dated not later than the driver's date of employment,
 - (d) a safety plan demonstrating the establishment of and the ability to maintain practices and procedures necessary to ensure that the person complies with the Act and this regulation,
 - (e) for each of the commercial motor vehicles for which the person is required to hold a safety certificate,
 - (i) records of vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from the vehicle's manufacturer and evidence satisfactory to the director that those defects have been corrected, and

- (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of a human being, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (f) such other information as the director may request relating to the road safety history of the person and the person's vehicles and drivers.
- (2) The director may refuse to issue a safety certificate
- (a) to a corporation where a director or officer of the corporation has held a safety certificate that was suspended or cancelled for cause,
 - (b) to an individual where the individual has been an officer or director of a corporation and the corporation held a safety certificate that was suspended or cancelled for cause, or
 - (c) to a person whose application materials, in the opinion of the director, do not demonstrate a satisfactory road history for any of the following:
 - (i) the person making the application;
 - (ii) one or more of that person's vehicles;
 - (iii) if that person is a corporation, one or more of the directors or officers of that person;
 - (iv) one or more of the drivers employed or otherwise engaged by that person within British Columbia.
- (2.1) If the director gives notice under section 118.96 (2) of the Act in respect of a person and the person applies under section 118.97 of the Act, the director may, pending the show cause hearing and any reconsideration, defer issuing a safety certificate
- (a) to a corporation, if the person in respect of whom the notice is given is a director or officer of the corporation, or
 - (b) to an individual, if the individual has been an officer or director of a corporation and the corporation is the person in respect of whom the notice is given.
- (3) A person shall hold no more than one valid and subsisting safety certificate.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2 and 3; 48/99, s. (a); 77/99, s. 1; 89/2001, s. 1; 135/2003, ss. 1, 3, 9 and 10.]

Issuance of safety certificate

- 37.04** (1) The director shall issue a safety certificate to an applicant if, in the director's opinion,
- (a) the applicant or, where the applicant is a corporation, a director or officer of the corporation,
 - (i) has knowledge of motor vehicle safety rules and regulations as they apply in British Columbia, including this regulation, and

- (ii) where the applicant is or intends to be transporting dangerous goods, has knowledge of the *Transport of Dangerous Goods Act* and the *Transportation of Dangerous Goods Act (Canada)* and the regulations made under both those Acts,
 - (b) the applicant has a satisfactory history of commercial motor vehicle safety,
 - (c) the applicant has provided satisfactory evidence that his commercial motor vehicles are in safe mechanical condition,
 - (c.1) the applicant has provided satisfactory evidence as to the establishment of and the ability to maintain practices and procedures necessary to ensure that the applicant complies with the Act and this regulation, and
 - (d) the applicant has met the requirements of this regulation.
- (2) If the director refuses to issue a safety certificate, the director must deliver written reasons to the applicant.
- (3) If the holder of a safety certificate claims, in writing, that the certificate has been lost, destroyed or wrongfully taken, the director must issue to that holder a new certificate in place of the original if the holder pays to the director the replacement certificate fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2, 25; 48/99, s. (b); 77/99, s. 2; 135/2003, ss. 1, 3 and 11.]

Condition

- 37.05** (1) The director is authorized and empowered to issue safety certificates with or without conditions.
- (2) The holder of a safety certificate which is subject to a condition under subsection (1) shall comply with the condition.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Changes

- 37.06** A holder of a safety certificate shall notify the director of any change in the holder's name or address within 10 days after the change.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Safety rating

- 37.061** To reflect the application of matters referred to in this Division for a carrier, the director may assign one of the following safety ratings to the carrier:

- (a) satisfactory – unaudited;
- (b) satisfactory;
- (c) conditional;
- (d) unsatisfactory.

[en. B.C. Reg. 89/2001, s. 2; am. B.C. Reg. 135/2003, s. 1.]

Profiles

- 37.07** (1) The director may monitor the safety records of carriers and of drivers, including the following:
- (a) warnings and notices given to carriers by the director, police officers and other officials who have duties respecting road safety;
 - (b) warnings and notices given to drivers by the director, the superintendent, police officers and other officials who have duties respecting road safety;
 - (c) accidents reported under section 67 of the Act.
- (2) The director may compile information and profiles of carriers with respect to
- (a) accidents reported under section 67 of the Act,
 - (b) their compliance with the requirements of the Act and this regulation and with other enactments of British Columbia or any other jurisdiction, respecting commercial motor vehicles and road safety, and
 - (c) records described in section 37.03 (1) (e) (iii) and 37.29 (1) (c) (iii).
- (3) The director may share information and profiles of carriers compiled under subsection (2) with
- (a) the government of Canada,
 - (b) the government of a province, or
 - (c) an agency of (a) or (b) that is responsible for the administration or enforcement of the *National Safety Code* in that jurisdiction.

[en. B.C. Reg. 413/97, App. 1, s. 26; am. B.C. Regs. 89/2001, s. 3; 135/2003, ss. 1 and 3.]

Name of carrier to be marked on business vehicle

37.071 A carrier who holds a safety certificate must ensure that whenever a business vehicle in respect of which that safety certificate is held is being operated on a highway, the name of the carrier who holds the safety certificate for the vehicle is displayed on both sides of the vehicle

- (a) in one or both of letters and figures at least 5 cm high, and
- (b) in a manner that makes that name clearly visible to the public.

[en. B.C. Reg. 414/99, s. 9.]

Notice of safety certificate number

- 37.072** If a commercial motor vehicle is operated under a carrier's safety certificate,
- (a) the carrier must, promptly after the commercial motor vehicle begins to operate under the authority of that safety certificate, provide written notice, signed by the carrier, to the owner of the commercial motor vehicle of the carrier's safety certificate number,
 - (b) the owner must, at the time of licensing or renewing the licence for the commercial motor vehicle, provide written notice, signed by the owner, of

that safety certificate number to the Insurance Corporation of British Columbia, and

- (c) if the owner changes carriers after providing the information required under paragraph (b), the owner must, promptly after that change, provide written notice, signed by the owner, of the new carrier's safety certificate number to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 414/99, s. 9.]

37.08 to **37.10** Repealed. [B.C. Reg. 135/2003, s. 12.]

Part 3 – Hours of Service

Application of this Part

37.11 This Part does not apply to a driver who is driving

- (a) a 2 or 3 axle commercial motor vehicle that is being used for the transportation of primary products of a farm, forest, sea, or lake where the driver or his employer is the producer of the products,
- (a.1) a 2 or 3 axle commercial motor vehicle that is being used for 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) Repealed. [B.C. Reg. 36/2007, s. 2 (b).]
- (c) an emergency vehicle,
- (d) a commercial motor vehicle transporting passengers or goods for the purpose of providing relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster,
- (e) a road building machine as defined in the *Commercial Transport Act*, a farm tractor or an implement of husbandry,
- (f) a commercial motor vehicle that is equipped with a mounted mobile service rig, or equipment that is directly used in the operation or the transportation of a mounted mobile service rig,
- (g) a commercial motor vehicle within the definition of “commercial motor vehicle” in section 37.01 but for personal use if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 km in a day,
 - (iv) the driver makes a notation in the daily log indicating the odometer reading at the beginning and end of the personal use, and
 - (v) the driver is not the subject of an out-of-service declaration, or
- (h) vehicles and other equipment while engaged in highway or public utility construction or maintenance work on, under or over the surface of a

highway while at the site of the work, but does apply to him or her while travelling to or from that site.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3; 36/2007, s. 2.]

Responsibilities of carriers, shippers, consignees and drivers

37.12 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive if

- (a) the driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive,
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,
- (c) the driver is the subject of an out-of-service declaration, or
- (d) the driver, in doing so, would not be in compliance with this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Travelling as a passenger – off-duty time

37.13 If a driver, who has, at the request of the carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger in a commercial motor vehicle 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 must be counted as off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Daily driving and on-duty time

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

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

[en. B.C. Reg. 36/2007, s. 3.]

Mandatory off-duty time

37.13.02 (1) A carrier must not request, require or allow a driver to drive and a driver must 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 carrier must not request, require or allow a driver to drive and a driver must 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 carrier must not request, require or allow a driver to drive and a driver must 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.

- (4) A carrier must not request, require or allow a driver to drive and a driver must not drive if the driver has not taken at least 24 consecutive hours of off-duty time in the previous 14 days.

[en. B.C. Reg. 36/2007, s. 3.]

Daily off-duty time

37.13.03 (1) A carrier must ensure that a driver takes and the driver must 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 fewer than 30 minutes each.

- (3) The total amount of off-duty time taken by a driver in a day must 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 37.13.02.

[en. B.C. Reg. 36/2007, s. 3.]

Deferral of daily off-duty time

37.13.04 Despite sections 37.13.01 and 37.13.03, a driver who is not splitting off-duty time in accordance with section 37.16 or 37.16.01 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 “Remarks” section of the daily log that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day two of that time.

[en. B.C. Reg. 36/2007, s. 3.]

Ferries

37.14 Despite sections 37.13.02 and 37.13.03, 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 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours,
- (b) the hours are recorded in the daily log 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 daily log entries.

[en. B.C. Reg. 36/2007, s. 3.]

Logging truck hours

- 37.15** (1) If a driver is driving a commercial motor vehicle designed exclusively for the transportation of logs or poles,
- (a) the driver must not drive after 13 hours of driving time or 15 hours of on-duty time unless the driver first takes at least 9 consecutive hours of off-duty time,
 - (b) sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
 - (i) 15 hours have not elapsed since the end of the most recent period of 9 or more consecutive hours of off-duty time, and
 - (ii) the driver takes at least 24 consecutive hours of off-duty time at least once in every period of 7 consecutive days, and
 - (c) the off-duty time referred to in paragraphs (a) and (b) is recorded in the daily log as off-duty time and as “operating under logging truck hours” in the “Remarks” section of the daily log.
- (2) A carrier must not allow a driver operating under this section to drive and a driver must not drive after having completed a cycle of
- (a) 65 hours of driving time, or
 - (b) 80 hours of on-duty time
- during any period of 7 consecutive days.
- (3) Despite section 37.16.05, a driver who drives a commercial motor vehicle in accordance with this section must not reset the cycle.
- (4) Despite section 37.13.04, a driver who drives a commercial motor vehicle in accordance with this section must not defer off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Oil well service vehicle hours

- 37.15.01** (1) If a driver is driving an oil well service vehicle, sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
- (a) in addition to complying with daily off-duty requirements of section 37.13.03, the driver takes, in any period of 24 days, at least 3 periods of off-duty time
 - (i) each of which is at least 24 hours long, and
 - (ii) that may be taken consecutively or separated by on-duty time, and
 - (b) the driver takes at least 72 consecutive hours of off-duty time after the completion of driving in accordance with this subsection and before beginning to follow a cycle in accordance with section 37.16.02, 37.16.03 or 37.16.04.

- (2) Waiting time and standby time at an oil or natural gas well site or ancillary facility must not be included as on-duty time if
 - (a) the driver performs no work during the time, and
 - (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the “Remarks” section.
- (3) The time referred to in subsection (2) must not be included in the mandatory minimum of 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Splitting of daily off-duty time – single driver

- 37.16**
- (1) A driver who is driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 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 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,
 - (e) 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,
 - (f) none of the daily off-duty time is deferred to the next day, and
 - (g) 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 fewer 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.
 - (3) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of

sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Splitting of daily off-duty time – team of drivers

37.16.01 (1) A team of drivers driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 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 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,
- (e) 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,
- (f) none of the daily off-duty time is deferred to the next day,
- (g) 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, and
- (h) the total of off-duty time in the day is at least 10 hours.

(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 fewer 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.

(3) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Cycles

37.16.02 A carrier must require that a driver follows and the driver must follow either cycle 1 or cycle 2.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle 1

37.16.03 Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle 2

37.16.04 Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 must not drive after the driver has accumulated

- (a) 120 hours of on-duty time during any period of 14 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended, or
- (b) 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle reset – off-duty time

37.16.05 (1) 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;
- (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.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle switching – off-duty time

37.16.06 (1) A carrier must not request, require or allow a driver to switch and a driver must 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;
- (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.

[en. B.C. Reg. 36/2007, s. 3.]

Exemption for commercial motor vehicles other than oil well service vehicles

- 37.17** (1) The director may, by permit in writing and unconditionally or on conditions the director considers desirable, make an exemption in respect of a carrier and substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety, provided that
- (a) the exemption is for no longer than one year,
 - (b) the exemption relates to a commercial motor vehicle other than an oil well service vehicle,
 - (c) the exemption only does one or both of the following:
 - (i) reduces the 2 hours of daily off-duty time required by section 37.13.03 (3);
 - (ii) increases driving time and on-duty time of up to a total of 2 hours,
 - (d) the reduction of off-duty time or the increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach his or her 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 carrier, and
 - (e) the safety and health of the public, the driver or the employees of the carrier are not or are not likely to be jeopardized.
- (2) In order to apply for an exemption under this section, the carrier must provide to the director
- (a) an application in the form established by the director, and
 - (b) information, forms and records the director requires, in the form required by the director, relating to the road safety history of the carrier and of the commercial motor vehicles and drivers of the carrier.

[en. B.C. Reg. 36/2007, s. 3.]

Exemption by director in unforeseen event

- 37.17.01** Despite anything in this Part, the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of this Part in circumstances where the director can reasonably form the opinion that the carrier cannot, because of an unforeseen event or emergency or because of accident, fire, explosion, technical failure or the forces of nature, comply with the requirement.

[en. B.C. Reg. 36/2007, s. 3.]

Obligations of carrier with exemption

- 37.17.02** (1) A carrier to whom an exemption is given by the director must
- (a) require that a copy of the exemption is placed in each commercial motor vehicle in respect of which it applies,

- (b) provide the director with a list of the commercial motor vehicles in respect of which the exemption 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 or a peace officer, immediately on request, the daily log and the supporting documents of the drivers of the commercial motor vehicles in respect of which the exemption applies, and
 - (d) notify the director in writing without delay of any accident involving any of the commercial motor vehicles to which the exemption 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.
- (2) A driver who is driving in accordance with an exemption given by the director must drive, and the carrier must ensure that he or she drives, in accordance with the conditions or requirements of the exemption.

[en. B.C. Reg. 36/2007, s. 3.]

Emergencies and adverse driving conditions

- 37.17.03** (1) The requirements of this Part in respect of 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 motor vehicle and for other users of the road or the security of the commercial motor vehicle and its load.
- (2) A driver who encounters adverse driving conditions while operating the vehicle may extend the allowed 13 hours of driving time specified in sections 37.13.01 and 37.13.02 and reduce the 2 hours of daily off-duty time required by section 37.13.03 (3) by the amount of time needed to complete the trip if
- (a) the driving, on-duty and elapsed time in the elected cycle 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 extends his or her driving, on-duty or elapsed time because of an emergency or adverse driving conditions must record the reason for doing so in the “Remarks” section of the daily log.

[en. B.C. Reg. 36/2007, s. 3.]

Local time to be used in daily log

- 37.18** A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver’s home terminal.

[en. B.C. Reg. 36/2007, s. 3.]

Requirement to fill out a daily log

- 37.18.01** (1) A carrier must require every driver to fill out and every driver must fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.
- (2) This section does not apply if
- (a) the driver operates or is instructed by the carrier to operate a commercial motor 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 carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded.
- (3) Despite subsection (2), this section applies to an oil well service vehicle whether or not paragraphs (a) to (c) are met by the driver of and carrier for the oil well service vehicle.

[en. B.C. Reg. 36/2007, s. 3.]

Content of daily logs

- 37.18.02** (1) At the beginning of each day, a carrier must require that a driver enters legibly and the driver must enter legibly the following information in the daily log:
- (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 in accordance with an oil well service vehicle exemption, the cycle that the driver is following;
 - (c) the commercial motor vehicle licence plates or unit numbers;
 - (d) the odometer reading of each of the commercial motor vehicles operated by the driver;
 - (e) the names and the addresses of the home terminal and the principal place of business of every carrier by whom the driver was employed or otherwise engaged during that day;
 - (f) in the "Remarks" section of the daily log, if the carrier or driver was not required to keep a daily log 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) if applicable, a declaration in the "Remarks" section of the daily log that states that the driver is deferring off-duty time under section 37.13.04 and that clearly indicates whether the driver is driving under day one or day two of that time.

- (2) The carrier must require that the driver records and the driver must record in the daily log the hours in each duty status during the day covered by the daily log, in accordance with Schedule 2 of this Part, and the location of the driver each time his or her duty status changes, as that information becomes known.
- (3) At the end of each day, the carrier must require that the driver records and the driver must record 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 sign the daily log attesting to the accuracy of the information recorded in it.

[en. B.C. Reg. 36/2007, s. 3.]

Use of electronic recording devices

37.18.03 A driver may use an electronic recording device for recording his or her duty status if

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format,
- (b) when requested to do so by the director or a peace officer, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a printout or any other intelligible output, or any combination of these,
- (c) the device is capable of displaying
 - (i) the driving time and other on-duty time for each day on which the device is used,
 - (ii) the total on-duty time remaining and the total on-duty time accumulated in the cycle being followed by the driver, and
 - (iii) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used,
- (d) the driver is capable, if so requested by the director or a peace officer, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used,
- (e) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences,
- (f) the device records the time spent in each duty status of the driver,
- (g) any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy, and
- (h) the carrier provides blank daily log forms in the commercial motor vehicle for the driver's use.

[en. B.C. Reg. 36/2007, s. 3.]

Possession of daily logs and supporting documents by drivers

37.18.04 A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has in his or her possession

- (a) a copy of the daily logs for the previous 14 days or, in the case of a driver to whom section 37.13 applies or who is driving an oil well service vehicle, for the previous 24 days,
- (b) the daily log 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.

[en. B.C. Reg. 36/2007, s. 3.]

Distribution and keeping of daily logs

37.18.05 (1) A driver must, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the carrier must ensure that the driver does so.

(2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a daily log, and the carriers must ensure that the driver forwards

- (a) the original of the daily log to the home terminal of the first 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 original supporting documents to the home terminal of the applicable carrier.

(3) The carrier must

- (a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them, and
- (b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

[en. B.C. Reg. 36/2007, s. 3.]

Tampering

37.18.06 (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than one daily log in respect of any day.

(2) A carrier must not request, require or allow any person to enter and a person must not enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

[en. B.C. Reg. 36/2007, s. 3.]

Monitoring by carrier

- 37.19** (1) A carrier must monitor the compliance with this Part of each driver.
- (2) A carrier that determines there has been non-compliance with this Part by a driver must take immediate remedial action.
- (3) A carrier referred to in subsection (2) must,
- (a) issue a notice of non-compliance to the driver, and
 - (b) record the date on which the non-compliance occurred, the date of issuance of the notice of non-compliance and the action taken by the carrier.
- [en. B.C. Reg. 36/2007, s. 3.]

Out-of-service declaration

- 37.19.01** (1) A director or peace officer may issue an out-of-service declaration in respect of a driver if
- (a) the driver contravenes section 37.12 (a) or (b),
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption,
 - (c) the driver is unable or refuses to produce his or her daily log book in accordance with section 37.20,
 - (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log, or
 - (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or peace officer cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption.
- (2) An out-of-service declaration applies
- (a) for 10 consecutive hours, if the driver contravenes section 37.12 (a) or (b),
 - (b) for 10 consecutive hours, if the driver contravenes section 37.13.01,
 - (c) 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 sections 37.13.01 to 37.16.06, and
 - (d) for 72 consecutive hours, if the driver contravenes section 37.18.06 or 37.20.
- (3) The out-of-service declaration in respect of a driver who contravenes section 37.18.06 or 37.20 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the director or

peace officer so that the director or peace officer is able to determine whether the driver has complied with this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Authority to enter premises for an inspection

37.19.02 (1) A peace officer may at any reasonable time enter or stop and enter a commercial motor vehicle, except for its sleeper berth, for the purpose of inspecting the daily logs and supporting documents.

(2) A peace officer may, at any reasonable time, enter the sleeper berth of a commercial motor vehicle or stop a commercial motor vehicle and enter its sleeper berth for the purpose of verifying that the sleeper berth meets the requirements of Schedule 1 of this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Production of daily logs and supporting documents by driver

37.20 (1) At the request of a peace officer, a driver must immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the previous 14 days as well as any exemption given by the director in respect of a carrier in accordance with which the driver is driving.

(2) If an electronic recording device is installed in the commercial motor vehicle, the driver must retrieve the information stored by the device for each day that it was used.

(3) The driver must, at the request of a peace officer, immediately give the peace officer a copy of the daily logs, supporting documents and other relevant records for the previous 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any exemption given by the director in respect of the carrier in accordance with which the driver is driving.

(4) The peace officer must provide a receipt for the copies or originals of the daily logs, supporting documents, other relevant records and exemptions.

(5) In the case of a driver who is driving an oil well service vehicle, a reference in subsections (1) and (3) to 14 days must be read as a reference to 24 days.

[en. B.C. Reg. 36/2007, s. 3.]

Production of daily logs and supporting documents by carrier

37.20.01 (1) A carrier must, during business hours, at the request of the director, immediately make available for inspection at a place specified by the director daily logs, supporting documents and other relevant records as well as any exemption given by the director in respect of the carrier in accordance with which a driver is or has been driving during the period for which the director makes the request for the documents.

(2) The director must

- (a) immediately return the exemption if it is still current and provide a receipt for any expired exemption as well as for the daily logs, supporting documents and other relevant records, and
- (b) return the expired exemption, daily logs, supporting documents and other relevant records within 14 days after receiving them.

[en. B.C. Reg. 36/2007, s. 3.]

Obstruction of director or peace officer

- 37.21** A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or a peace officer engaged in carrying out their duties and functions under this Part.

[en. B.C. Reg. 36/2007, s. 3.]

SCHEDULE 1

[en. B.C. Reg. 36/2007, s. 3.]

(Sections 37.01, 37.16, 37.16.01 and 37.19.02)

SLEEPER BERTHS

- 1** An area of a commercial motor 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 motor vehicle or immediately adjacent to the cab and is securely fixed to it,
 - (c) it is not located in or on a trailer,
 - (d) it is located in the cargo space and 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 m in length, 60 cm in width and 60 cm 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 motor vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis;
 - (ii) 60 cm in width, measured on the centre line of the transverse axis;
 - (iii) 60 cm 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,
- (k) it is reasonably sealed against dust and rain,
- (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep, and
- (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial motor vehicle, the means being designed, installed and maintained to withstand a total force of 2 700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

SCHEDULE 2

[en. B.C. Reg. 36/2007, s. 3.]

(Sections 37.01 and 37.18.02 (2))

DUTY STATUS

.....
 Name Date
 Cycle 1 (7 days) [] OR Cycle 2 (14 days) []
 (Hour at which day begins – Use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										

Remarks

Total distance driven

.....
Signature

Instructions

- 1 Fill out the grid as follows:
 - (a) for each duty status,
 - (i) mark the beginning time and the end time, and
 - (ii) draw a continuous line between the time markers;
 - (b) record the name of the municipality or give the location on a highway or in a legal subdivision and the name of the province or state where a change in duty status occurs;
 - (c) if the driver is engaged in making deliveries in a municipality that result 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;
 - (d) enter on the right of the grid the total number of hours of each period of duty status, which total must equal 24 hours.

Part 4 – Trip Inspection**Pre-trip and post-trip inspections**

- 37.22** (1) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the requirements of this section are met.
- (2) The driver or a person specified by the carrier shall satisfy himself or herself that the commercial motor vehicle is in a safe operating condition including, but not limited to, the operating condition of the following items:
- (a) service brakes, including trailer brake connections and brake adjustments;
 - (b) parking brake;
 - (c) steering mechanism;
 - (d) lighting devices and reflectors;
 - (e) tires;
 - (f) horn;
 - (g) windshield wipers;
 - (h) rear vision mirrors;
 - (i) coupling devices;
 - (j) wheels and rims;
 - (k) emergency equipment;
 - (l) load securement devices.
- (3) The inspection referred to in subsection (2) shall be performed daily before the first trip of the day.
- (4) If a trip lasts more than one day, the inspection required by subsection (2) shall be carried out on the second and every subsequent day of the trip no later than the first rest stop of the day.

- (5) If a commercial motor vehicle's first trip of the day is to provide relief from an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster by transporting passengers or goods, the inspection required by subsection (2) shall be carried out before the commercial motor vehicle's first trip that is not for that purpose.
- (6) The driver or the person specified under subsection (2) shall,
- (a) at the end of the final trip of the day, or
 - (b) where a trip lasts more than one day, on every subsequent day of the trip at the final rest stop of the day,
- inspect the commercial motor vehicle and record in the trip inspection report defects observed as a result of this inspection or while in charge of the commercial motor vehicle.

[en. B.C. Reg. 456/90.]

Trip inspection report

- 37.23** (1) This section applies to a commercial motor vehicle to which Part 1 of Division 25 of this regulation applies under section 25.01 (2), but does not apply to
- (a) commercial motor vehicles rented for a single trip,
 - (b) an emergency vehicle,
 - (c) a 2 axle vehicle with a licensed gross vehicle weight not exceeding 14 600 kg, excluding a bus, school bus, special activity bus or special vehicle, or
 - (d) a taxi where the carrier requires the driver of the taxi to immediately notify the carrier of defects found in the inspections under section 37.22 and defects that come to the driver's attention while operating the taxi.
- (2) A carrier shall require every driver employed or otherwise engaged by the carrier or a person specified by the carrier to prepare the trip inspection report in accordance with this section.
- (3) The driver or the person specified by the carrier under subsection (2) shall prepare, for each commercial motor vehicle driven, the trip inspection report in accordance with this section in legible writing before driving the commercial motor vehicle for the first time in a day.
- (4) The trip inspection report shall
- (a) state the licence plate or unit numbers for the commercial motor vehicle,
 - (b) specify any defect in the operation of each item listed in section 37.22 (2),
 - (b.1) specify any defect in the operation of the commercial motor vehicle if that defect, not otherwise described under paragraph (b), may affect the safe operation of the commercial motor vehicle,
 - (c) state that no defect was discovered or came to the attention of the driver, should that be the case,
 - (d) state the date the report is made, and

- (e) contain the signature of the driver or other person making the report.
- (5) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the driver has the current trip inspection report in his possession.
- (6) A driver shall, on the request of a peace officer, produce to the peace officer for inspection the current trip inspection report.
- (7) The director may exempt a class of persons or vehicles from this section unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

[en. B.C. Reg. 456/90; am. B.C. Regs. 20/92; 413/97, App. 1, s. 31; 135/2003, ss. 1 and 3.]

Multiple drivers

- 37.24** Where 2 or more drivers are employed or otherwise engaged to drive a commercial motor vehicle, only one driver is required, under section 37.23 (4) (e), to sign the trip inspection report, provided all drivers agree as to the defects to be reported, but where there is a disagreement over the defects to be reported, all drivers shall sign and indicate the nature of the disagreement.

[en. B.C. Reg. 456/90.]

Delivery of report

- 37.25** A driver who prepares a trip inspection report shall deliver the original report to the carrier responsible for the commercial motor vehicle referred to in the trip inspection report, or to its agent, within 20 days after completing the trip inspection report.

[en. B.C. Reg. 456/90.]

Corrective action

- 37.26** A carrier shall not permit a driver to drive, and a driver shall not drive, a commercial motor vehicle unless, before doing so, the carrier or the carrier's agent has
- (a) repaired or corrected items listed on the trip inspection report which may affect the safe operation of the commercial motor vehicle and certified on the trip inspection report that the defect has been corrected, or
- (b) certified on the trip inspection report that correction is unnecessary.

[en. B.C. Reg. 456/90.]

Retention of records

- 37.27** (1) A carrier shall keep the original of each trip inspection report for at least 3 months from the date the document was prepared and shall, during that period, make the document available for inspection by a peace officer.
- (2) A carrier shall, within 30 days after receiving the trip inspection report, place them at the location where the carrier retains its records relating to its drivers or at another location approved in writing by the director.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Part 5 – Facility Audits**Application of this Part**

37.28 This Part does not apply to a driver of, or the operation of, a farm tractor, an implement of husbandry or a road building machine as defined in the *Commercial Transport Act*.

[en. B.C. Reg. 456/90.]

Maintenance of records

- 37.29** (1) Subject to subsection (2), the carrier shall maintain at its principal place of business in the Province or at another place approved by the director
- (a) a transcript of the driving record of each driver employed or otherwise engaged by that carrier within the Province, issued by the responsible agency in the jurisdiction in which the driver received his driver's licence, and dated the later of
 - (i) the driver's date of employment, and
 - (ii) one year from the date of the previous transcript,
 - (b) copies of records that are required of the carrier by the laws of any jurisdiction respecting the use of commercial motor vehicles by each driver employed or otherwise engaged by that carrier, including but not limited to
 - (i) records required under Parts 3 and 4 of this Division, and
 - (ii) records of the notification of the carrier of accidents, violations and convictions relative to each driver while in the employ of or engaged by that carrier,
 - (c) for each of the carrier's commercial motor vehicles for which the carrier is required to hold a safety certificate,
 - (i) records of vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from vehicle manufacturers and evidence satisfactory to the director that those defects have been corrected,
 - (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of a human being, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (d) any safety plan and any scheduled vehicle maintenance plan applicable to the carrier.

- (2) The driver shall deliver the records referred to in subsection (1) (b) (ii) to the carrier by whom the driver was employed or otherwise engaged within 15 days of the accident, violation or conviction referred to in that subsection.
- (3) The director may exempt a carrier from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively securing and promoting road safety.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 32; 77/99, s. 3; 89/2001, s. 4; 135/2003, ss. 1 and 3.]

Retention of records

- 37.30** With the exception of records kept under Parts 3 and 4 of this Division and Division 25, a carrier shall maintain the records required to be maintained under section 37.29 and shall keep the records readily accessible for inspection and audit purposes for the calendar year in which they were made and the following 4 calendar years.

[en. B.C. Reg. 456/90.]

Inspectors

- 37.31** The director may appoint an inspector for the purpose of inspecting and auditing records referred to in section 212 (4) (c) and (f) of the Act.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 77/99, s. 4; 135/2003, s. 1.]

Compliance review

- 37.32** (1) An inspector may, during business hours, enter the place where records are kept under section 37.29 and conduct a compliance review for the purpose of determining whether a carrier meets the requirements of sections 37.29 and 37.30.
- (2) No person shall obstruct an inspector conducting a compliance review under this section.

[en. B.C. Reg. 456/90.]

Audit

- 37.33** (1) An inspector may, during normal business hours, enter the place where records are kept under section 37.29 and conduct an audit for the purpose of determining whether a carrier meets the requirements of this Division.
- (2) No person shall obstruct an inspector conducting an audit under this section.

[en. B.C. Reg. 456/90; am. B.C. Reg. 89/2001, s. 5.]

Documents must be delivered

- 37.331** Without limiting sections 37.32 and 37.33, if an inspector asks a carrier to deliver, for the purposes of a compliance review or an audit, some or all of the records kept by the carrier under section 37.29, the carrier must deliver the requested records to

the director's office specified by the inspector at the time and date specified and in the form approved for that purpose by the director.

[en. B.C. Reg. 77/99, s. 5; am. B.C. Regs. 89/2001, s. 6; 135/2003, s. 1.]

Carrier administered audit

37.34 The director may authorize a carrier to conduct verification audits of its operation, in whole or in part, upon being satisfied that the carrier has in place the systems and procedures necessary to assess its compliance with some or all aspects of this Division, and upon application being made by the carrier in a form approved by the director.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3.]

Part 6 – Offences

Unsafe vehicle

37.35 A carrier shall not authorize or permit the operation of a commercial motor vehicle on a highway unless the vehicle complies with all the requirements of the Act and this regulation.

[en. B.C. Reg. 456/90.]

False records

37.36 (1) A person shall not alter, deface or destroy a record required to be maintained under this regulation.

(2) A person shall not

(a) make, participate in, assent to or acquiesce in the making of a false or deceptive statement in a record made or required by or under this regulation, or

(b) omit, assent to or acquiesce in the omission of an entry in a record made or required by or under this regulation.

[en. B.C. Reg. 456/90.]

Offences

37.37 (1) A person commits an offence who contravenes sections 37.02 (1), (4) or (5), 37.03 (3), 37.05 (2), 37.06, 37.12 (a), (b), (c) or (d), 37.13.01 (1) or (2), 37.13.02 (1), (2) (3) or (4), 37.13.03 (1) or (3), 37.15 (1) (a) or (2), 37.15.01 (1) (a) or (b), 37.15.01 (3), 37.16 (3), 37.16.01 (3), 37.16.02, 37.16.03, 37.16.04 (a) or (b), 37.16.06 (1) (a) or (b), 37.17.02 (1) (a), (b), (c) or (d) or (2), 37.17.03 (3), 37.18.01 (1), 37.18.02 (1), (2) or (3), 37.18.04 (a), (b) or (c), 37.18.05 (1) or (2) (a) or (b) or (3) (a) or (b), 37.18.06 (1) or (2), 37.19 (1), (2) or (3), 37.20 (1), (2) or (3), 37.20.01 (1) or 37.21, 37.22 (1), (2) or (6), 37.23 (2), (3), (5) or (6), 37.24, 37.25, 37.26, 37.27 (1) or (2), 37.29 (1) or (2), 37.30, 37.32 (2), 37.33 (2), 37.35 or 37.36 (1) or (2).

- (2) A person who commits an offence is liable, on conviction, to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.
[en. B.C. Reg. 456/90; am. B.C. Regs. 135/2003, s. 13; 36/2007, s. 4.]

Operating a vehicle while under suspension

- 37.38** (1) Repealed. [B.C. Reg. 135/2003, s. 14 (a).]
- (2) A carrier whose safety certificate has been
- (a) suspended under section 118.95 of the Act, or
 - (b) cancelled under section 118.96 of the Act
- must not operate a commercial motor vehicle while the safety certificate is suspended or cancelled.
- (3) A carrier who contravenes subsection (2) commits an offence.
[en. B.C. Reg. 414/99, s. 9; am. B.C. Reg. 135/2003, s. 14.]

Part 7 – Required Documents**Bill of lading**

- 37.39** (1) Subject to this Part, if freight is accepted for shipment by or on behalf of a carrier who operates a business vehicle within the meaning of section 237 (a) or (c) of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:
- (a) a bill of lading issued under this subsection must show the following:
 - (i) the name and address of the consignor (shipper);
 - (ii) the date of the shipment;
 - (iii) the originating point of the shipment;
 - (iv) the name of the originating carrier;
 - (v) the names of connecting carriers, if any;
 - (vi) the name and address of the consignee (receiver of goods);
 - (vii) the destination of the shipment (if different from the address of the consignee);
 - (viii) particulars of the goods in the shipment, including weight and description;
 - (b) a bill of lading issued under this subsection must also contain the following:
 - (i) a provision stipulating whether the goods are received in apparent good order and condition, or otherwise;
 - (ii) a space to show the declared value of the shipment;
 - (iii) a space to indicate whether transportation charges are prepaid or collect;
 - (iv) a space in which to note any special agreement between the consignor and the carrier;

- (v) a statement in conspicuous form to indicate (if such is the case) that the carrier's liability is limited by a term or condition of the carrier's applicable schedule of rates or by any other agreement with the consignor;
- (vi) a statement of notice of claim as provided for by Article 12 of the Specified Conditions of Carriage set out in paragraph (c);
- (c) a bill of lading issued under this subsection must be signed by the consignor or the consignor's agent and the originating carrier or that carrier's agent and must contain or incorporate by reference all the following conditions of carriage:

Specified Conditions of Carriage

- Article 1: The carrier of the goods described in this bill of lading is liable for any loss or damage to the goods accepted by the carrier or the carrier's agent except as provided in these Articles.
- Article 2: In the case of a shipment handled by 2 or more carriers, the carrier issuing the bill of lading (the "originating carrier"), and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under these Articles, are, if the goods being transported are lost or damaged while they are in the custody of any other carrier to whom these goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.
- Article 3: The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay under these Articles resulting from loss or damage to the goods while they were in the custody of such other carrier.
- Article 4: Nothing in Article 2 or 3 deprives a consignor or a consignee of any remedy or right of action that the consignor or consignee may have against any carrier.
- Article 5: The carrier is not liable for
- (a) loss, damage or delay to any of the goods described in this bill of lading because of an Act of God, the Queen's or public enemies, riots, strikes or a defect or inherent vice in the goods being transported, or
 - (b) loss or damage resulting from the act or default of the consignor, the owner of the goods or the consignee, the authority of law, quarantine or differences in weights of grain, seed or other commodities caused by natural shrinkage.
- Article 6: The carrier is not bound to transport the goods referred to in this bill of lading by any particular vehicle or in time for any particular market or otherwise than with due dispatch unless by agreement specifically endorsed on this bill of lading and signed by the parties to it.
- Article 7: In case of physical necessity, the carrier has the right to forward the said goods by any conveyance or route between the point of shipment and the point of destination, but the liability of the carrier remains the same as though the entire carriage were by highway.
- Article 8: If goods are stopped and held in transit at the request of a party entitled to make such request, the goods are held at the risk of that party.

- Article 9: Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not such loss or damage results from negligence, is to be computed on the basis of the value of the goods at the place and time of shipment (including the freight and other charges if paid and the duty if paid or payable and not refundable) unless a lower value has been represented in writing by the consignor or has been agreed on between the parties to this bill of lading, or is determined by the classification or tariff on which the rate is based, in any of which events such lower value is the amount that governs the computation of the maximum liability of the carrier.
- Article 10: The amount of any loss or damage computed under Article 9 must not exceed \$2 per pound (\$4.41 per kilogram), computed on the total weight of the shipment, unless a higher value is declared on the face of the bill of lading by the consignor.
- Article 11: If it is agreed between the parties that goods are to be carried at the risk of the consignor, that agreement covers only those risks that are necessarily incidental to transportation and does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the carrier's agents or employees, and the burden of proving freedom from that negligence or omission is on the carrier.
- Article 12a: The carrier is not liable for loss, damage or delay to any of the goods transported under this bill of lading unless notice of the loss, damage or delay, setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay, is given in writing to the originating carrier (or the delivering carrier) within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment of the goods.
- Article 12b: The final statement of the claim must be filed within 9 months after the date of shipment, together with a copy of the paid freight bill.
- Article 13: A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed in this bill of lading, the carrier is not liable for any loss or damage in excess of the maximum liability stipulated in Article 10 of these Conditions of Carriage.
- Article 14a: If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, and if on inspection it is ascertained that the goods shipped are not those described in this bill of lading, the freight charges must be paid on the goods actually shipped, with any additional charges lawfully payable on those goods.
- Article 14b: Should the consignor fail to indicate on this bill of lading that a shipment is to be transported prepaid, or should the consignor fail to indicate the basis on which the shipment is to be transported, the carrier is entitled to transport the shipment on a freight collect basis.
- Article 15: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier or its agent of the nature of such goods is liable for all loss or damage caused by those explosives or dangerous goods and such goods may be warehoused at the consignor's risk and expense.
- Article 16: If, through no fault of the carrier, goods cannot be delivered, the carrier after having given notice to the consignor and the consignee that delivery has not been made, and after requesting disposal instructions, may, pending receipt of such disposal instructions, store the goods in the warehouse of the carrier subject to a reasonable charge for storage, or, after

notifying the consignor of the carrier's intention, may cause the goods to be removed to and stored in a public or licensed warehouse at the expense of the consignor without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

Article 17: If notice has been given by the carrier under Article 16 and no disposal instructions have been received within 10 days after the date of that notice, the carrier may return to the consignor at the consignor's expense all undelivered shipments with respect to which the notice has been given.

Article 18: Subject to Article 19, any alteration, addition or erasure in the bill of lading must be signed or initialed by the consignor or the consignor's agent and the originating carrier or that carrier's agent, and unless so acknowledged is without effect, and this bill of lading is enforceable according to its original tenor.

Article 19: It is the responsibility of the consignor to show correct shipping weights of the shipment on the bill of lading if completed by the consignor. Despite Article 18, failure to do this makes the bill of lading subject to correction in this respect by the carrier.

(2) Subject to this Part, if household goods are accepted for shipment by or on behalf of a carrier who operates a business vehicle within the meaning of section 237 (a) or (c) of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:

(a) a bill of lading issued under this subsection must show the following:

- (i) the name and address of the consignor (shipper);
- (ii) the date of the shipment;
- (iii) the originating point of the shipment;
- (iv) in a conspicuous place, the name of the original contracting carrier and the carrier's telephone number;
- (v) the name of connecting carriers, if any;
- (vi) in a conspicuous place, the name of the destination agent, if different from the original contracting carrier, and that agent's telephone number;
- (vii) the name, address and telephone number of the consignee (receiver of goods);
- (viii) the destination of the shipment;
- (ix) an inventory of the goods comprising the shipment, which inventory must be attached to, and become part of, the bill of lading;

(b) a bill of lading issued under this subsection must also contain the following:

- (i) a provision stipulating whether the goods are received in apparent good order and condition, except as noted on the inventory;
- (ii) despite subparagraph (i), a statement in conspicuous form indicating that the signature of the consignee for receipt of goods does not

- preclude a future claim for loss or damage made within the time limit set out in the bill of lading;
- (iii) a space to show the declared value of the shipment;
 - (iv) a space or spaces to show the actual amount of freight and all other charges to be collected by the carrier;
 - (v) a statement to indicate that the uniform conditions of carriage apply;
 - (vi) a space or spaces to note any special services or agreements between the contracting parties;
 - (vii) a space to indicate date or time period agreed on for delivery;
 - (viii) a statement in conspicuous form to indicate that the carrier's liability is limited by a term or condition of carriage;
 - (ix) a space for the signature of the consignor;
- (c) a bill of lading issued under this subsection must be signed in full by the consignor, or the consignor's agent, and the original contracting carrier, or the carrier's agent, and must contain or incorporate by reference all the following conditions of carriage:

Specified Conditions of Carriage – Household Goods

Liability of carrier

Article 1: The carrier of the goods that are described in this bill of lading is liable for any loss of or damage to goods accepted by the carrier or the carrier's agent, except as provided in this bill of lading.

Liability of originating and delivering carriers

Article 2: If a shipment is accepted for carriage by more than one carrier, the original contracting carrier and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under this bill of lading, are, if the goods are lost or damaged while they are in the custody of any other carrier to whom the goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.

Recovery from connecting carrier

Article 3: The original contracting carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of loss or damage that the original contracting carrier or delivering carrier, as the case may be, may be required to pay under this bill of lading resulting from any loss of or damage to the goods while they were in the custody of such other carrier.

Remedy by consignor or consignee

Article 4: Nothing in Article 2 or 3 deprives a consignor or a consignee of any rights the consignor may have against any carrier.

Exception from liability

Article 5: The carrier is not liable for the following:

- (a) loss, damage or delay to any of the goods described in this bill of lading caused by an Act of God, the Queen's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the consignor, owner or consignee, authority of law or quarantine;
- (b) unless caused by the negligence of the carrier or the carrier's agent or employee:
 - (i) damage to fragile articles that are not packed and unpacked by the contracting carrier or by that carrier's agent or employee(s);
 - (ii) damage to the mechanical, electronic or other operations of radios, phonographs, clocks, appliances, musical instruments and other equipment, irrespective of who packed or unpacked such articles, unless servicing and preparation was performed by the contracting carrier or by that carrier's agent or employee(s);
 - (iii) deterioration of or damage to perishable food, plants or pets;
 - (iv) loss of contents of consignor packed articles, unless the containers used are opened for the carrier's inspection and articles are listed on this bill of lading and receipted for by the carrier;
- (c) damage to or loss of a complete set or unit when only part of such set is damaged or lost, in which event the carrier is only liable for repair or recovering of the lost or damaged piece or pieces;
- (d) damage to the goods at place or places of pick-up at which the consignor or the consignor's agent is not in attendance;
- (e) damage to the goods at place or places of delivery at which the consignee or the consignee's agent is not in attendance and cannot give receipt for goods delivered.

For the purpose of paragraph (b), the burden of proving absence of negligence is on the carrier.

Delay

- Article 6:
- (a) At the time of acceptance of the contract, the original contracting carrier must provide the consignor with a date or time period within which delivery is to be made. Failure by the carrier to effect delivery within the time specified on the face of the bill of lading renders the carrier liable for reasonable food and lodging expenses incurred by the consignee.
 - (b) Failure by the consignee to accept delivery when tendered within the time specified on the bill of lading renders the consignee liable for reasonable storage in transit, handling and redelivery charges incurred by the carrier.

Routing by the carrier

Article 7: If, because of physical necessity, the carrier forwards the goods by a conveyance that is not a licensed for hire vehicle, the liability of the carrier is the same as though the entire carriage were by licensed for hire vehicle.

Stoppage in transit

Article 8: If goods are stopped or held in transit at the request of the party entitled to so request, the goods are held at the risk of that party.

Valuation

Article 9: Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence of the carrier or the carrier's employees or agents, is to be computed on the basis of the value of the lost or damaged article(s) at the time and place of shipment.

Maximum liability

Article 10: (a) The amount of any loss or damage computed under Article 9 must not exceed the greater of

- (i) the value declared by the shipper, or
- (ii) \$4.41 per kilogram computed on the total weight of the shipment,

provided that if the consignor, in writing, releases the shipment to a value of \$1.32 per kilogram per article or less the amount of any loss or damage computed under Article 9 must not exceed such lower amount.

(b) If paragraph (a) (i) or (ii) applies, additional charges to cover the additional coverage over \$1.32 per kilogram per article must be paid by the consignor.

Consignor's risk

Article 11: If it is agreed that the goods are carried at the risk of the consignor of the goods, that agreement covers only those risks that are necessarily incidental to transportation and the agreement does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the carrier's agents or employees, and the burden of providing absence of negligence is on the carrier.

Notice of claim

Article 12: (a) A carrier is not liable for loss, damage or delay to any goods carried under this bill of lading unless notice of the loss, damage or delay setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the original contracting carrier or the delivering carrier within 60 days after delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment.

(b) The final statement of the claim must be filed within 9 months after the date of shipment.

(c) Either the original contracting carrier or the delivering carrier, as the case may be, must acknowledge receipt of claim within 30 days after receipt of the claim.

Articles of extraordinary value

Article 13: A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed on the face of this bill of lading, the carrier is not liable for any loss or damage.

Freight charges

- Article 14: (a) If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, provided that, if the total actual charges exceed by more than 10% the total estimated charges, the consignee must be allowed 15 days after the day on which the goods are delivered (excluding Saturdays, Sundays and holidays) to pay the amount by which the total actual charges exceed 110% of the total estimated charges.
- (b) The 15 days extension provided in paragraph (a) does not apply if the carrier notified the consignor of the total actual charges immediately after the goods are loaded, or if the carrier receives a waiver of the extension provision signed by the consignor.

Dangerous goods

Article 15: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, must indemnify the carrier against all loss, damage or delay caused by those explosives or dangerous goods, and such goods may be warehoused at the consignor's risk and expense.

Undelivered goods

- Article 16: (a) If, through no fault of the carrier, the goods cannot be delivered, the carrier must immediately give notice to the consignor and consignee that delivery has not been made, and must request disposal instructions.
- (b) Pending receipt of such disposal instructions,
- (i) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage, or
 - (ii) provided that the carrier has notified the consignor of the carrier's intention, the goods may be removed to, and stored in, a public or licensed warehouse, at the expense of the consignor, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

Alterations

Article 17: Subject to Article 18, any additional limitation on the carrier's liability on the bill of lading, and any alteration or addition or erasure on the bill of lading, must be signed or initialed by the consignor or the consignor's agent and the original contracting carrier or that carrier's agent and unless so acknowledged is without effect.

Weights

Article 18: It is the responsibility of the original contracting carrier or that carrier's agent to show the correct tare, gross and net weights on this bill of lading by use of a certified public scale, and attach the weigh scale ticket to his copy of this bill of lading. If certified public scales are not available at origin or at any point within a radius of 16 kilometres of that point, a constructive weight based on 112 kilograms per cubic metre of properly loaded van space must be used.

[en. B.C. Reg. 414/99, s. 10.]

Bills of lading – retention and filing

- 37.40** (1) Each bill of lading must be issued in triplicate or more.

- (2) The copies of a bill of lading issued in accordance with subsection (1) must be distributed as follows:
- (a) one copy must be delivered to the shipper;
 - (b) one copy must be retained by the carrier for the purposes of section 37.42 (1) and after that must be retained at the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director or by a peace officer;
 - (c) one copy must be delivered to the shipper on demand.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

Bills of lading to be signed

- 37.41** Each bill of lading must be signed by both the shipper and the carrier as being a correct itemized list of goods in the shipment and as an acceptance of all terms and conditions contained in the bill of lading.

[en. B.C. Reg. 414/99, s. 10.]

Carriage and production of bills of lading

- 37.42** (1) A carrier referred to in section 37.39 (1) must ensure that every driver involved in the carriage of freight in respect of which a bill of lading has been issued or a letter of exemption has been provided carries a copy of that bill of lading or of a letter of exemption provided under section 37.45 (b), as the case may be, at all times while transporting that freight.
- (2) If requested to do so by the director or by a peace officer, a carrier must produce, at the time of the request, the bill of lading or the letter of exemption, as the case may be, to the person making the request.
- (3) If requested to do so by any of the persons who may make a request under subsection (2), a carrier who carries and produces a letter of exemption in response to the request made under subsection (2) must deliver the bill of lading to the director's office specified by the person making the request under this subsection at the time and date specified.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 16.]

Records in lieu of bills of lading for certain commodities

- 37.43** (1) Subject to subsection (2), a carrier need not issue a bill of lading in respect of the transportation of one or more of the following commodities:
- (a) Her Majesty's mail;
 - (b) milk (raw or pasteurized), cream (fresh), containers on regular milk routes from farms to creamery or market or return of empty containers from creamery or market;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props and fence posts;

- (e) fuel wood or sawdust;
 - (f) coal or ore in bulk;
 - (g) earth, rock, gravel or sand in bulk;
 - (h) grain in bulk from farms to elevators and warehouses;
 - (i) hay, unbaled, or vegetables and fruit in bulk;
 - (j) fertilizer or animal manure in bulk.
- (2) A carrier who does not issue a bill of lading in respect of the transportation of commodities referred to in subsection (1) (b) to (j) must
- (a) keep a daily record, with respect to each licensed vehicle, of the freight transported in that vehicle, showing
 - (i) the names of the shipper and the consignee,
 - (ii) a description and quantity of the freight,
 - (iii) the distance transported,
 - (iv) the number of hours worked,
 - (v) the rate and total amount charged for the transportation, and
 - (vi) the number of trips, and
 - (b) retain that record in the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years and, during that time, make that record available for inspection by the director.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

General provisions as to bills of lading

- 37.44** (1) The freight covered by a bill of lading must be in possession or control of the carrier at the time the bill of lading is issued.
- (2) A bill of lading must cover only goods received from one shipper, picked up at one place and consigned to one consignee at one destination and delivered to one place.

[en. B.C. Reg. 414/99, s. 10.]

Electronic bills of lading

- 37.45** Despite sections 37.39 to 37.44, a carrier who accepts freight for shipment need not issue or cause to have issued a bill of lading in paper form if,
- (a) in the ordinary course of the carrier's business, the carrier uses electronic bills of lading, and
 - (b) the director has, on application of the carrier, provided to the carrier a letter exempting the carrier from the obligation to issue a bill of lading in paper form.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, s. 1.]

Part lot shipments

- 37.46** (1) Shipments in excess of 4 600 kilograms gross weight, or that are greater than the capacity of the available licensed equipment of the carrier, may be accepted on one bill of lading, if the entire shipment is in possession or control of the carrier.
- (2) Subject to subsection (3), in the case of a shipment referred to in subsection (1), at least 4 600 kilograms must be transported on the vehicle that takes the first load.
- (3) If, in the case of a shipment referred to in subsection (1), 4 600 kilograms is in excess of the licensed carrying capacity of the vehicle carrying the shipment,
- (a) the vehicle must be loaded only to full carrying capacity,
 - (b) the remainder of the shipment must be moved on a vehicle licensed in the name of the carrier who is moving the first portion of the shipment,
 - (c) the shipment must not be divided into more than 2 parts,
 - (d) the revenue billing must
 - (i) cover the entire shipment, and
 - (ii) show the weight, the rate assessed and the freight charges, and
 - (e) a separate waybill must be issued and in possession of the driver of the vehicle carrying the second part of the shipment and must make reference to the revenue billing and give the weight and description of the second load.

[en. B.C. Reg. 414/99, s. 10.]

Records of freight carried

- 37.47** (1) Every carrier must, with respect to the operation of business vehicles as defined in section 237 (a) of the Act, keep or cause to be kept a complete daily record of all freight transported for compensation in or on every business vehicle as defined in section 237 (a) of the Act operated by the carrier.
- (2) The record kept under subsection (1) must
- (a) contain the following particulars with respect to the freight:
 - (i) the name of shipper and consignee;
 - (ii) a description and quantity of freight;
 - (iii) the distance transported, the number of trips and the rate and total amount charged for the transportation, and
 - (b) be retained at the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director.

- (3) Despite subsections (1) and (2), a carrier may, and if so required by the consignor must, issue a bill of lading in the manner provided by section 37.39 in respect of any shipment of freight accepted by or on behalf of the carrier.
- (4) The filing and retention by the carrier of a copy of a bill of lading referred to in subsection (3) relieves the carrier of the necessity of keeping any other record with respect to the shipment in respect of which the bill of lading was issued.
[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

Cargo insurance

- 37.48** (1) A carrier who operates a business vehicle within the meaning of paragraph (a) or (c) of the definition of “business vehicle” in section 237 of the Act must
- (a) secure and maintain in force cargo insurance satisfactory to the director, and
 - (b) if requested to do so by the director or a peace officer, produce proof of that insurance to the person making the request at the time and date specified.
- (2) Subsection (1) does not apply in relation to a business vehicle licensed and operated exclusively for the transportation of one or more of the following commodities:
- (a) water and snow;
 - (b) milk and cream (raw or pasteurized) in bulk or in containers (and empty containers) transported between farms and dairies;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props, rough sawn lumber and fence posts;
 - (e) fuel wood, sawdust, hog fuel, pulp chips and Christmas trees;
 - (f) coal, ore and ore concentrates in bulk;
 - (g) earth, rock, gravel and sand in bulk and unset cement mix;
 - (h) grain in bulk and grain screenings;
 - (i) hay (baled or unbaled), fresh or dried fruits and vegetables, turf and peat;
 - (j) fertilizers, animal manure or refuse;
 - (k) stumps and debris from demolished buildings.
- [en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 17.]