

Are you ELD prepared?

A guide to preparing for Ontario's Electronic Logging Device mandate

On June 12, 2022, updates to the *Highway Traffic Act*, Ontario Regulation 555/06 (Hours of Service) came into force.

These changes will make it mandatory for all commercial motor vehicle drivers who operate within Ontario to use an Electronic Logging Device to record their Hours of Service. This includes vehicles with licence plates from Ontario or any other jurisdiction.

What is an ELD?

An Electronic Logging Device or “ELD” is a tamper-resistant device or technology which automatically records driving time and other information by syncing with the vehicle’s engine.

What are the benefits of ELDs?

ELDs make it faster and easier for drivers (and operators) to maintain and review a driver’s Record of Duty Status (RODS), more commonly referred to as a “daily log”.

ELDs help to ensure that drivers are compliant with Hours of Service requirements, reducing driver fatigue and improving road safety.

ELDs also serve as a reliable electronic record and replace a paper-based log system, which can be manipulated.

Do these requirements apply to me?

As a general guide, if you are currently required to complete a daily log under Hours of Service requirements in Ontario prior, you will be required to use a certified ELD as of June 12, 2022.

Are Hours of Service requirements changing?

No, the current Hours of Service requirements are not changing. As of June 12, 2022, an ELD will replace a paper-based method of maintaining a driver’s RODS (where required).

The introduction of ELDs does not change which drivers are required to follow Hours of Service requirements in Ontario and carry and maintain a RODS.

When does this take effect?

Requirements come into force for commercial motor vehicle drivers on **June 12, 2022**.

To support operators in complying with requirements, Ontario will provide an education and awareness period (without penalties) until **January 1, 2023**, for commercial truck operators.

Are there exemptions?

Yes. You will be exempt from ELD requirements in Ontario if you are:

- Driving within 160 km of where you began your day and return at the end of the day to the same location where you began
- Driving a school bus
- Driving a rented commercial motor vehicle, if the rental agreement is 30 days or less and has not been extended or renewed

- Driving a commercial motor vehicle with a model year before 2000
- An employee or operator of a commercial motor vehicle dealership or manufacturer and you are driving the vehicle for the purpose of sale or lease. The vehicle must not be carrying a load or towing another vehicle, unless the vehicle being towed is empty and has at least one set of wheels on the surface of the roadway, or
- Otherwise exempt from Hours of Service requirements defined in Ontario Regulation 555/06

A bus which operates in Ontario will be temporarily exempt from ELD requirements until July 1, 2023.

Are there specific ELDs that must be used?

Yes. Only ELDs certified by a certification body accredited by Transport Canada may be used.

You can find a list of certified ELDs on the Transport Canada website.

<https://tc.canada.ca/en/road-transportation/electronic-logging-devices/list-certified-electronic-logging-devices>



What are the key responsibilities of operators in respect of ELDs?

Key responsibilities for operators include:

- Purchasing, installing, and maintaining an ELD (where required)
- Ensuring ELDs are certified and compatible with the engine type of the commercial motor vehicle
- Ensuring ELDs are mounted in a fixed position during the operation of the commercial motor vehicle and is visible to the driver in the normal driving position
- Ensuring that the ELD is viewable from outside of the vehicle for the purpose of roadside inspection
- Creating and maintaining a system of distinct and personal accounts for each driver who will be required to use the ELD
- Ensuring drivers who are required to complete a RODS only drive a commercial motor vehicle that is equipped with a certified ELD
- Monitoring drivers Hours of Service and ensuring that RODS are being completed properly
- Ensuring that an information packet that includes a user's manual, an instruction sheet describing how to transfer data to an officer, measures the driver shall take if the ELD malfunctions, and a sufficient number of RODS forms to record at least 15 days is kept in the vehicle
- Maintaining prescribed records in the event the ELD malfunctions

What are the key responsibilities of drivers in respect of ELDs?

Key responsibilities for drivers of commercial motor vehicles include:

- Ensuring they only drive a commercial motor vehicle that is equipped with a certified ELD (where required)
- Logging into the ELD using unique user identification provided by the operator to enter the RODS
- Ensuring the accuracy of information being automatically recorded and manually entered into the device
- Making any necessary annotations
- Making, approving or rejecting any required edits
- Producing RODS for inspection to an officer both on the device (or printout if that is an option) and through electronic transfer

Malfunctions

- Notifying the operator in the event the device malfunctions (as soon as the vehicle is parked)
- Using an alternative method to maintain and document RODS in the event the device malfunctions (until the ELD is repaired or replaced)
- Record the malfunction code on their alternate RODS

What are the associated penalties?

Penalties for Hours of Service-related offences in Ontario range from \$250-\$20,000 and may include up to six months imprisonment.

Set fines for tickets issued for ELD-related offences range from \$250-\$400. Set fine amounts

are publicly available on the Ontario Court of Justice website.

If you are convicted of an ELD-related offence in Ontario, you will receive points on your carrier safety profile that can affect your safety rating in Ontario and these convictions will be shared with your home jurisdiction regulator.

Ontario will provide an education and awareness period (without penalties) until **January 1, 2023**.

What if I travel outside of Ontario?

If you are travelling outside of Ontario, be sure to check ELD requirements of each jurisdiction you plan to travel to or through.

Additional Information

Ministry of Transportation Website
<https://www.ontario.ca/page/electronic-logging-devices-commercial-motor-vehicles>



O. Reg. 555/06: Hours of Service
<http://www.ontario.ca/laws/regulation/060555>



Ontario Court of Justice – Set Fines
<https://www.ontariocourts.ca/ocj/how-do-i/set-fines/set-fines-i/>



Transport Canada – ELDs
<https://tc.canada.ca/en/road-transportation/electronic-logging-devices>



Canadian Council of Motor Transport Administrators (CCMTA)
<https://ccmta.ca/en/>

