

7 KEY DIFFERENCES

Between the Canadian and U.S. ELD Mandates

On June 12, 2021, the Canadian Electronic Logging Device (ELD) Mandate will go into effect — a year and a half after the U.S. ELD Mandate went into full force. While both government regulations are similar, you should be aware of some notable contrasts.



1	Certification Requirements	ELD providers in the U.S. could self-certify for compliance with the U.S. ELD technical standards.	Providers in Canada must obtain each ELD model's certification from an accredited third party. The third-party certification cost is the ELD provider's responsibility and can exceed 50,000 USD per ELD model submitted to the accredited body.
2	RODS Submissions	Drivers in the U.S. submit their Record of Duty Status (RODS) electronically via the defined telematics or local method. When the telematics option for transferring RODS is used, the safety official will instruct the driver to use either the web service or email method for electronic transfer. Either selection will result in the RODS being sent directly to the Federal Motor Carrier Safety Administration (FMCSA), where a safety official can access the record via the electronic RODS system.	In Canada, every driver will need to obtain an email address directly from the safety official before transferring their RODS electronically. This electronic transfer process is still being sorted out, since viewing the transferred RODS by the requesting official will require a method for decoding the encryption mandated to protect the driver's privacy.
3	Compliance Warnings	While many ELD providers supply time-to-violation Hours of Service (HOS) clocks to drivers operating in the U.S., there is no regulatory requirement in the U.S. ELD regulations for such warnings.	An ELD in Canada must give a driver at least a 30-minute warning before exceeding any driving or duty status HOS limitation found in the current regulations.
4	Driver Control of Logs	While the technical standards between the two countries are consistent regarding driver control over the logs' content (e.g., all edits must be approved by the driver), the U.S. ELD Mandate does not incorporate HOS regulations within the ELD technical standards. Therefore, all aspects of the administrative setup regarding changing rule-sets, operating zones, and HOS exceptions are controlled by the motor carrier.	In Canada, ELD technical standards incorporate the current HOS regulations and allow drivers to select their operating zone, cycle, and off-duty deferral. Motor carriers cannot restrict these actions, although they can propose a required edit that the driver can review for acceptance.
5	HOS Regulations	When operating in the U.S. or Canada, a driver must follow the HOS regulations in effect for the country where the commercial motor vehicle is being operated. While the U.S. HOS are more conservative than the Canadian HOS limitations, drivers are required to change their operating zone to reflect the correct HOS regulations. Therefore, the driver must switch between the U.S. and Canada south of the 60th parallel when crossing between the borders.	
6	Personal Conveyance	While the FMCSA has provided guidance for what constitutes the proper use of personal conveyance, there are no regulatory time or distance restrictions for using personal conveyance in the U.S. Motor carriers may set limitations for the use of personal conveyance; however, the ELD is restricted to notifying a driver of exceeding a predefined limitation. The ELD is prohibited from automatically switching the driver to a drive status that is due to exceed a motor carrier's limitation.	Drivers operating in Canada are restricted to 75 kilometers of personal conveyance during a 24-hour daily duty limitation. When this regulated daily distance limit is reached, the ELD will automatically transition the driver to a driving duty status.
7	Enforcement	In the U.S., there was a 24-month grandfather period that expired on December 17, 2019. During the grandfather period, drivers could continue using an Automatic On-Board Recording Device (AOBRD) if specific qualification criteria were met. However, paper logs were not permitted.	The Minister of Canada recently announced there would be no enforcement penalties at the passing of the June 12, 2021, Canadian ELD Mandate deadline. Instead, the government will begin a "phased enforcement" rollout focused on education and awareness at first. Regardless of the phased enforcement approach under design, Omnitracs encourages all federally regulated motor carriers in Canada to begin the process of acquiring and installing ELD devices undergoing the certification process. This allows adequate time to train drivers and staff to use ELDs. Once the device receives certification, a simple over-the-air update adds the certification registration number to each device.

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