

## OUT-OF-SERVICE DECLARATIONS

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

(a) the driver contravenes paragraph 4(a) or (b);

(b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 12 to 29, sections 38 to 54 or a permit;

(c) the driver is unable or refuses to produce their daily log book in accordance with section 98;

(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 inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 12 to 29, sections 38 to 54 or a permit.

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

(3) An out-of-service declaration applies

(a) for 10 consecutive hours, if the driver contravenes paragraph 4(a) or (b);

(b) for 10 consecutive hours, if the driver contravenes section 12 or 38;

(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 12 to 29 or 38 to 54; and

(d) for 72 consecutive hours, if the driver contravenes section 86 or 98.

(4) The out-of-service declaration in respect of a driver who contravenes section 86 or 98 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the director or inspector so that the director or inspector is able to determine whether the driver has complied with these Regulations.