

## **Driveaway Operations - exemption from having to use an electronic logging device to monitor compliance with the *Commercial Vehicle Drivers Hours of Service Regulations***

### **Tracking Number – ASF-2022-06E**

Pursuant to section 16 of the *Motor Vehicle Transport Act* (MVTA), after consulting with the affected provinces and being of the opinion that the exemption is in the public interest and is not likely to affect motor carrier safety, I hereby exempt extra-provincial truck undertakings (federal motor carriers) and their commercial vehicle drivers engaged in driveaway operations from sections 77 to 78.3 the *Commercial Vehicles Drivers Hours of Service Regulations* (the *Regulations*), subject to the conditions set out below.

### **Purpose**

The purpose of this exemption is to allow eligible motor carriers and their drivers to record their record of duty status in accordance with s. 82 of the Regulations, rather than under s.77. This is being done to address material and operational problems presented by using electronic logging devices to monitor compliance with the Regulations in these specific sectors of the motor carrier industry.

### **Application**

This exemption applies to extra-provincial motor carriers and their drivers engaged in driveaway operations between and through all provinces and territories.

### **Definitions**

Unless the context requires otherwise, words and expressions used in this exemption have the same meaning as in the *Commercial Vehicle Drivers Hours of Service Regulations*.

The definition in this section applies in this exemption:

“driveaway” means an operation in which one or more commercial vehicle(s) are the commodities being transported, including the commercial vehicle providing the motive power, where the commercial vehicle(s) being transported are:

- a) being transported by a driver, employed for that purpose;
- b) being transported for the purpose of sale, lease or rental;
- c) being transported between manufacturers and dealers or between dealers and end-users;
- d) unladen;
- e) being transported with each commercial vehicle having one or more sets of wheels on the surface of the roadway; and
- f) being transported by means of a saddle-mount or towbar if there are multiple commercial vehicles.

## Conditions

This exemption is subject to the following conditions:

1. Prior to commencement of operations under this exemption, the motor carrier shall:
  - (a) notify in writing the federal director ([mvs-sa@tc.gc.ca](mailto:mvs-sa@tc.gc.ca)) of its intention to operate under this exemption and the name of the province(s) or territory(ies) where it intends to operate;
  - (b) provide to the federal director ([mvs-sa@tc.gc.ca](mailto:mvs-sa@tc.gc.ca)) the names of drivers who will operate the commercial vehicles and their corresponding driver licence numbers and province or territory of issuance;
  - (c) obtain and review a driver's abstract for each driver that is expected to operate under this exemption.
  
2. While operating under this exemption, the motor carrier shall:
  - (a) require that a copy of the exemption is placed in the commercial vehicles that are operated in accordance with the conditions of this exemption;
  - (b) keep at their principal place of business a copy of the exemption and shall at the request of an inspector or provincial director, make it available for inspection;
  - (c) monitor that all drivers of commercial vehicles operating under the conditions of this exemption comply with its requirements and where non-compliance is observed, ensure remedial actions are taken;
  - (d) conduct and document timely reviews of all collision reports involving their commercial vehicle drivers and if it is found that a driver had been operating under the exemption at the time of the collision, the motor carrier is to determine if there was evidence of non-compliance with the Regulations or the terms and conditions of the exemption; the causality or preventability of the collision; and take mitigating action, if necessary, in order to prevent a re-occurrence;
  - (e) comply with all other applicable requirements of the *Commercial Vehicle Drivers Hours of Service Regulations*;
  - (f) no later than six months before requesting a renewal of the exemption, provide the federal director with a report detailing the operational efficiency of the exemption, including but not limited to the:
    - i. number of motor vehicle collisions, with a narrative explaining the nature of any injuries, time-of-day, causality and preventability and any mitigating action to prevent reoccurrence; and
    - ii. perceived operational benefits of operating under the exemption.

3. While operating under this exemption, the driver shall:

(a) comply with all other applicable requirements of the *Commercial Vehicle Drivers Hours of Service Regulations*;

(b) carry a copy of the exemption in the commercial vehicle and make it available for inspection by an inspector, upon request.

**Validity**

This exemption comes into effect on December 22, 2022 at 00:01 EST and remains valid until the earliest of the following:

1. 36 months after the date that it comes into effect, 23:59 EST;
2. Until the date on which the exemption is cancelled in writing by the Minister where he is of the opinion that it is no longer in the public interest, or that it is likely to affect motor carrier safety.



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Melanie Vanstone  
Director General,  
Multimodal and Road Safety Programs  
(on behalf of the Minister of Transport)

December 21, 2022

Date