

Motion Picture Industry – exemption from having to use an electronic logging device to monitor compliance with the Commercial Vehicle Drivers Hours of Service Regulations

Tracking Number – ASF-2024-01E

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 and bus undertakings (federal motor carriers) and their commercial vehicle drivers, engaged in the transportation of goods or passengers to or from a motion picture or television production site, 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 the exemption is to allow eligible motor carriers and their drivers to maintain or fill out a paper record of duty status in accordance with s.82 of the *Regulations*, rather than follow the requirements related to maintaining an electronic record of duty status. This is being done to address the difficulty in utilizing electronic logging devices to monitor drivers for compliance with the *Regulations*, given that drivers can operate multiple commercial vehicles, for multiple motor carriers, on any given day, and the corresponding lack of interoperability between different models of electronic logging devices.

Application

This exemption applies to motor carriers and commercial vehicle drivers engaged in transportation of goods or passengers to or from a motion picture or television production site, between and through all ten provinces.

Definitions

Unless the context requires otherwise, words and expressions used in this exemption have the same meaning as in the *Regulations*.

The definition in this section apply in this exemption:

"base jurisdiction" means the province or territory where the commercial vehicle operated by the extra-provincial undertaking is registered or base-plated

Conditions

This exemption is subject to the following conditions:

1. Prior to commencement of operations under this exemption, the motor carrier shall:

(a) notify the federal director by email to 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 the following information:

- i. the legal operating name of the motor carrier;
- ii. carrier identification number (i.e. CVOR or NSC);
- iii. current safety rating (e.g. Satisfactory Unaudited);
- iv. contact coordinates (i.e. name, phone number, address);
- v. acknowledgment that the motor carrier is fully aware of and will comply with all terms and conditions of the exemption; and

(c) obtain and review a driver's abstract for each qualified driver that is expected to operate under this exemption.

2. While operating under this exemption, the motor carrier shall:

(a) keep records that include the following information:

- i. the commercial vehicles that are to be operated under the provisions of the exemption;
- ii. the licence plate numbers of those vehicles and the province of issuance;
- iii. the names of the qualified drivers who will operate the commercial vehicles;
- iv. the drivers' driving licence numbers and province of issuance; and
- v. a drivers abstract that has been issued and reviewed within the previous 12 months;

(b) maintain the records required by 2(a) while operating under the exemption and for a period of six months after termination of operations under the provisions of the exemption and to produce such information upon request by a provincial director;

(c) hold a valid safety fitness certificate that has been assigned an Excellent Safety Rating, Satisfactory Safety Rating or a Satisfactory Unaudited Safety Rating by the base jurisdiction pursuant to the *Motor Vehicle Transport Act* and the *Motor Carrier Safety Fitness Certificate Regulations*;

(d) require that a copy of the exemption and the email from the federal hours of service director acknowledging the motor carrier's intention to operate, is placed in the commercial vehicles that are operated in accordance with the conditions of this exemption;

(e) keep at their principal place of business a copy of the exemption and any acknowledgement email to their letter of intention to operate that has been

received from the provincial director of the base jurisdiction and shall at the request of an inspector or provincial director, make available for inspection;

- (f) monitor that all drivers of commercial vehicle operating under the conditions of this exemption comply with its requirements and where non-compliance is observed, ensure that remedial actions are taken;
- (g) 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;
- (h) no later than 12 months after commencing operations under the exemption, and annually thereafter, produce a monitoring report, which should include, but be not limited to:
 - i. describing the motor carrier's efforts to monitor compliance with the exemption during the previous year and any subsequent findings in that regard;
 - ii. providing the names of drivers that operated under the exemption during that time and the driver's licence numbers for those drivers;
 - iii. summarizing the results of reviews conducted on reports of collisions involving drivers who were operating under the exemption at the time of the collision, including any determinations made with respect to evidence of non-compliance with terms or conditions of the exemption or other hours of service rules, the causality or preventability of the collision and any mitigating action to prevent a re-occurrence;
 - iv. describing in general terms, how the exemption was used and under what circumstances; and
 - v. after interviewing drivers and their supervisors, report whether it is felt that drivers felt rested and alert;
- (i) maintain the records required by 2(h) while operating under the exemption and for a period of six months after termination of operations under the provisions of the exemption and produce such information upon demand by a provincial or federal director;
- (j) comply with all other applicable requirements of the *Regulations*;
- (k) understand and acknowledge that they are not able to participate in, or attempt to follow, the rules set out in the Hours-of-Service Pilot Project for the intra-provincial Motion Picture Industry in British Columbia;

- (l) ensure that drivers operating under the exemption maintain or fill out a paper or electronic record of duty status in accordance with sections 82 to 86 of the *Regulations*;
 - (m) 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:
 - i. the number of commercial vehicle collisions, with a narrative explaining nature of any injuries, time-of-day, causality and preventability and any mitigating action to prevent reoccurrence;
 - ii. the perceived operational benefits of operating under the exemption; and
 - iii. the annual monitoring reports that were required to be produced while the exemption was being used.
3. While operating under this exemption, the driver shall:
- (a) comply with all other applicable requirements of the *Regulations*;
 - (b) understand and acknowledge that he/she is not able to participate in, or attempt to follow, the rules set out in the Hours-of-Service Pilot Project for the intra-provincial Motion Picture Industry in British Columbia;
 - (c) carry a copy of the exemption and the email from the federal hours of service director acknowledging the motor carrier's intention to operate under the exemption in the commercial vehicles that are operated in accordance with the conditions of this exemption and make the documents available for inspection by an inspector upon request; and
 - (d) maintain or fill out a paper or electronic record of duty status in accordance with sections 82 to 86 of the *Regulations*.

Validity

This exemption comes into effect on March 18, 2024 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.



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

March 18, 2024

Date