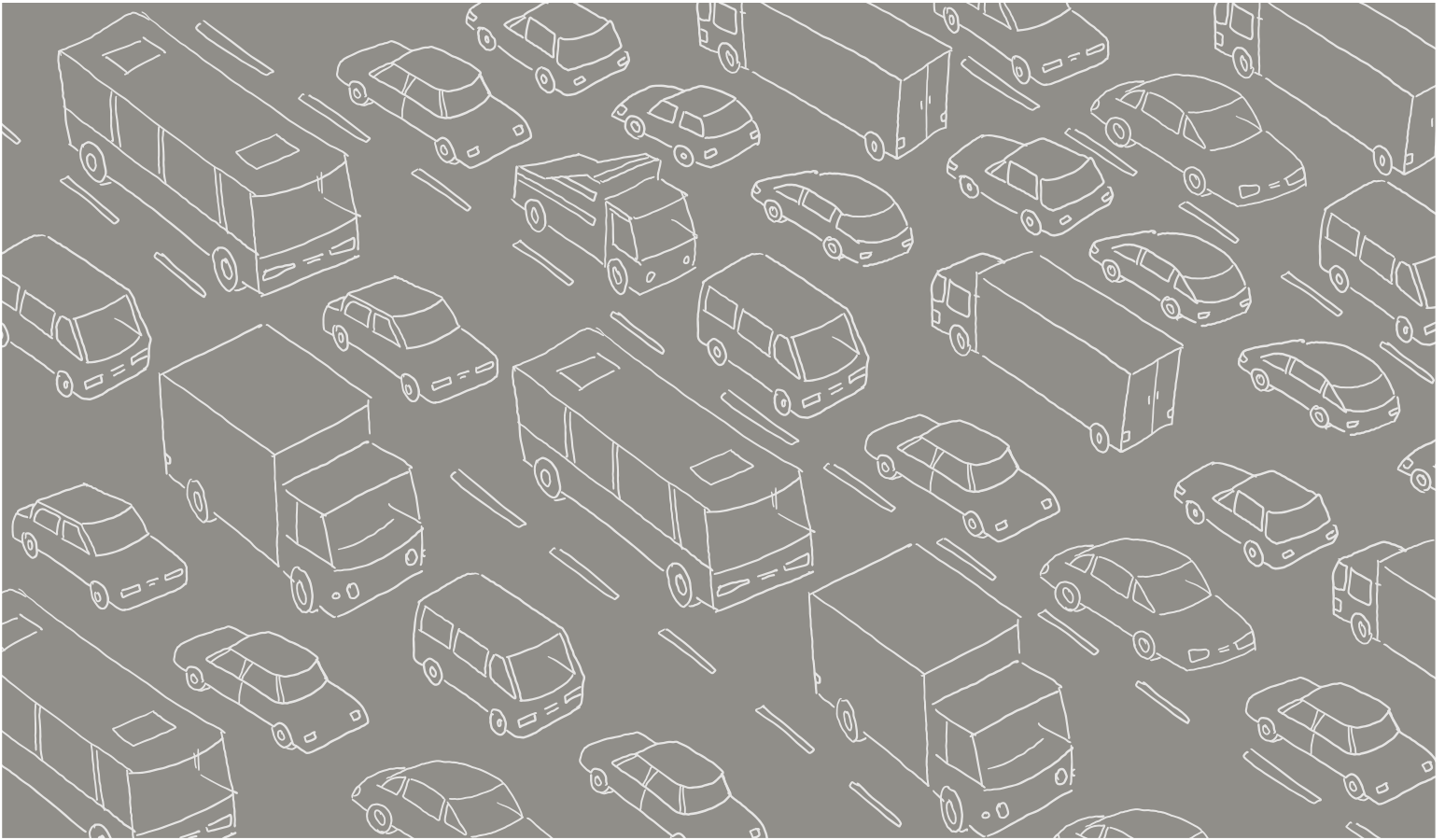


NATIONAL SAFETY CODE



Carrier Safety Guide



Ministry of
Transportation
and Infrastructure

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Statement of Limitations

This booklet is intended as a guide only and, as such, has been written as a plain language summary to help you understand some of the laws in British Columbia that affect the National Safety Code. This guide covers laws in force as of August 2023. You should refer to the **Motor Vehicle Act** (MVA), the **Motor Vehicle Act Regulations** (MVAR), the **Passenger Transportation Act** (PTA), the **Passenger Transportation Regulations** (PTR), the **Commercial Transport Act** (CTA), the **Commercial Transport Regulations** (CTR), the **Transportation of Dangerous Goods Act** (TDGA) and the **Transportation of Dangerous Goods Regulations** (TDGR) for a full statement of the law. In the event of a conflict between this booklet and any provision of the above acts and regulations, the acts and regulations shall apply.

CVSE2000 (082023)

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24 Nov 2020	Updated	<ul style="list-style-type: none">• Explain 2 hours off duty requirement, to enhance clarity. (p.45)• Correct error in wording- daily logs for the previous 14 days and supporting documents for current trip. (p. 75)
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How to best use this guide

This guide will be updated frequently as legislation, regulations, and policies within the industry regularly change. It is strongly encouraged that you obtain this guide from the CVSE website on a regular basis to ensure that you have the most up-to-date version. **At the time of this current publication (August 2023), many things are changing with our application process in particular. Sections on this and other topics have been included in this guide to provide important information, but are otherwise incomplete as the subjects have not yet been finalized.**

This guide can help you understand your obligations. Whether you drive your own vehicle, hire drivers, work with lease operators, or work for a carrier, you will find information that you need in this guide.

The Carrier Safety Guide is for you, if you:

- Are considering starting a business that relies on commercial motor vehicles
- Have just received your NSC Safety Certificate and are setting up a new carrier business
- Are an experienced carrier wanting to improve your record keeping and safety practices
- Want to know what a Carrier Safety Inspector (CSI) will look for during a Quantifiable Audit of your safety records
- Drive a commercial motor vehicle and want to ensure you are doing everything you can do to comply

Direct links to many useful websites are provided throughout the guide. Using these links will help save time searching the internet and will make sure you get to the right resource the first time. Some of the links provided are for acts and regulations that may be applicable to you. We want you to be able to look up the official wording should you need it and we want to show you where we have sourced the information being presented and interpreted in this guide.

As you might have already noticed, many of the pages in this guide have boxes in the margins. These boxes contain suggestions that provide useful tips or advice to help avoid problems. Have a look at the boxes on this page which contain tips on how to navigate this guide online.

Bookmark the CVSE website to stay up-to-date with this document and other bulletins, circulars and notices.

The NSC Program updates this document on a regular basis to reflect regulatory changes and partner feedback. Of course, you can always print a copy if you'd rather, but check back often.



Search Tip!

Ctrl + F (or Command + F) on your keyboard will let you to search for key words in this document.

Also, if you click on a link that takes you to a different place in this guide, just hit "Alt + ←" to return to your previous spot.

The letter of the law

Each time a section of the law is summarized or referenced wholly, the act or regulation will be referenced. For example, if you see (MVAR 37.67(1)(b)), this means the law being summarized is found in the [Motor Vehicle Act Regulations](#), division number 37, section number 67, paragraph 1, b.

Where can more information be found?

The B.C. National Safety Code is mandated through Division 37 of the Motor Vehicle Act Regulations (if searching for this, be aware that the Motor Vehicle Act Regulations and the Motor Vehicle Act are different pieces of legislation). You can find the entire Motor Vehicle Act Regulations (MVAR) online here and you will see that Division 37 is called “Safety Code”. Nearly all of the regulations addressed in this guide come from Division 37, however, there are other pieces of legislation to be aware of. When these come up, they will be referenced accordingly. If you need the exact wording of the legislation, this is where you will find it.

More information related to the National Safety Code Program and other CVSE programs such as Commercial Transport, Vehicle Inspections and Standards and Weigh2GoBC can be found on the www.cvse.ca website.

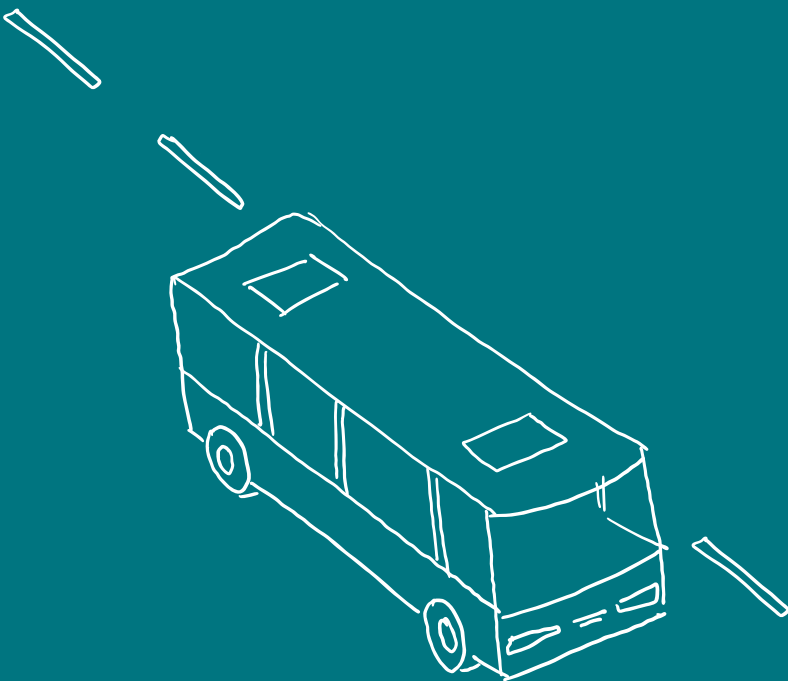
Links to several of the relevant acts and regulations and other information sources that a carrier may be subject to are found in Section 8: Supplementary Information and Resources. You can also view or print them at www.cvse.ca, under ‘Acts and Regulations.’

If you prefer, you can view a complete copy of the *Motor Vehicle Act* or the *Motor Vehicle Act Regulations*, including Division 37 – Safety Code, at your local public library, or you may order your own copy, for a fee, from [King’s Printer](#).

When in doubt, give the NSC Program Office a call at 250-952-0576 or send along an email inquiry to NSC@gov.bc.ca. NSC Program Staff are available, Monday to Friday 8 a.m. to 4:30 p.m., to assist with NSC questions.

SECTION 1

The National Safety Code – What It Is and How Our Program Works



What is the National Safety Code?

The “National Safety Code” is a set of federal standards that establish the minimum requirements for safe operation of commercial vehicles. **This is not to be confused with the National Safety Code (NSC) Program within B.C.** Each province and territory have their own provincial program that use these federal National Safety Code standards to develop their own regulations. Some provinces call their own programs “National Safety Code” (as in B.C.), while others have adopted their own terminology (such as Safety Fitness or Commercial Vehicle Operator’s Registration).

In 1989, the [Canadian Council of Motor Transportation Administrators](#) (CCMTA) established the federal “National Safety Code” standards. Developed together with CCMTA member jurisdictions and the motor carrier industry, the code establishes the minimum standards for the safe operation of commercial vehicles. The NSC exists to protect:

- Commercial drivers
- Other people on the road
- Goods being transported

The federal “National Safety Code” has 16 standards. Each standard focuses on a specific topic that has contributed to the development of federal and provincial regulations. For example, NSC Standard 9, which is specific to hours of service, contributed to the federal government’s Commercial Vehicle Drivers Hours of Service Regulations and B.C.’s Part 3 of Division 37 – Safety Code, found within the [Motor Vehicle Act Regulations](#) (MVAR).

THE NATIONAL SAFETY CODE PROGRAM IN B.C.

From this point on in this guide, “National Safety Code” or “NSC” will refer to the B.C. National Safety Code Program (unless explicitly noted otherwise) and its related legislation: Division 37 of the *Motor Vehicle Act Regulations*.

One of the main goals of the B.C. Ministry of Transportation and Infrastructure is to improve transportation network efficiency to provide British Columbians with safe and reliable access to the services they depend on. To achieve this, a key strategy focuses on enhancements to commercial vehicle safety enforcement in B.C.

The Commercial Vehicle Safety and Enforcement (CVSE) Branch develops and maintains commercial vehicle safety programs throughout the province. These programs protect highway infrastructure and improve vehicle and driver safety. CVSE programs center around education, enforcement, monitoring and inspections. These all contribute to safer roads.

One of the program areas under CVSE is the National Safety Code Program. This is the name used for the British Columbia provincial program. The ministry used several of the federal NSC Standards to develop provincial regulations that govern the B.C. NSC Program. These are found in Division 37 – Safety Code, of the [Motor Vehicle Act Regulations](#).

Division 37 explains when an NSC Safety Certificate is required, as well as the laws regulating hours of service, trip inspections, Quantifiable Audits, relevant offences and all applicable document monitoring and retention for drivers and vehicles plated and operating in B.C.

At the NSC Program headquarters, located in Victoria, safety certificate applications are processed and program requirements are planned and executed. Other CVSE staff, including Carrier Safety Inspectors (CSIs), Commercial Transport Enforcement Officers

(CTEOs) and Area Vehicle Inspectors (AVIs) are located throughout the province. A CSI's main responsibility is to enforce Division 37 by conducting educational compliance reviews and Quantifiable Audits – more on this later in the guide.

Who needs a National Safety Code Safety Certificate?

All commercial motor vehicles must be insured using a valid NSC certificate number issued to the business for which the vehicle operates. We call this type of business a "Carrier".

COMMERCIAL MOTOR VEHICLE

Division 37 of the Motor Vehicle Act Regulations defines a "commercial motor vehicle" as the following:

MVAR 37.01 "commercial motor vehicle" means a motor vehicle, used in the course of business for the transportation of persons or freight, that is one or more of the following:

- (a) a truck or truck tractor, including a trailer, if any, attached to the truck or truck tractor, having a licensed gross vehicle weight of more than 5 000 kg,

- (b) a bus,
- (c) a commercial passenger vehicle operated under a licence or temporary operating permit issued under the Passenger Transportation Act, or
- (d) a business vehicle within the meaning of section 237 of the Act having a licensed gross vehicle weight of more than 5 000 kg.

Carriers can use their NSC Safety Certificate to insure as many commercial motor vehicles as they need to operate their business. If you have any doubt as to whether the vehicle you are operating is considered a commercial motor vehicle, check its insurance documents. In the upper right-hand corner, you'll find insurance dates and vehicle registration information (see below in Figure 1). Beside "NSC no. and name", it should list the name and NSC number to which the vehicle is currently registered. **If it reads "NSC*Not Required", it is not insured as a commercial motor vehicle.**

ICBC Insurance Corporation of British Columbia

Owner's Certificate of Insurance and Vehicle Licence DCID 012345678

Owner's BC driver's licence no. _____

Effective date 01MAR2014
Expiry date 28FEB2015

Registration no. 12345678
Decal no. 12345678
Plate no. ZZ9999
VIN 1AB2C3DE4JAN12345
Fleet no. 123456 Unit no. 210
Veh. insp. expiry 31MAY2014
**NSC no. and name 212345678
ABC TRUCKING LTD.**
P.T. ref. no. _____
Vehicle licence address change request NO

Owner
XYZ Truck Rentals Ltd (LESSOR)
ABC Trucking Ltd (LESSEE)
1234 Main St BC
Surrey BC
V4N 1A1

Proof of insurance
The owner and/or the operator of the vehicle described herein is insured against liability for bodily injury and property damage by reason of the operation of such vehicle. The coverage provided by this certificate also satisfies the minimum limits set out by the respective legislation governing vehicle insurance in any area of Canada and the USA.

Vehicle use: HOUSE OR OTHER MOVING TOW TRUCK OR DELIVERY OF DANGEROUS GOODS CLASSES 2, 3, 4, 5, 6, 8 OR 9 OR PETROLEUM OR PETROLEUM PRODUCTS OR LIQUID WASTES OR GOODS NOT OWNED BY THE VEHICLE OWNER OR LESSEE. DISTANCE OPERATED OVER 550KM.

This card to be carried in the insured vehicle as proof of insurance.

The NSC Program issues NSC Safety Certificates to “[carriers](#)” that operate commercial motor vehicles. A carrier can be anyone who owns, leases, rents or manages and decides how a commercial motor vehicle should be used.

The majority of the commercial motor vehicles that are monitored by the NSC Program have a gross vehicle weight (GVW) over 5,000 kg. When attending your local Autoplan office, it’s important to be clear about your intentions with your vehicle. Be sure to explain how your vehicle will be used, what it will carry, and what it will tow. This information is essential for the Autoplan agent and will allow them to suggest suitable products to appropriately insure your vehicle.

The NSC Program also monitors [commercial motor vehicles](#) designed primarily to carry passengers. This includes buses (vehicles that have a seating capacity of 10 or more plus the driver) and vehicles operating under the [Passenger Transportation Act](#) (PTA). During the insurance process, buses are easily distinguishable by the Autoplan agent because the seating capacity is readily available, as well as vehicle types common to those operating under the PTA. However, it is still important to be clear about your intentions so that your Autoplan agent can provide suitable insurance suggestions for your situation.

If how you intend to use the vehicle changes, you must contact your Autoplan agent to ask whether changes are required to the vehicle’s insurance.

For example:

When you first insured your F350, you didn’t own a trailer and only expected to haul around tools and building supplies in the bed of the truck. You agreed that setting the GVW at 4,750 kg would sufficiently cover the weight of you, your passengers, your tools and supplies, with a little room to give. Year over year, you insure your vehicle at the same GVW.

This year you are ready to expand your business and decide that you need to purchase a trailer to haul around more tools and supplies. A change like this has potential impacts to the GVW of your vehicle. Why? Because licensed GVW includes the weight of the trailer and its freight. You may need to increase your licensed GVW to more than 5,000 kg. If so, then your vehicle will now be considered a “[Commercial Motor Vehicle](#)” and you are subject to all the regulations that come with operating a commercial motor vehicle.

Am I a Carrier?

If you answer “Yes” to any of the following, you might be a carrier...

Do you own commercial motor vehicles?

Do you need to insure commercial motor vehicles?

Do you have a lease or rental agreement in place for longer than 30 days for a commercial motor vehicle?

Do you manage commercial vehicles but do not drive them or own them?

When in doubt, give the NSC Program Office a shout.

Staff are available 8:30 a.m. to 4:30 p.m. Monday to Friday to assist with any questions you may have.

MVAR Division 37 Update

In September 2019, the definition of “carrier” was updated by including transportation network services (TNS).

For more information on TNS (also called ride-hailing), check out the [Passenger Transportation TNS website](#) and [NSC Bulletin 01-19: Off-duty Time and Transportation Network Services](#).

CARRIER

MVAR 37.01

“Carrier” in relation to a commercial motor vehicle, means

- (a) the owner of the commercial motor vehicle,
- (b) a person, other than the owner, who manages the commercial motor vehicle or determines the uses to which the commercial motor vehicle may be put,
- (c) the lessee of the commercial motor vehicle, if the lease has a term of one month or more, or
- (d) a person who holds a licence under the Passenger Transportation Act that authorizes the commercial motor vehicle to be operated as a passenger directed vehicle under a transportation network services authorization,

but a person is not a carrier only because the person is the driver of the commercial motor vehicle.

To be a carrier based in British Columbia, you must have an NSC Safety Certificate. This is because the NSC Safety Certificate is required before you can license a [commercial motor vehicle](#).

Under the NSC Program, the carrier is responsible for all the commercial motor vehicles that operate under their NSC Safety Certificate and all the drivers who drive those vehicles. This includes all vehicles insured using your NSC Safety Certificate number, even when the carrier is not the owner of those vehicles.

All provincial, territorial and U.S. jurisdictions have the authority and responsibility to regulate all carriers who operate within their borders. When a driver, driving a B.C. plated commercial motor vehicle, leaves B.C., they must follow the [federal Commercial Vehicle Drivers Hours of Service Regulations](#) (amended June 12, 2021) and regulations enacted within the jurisdictions they visit. Similarly, when an out-of-province driver and vehicle enter B.C., they become subject to the laws of B.C.

A commitment to safety makes good business sense: it keeps people safe and saves a company time and money.

Safety for drivers and other road users is paramount and a topic that must not be taken lightly. While safety is everyone's responsibility, some companies have begun to also notice that there is a growing expectation that shippers and brokers only choose to do business with carriers that demonstrate a commitment to safety.

The best way for a company to demonstrate their commitment is to operate in compliance with the acts and regulations and prioritize safety. Focusing on safety can result in:

- Safer roads and less accidents
- Fewer delays caused by mechanical breakdowns
- More efficient use of drivers and vehicles
- Fewer drivers and vehicles being placed out-of-service
- Less time idle during random inspections, when a vehicle is stopped by an officer
- Fewer sanctions implemented by Commercial Vehicle Safety and Enforcement
- Cost savings related to lower insurance premiums, fewer accidents and less violation fines

For a more in-depth review of this topic, check out [Appendix A: Why safety is good business](#).

How the NSC Program Works – A quick overview

Below is a brief summary of the NSC Program which will only mention the subjects covered in the rest of this guide. For more detailed information, the links provided will take you to the appropriate section.

A business which wants to operate a [commercial vehicle](#) with B.C. licence plates, must have a B.C. National Safety Code safety certificate. This includes a single person using a pick-up truck (with a licence gross vehicle weight exceeding 5,000 kg) up to an incorporated trucking company with 100 big rigs, as well as vehicles providing transportation services. As soon as the business wants to operate a commercial vehicle, we call it a "[carrier](#)".

The carrier must first become knowledgeable in the rules and regulations involved with being a carrier. This is the law (MVAR 37.09(1)(a)(i)). They will also need to put the policies and procedures in place

MVAR 37.09

- (1) The director shall issue a safety certificate to an applicant if, in the director's opinion,
 - (a) The applicant or, where the applicant is a corporation, director or officer of the corporation,
 - (i) has knowledge of motor vehicle safety rules and regulations as they apply in British Columbia, including this regulation...

MVAR 37.11

A holder of a safety certificate shall notify the director of any change in the holder's name or address within 10 days after the change.

which will allow them to operate and monitor commercial vehicles safely. When this is achieved, the carrier can apply for a National Safety Code safety certificate.

Once an NSC certificate has been issued to the carrier, the carrier will use the 9-digit NSC number on the certificate (their "NSC Number") to insure their vehicle(s). An ICBC Autoplan broker will not be able to put insurance in place for a commercial vehicle without this NSC number. A vehicle must not use anyone else's NSC number and temporary numbers are not issued.

Now that the carrier has its NSC certificate and has a commercial vehicle insured and operating, it must ensure that its vehicles and drivers are operating safely and adhering to the regulations. A carrier must notify the NSC Program office if it has a change of name or address within 10 days of the change (MVAR 37.11). Other than this, the carrier might not have any further interaction with the NSC Program office.

The NSC program office monitors the NSC certificates. Points accrue on the "profile" for a certificate if infractions occur. If the point scores reach certain thresholds, the NSC Program office will notify the carrier and help them to come into compliance with the regulations. There are levels of intervention to help the carrier.

If the carrier refuses or is unable to comply with the regulations despite the help offered by Commercial Vehicle Safety & Enforcement staff, the NSC certificate may be cancelled. A carrier cannot insure or operate commercial vehicles using a suspended or cancelled NSC certificate.

MONITORING CARRIER SAFETY PRACTICES

The National Safety Code program office monitors all carriers in British Columbia with an NSC Safety Certificate by assigning a Safety Rating. The Safety Rating is made up of:

- Profile Status (a measurement of on-road performance); and an
- Audit Status (if you've been audited by a CVSE Carrier Safety Inspector, a measurement of your record-keeping and safety-monitoring performance).

Safety rating

A carrier's Safety Rating is a combination of a carrier's Profile Status and Audit Status. The Safety Rating will be one of the following:

- Excellent
- Satisfactory
- Satisfactory – Unaudited
- Conditional
- Conditional – Unaudited
- Unsatisfactory – Unaudited

If a carrier's NSC Safety Certificate has been cancelled, the Safety Rating will be Unsatisfactory. A carrier with a cancelled safety certificate cannot insure or operate commercial motor vehicles.

For detailed information on the differences between the Safety Ratings, see [Appendix B: Safety Ratings detailed breakdown](#).

Audit status

A Quantifiable Audit evaluates how well you are meeting your NSC requirements. Once a Carrier Safety Inspector completes an audit of your safety records, you will be given an Audit Status.

For detailed information on the different Audit Statuses, see [Appendix B: Safety Ratings detailed breakdown](#).

Profile status

The NSC Program uses four categories:

- **Contraventions;**
- **CVSA Inspections;**
- **Collisions;** and
- **Total** (a total of the three previous category scores combined)

to represent a carrier's on-road performance. Events in each category have associated NSC points that are used in the calculation of scores that determine a carrier's profile status.

The Carrier Profile

To help carriers stay informed of the on-road performance of their drivers and vehicles, the NSC Program supplies a Carrier Profile for each safety certificate holder.

The Carrier Profile includes:

- Carrier Information
 - Demographic Information (jurisdiction, number of vehicles, primary types of business)
 - Certificate Information
 - Current Profile Scores
 - NSC Interventions
- Contraventions
 - Driver Contraventions (Guilty and Pending)
 - Carrier Contraventions (Guilty and Pending)
- CVSA Inspection Results
- Accident Information
- Audits
- CVIP Vehicle Inspection History

Types of Carrier Profile reports

There are two types of Carrier Profile reports that offer quite different levels of detail: the summary report and the detail report.

Both reports can be requested directly by the carrier through the Carrier Profile Online system at any time, using a [business BCeID](#).

Summary report

The summary report summarizes a carrier’s on-road performance, record-keeping and safety performance for the past 12 months. It also only includes business information. This means there is no personal information of your drivers is included.

The summary report includes:

- a. Carrier demographics
- b. Safety rating, profile scores and audit results
- c. CVSA inspection results
- d. Accident information
- e. Contraventions
- f. CVIP inspection results
- g. Notice and order

If a client requests a copy of your Carrier Profile report, the NSC Program recommends providing the summary report. Why? Because the summary report provides since it will not include any of your drivers’ names or driver license numbers.

Detail report

The detail report includes all the same categories as the summary report with much greater depth, as well as a section that shows the vehicles active during the requested date range.

The key differences are:

- The detail report includes personal information (driver names and driver licence numbers)
- The range can be adapted to the needs of the user (while a single report can only be pulled for a period up to 3 years, a user can run multiple reports to go back beyond 3 years)

Risk Bands

It wouldn’t be reasonable to compare the on-road safety performance of a small carrier (1 or 2 vehicles) against that of a large carrier (with 100 vehicles). Because of this, the NSC Program calculates a carrier’s “average fleet size” and sorts carriers into seven categories called “Risk Bands”.

Risk Band	Current Fleet Size	Revised Fleet Size
1	.1 to 1.0	0.1 to 1.0
2	1.01 to 2.0	1.01 to 2.0
3	2.01 to 3.0	2.01 to 5.0
4	3.01 to 5.0	5.01 to 10.0
5	5.01 to 9.0	10.01 to 20.0
6	9.01 to 20.0	20.01 to 50.0
7	20.01 to 999.0	>50.0

Each risk band has threshold limits for each on-road performance category. These thresholds are calculated on a yearly basis and changed to reflect the top percentile of non-compliant carriers in each category in each risk band.

Non-Compliant Percentile (%)	Intervention Triggered	Profile Status
95 to 100	Audit	Unsatisfactory
89 to 94	Compliance Review	Conditional
80 to 88	Self-Directed Safety Plan Review	Satisfactory
70 to 79	Warning Letter	Satisfactory
0 to 69	None	Satisfactory

As explained in the Carrier Profile you'll find the following:

Average Fleet Size

This value is calculated for a 12-month period by dividing the total active vehicle days by the active monthly days. The average fleet size will fluctuate as vehicles are added and removed from an NSC Safety Certificate.

- **Total Active Vehicle Days:** Calculated by adding the number of days each vehicle was operating under the NSC safety certificate for the previous 12 months. For example, if a carrier only had ten vehicles operating from January 1 to February 2, the Total Active Vehicle Days would be 330 days (10 vehicles X 33 days).
- **Active Monthly Days:** Calculated by adding the number of days in each month that the carrier had an active vehicle. For example, if a carrier only had ten vehicles operating from January 1 to February 2, the Active Monthly Days would be 59 days (31 days in January + 28 days in February).
- **Average Fleet Size:** 330 Total Active Vehicle Days divided by 59 Active Monthly days.

Contraventions

The number and types of violation tickets that have been deemed guilty divided by the average fleet size. NSC points are only assigned to violations where the carrier or driver has been deemed guilty.

These points stay on the carrier's profile for 12 months from the disposition date (when the carrier or driver was deemed guilty) and **NOT** the violation date (when the violation ticket was issued).

A listing of the NSC points were published to the What's New section of the CVSE website under the NSC tab on October 15, 2015. The listing also includes a full description of the violation, as well as the applicable act and section.

CVSA (Out-of-Service)

Roadside CVSA inspections that put a power unit, trailer or driver out-of-service divided by the average fleet size. If the overall inspection result is Out of Service (OOS), the inspection is assigned three (3) NSC points that are valid for 12 months from the Inspection Date.

Accidents

The number and types of accidents where the driver was found at fault or fault is unknown divided by the average fleet size.

NSC points are assigned to accidents where the driver was 50% or more at fault, or if fault is unknown. The number of points assigned is based on the accident type. NSC points are valid for 12 months from the Accident Date.

Total

Sum of the points assigned to accidents, out-of-service CVSA inspections and contraventions.

Carrier Profile Recommendations:

Log into the Carrier Profile Online system every 2 weeks (at minimum) to request a detail report to check if your profile points and status have changed. This will help you keep aware of roadside activity and easily identify drivers who have not submitted notifications issued by inspectors or officers, such as contravention tickets.

MVAR 37.67

- (2) The driver shall deliver records of notification of accidents, violations and convictions relative to the driver to the carrier by whom the driver was employed or otherwise engaged within 15 days of the accident, violation

Carrier Profile updates

Carrier Profile reports are updated as new information is received by the NSC Program. These updates are happening all the time.

While new information may make its way into the Carrier Profile report during the month, any points associated with OOS CVSA inspections, convention tickets and accidents will only be reflected in the carrier's profile scores and status after the month end profile calculations have taken place. On the first of each month the carrier will be able to confirm their newly calculated profile scores and status.

Uses for your Carrier Profile

The Carrier Profile is a useful tool to help you monitor your business. How often you review it will depend on the carrier and what you're looking to learn from the review.

Top 3 reasons to access your Carrier Profile:

1. Staying informed
2. Verifying accuracy
3. Sharing with stakeholders

Staying informed

The detail report can give you the details of what is happening at roadside, sometimes even before drivers have a chance to hand over inspection reports or contravention tickets. Because a driver must provide their carrier with notification records for accidents, violations or convictions within 15 days (MVAR 37.67(2)), the NSC Program recommends that carriers pull their Carrier Profile at least every two weeks.

Take note of changes in the Profile Status. The points may go up. If they do, you'll want to dig in to see why. The addition of points will help to highlight potential weaknesses or gaps in a carrier's safety processes that require fixing.

When the point threshold (non-compliant percentile) in any of the four categories is exceeded, the NSC system may "trigger" a Warning Letter, Self-Directed Safety Plan Review, Compliance Review or Quantifiable Audit. For more on the topic of interventions, navigate to the section

CVSE Intervention Steps to Improve Safety.

Verifying accuracy

It is important to ensure all the information, including current contact information, within the Carrier Profile is correct and true. You will want to review the Carrier Profile to make sure that you have not been assigned points that do not belong to you or your drivers. If you find any discrepancies with your Carrier Profile, please contact the NSC program office or submit a [Carrier Profile dispute](#).

Sharing with stakeholders

As a carrier, you may find that stakeholders with whom you do business are interested in confirming your Safety Rating, among other details, to ensure that you are operating safely. Often, a summary report will provide enough information to satisfy your stakeholders, but sometimes a detailed report is requested. Before providing stakeholders with a detailed report, it is important to recognize that it includes personal information (names and drivers licence numbers) related to all those that drive commercial motor vehicles under your NSC Safety Certificate.

CVSE intervention steps to improve safety

The NSC Program monitors carriers through their profile scores. If profile scores exceed safety thresholds, a corresponding intervention event will be triggered by the monitoring system and the carrier's Profile Status may change.

The NSC Program has the following intervention event types:

- Warning letter
- Safety plan self-assessment letter
- Compliance review
- Quantifiable Audit
- Recommendation that an NSC Safety Certificate be suspended or cancelled

Random intervention events (such as Compliance Reviews or Quantifiable Audits) can also be assigned to a carrier. A carrier will be contacted by

Did you know?

*Did you know, based on 2019 data, 93 out of 100 carriers **WON'T** trigger a warning letter in the next 12 months?*

Triggering an event is a reminder to take a serious look at your operations and what needs improving.

letter when an intervention event has been created for them.

WARNING LETTER

A warning letter is the usual first contact. A warning letter may be sent when profile scores in any or all categories exceed the first threshold level in a given risk band.

The warning letter identifies the areas of non-compliance that gave rise to the issuance of the letter, to assist the carrier in monitoring the on-road performance of vehicles and drivers and reminds carriers to review their Carrier Profile. This early intervention, while the Profile Status is still Satisfactory, is designed to help carriers make changes before profile scores rise further and cause the Profile Status to move from Satisfactory to Conditional, or even Unsatisfactory.

SAFETY PLAN SELF-ASSESSMENT

Division 37 requires all carriers to have a safety plan and scheduled vehicle maintenance plan (MVAR 37.67(1)(d)). If your on-road safety performance continues to decline and you exceed the next threshold level, you will be sent a safety plan self-assessment letter. This letter recommends a carrier review their current safety plan and their Carrier Profile to help find the sources of the points.

Like the warning letter, the Safety Plan Self-Assessment is sent while the Profile Status is still Satisfactory and is designed to help the carrier make changes before the profile scores worsen.

[Section 3](#) of this guide covers the Safety Plan; how to create one, its benefits and how to share it with employees. Your local Carrier Safety Inspector, or the NSC program office, can answer any further questions that might come up.

COMPLIANCE REVIEW

The third type of intervention is a Compliance Review. A carrier may be selected for a Compliance Review for several reasons including:

- Escalated profile scores related to contraventions, accidents, or Out-of-Service (OOS) CVSA roadside inspections;
- Complaints received;
- Random selection; or

- Request by CVSE staff.

If a Compliance Review triggered because of escalated profile scores, the carrier's Profile Status will likely show a Conditional rating.

Compliance Reviews are an opportunity to meet with your local CSI for an educational review of the NSC Program requirements. This meeting may take place at the carrier's place of business or in a local government office. The carrier and the CSI will work together to review hours of service records, vehicle maintenance records, safety plans and record keeping practices. The process will help find areas that need improvement and will provide information, resources and tools to support necessary changes. The Compliance Review is scored "pass" or "fail" depending on the level of compliance found during the review. After the review, the inspector will develop an action plan based on the areas of non-compliance to help strengthen compliance with the [Motor Vehicle Act Regulations](#) and NSC requirements.

Steps to the Compliance Review Process

When a Compliance Review is triggered by the monitoring system, an initial intervention letter is sent to the carrier. The letter explains:

- a) What profile scores contributed to the intervention being triggered;
- b) the purpose of the Compliance Review;
- c) how to access the Carrier Profile to see the details that contributed to the event being triggered; and
- d) that the NSC Program office will send a second letter notifying the carrier of the date, time and location of the review.

Once a Compliance Review event is created, it becomes available to the Carrier Safety Inspector (CSI) to schedule. When the CSI schedules the event, a second letter will go out – approximately 6 weeks before the schedule date – to notify the carrier of the date and location of the event.

Failure to attend a scheduled Compliance Review may result in further action that could include a Requested Quantifiable Audit and may lead

Showing Up

Failure to attend a scheduled Compliance Review or Quantifiable Audit could lead to a recommendation to suspend or cancel your NSC Safety Certificate.

to a recommendation to suspend or cancel your NSC Safety Certificate.

Quantifiable Audit

Like the Compliance Review, the Quantifiable Audit may be triggered by an increase in points, selected at random, or assigned upon request. If a carrier's profile scores have increased enough to exceed the fourth threshold, their Profile Status will become Unsatisfactory and a Quantifiable Audit event will trigger. A letter is sent to the carrier showing the source of the points and explain that an event will be scheduled in the coming months. Once the Carrier Safety Inspector (CSI) schedules the event, a second letter will go out notifying the carrier of the date of the event, approximately 6 weeks before the scheduled date.

If selected for a Quantifiable Audit, a CSI may visit the carrier's office or require the carrier to bring records to another location. The CSI will do an in-depth review of the records to determine whether they comply with the applicable regulations.

Elements covered in a Quantifiable Audit include:

Driver Qualifications

- Licensing and transportation of dangerous goods training

Driver Records

- Driver abstracts and accident, violation, conviction and CVSA inspection reports

Hours of Service

- Maintenance of records of duty status (RODS) and supporting records, and confirmation that they meet regulatory requirements
- Monitoring of records by the carrier to ensure the drivers are following the various hours of service limits (for example, does the carrier ensure their drivers take the required consecutive hours of off-duty time?)
- Remedial action/progressive disciplinary policy for non-compliance with hours of service

Vehicle Maintenance and Records

- Trip inspection reports, scheduled vehicle maintenance plan and mechanical CVSA history review

Safety Practices

- Safety plan, scheduled vehicle maintenance plan and transportation of dangerous goods

While working through the records the CSI will make notes on compliance or non-compliance found and consider all relevant exemptions. The scoring of the questions is done based off scoring guidelines used by all CSIs throughout the province. The result of the audit will be excellent, satisfactory, or unsatisfactory. Unless the score is 100% compliance, there will be areas of non-compliance identified as action plan items.

At the end of the audit:

- The CSI will present a copy of the report and will review the findings with the carrier
- The carrier representative will sign off acknowledging they received a copy of the report and that they will provide written notification to the NSC Program Office by a specific date that all action plan items have been addressed

- Where warranted, the CSI may also issue contravention tickets for non-compliance.
 - Once the ticket has a disposition date, NSC points assigned to each contravention will reflect in the carrier's Profile Score which can be found by pulling a copy of the detailed [Carrier Profile Report](#).

Failure to attend a Quantifiable Audit will result in a recommendation for suspension of the NSC Safety Certificate and may escalate to a recommendation for cancellation.

NSC enforcement

SHOW CAUSE

A carrier must have a valid NSC Safety Certificate to operate in B.C. Typically, a recommendation for cancellation will come from a CSI after serious concerns are raised during a Quantifiable Audit which demonstrates the carrier unable or unwilling to comply with Division 37 requirements. For example, the audit findings show the carrier is not monitoring their drivers' hours of service or allows unsafe commercial motor vehicles to be driven; both choices can have catastrophic consequences.

Sometimes, a recommendation for cancellation can be requested because a carrier does not show up for a scheduled Compliance Review and a scheduled Quantifiable Audit. This inaction by the carrier is taken seriously and is often considered a clear unwillingness to comply with Division 37. Many cancellations over the years have occurred because of this unwillingness to participate.

Recommendations for cancellation are made to the Director of Commercial Vehicle Safety and Enforcement. The Director will notify the carrier, in writing, of the action taken and the reasons for the action. The carrier has the right to explain or "show cause" why the cancellation should not be made ([MVA 118.97](#)).

A resource outlining all of the details related to [NSC Show Cause Hearing Guidelines](#) can be found online including strict timelines, how to apply to Show Cause and how to make a submission.

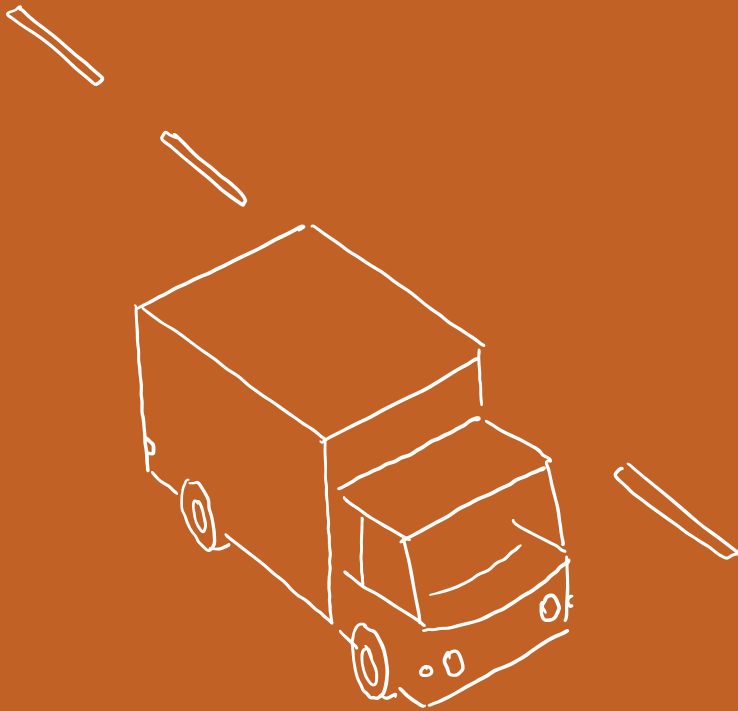
The Director will consider the evidence and arguments presented, and determine, on the balance of probabilities, whether the action should take effect. Whenever possible, the Director will issue a decision within 25 business days of the Notification Date. Reasons for the decision will be provided at the time of decision or within a reasonable time following the decision.

MVA 118.97

- (1) A person or a carrier who has been given notice under section 118.96 has the right, during the period specified by the director in the notice, to apply to the director to show cause why the cancellation, restriction or prohibition should not be made.
- (2) If, at a show cause hearing under subsection (1), the director confirms a cancellation, restriction or prohibition that was the subject of a notice under section 118.96, the person or carrier has the right to apply, during the period specified by the director, to the director for a reconsideration of the decision.

SECTION 2

Applying for a National Safety Code Safety Certificate



As of this current publication (August 2023), the application process is undergoing changes. Below is some helpful information. If you require further information, you can call or email the NSC Program office:

National Safety Code program office

Phone: 250 952-0576

Email: NSC@gov.bc.ca

Quick Overview of the Process and Requirements

1. You must first become knowledgeable in the rules and regulations involved with being a carrier. This is required by regulation (MVAR 37.09(1)(a)(i)). This guide will provide all the information you need but be aware of the related legislation and where to find it.
2. You must have the policies and procedures in place needed to safely operate and monitor your commercial vehicles and drivers, including written safety plans (MVAR 37.08(1)(d)).
3. You will need a business BCeID (British Columbia Electronic Identification). **You can apply for this while you are working on steps 1 and 2 above.**

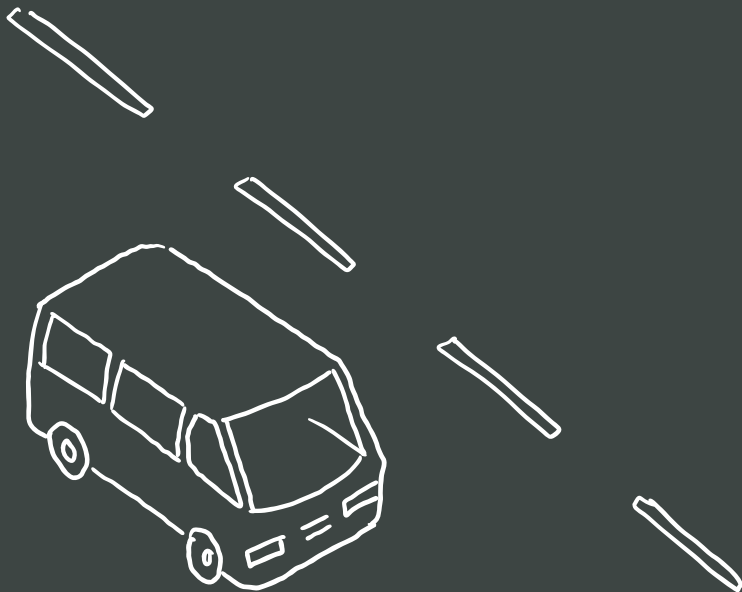
A BCeID is used to access many different government services online. As you intend to operate commercial vehicles for business purposes, **you require a “Business BCeID”**. You may not have an incorporated business. This is fine. You will then register for a Business BCeID in your own name. You are the business and you will be using this BCeID to access business resources online. This does not prohibit you from obtaining a personal BCeID to access other online resources that matter to you personally.

You can register for your “Business BCeID” at: www.bceid.ca.

4. You will need to take and pass an online knowledge test. Details about the online knowledge test can be found in NSC [Notice 01-2021](#). You will need a Business BCeID in order to access the knowledge test. You will not be able to continue with the application process until the knowledge test has been passed.
5. Complete the “NSC Safety Certificate Application” online. The application requires a \$200 non-refundable application processing fee. Applications are processed in order of submission and there is no expedited service.
6. If additional information is required, an NSC applications clerk will attempt to contact you by phone or email. If your application is denied, you will receive a letter, via email, providing written notice as to why. If no additional information is required and your application is approved, you will receive your NSC certificate and confirmation by email.

SECTION 3

Safety Plans



A safety plan is not only a requirement of Division 37, but also an essential tool to promote safety within an organization.

While this section speaks directly to the carrier, because of the carrier's responsibilities, it is essential for drivers, dispatchers and others to read the carrier's safety plan and know where to find it.

A safety plan supports compliance

By pulling together information on the topics covered in this section you will have a solid foundation to develop a detailed safety plan. An effective safety plan can help you and your drivers operate more safely, save you time and money and help you meet your NSC obligations.

A detailed plan can help set expectations and make roles and responsibilities clear to everyone: you, your dispatchers, your drivers, your sales team, your mechanics and anyone else who is part of the day-to-day operations. Be sure to share your plan with all your staff and keep it close-at-hand; it will help you work together to meet the safety standards you put in place.

As your business changes, or as regulations and policies change, updating your safety plan will likely be necessary. If updates are made, make sure everyone is aware of the changes.

A good plan will help you operate a business that protects:

- Your drivers (including you, if you drive for your business)
- Your vehicles
- The goods you transport
- Everyone who shares the road with your drivers and vehicles, like your friends and family

Safety plan topics

While Division 37 requires a safety plan demonstrating the establishment of and the ability to maintain practices and procedures necessary to ensure that the person complies with the Act and its regulation to be in place (MVAR 37.08(1)(d)), it offers no other direction on what to include.

To fill the gap, the NSC Program recommends that your safety plan include policies that cover all aspects of Division 37 of the Motor Vehicle Act Regulations that are applicable to your operations.

MVAR 37.08

(1) A person wishing to obtain a safety certificate from the director must first provide to the director

(d) a safety plan demonstrating the establishment of and the ability to maintain practices and procedures necessary to ensure that the person complies with the Act and this regulation

Each business, depending on the commercial motor vehicles being operated, may or may not be subject to all the regulations under Division 37. For this reason, what is included in a carrier's safety plan will be unique to their operations. As the business evolves, updating the safety plan may be needed.

In the sections to follow, some of the topics of a typical safety plan are explored. Each safety plan topic includes a list of items that a safety plan should include, but these are not exhaustive lists and some of the items may not fit with your business. If you want your safety plan reviewed, or if you have questions, connect with your local Carrier Safety Inspector (CSI).

Use the Carrier Profile and driver abstracts to monitor your drivers.

Establish a disciplinary process. Ensure your drivers know what it is. Use it when fully trained drivers perform poorly. Drivers who are not fully trained should receive more training.

When operating out of province, be prepared for things to have different names. "Notice and Order" is a term used only in B.C. It is the name given to the form an inspector or police officer uses to tell a driver to do a specific thing.

COMPANY POLICY

Topics covered under the company policy should relate to responsibilities of the carrier and should include:

- Hiring policy for drivers
- Monitoring process for driver performance
- Monitoring process for hours of service
- Monitoring process for trip inspections
- Monitoring process for vehicle maintenance
- Monitoring process for dangerous goods (if applicable)

DRIVER POLICY

The driver policy section should offer direction to both the carrier and the drivers to ensure compliance with Division 37 and the safe operation of commercial motor vehicles. The driver policy section should include:

- Driver licensing minimum requirements for the types of commercial vehicles drivers will be driving
- Driver training requirements (defensive driving, transportation of dangerous goods, first aid)
- Expectations on obtaining N-print driver abstracts at time of hire and at least every 12 months there after (MVAR 37.67(1)(a))

- Method of reporting driver incidents
 - Process of handing in violation tickets, Notice and Orders, roadside CVSA inspections and accident reports (MVAR 37.67(2))
 - Procedures for a driver who has a poor driving record or has been involved in a preventable accident
- Expectation that hours worked for other carriers must be recorded in their RODS
 - MVAR 37.51(2) covers this topic in detail
- The remedial/disciplinary action that will be taken if a driver is not compliant (MVAR 37.53)
- Incentive programs for demonstrated commitment to compliance
- Driver signature and date in agreement with the policy

To support the remedial/disciplinary action process, it can be helpful to define “poor driving record” and to lay out the steps that will be taken if their driving record declines, or if they do not comply with Division 37 or your company’s policies. While some policies may seem like common sense, no two drivers’ experiences are the same. What is common sense to one driver may not be to another driver. Explicitly spelling out what types of actions are not okay, can help your drivers clearly understand your expectations. Items from this topic are covered in more detail in [Section 4: Driver Hiring and Records](#).

HOURS OF SERVICE POLICY

Your safety plan should include the hours of service rules that apply to your operation. Your hours of service section may need to include:

- The cycle under which you want the driver to operate (MVAR 37.34)
- Samples and instructions of the type of records the driver is expected to complete or technology that they are expected to use (for example completing RODS)
- Policies about deferring off-duty time (MVAR 37.27)
- Policies about personal use of a commercial vehicle (MVAR 37.02(2))

Regulation Updates

If you operate outside of B.C. you will want to make sure your safety plan has been updated to reflect amendments made June 12, 2021 to the [Commercial Vehicle Drivers Hours of Service Regulations](#)

If you operate in the U.S., you will need to check out their [electronic logging device requirements](#) to see if they will impact your operations.

- Policies related to any exemptions that may be applicable and when they may be used
- Submission timelines for original RODS and supporting records (MVAR 37.51(1))
- Filing and retention requirements of the carrier (MVAR 37.51.(3))
- Policies related to distribution of RODS and supporting records when a driver works for more than one carrier (MVAR 37.51(2))
- A description of how and when the RODS are going to be reviewed and monitored to ensure compliance and by whom (MVAR 37.53)
- The remedial/disciplinary action that will be taken if a driver is not compliant (MVAR 37.53)

If you aren't sure if all, some or none of these apply to you and your operations, items from this section are covered in more detail in [Section 5: Hours of Service](#).

You may find it useful to also have your progressive disciplinary program capture non-compliance in topics outside hours of service.

For example: a driver fails to complete trip inspection reports.

Using the disciplinary program to capture this issue can be a useful tool to get your drivers back on track.

Develop a progressive disciplinary program

Drivers are bound to make mistakes from time to time. If these errors go unaddressed, they have the potential to turn into serious problems, which may in turn cost the carrier time and money. To support the monitoring process, Division 37 requires a carrier to take immediate remedial action when it has been determined that the driver has made an error. (MVAR 37.53(2))

To help carriers meet this expectation, the NSC Program recommends carriers develop a progressive disciplinary program to help demonstrate that you have taken the "immediate remedial action" required of Division 37. While the regulations focus on the corrective action, a progressive disciplinary program gives the carrier and the drivers stages of escalation that can be suited to the type of non-compliance identified. It also helps your drivers to understand the importance of operating safely and in compliance with the regulations.

Here is an example of a basic progressive disciplinary program:

- First infraction = verbal warning with notation on driver file
- Second infraction = written warning with required training
- Third infraction = written warning with 3-day suspension
- Fourth infraction = written warning with longer suspension up to and including termination
- Serious infractions (theft/drugs/alcohol) = immediate dismissal

No matter what kind of progressive disciplinary action is used, make sure you do the following to ensure you are compliant with MVAR 37.53:

1. Issue a notice of non-compliance to the driver; and
2. Record the date when the non-compliance happened, the date the notice was issued and the action you have taken
3. Require the driver who was issued the notice to sign and date a document acknowledging the driver's receipt of the notice.
4. Retain the notices of non-compliance and the document acknowledging the driver's receipt of the notice for 6 months from the date on which the non-compliance occurred.

VEHICLE MAINTENANCE POLICY

A key part to all businesses that hold an NSC Safety Certificate is the operation of safe vehicles. To ensure your vehicles are safe to operate, regular scheduled maintenance and trip inspections play important roles. Operating only safe vehicles will also save a carrier time and money.

It's important to remember every commercial motor vehicle must be inspected before the first trip of the day (MVAR 37.60). While not every vehicle is required to complete a written trip inspection report, all vehicles are required to be maintained to ensure safety (MVAR 37.61). More information on this topic is covered in [Section 6: Vehicle Maintenance and Records](#).

In addition to tools like check sheets and trip inspection reports, this section of your safety plan should include responsibilities the driver has over the vehicle and related records (if not already addressed in the driver policy section). Your vehicle policy section should include:

- Schedule of maintenance for each type of vehicle you operate
- Check sheets for each schedule
- Method of keeping informed of manufacture recalls
- Where the driver can find vehicle records that might need to be provided to an inspector at roadside, such as insurance documents
- CVIP policies and schedules
- CVSA policies
 - What to do when a driver is placed out-of-service (OOS)
 - How and when to send the CVSA inspection reports to the carrier (MVAR 37.67(2))
- Trip inspection report policies
 - How to complete a trip inspection report
 - When to send the completed trip inspection report to the carrier (MVAR 37.63)
 - Requirements for filing and retention of documents for the carrier (MVAR 37.65)

- What to do when a commercial motor vehicle is driven by 2 or more drivers in a day (MVAR 37.62)

OTHER TOPICS FOR CONSIDERATION

The safety plan you create for your business doesn't need to start and stop with Division 37 rules. It can be a place where you incorporate other business programs and policies that support the health and safety of employees. Some additional topics you may want to consider adding:

- Company culture
- Education and training
- Recognizing fatigue, its risks and contributing factors (i.e. sleep apnea, medication, stress, hours worked, inadequate rest)
- Health and wellness
- Managing stress
- Work-life balance
- Traffic conditions – plan B for unexpected delays
- Working with shippers/clients
- Working alone/in isolation
- Ergonomics

Driver statement of responsibility

In addition to the safety plan, you may want to develop a driver statement of responsibility that lists everything you expect from your drivers to support compliance with Division 37. This can be added into the safety plan or be a stand-alone document. This will help them understand the safety practices you expect them to follow. Give a written copy to each of your drivers.

Have them read and sign it. File a copy of the signed statement in the employee file and give a copy to the driver.

What you include in your list of responsibilities will depend partly on the size of your business and the various roles you employ. It will also depend on the type of work you do. If your carrier business involves carrying passengers, you will want to include a section on passenger customer service and safety. If you transport dangerous goods, policies on this should be included.

The following are some expectations you may include in the driver statement of responsibility:

Driver

- Understand that drivers must not drive if their faculties are impaired by fatigue, illness or mental or physical infirmity to the point that it is unsafe for the driver to drive
- Understand that using alcohol or drugs is not acceptable if they are going to get behind the wheel
- Report any accident, conviction, or violation immediately
- Turn in a copy of each violation ticket, Notice and Order and roadside inspection report (CVSA) within 15 days
- Report any driver suspension they receive
- Supply a current driver abstract at least annually from the date of hire
- Carry only authorized passengers
- Remedial/disciplinary action will be taken for non-compliance

Hours of Service

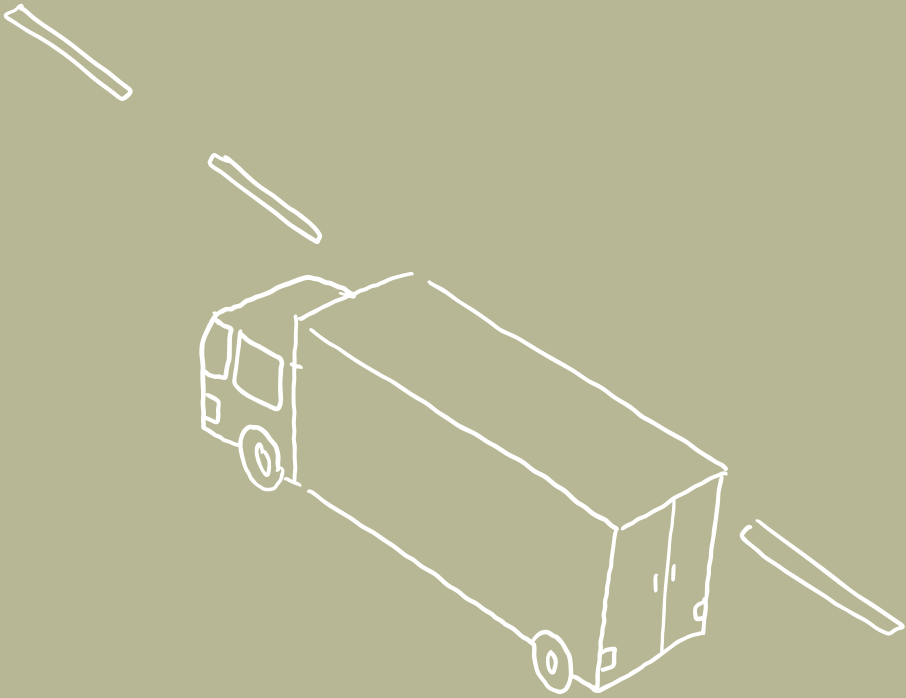
- Keep RODS current to the last duty status change
- Turn in the original of each RODS and supporting records within 20 days
- Follow all regulations when driving commercial motor vehicles subject to hours of service
- Each day before they start their shift, drivers must report any hours they spent working for other carriers (or non-carrier employers) since they finished their last shift for the carrier, as well as how many hours they spent off-duty during this time.

Vehicle

- Know where to find the registration and inspection papers for the vehicle(s) they drive
- Complete a trip inspection before operating your commercial motor vehicle each day and again at the end of the day (MVAR 37.60)
- Complete a trip inspection report (if required) and turn in the trip inspection report within 20 days (MVAR 37.61 and MVAR 37.63)
- Report any vehicle defects immediately that may affect the safe operation of the vehicle and ensure repairs are done before driving that vehicle
- Ensure their vehicle's brakes are always properly adjusted
- Have the current trip inspection report in the vehicle
- Ensure their vehicle's load is secure and to check the load before getting back on the road

SECTION 4

Driver Hiring and Records



A carrier is required to do their due diligence to ensure only qualified, safety conscious drivers are driving commercial motor vehicles. This section covers safety minded hiring practices and maintenance of driver records.

Without drivers to operate vehicles, a carrier's business will not prosper. However, the same can be said of unsafe drivers. Using these recommended hiring practices will help to ensure you hire the kind of drivers with whom your friends and family would be confident sharing the road.

Once you've hired safe drivers, the tricky part can be retention. To retain safe drivers, creating a workplace culture that prioritizes safety will be essential. For more on [Appendix A](#).

Licensing, abstracts and incident records

The first step in hiring safe drivers is to review their driving history with a keen eye. Having drivers complete a thorough application, complete with references, will give you a head start in weeding out those that don't have the experience you're expecting. Next, you'll want to review their driver licence and N-print driver abstract.

DRIVER LICENSING

While this guide focuses on requirements of Division 37, driver licensing requirements that fall under the Motor Vehicle Act (MVA) are important to mention here.

- Carriers must ensure drivers who work for them hold a valid licence that is the proper class for the vehicle they operate ([MVA Part 1 Sec 37](#))
- Carriers need to ensure every driver has the necessary restrictions and endorsements (for example, air brake endorsement) ([MVA Part 1 Sec 37](#)) required for the vehicle(s) they will operate

Look for this information on the back of the driver's licence. For additional information related to driver licensing contact [ICBC – Driver Licensing](#).

DRIVER ABSTRACTS

Quick Note

Division 37 uses the term “driver transcript” to refer to driver abstracts.

The N-print driver abstract can provide invaluable details that can't be found by looking at a driver's licence. Division 37 requires carriers get a current driver abstract for every driver at the time of hire. That includes yourself, if you're an owner/director of the company who drives, and all other drivers you employ or are otherwise engage (MVAR 37.67(1)(a)).

Drivers can obtain their own abstract online at:

- [ICBC – Your Commercial Driving Record](#)
- Drivers must request a “National Safety Code abstract,” also known as an N-print abstract.

There are two types of driver abstracts available in B.C.: N-print and P-print. The N-print is a record of a driver's basic driving history plus any commercial vehicle-related convictions in the last five years. The P-print only includes basic driving history. The P-print won't give you everything you need to make informed decisions about the driver.

- The ICBC online system allows the abstract to be emailed directly to the carrier if the carrier's email address is included in the request.
- **To be considered “current”; CVSE policy is that an abstract must be no more than 10 days before the employee's hire date and must be provided to the carrier before they begin driving for the carrier. The abstract must then be renewed every 12 months.**

Carriers in B.C. that need to request driver abstracts may do so by filling out a National Safety Code Abstract Request form (MV2610), commonly referred to as a “bulk abstract request”. A copy of this form is available on the [ICBC Driving Record website](#).

- Mail or fax your completed form(s) to the address or phone number shown at the top of the form

A carrier must get a new driver abstract for each person who drives for the company at least once every 12 months (MVAR 37.67(1)(a)), though

Owner Operators

Keep a driver file on yourself. Include copies of your driver abstracts and any required training certificates.

To help you protect your drivers' privacy and keep records organized, each driver needs to have their own employee file. Each file should include, but not be limited to, the following:

- A current driver abstract (including the past copies that were submitted and kept for the year requested plus four years (MVAR 37.68))
- Roadside inspection reports – driver related
- Notice and Orders – driver related
- Violation tickets
- Accident reports
- The driver's job application
 - This should include information about the driver's experience and skills
 - You should also include notes on how you checked the information you were given
- Training records
 - Include record of training programs the driver has taken or needs to take

For example: hours of service, defensive driving, first aid, load security and trip inspection training

- Transportation of Dangerous Goods (TDG) records and certificates (if the driver transports dangerous goods)
- The driver's signed and dated acknowledgement of the company's policies regarding NSC regulations
- Record of any remedial/disciplinary actions
 - It is recommended that you have drivers sign and date the record to acknowledge they understand their non-compliance

A well-maintained driver's file will be a useful reference tool when monitoring their employment. Should problems arise, the file can help identify patterns that require attention or gaps in the driver's training that need to be fixed. Addressing concerns immediately will help the driver learn to prioritize safety and may stop the problems from escalating.

DEVELOP A REMINDER SYSTEM

Develop a system to remind yourself of important dates. Include dates drivers' licences must be renewed and the dates you need to request a new driver abstract.

A form like the Driver Check Sheet below gives you a place to record all the dates your drivers completed training courses. Include information on when they need to renew their training. A blank copy of this form is available [online](#).

Use a reminder system that suits the size of your business. Hanging a calendar on the wall and marking it with important dates may work for many small carriers but may not for those with more than a couple drivers.

DRIVER CHECK SHEET: LICENCE, ABSTRACT AND TRAINING DATES							
Driver's Name	Licence expiry date	Abstract required	Type of training and date completed				
			RODS Inspection	Pre/Post-Trip Security	Load Goods	Dangerous Good	First Aid
Leslie James	04-Feb-02	01-Nov-03	00-Nov-03	00-Nov-03	00-Nov-03	N/A	N/A
Ranjit Bains	02-Nov-07	01-Sep-05	N/A	00-Sep-05	00-Sep-05	00-Sep-05	00-Sep-05
Tom Driver	02-Oct-30	02-Jan-30	01-Jan-05	01-Jan-05	01-Jan-05	01-Jan-05	01-Jan-05

Driving incident records

Carriers must keep records of all driving incidents that involve their drivers while in their employ. Drivers must share with the carrier that they were involved in an accident, that they received a violation (for example OOS CVSA), or that they were convicted of a driving-related offence. Division 37 states:

- Drivers must supply all relevant records related to these incidents to the carrier within 15 days of the event (MVAR 37.67(2))

Where an accident has occurred, carriers must keep records related to the accident if it resulted in:

- The death or injury of a human being
- Damage to property, including cargo, that totals more than \$1,000 (MVAR 37.67(1)(c)(iii))

If an accident occurs, photographs are usually the best way to document what happened. Encourage your drivers to take pictures using the camera on their phone or consider supplying a disposable camera for the vehicle and keeping it with the first aid kit.

Keep all accident, violation and conviction reports for the year that the incident happened and for four more years (MVAR 37.68).

- To help carriers keep track of record keeping timelines, in [Appendix H](#) you'll find a one-pager titled NSC Record Keeping at a Glance with all the details of the types of records you're required to keep and for how long.

TRANSPORTATION OF DANGEROUS GOODS (TDG) TRAINING CERTIFICATES

The transporting of dangerous goods in commercial or personal vehicles is subject to both federal and provincial laws and regulations. For more information on the topic check out the [federal TDG Program website](#) and the provincial [TDG website](#).

It is imperative that all drivers who transport dangerous goods have adequate TDG training ([TDGR 6.1\(2\)](#)).

- Carriers must ensure the TDG training certificates they provide to their drivers meet the content requirement as outlined in the regulations ([TDGR 6.3](#)).
- You must keep a copy of each driver's TDG certificate from the date of issue to two years after it expires ([TDGR 6.6](#)).
- TDG training certificates must include the employer's name ([TDGR 6.3\(1\)\(b\)](#)).
- CVSE recommends that the employer's name match the name on their NSC Safety Certificate and not any other name they may use, such as doing-business-as (DBA) name. This will help expedite a review of the certificate's validity at roadside.

Common questions

“Otherwise engaged”

As a carrier, my business is to train drivers to drive commercial motor vehicles. While I own several vehicles used for training, I also have/employ trainers that are owner/operators that use my NSC Safety Certificate number to insure their vehicles. I have driver abstracts for the trainers under my payroll, but do I need them for the owner/operators with whom I have a contract? Do I need them for the trainees?

The short answer to both questions: Yes.

This is because MVAR 37.67(1)(a) says that carriers need to “maintain a transcript of the driving record of each driver employed or otherwise engaged...”

“Otherwise engaged” can refer to those drivers that drive commercial motor vehicles under your NSC Safety Certificate that you may not normally consider your employees, such as the owner/operators or your trainees. Because they are driving commercial motor vehicles that have been insured using your NSC Safety Certificate number, you need to obtain an N-Print driver abstract for them before they drive.

Driver from another jurisdiction

I want to hire a driver, but they just moved to B.C. earlier this month. They haven’t obtained a B.C. driver’s licence and all their driving history is from another jurisdiction. I know I need to get their driver abstract, but their home jurisdiction doesn’t offer online options like ICBC. How am I supposed to get their abstract?

While it may not be as easy as the ICBC online option, every jurisdiction will have some option for the driver to get their abstract. How requests can be made and how long it takes for them to be provided will vary. It’s worth noting that these other jurisdictions may have another name for

B.C.’s N-Print driver abstract; often, they’re simply called commercial driver abstracts. Just make sure your driver requests an abstract that includes their commercial driving experience.

If you want to hire the driver before you get their abstract, make sure that they do not drive for you (whether one of your vehicles or their own). Only once you’ve been able to review their abstract and you are confident in your hire, should they be allowed to operate your vehicles. Let them know that that the Motor Vehicle Act section 34(1.1)(b) requires they get a B.C. driver’s licence within 90 days of becoming a resident and that you’ll check back with them next month to review their new licence.

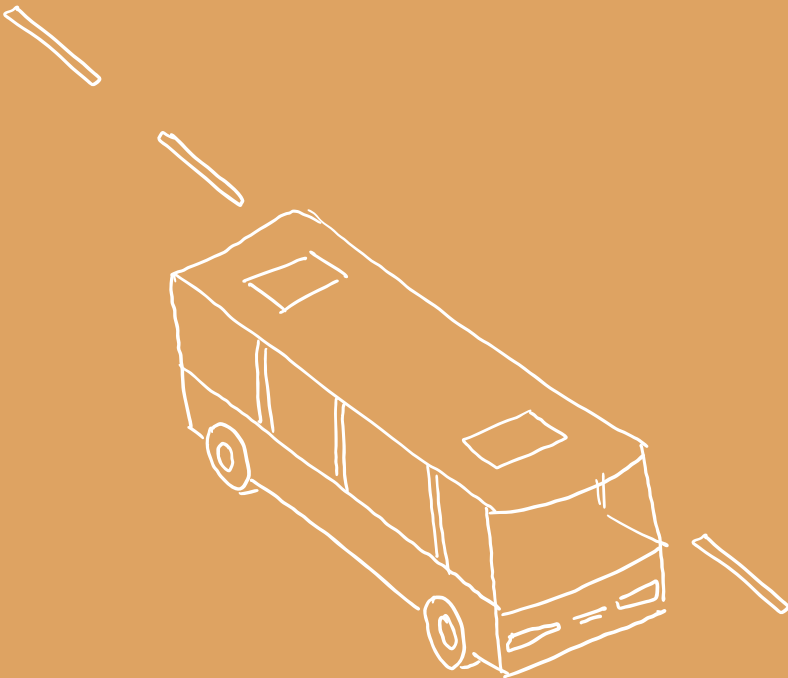
Owner/Operators or Directors that drive

I have an NSC Safety Certificate in my personal name. I sometimes hire drivers, but I also drive commercial motor vehicles insured using my NSC Safety Certificate number. It’s my own business, do I really need a driver abstract for myself?

Yes. You need to have driver abstracts for everyone, including yourself, before they and you drive commercial motor vehicles operating under your NSC Safety Certificate. For owner/operators or directors of incorporated businesses that also drive, it is important to remember that when you see “carrier” and “driver” in Division 37, they both apply to you. This means you also need to make sure you have your own driver file where you keep your driver abstracts, any contravention tickets you receive, your training certificates, etc. Don’t forget to get a new driver abstract at least annually (MVAR 37.67(1)(a)(i) and 37.67(1)(a)(ii)).

SECTION 5

Hours of Service



Parts 4 to 8 of Division 37 of the Motor Vehicle Act Regulations addresses the subject of “Hours of Service” (HOS). Some commercial motor vehicles are exempt from this part, but there are essential HOS rules that everyone must understand.

Maintaining safe roads takes effort, hard work and compliance with the rules. Another way we can all help keep roads safe for our friends, family and others is to abide by MVAR 37.06.

If you’re a carrier, it’s important that you create and support a culture of safety within your business. This will help your drivers be honest with you when it counts. A commitment to safety is also good for business in several ways that you may or may not have considered. For more on why safety is good business, check out [Appendix A](#).

If you’re a driver and find yourself in a situation that your faculties are impaired and driving would be unsafe, you must not drive. You are responsible, just as your carrier is, to not jeopardize the safety or health of yourself and the public. Have an honest conversation with your carrier and discuss options that will keep you off the road until such time that returning would be safe.

Tampering

False record of duty status (RODS), duplicate RODS, multiple RODS, these are some of the phrases used in CVSA inspection reports and audit reports to explain when drivers and carriers are found to be not following the rules around tampering.

MVAR 37.54 explains five key expectations:

MVAR 37.54 (1) A carrier must not request, require or allow a driver to keep, and a driver must not keep, more than one record of duty status in respect of a day.

(2) A carrier must not request, require or allow a person to, and a person must not, (a) enter inaccurate information in a record of duty status, or (b) mutilate, obscure, alter, delete, destroy or deface a record of duty status or supporting records.

(3) A person must not falsify a record of duty status or supporting records.

(4) A person must not request, require or allow a person to falsify a record of duty status or supporting records.

(5) A carrier must not request, require or allow a person to, and a person must not, disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the ELD does not accurately record and retain the data that is required to be recorded and retained.

Carrier HOS responsibilities

As a carrier, you are responsible for making sure your drivers follow the HOS regulations that apply to them depending on the commercial motor vehicles they drive.

Your obligations include the following:

- Understand the HOS regulations – see Part 4 of Division 37 of the MVAR
- Do not allow your driver to drive if:
 - The driver is not fit to drive
 - The driver would jeopardize the safety of themselves or the public
 - The driver is subject to an out-of-service declaration; or
 - The driver would be in non-compliance if driving
- Ensure your drivers do not drive for periods longer than legally allowed
- Ensure your drivers get rest periods they must have
- Keep accurate records that show your drivers are working within the legal limits
- Make sure your drivers carry the appropriate records. If required to fill out RODS, these will include:
 - A copy of the RODS for the previous 14 days
 - An up-to-date RODS for the current day
 - Any supporting records received during the current trip
- Ensure drivers hand in their original RODS within 20 days (MVAR 37.51(1))
- File all RODS with your other records within 30 days of when you receive them (MVAR 37.51(3)(a))
- Keep each of all RODS and supporting records for at least 6 months (MVAR 37.51(3)(b))
- Ensure your drivers who travel into other provinces or territories within Canada know and follow the federal HOS regulations. These are found in the [Commercial Vehicle Drivers Hours of Service Regulations](#)
- Ensure your drivers who travel outside BC operate in compliance with regulations and policies set by the jurisdictions they travel within
- Inform drivers of non-compliance, record date and details of the occurrence and document the action taken with the driver including the date the driver was notified (MVAR 37.53(3)&(4))

37.06 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive, and a driver must not drive a commercial motor vehicle, if

(a) driving would be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,

(b) the driver is the subject of an out-of-service declaration, or

(c) the driver, in doing so, would not be in compliance with this Division.

Supporting records

Supporting records must confirm the information shown on the driver's RODS. Examples of supporting records include:

- Time-stamped fuel receipts
- Bills of lading and shipping documents
- Accommodation receipts
- Meal receipts
- Customs documents
- Toll payments
- Ferry receipts
- Interchange receipts
- Border crossing documents
- Payroll records
- Mill slips
- Copies of co-driver's RODS (even if the co-driver is no longer with the driver)
- Any other records to support the entries in the RODS

Ensure RODS are filled out correctly

When a driver submits RODS, here are some items you must check:

- Make sure they are legible
- Make sure all the required information is on each page
- Make sure the supporting records (receipts, bills of lading, etc.) verify that the RODS are accurate
- Be sure to file the RODS according to the date on the RODS, not the date you receive them.
- Attach supporting records to the relevant RODS sheet and file them together

Original vs. Scans

Original RODS must be retained by the Carrier.

- *If the RODS was completed on paper, the original will be the paper copy.*
- *If it was completed electronically, the electronic copy is considered the original.*
 - *If a driver is using an electronic method of recording HOS, you can access the records remotely and ensure they are able to convert the record into a PDF that can be emailed to the carrier or peace officer.*
- *A Carrier may choose to scan paper records, however the original must be kept and could be requested during an audit.*

MVAR 37.53

(2) A carrier that determines there has been non-compliance with any of Parts 4 to 8 by a driver must take immediate remedial action.

(3) A carrier referred to in subsection (2) must

(a) issue a notice of non-compliance to the driver,

(b) record the date on which the non-compliance occurred,

(c) record the date of issuance of the notice of non-compliance,

(d) record the action taken by the carrier, and

(e) require the driver who was issued the notice to sign and date a document acknowledging the driver's receipt of the notice.

(4) A carrier referred to in subsection (2) must retain at the carrier's principal place of business the notice referred to in subsection (3) (a) and the document referred to in subsection (3) (e) for 6 months from the date on which the non-compliance occurred.

It is also imperative that you are aware of the hours worked by your drivers if they also work for another carrier. Even if they do not drive for another carrier, but perform other work, they still must report these hours. If you are not informed of the hours they have worked for another carrier, you could risk dispatching drivers that do not have hours left for driving.

If concerns arise about your driver's RODS or any other hours of service-related issues, you may need to take remedial action as outlined in your progressive disciplinary policy.

Implement a system for monitoring your drivers' hours

A simple system can help you monitor your drivers' on-duty, driving and off-duty times. You will need this if you are to keep good records and maintain compliance with Division 37. This type of system is important for all carrier businesses, even if you have only one driver.

The Cycle 1 HOS Worksheet (available at: http://www.th.gov.bc.ca/cvse/hours_of_service.htm) is an Excel spreadsheet, complete with instructions, to help track a drivers' compliance with hours of service requirements. Another option is to use your own simple printed form or a computer spreadsheet to monitor your drivers' hours of service. Once a driver's RODS are submitted, the information from the RODS can be used in the worksheet.

If you want to keep up-to-date daily, have your driver call in every 24 hours and use the form to help you keep track of:

- The total number of hours the driver was on-duty in the last 24 hours (see the column headed "Total On-Duty Hours")
- The cumulative total for the cycle

Drivers must tell you the number of hours in each status: driving, on-duty and off-duty. Your dispatcher must listen for updates that report too much time spent driving or on-duty. When this happens, the dispatcher must be prepared to ask questions and you may need to empower them to tell the driver to stop driving or escalate the matter to management.

Exceptions to the rule – local drivers

Normally drivers keep their own hours of service. However, there is an exception to that rule commonly referred to as the “local hours of service exemption” or “local driving hours”, where the carrier is the one holding the responsibility.

The requirement to fill out a RODS is under MVAR 37.47. Here it is explained that RODS must be used to account for all the driver’s changes in duty status. Under MVAR 37.28 it explains how a driver can qualify for the “local driving hours” so long as they meet the following criteria:

- The commercial vehicle is operated within a radius of 160 km of the home terminal,
- The driver takes at least 10 hours off in a day.
- The driver must return to the home terminal each day to take at least 10 consecutive hours of off-duty time before accumulating any additional on-duty time.
- The driver must have taken at least 24 consecutive hours of off-duty time in the previous 14 days.
- The CARRIER must maintain accurate and legible records showing, for each day the driver is on-duty,
 - The cycle the driver follows
 - The time at which the driver reports for duty
 - The time at which the driver is released from duty
 - The total number of hours th driver is on-duty, and
 - the Carrier must keep these records and any additional supporting records for a minimum of 6 months.

A note for drivers

Do not assume you are not required to keep a RODS just because you operate within 160 km of your home terminal.

You are only eligible for the exception if the carrier maintains local time records.

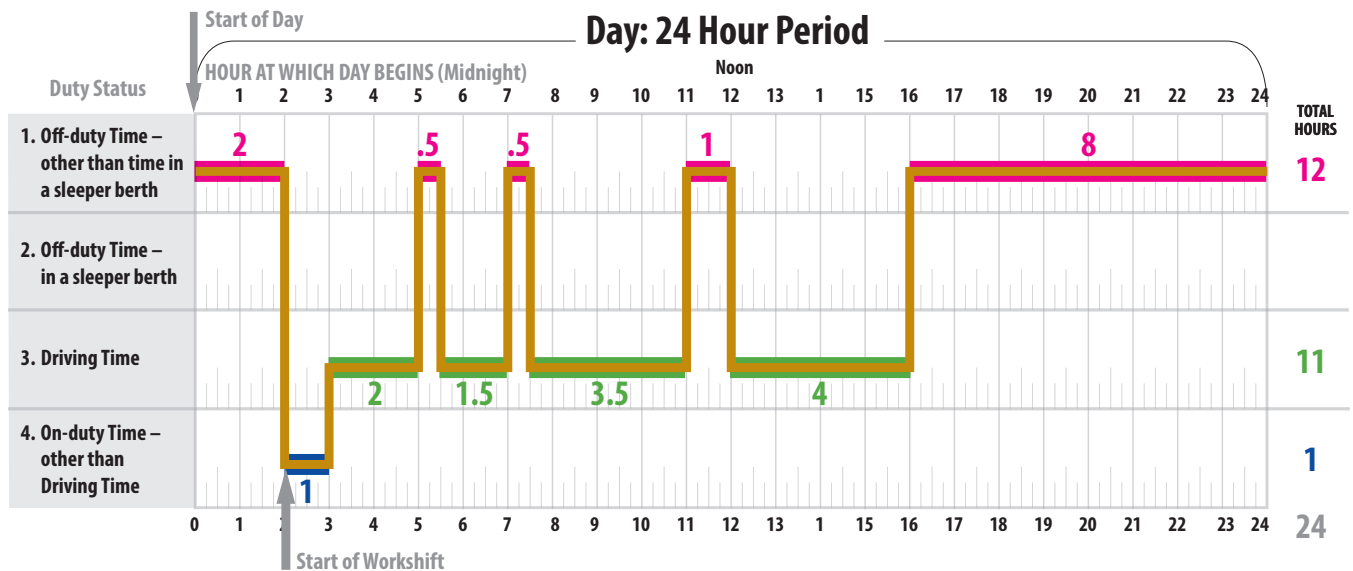
Essential HOS requirements

Day

A “day” is a 24-hour period that begins at the hour designated by the carrier and the hour at which the day begins is flexible.

The grids on most pre-printed paper RODS include a blank space for the driver to write in the hour that is equal to hour zero so that the grid is flexible regardless of the 24-hour period chosen. Many carriers require drivers to use a 24-hour period that runs midnight to midnight, like figure 1 shows.

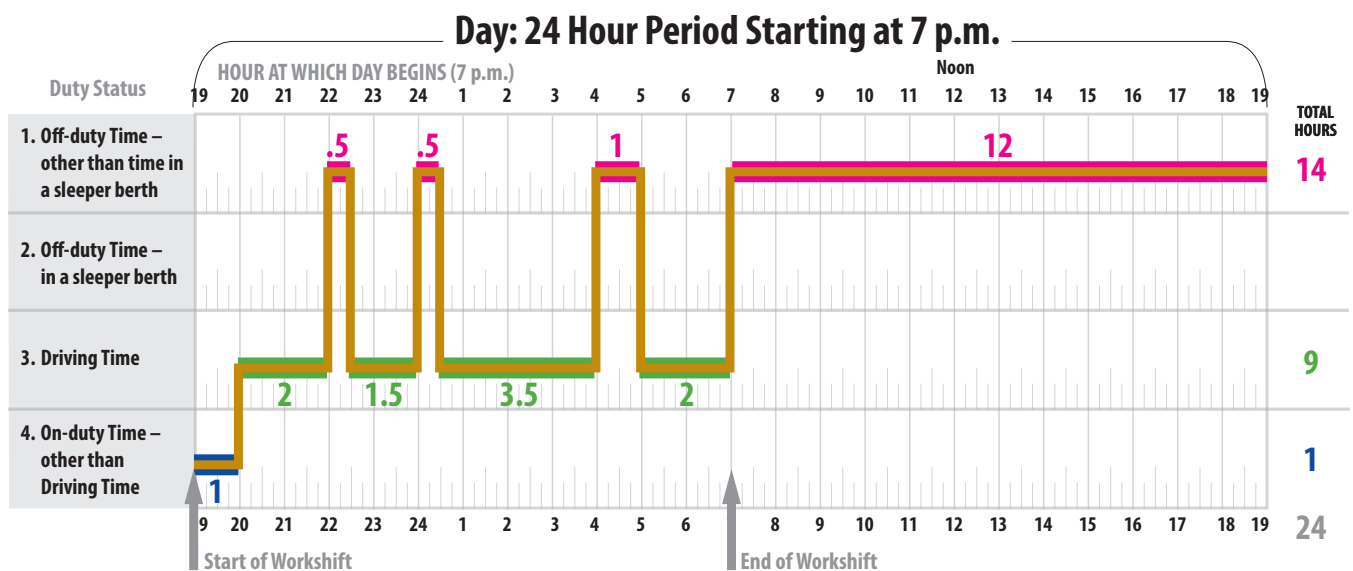
Figure 1:



What is common may not be what works best for everyone. The definition of a “day” allows the carrier to define a different hour to begin the 24-hour period that may better suit the schedule the driver works.

For example:

- A driver works overnight, and their work-shift starts at 7 p.m. and ends the following day at 7 a.m.
- If the driver used a midnight to midnight 24-hour period, their work-shift would spread over two days and over two graph grids.
- For various reasons, the driver and the carrier would prefer to see the entire work-shift within a single graph grid. To accommodate this, the carrier has chosen to designate the beginning of the day to start at noon.



A carrier can determine the daily start time for each driver. Not all drivers working for the same carrier are required to have the same daily start time.

Regardless of what hour the 24-hour period begins with, a driver must maintain the same “day” throughout their current cycle. For changes to be made to the “day”, the driver must first “reset” their current cycle. These requirements also apply to drivers operating under logging truck hours and oil well service vehicle hours, even though they are not considered “cycles.”

DUTY STATUSES

During a day, a driver may perform many activities, including picking up or dropping off a load, driving, maintaining the vehicle, completing paperwork, eating, sleeping and performing other work for the carrier.

A driver's day is comprised of two main duty statuses: On-duty and Off-duty. The driver's activities are then classified into one of four categories of duty statuses, as per Schedule 2 of Division 37 of the MVAR:

- Off-duty time, other than time spent in a sleeper berth
- Off-duty time spent in a sleeper berth
- Driving time (on-duty time)
- On-duty time, other than driving time

Under Part 4 - Hours of Service - General of Division 37 you'll find three sections in succession:

- MVAR 37.24 – Daily driving and on-duty time
- MVAR 37.25 – Mandatory off-duty time
- MVAR 37.26 – Daily off-duty time

Regulations found under MVAR 37.24 and MVAR 37.26, like their names imply, are related to the "day." This means that to be compliant with these regulations, the driver must ensure that they are meeting these requirements each "day". The sections to follow will cover these regulations in greater detail.

Unlike the "day" rules, MVAR 37.25 regulations relate to the "work-shift". The "work-shift" is not specifically defined in the regulations under MVAR 37.01 like the term "day" but is instead the common term applied to the rules under MVAR 37.25.

On-duty (MVAR 37.02)

On-duty time begins when a driver begins to work or when a carrier requires a driver to be

ready to start work. It includes all driving time and ends when the driver stops work or is relieved of responsibility by the carrier.

The following is also considered on-duty:

- Inspecting, servicing, repairing, conditioning, fuelling or starting a commercial motor vehicle,
- Travelling in a commercial motor vehicle as a co-driver, other than time spent in the sleeper berth,
- Participating in the loading or unloading of a commercial motor vehicle,
- Inspecting or checking the load of a commercial motor vehicle,
- Waiting before and while a commercial motor vehicle is serviced, loaded, unloaded or dispatched,
- Waiting before and while a commercial motor vehicle or its load is inspected and the driver's requirements are assessed, and, if applicable, time spent taking required remedial actions,
- Waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- Resting in or occupying a commercial motor vehicle for any other purpose, other than
 - (i) Time counted as off-duty time in accordance with section 37.18 [travelling as a passenger – off-duty time],
 - (ii) Time spent in a sleeper berth,
 - (iii) Time spent in a stationary commercial motor vehicle to satisfy the requirements of section 37.26 (3) [daily off-duty time], and
 - (iv) Time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.26 (3),
- Performing yard moves, and
- Performing any work for any carrier.

ON-DUTY - The importance of “any work for any carrier”

As a driver, it is incredibly important to acknowledge when you are performing work for a carrier. On the surface, this may seem easy and obvious. But many employers fly under the radar because you may never think of them as carriers. Many employers don't present themselves or self identify as being part of the commercial trucking industry for various valid reasons, but they hold a safety certificate and are therefore carriers nonetheless. You may be surprised to learn that many school districts, municipalities, daycare centres, elder care home facilities all hold safety certificates. The

BC Provincial Government, an employer of over 25, 000 people is also a carrier.

Before taking on another job as a driver, it is highly recommended you ask your current employer if they hold a safety certificate. If they do, all the work you do for them will count as on-duty time when you begin driving for another carrier. You do not need to work as a driver for a carrier for the hours to count as on-duty time.

For example: Kelly works as a teacher for a local school district. The school district holds a safety certificate to insure the busses they use to pick up and drop off students before and after school.

Kelly wants to work as a driver for a ride-hail company to make some extra money.

Kelly is obliged to inform the ride-hail company of the hours they worked as a teacher, since those hours are on-duty hours. If Kelly doesn't share the total hours spent each day working as a teacher and the number of hours spent off duty each day, the ride-hail company may dispatch them to drive when in fact Kelly may not have the hours available to them. Kelly must account for the on-duty hours accumulated as a teacher because they are obliged under Division 37 to ensure they do not exceed the hours of service limits.

Daily driving and on-duty time other than driving

When using a Schedule 2 graph grid to record hours of service, driving time must be logged separately from on-duty time other than driving, regardless of the fact that driving is an on-duty status. Both the carrier and driver are responsible for ensuring that daily limits of on-duty status time are not exceeded. Division 37 requires:

1. A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 13 hours of driving time in a day. (MVAR 37.24(1))
2. A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 14 hours of on-duty time in a day (MVAR 37.24(2))

Important notes:

- These limits are specific to a “day” but will also come into play later in this section when we cover the work-shift.
- Drivers doing their own repair or maintenance work on a day off are required to log that time as on-duty not driving.

Off-duty

Off-duty means any period other than on-duty time (MVAR 37.01). Division 37 sets out the minimum amounts of off-duty time for drivers. Sections titled “Mandatory off-duty time” explains the work-shift requirements, and the “daily off-duty time” explains the day limits.

On-Duty Time:

is all the time your drivers spend working for you or any other carrier.

Off-Duty Time:

is any time a driver is not on-duty.

On-Duty Driving Time:

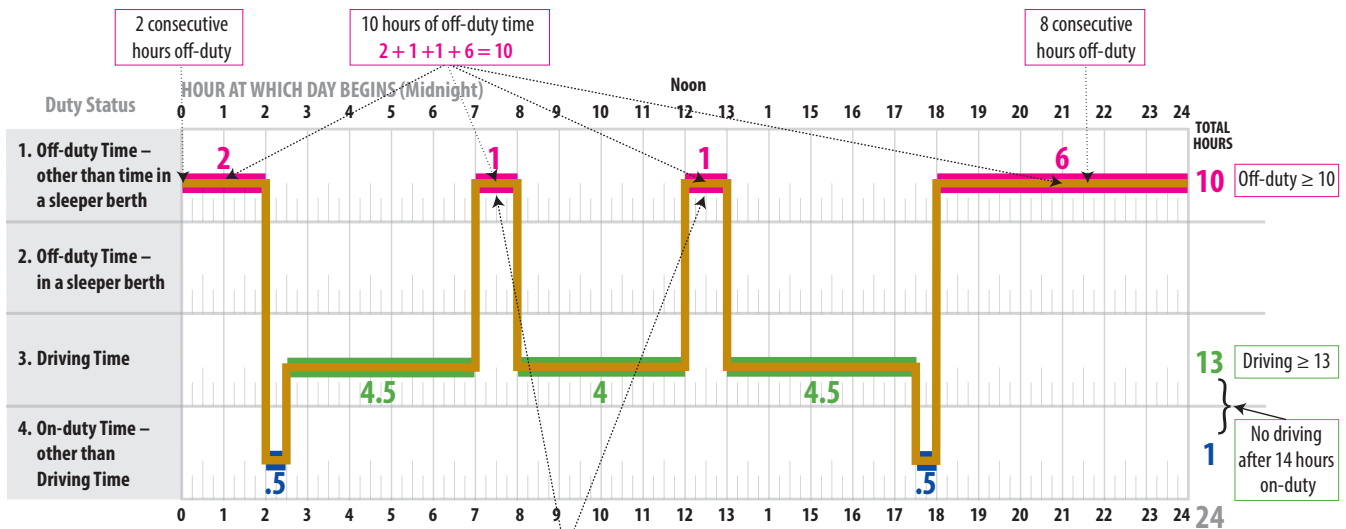
is any on-duty time a driver is at the controls of a commercial vehicle while the engine is running.

Daily off-duty time

1. A driver must take at least 10 hours of off-duty time in a day (MVAR 37.26(1))
2. Of the mandatory 10 hours, at least 2 hours must be taken in blocks no fewer than 30 minutes each and must not form part of a core off-duty period of 8 consecutive hours (MVAR 37.26(2) & (3))

Important notes:

- A driver must comply with both the mandatory off-duty time (work-shift) requirements and the daily off-duty time requirements.
- It is not necessary to have 8 consecutive hours in a “day”, but it is necessary to have 8 consecutive hours off between the start and end of each work-shift.

Example 1: Compliant

2 hours of off-duty time that does not form part of the required period of 8 consecutive hours of off-duty time.

- If a carrier requires a driver to carry a cellphone/pager/beeper to be contacted for a duty assignment, this time should be recorded as off-duty.
 - Waiting to be assigned work at home or at some other location or carrying a cellphone/pager/beeper and waiting for a possible work assignment and is considered off-duty time.

- A driver can record off-duty time if they are relieved by the motor carrier from responsibility for the vehicle and load and can pursue personal activities.
- Off-duty time and off-duty time in a sleeper berth are logged separately in a Schedule 2 graph grid.

Off-duty time spent in a sleeper berth

Some commercial vehicles are equipped with a special area used for sleeping accommodation. These sleeper berths are usually located in the cab or passenger compartment of the commercial vehicle and must meet specific dimensions and environmental requirements.

Later in this section you'll find more details on time spent in a sleeper berth and the space requirements or you can [navigate there now](#).

Mandatory off-duty time (work-shift)

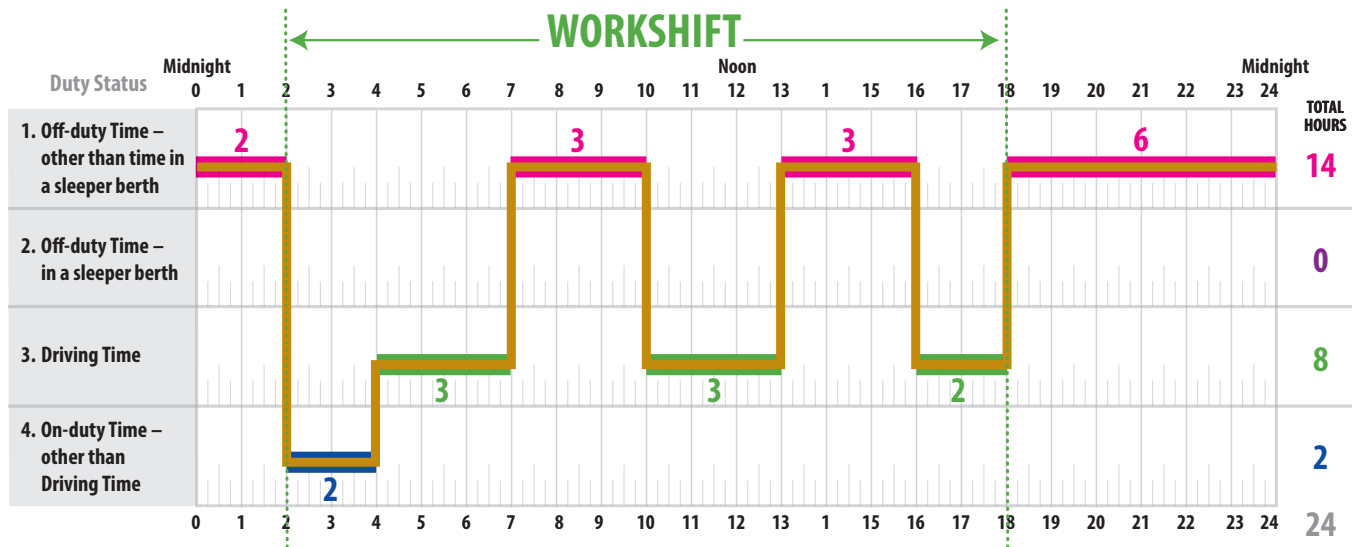
The "work-shift" is not a term specifically used or defined in Division 37, but is a common term used to describe the mandatory off-duty time requirements of MVAR 37.25. It is important to acknowledge that the work-shift rules must be met, just as the daily on-duty (MVAR 37.24) and off-duty (MVAR 37.26) rules must also be met. These three sections of Division 37 work together. To be compliant, all the rules must be followed.

It can be helpful to think of the work-shift as a 16-hour window.

What conditions are imposed in the 16-hour work-shift? A driver must not drive after accumulating:

- 13 hours of driving time
- 14 hours of on-duty time
- 16 hours of elapsed time from start of the work-shift

This 16-hour window occurs between two off-duty periods of at least 8 consecutive hours. Every off-duty period consisting of 8 consecutive hours or more resets the “work-shift.” Another way to look at it is each work-shift is anchored on either end with a core rest period.



Important Notes:

- The work-shift regulations and the regulations for daily on-duty and off-duty time must all be met.

Core rest period options:

1. 8 consecutive hours off-duty time other than in sleeper berth
2. 8 consecutive hours off-duty time in sleeper berth
3. 8 consecutive hours off-duty time other than in sleeper berth combined with off-duty time in sleeper berth (must be continuous and uninterrupted)

4. Split sleeper berths:

- Single Driver: split sleeper berths totaling at least 10 hours
- Team Drivers: split sleeper berths totaling at least 8 hours (for details on time spent in a sleeper berth check out the [sleeper berth section](#))

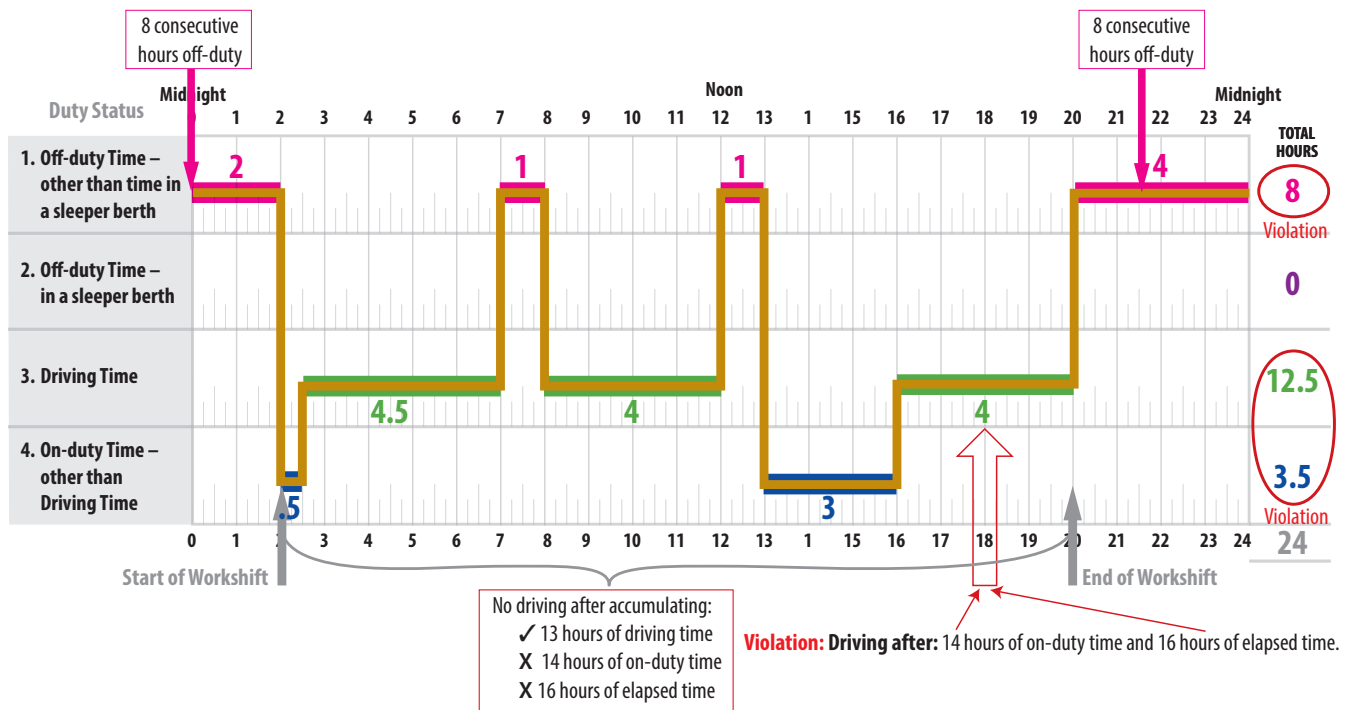
The length of a work-shift is determined by counting the time spent in all duty statuses from the time a driver reported for work following an off-duty period of 8 consecutive hours or more to the time the driver is released from work and takes another off-duty period of 8 consecutive hours or more.



These are supported by the Mandatory off-duty time rules under MVAR 37.25:

1. No driving after accumulating 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again
2. No driving after accumulating 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again
3. No driving after 16 hours of time have elapsed between the end of the most recent period of at least 8 consecutive hours off-duty time and the beginning of the next period of at least 8 consecutive hours of off-duty time
4. No driving unless the driver has taken at least 24 consecutive hours of off-duty time in the previous 14 days

“Work-shift” violation example:



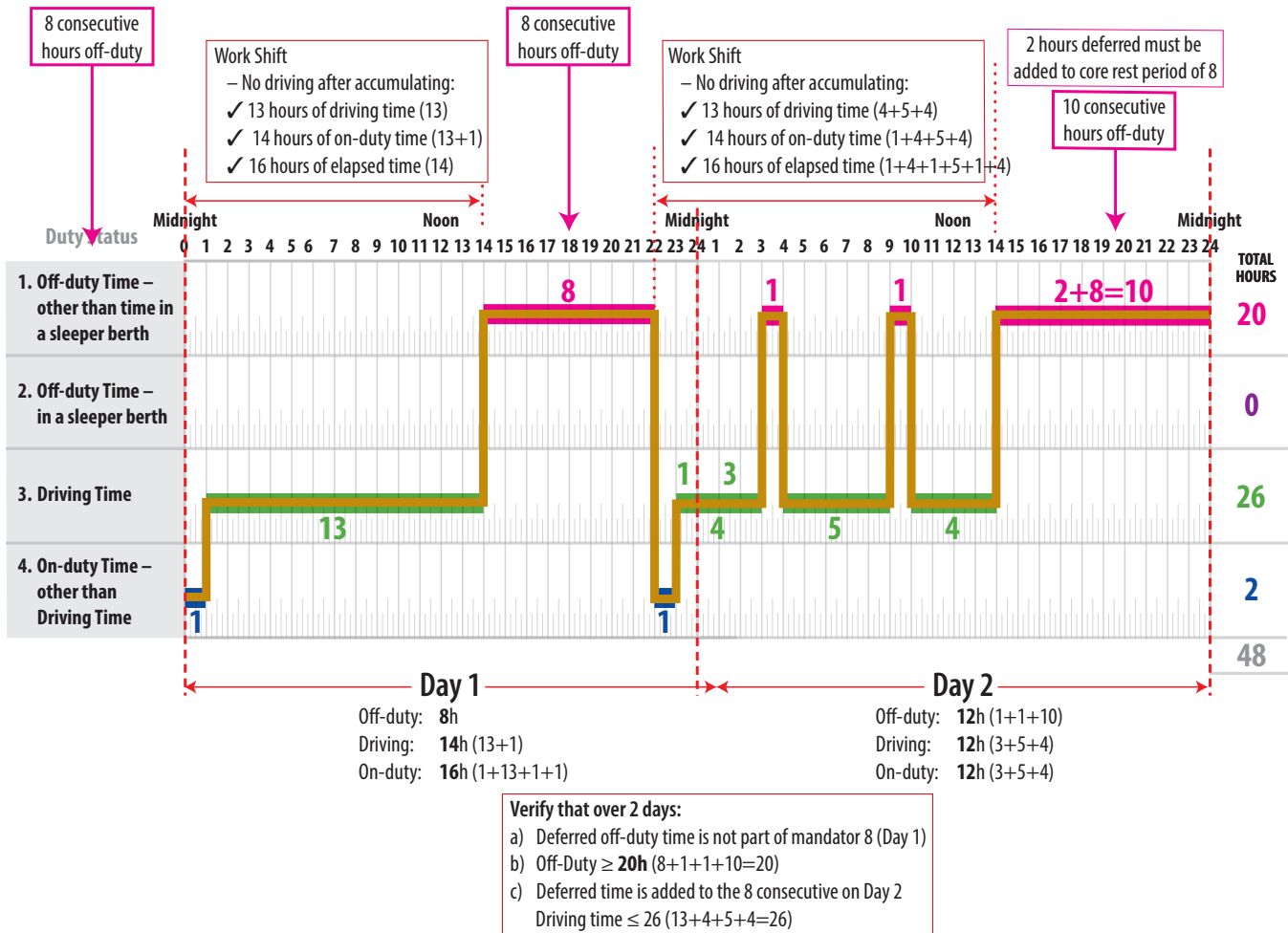
Deferring off-duty time:

MVAR 37.27 Deferral of Off Duty Time

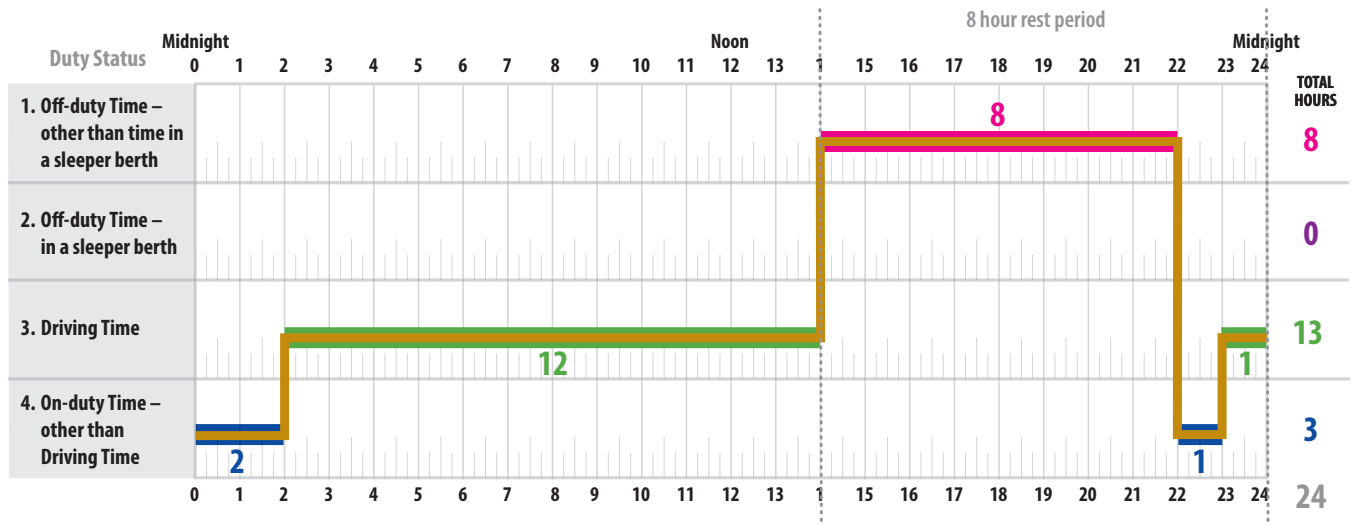
Drivers may reduce their off-duty requirement of 10 hours by up to two hours providing:

- The 2 hours is not part of the 8 consecutive off-duty hours
- The 2 hours are added to the 8 consecutive off-duty hours taken on the second day
- The total off-duty time taken in the 2 days is at least 20 hours
- The total driving time in the 2 days does not exceed 26 hours
- The RODS clearly indicates “Deferral – Day 1” and “Deferral – Day 2”

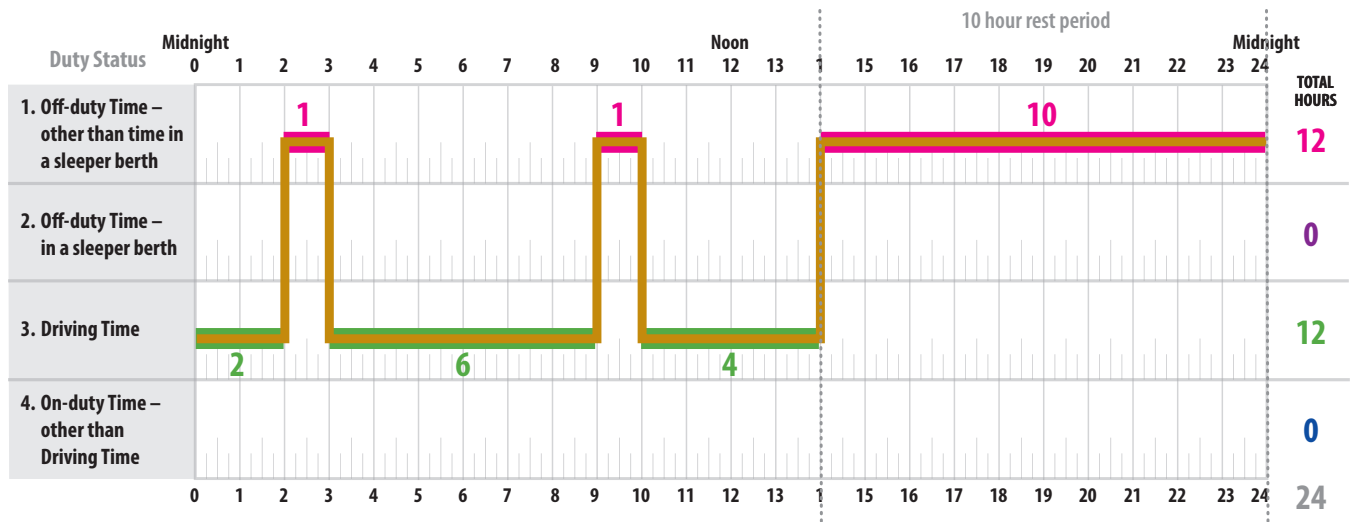
Example 1: Compliant



Day 1 – Deferral



Day 2 – Deferral



CYCLES

Like the 3 key definitions described earlier in this section, the term “cycle” is also clearly defined under section 37.01 of the MVAR. Under this section “cycle” means:

- (a) cycle 1 as described in section 37.35 [cycle 1], under which on-duty time is accumulated over a period of 7 days, and
- (b) cycle 2 as described in section 37.36 [cycle 2], under which on-duty time is accumulated over a period of 14 days; (MVAR 37.01)

How are cycles used?

When subject to hours of service rules, drivers must keep track of their time using one of two cycles (MVAR 37.34).

- The exception to this rule is when the vehicle driven or the industry in which the driver operates, gives them other options.
 - Examples include: [logging truck hours](#), [oil well service vehicle hours](#) and the [motion picture industry pilot project](#).

Important Reminder

No matter which cycle the driver follows, all drivers must have taken at least 24 consecutive off-duty hours in the previous 14 days (MVAR 37.25(4)).

CYCLE OPTIONS:

Cycle 1

Drivers must not drive after accumulating 70 on-duty hours in any period of 7 days (MVAR 37.35)

Cycle 2

Drivers must not drive after completing 120 on-duty hours in any period of 14 days and must take at least 24 consecutive hours off-duty time after accumulating 70 hours of on-duty time (MVAR 37.36)

CYCLE 1

No driving after 70 hours on-duty in any 7 days.

CYCLE 2

No driving after 120 hours on-duty in any 14 days.

Driver must take at least 24 consecutive hours of off-duty time before accumulating more than 70 hours of on-duty time during this cycle.

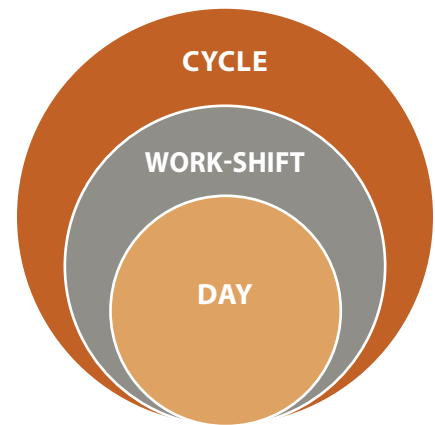
Importance of cycles

In terms of safety, cycles, day rules and work-shift rules all hold value and importance for different reasons. To be effective, they all work together in harmony. At times, this can prove quite challenging, especially for those new to the industry.

Cycles are important to drivers because they provide a framework of sorts that give a driver some structure to then apply the day rules (MVAR 37.24 and 37.26) and work-shift rules (MVAR 37.25).

It may be helpful for some to think of the rules in terms of length of time.

- Cycle rules are the longest because they account for the greatest number of hours a driver needs to track.
- The second largest are the work-shift rules. Work-shift rules allow drivers to accumulate on-duty and off-duty time within a 16-hour window of time.
- The day rules are the smallest in terms of upper limits: maximum of 13-hours driving and a total of 14-hours on-duty.



How do cycles work?

Cycle 1 Examples

A stakeholder engagement conducted by CVSE in the spring of 2020 highlighted that most drivers use cycle 1. While the engagement did not ask why they chose to operate under cycle 1, may likely be because of its simplicity.

Cycle 1 only has a single requirement: No driving after accumulating 70 hours of on-duty time in any period of 7 days.

A driver may drive less than a 10-hour day and never reach the 70 on-duty hours in 7 days. The driver may not be required to reset the cycle by taking 36 consecutive hours off-duty, but they are still required to take at least 24 consecutive hours off-duty in the previous 14 days.

Cycle 2 – In the table below, using a 10-hour a day on-duty schedule, you can see that depending on when the driver took the 24 consecutive hours off-duty, there may be an additional requirement to take another 24 consecutive hours off-duty for cycle 2.

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14
On-duty	0	10	10	10	10	10	10	10	0	10	10	10	10	10
Accumulated Time	0	10	20	30	40	50	60	70	70	80	90	100	110	120

Key feature of both cycles are that they are on a sliding scale. Here are some examples of the concept of “during any period of,” as used in the definitions of cycle 1 and cycle 2.

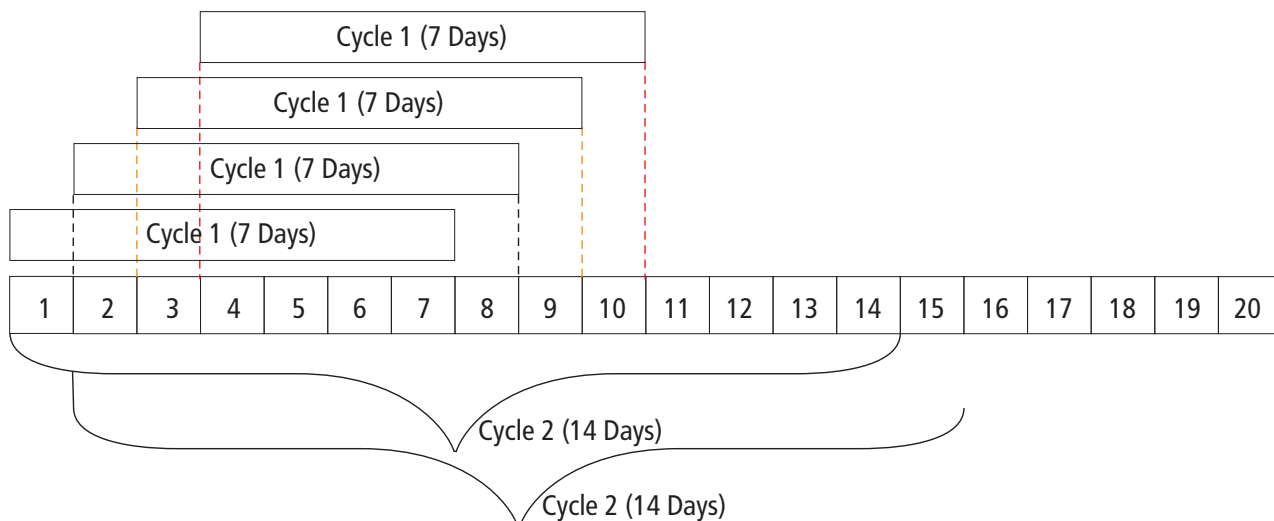
Sliding scale examples:

Example 2: Illustration of Cycle 1 (70 hours / 7 days)

Cycle 1: Sliding Window Concept

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
On Duty	10	9	10	9	14	0	0	10	14	8	10	14	0	2	
	accumulated on-duty time = 52														
								=10							
									=24						
										=32					
											=42				
												accumulated on-duty time = 56			
													accumulated on-duty time = 56		
														accumulated on-duty time = 58	

Example 3:



The requirement of Cycle 1 under MVAR 37.35 is to ensure that a driver does not drive after accumulating more than 70 hours on-duty in any 7-day period. If, by the end of day 7, the driver still has on-duty time left, the driver may continue to work without taking a reset until either they accumulate 70 hours on-duty in 7 days or they reach 14 days without having at least 24 consecutive hours off-duty.

Cycle Reset

If a driver reaches their declared cycle limit, the driver must stop driving. The driver then has the choice to either:

- Take the necessary number of hours off-duty to bring them back into compliance with the cycle limits (the cycle period continually slides by adding the current day and subtracting the oldest day of the cycle)

Depending on the cycle a driver is operating under, there are different amounts of off-duty time needed to reset the cycle as required by MVAR 37.37.

A cycle can be reset at any time by taking:

- 36 consecutive hours off to reset cycle 1
- 72 consecutive hours off to reset cycle 2

Main benefit of a cycle reset: accumulated hours are set back to zero.

After taking the minimum amount of consecutive off-duty time (36 hours for cycle 1; 72 hours for cycle 2), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle switching

Sometimes a driver will need to switch between cycles. Before a driver can do this, they will need to complete a cycle reset (MVAR 37.38) for the cycle they had just been running under.

If a driver wants to:

- Switch from cycle 1 to cycle 2, the driver must take at least 36 consecutive hours of off-duty time
- Switch from cycle 2 to cycle 1, the driver must take at least 72 consecutive hours of off-duty time

If a driver is using the logging truck or oil-well service vehicle hours, switching from these hours to cycle 1 or cycle 2 works differently.

SLEEPER BERTH

Some vehicles are fitted with a sleeper berth that a driver can use to rest, relax and sleep.

Under Division 37 there are two sections that cover some special HOS rules for single drivers and team drivers.

Single drivers

MVAR 37.32(1) offers single drivers using a sleeper berth the option to split up their required off-duty time into two periods if:

- Neither period is less than 2 hours
- The total off-duty time is at least 10 hours
- The off-duty time is spent in the sleeper berth
- The total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours
- The elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on-duty
- None of the daily off-duty time is deferred to the next day

- The total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour

The 16th hour is calculated, according to MVAR 37.32(2), by

- Excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours
- Including:
 - All on-duty time
 - All off-duty time not spent in the sleeper berth
 - All periods of fewer than 2 hours spent in the sleeper berth
 - Any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section

With respect to splitting daily off-duty time, MVAR 37.32(3) requires that “a carrier must not request,

require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections MVAR 37.25 and 37.26 without first taking at least 8 consecutive hours of off-duty time.”

Team drivers

MVAR 37.33(1) Team drivers using a sleeper berth can split their required off-duty time into two periods, if:

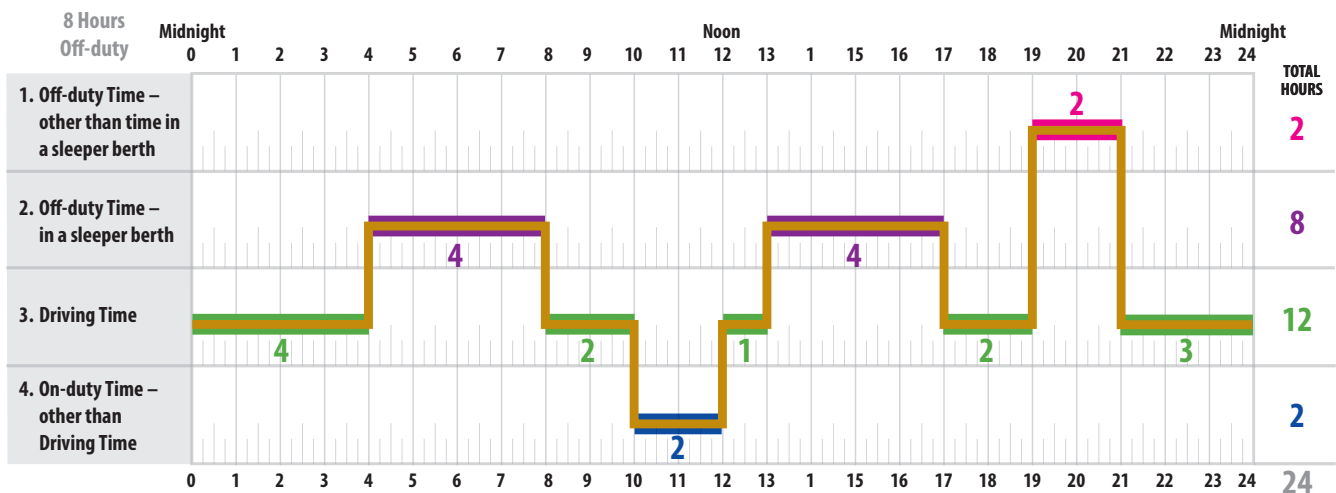
- Neither period is less than 4 hours
- The periods total at least 8 hours
- The total off-duty time in a day is at least 10 hours

Important notes:

- While a driver can combine a consecutive sleeper berth rest period and an off-duty period to meet the minimum 8 consecutive hours of off-duty time, the driver cannot combine sleeper berth time and other off-duty time to meet the minimum split sleeper berth requirements.

Team Drivers

8 Hours in a Sleeper Berth



Sleeper berth space requirements

Schedule 1 in Division 37 provides a complete list of the requirements that must be met before an area in a commercial motor vehicle can meet the definition of a “sleeper berth”. It is important that a sleeper berth used by drivers conform to Schedule 1 requirements under Division 37 if the carrier wants the driver to be able to utilize the single or team driver sleeper berth rules.

An area of a commercial motor vehicle is a sleeper berth if:

- (a) it is designed to be used as sleeping accommodation,
- (b) it is located in the cab of the commercial motor vehicle or immediately adjacent to the cab and is securely fixed to it,
- (c) it is not located in or on a trailer,
- (d) it is located in the cargo space and it is securely compartmentalized from the remainder of the cargo space,
- (e) in the case of a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 m in length, 60 cm in width and 60 cm in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area,
- (f) in the case of a commercial motor vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis;
 - (ii) 60 cm in width, measured on the centre line of the transverse axis;
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area,
- (g) it is constructed so that there are no impediments to ready entrance to or exit from the area,
- (h) there is a direct and readily accessible means of passing from it into the driver’s seat or compartment,
- (i) it is protected against leaks and overheating from the vehicle’s exhaust system,
- (j) it is equipped to provide adequate heating, cooling and ventilation,
- (k) it is reasonably sealed against dust and rain,
- (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep, and
- (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial motor vehicle, the means being designed, installed and maintained to withstand a total force of 2,700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

FERRY CROSSINGS

Depending on the type of ferry you take, there are some duty status requirements to consider for your crossing. The regulations include requirements for longer crossings (MVAR 37.29), but most crossings in B.C. are fewer than 5 hours in length.

To address these shorter trips, the NSC Program published [NSC Bulletin 01-17](#). In short, it explains that “during the ferry crossing, as long as the driver is not doing any work for any carrier, the time during the crossing can be recorded as off-duty since the driver is not in control of their vehicle.”

For longer crossings, despite sections on mandatory off-duty time MVAR 37.25 and daily off-duty time MVAR 37.26, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 consecutive hours of off-duty time, when:

- The time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours
- The hours are recorded in the RODS as off-duty time spent in a sleeper berth
- The driver retains, as a supporting record, the receipt for the crossing and rest accommodation fees
- The supporting record coincides with the RODS (MVAR 37.29)

INDUSTRY SPECIFIC RULES FOR LOGGING TRUCK AND OIL WELL SERVICE VEHICLES

To support primary resource industries in B.C. special hours of service regulations were developed and apply to drivers who transport:

- Logs or poles (MVAR 37.30)
- Specialized equipment or materials to or from a natural gas well or oil well (MVAR 37.31)

Logging truck hours

The drivers of vehicles designed exclusively for transporting logs or poles may choose to operate under the following logging truck hours (MVAR 37.30). When operating under the logging truck hours, some of the rules are different and some exemptions cannot be applied.

Additional hour of consecutive off-duty time

- A driver must not drive after 13 hours of driving time unless the driver has taken 9 consecutive hours of off-duty time before driving again

Alternate to “cycles”

Logging truck hours do not meet the definition of a cycle. As a result, sections that cover cycles (MVAR 37.34), cycle 1 (MVAR 37.35) and cycle 2 (MVAR 37.36) do not apply to the carrier or the driver if:

- The driver does not exceed 15 hours elapsed time from the end of the most recent 9 hours of consecutive off duty, and
- Takes at least 24 consecutive hours off duty at least once in every period of 7 days

On-duty limits

- A driver must not drive after 65 hours of driving time or 80 hours of on-duty time during any period of 7 days

Required remarks

- A driver must complete a RODS and include “operating under logging hours” in the remarks section of the RODS
 - Use of either the Schedule 2 graph grid or the approved logger’s modified graph grid found in [Appendix D: Forms and modified graph grids](#) is allowed

Operating within 160km of home terminal

A driver may not utilize local driving hours while operating under logging truck hours MVAR 37.28(1) (a).

Switching from logging truck hours to cycle 1 or cycle 2

Because logging truck hours do not meet the definition of a “cycle”, the driver is not required to complete a cycle reset (MVAR 37.30(7)). If a driver wants to switch from logging truck hours to cycle 1 or cycle 2 the driver must take at least 9 consecutive hours of off-duty time (MVAR 37.30(5)).

Once the driver begins operating under cycle 1 or cycle 2, the hours worked under the logging truck hours must be accounted for when calculating cumulative hours. For example, if a driver accumulated 39 hours of on-duty time in the previous 3 days under the logging truck hours, completes 9 hours of consecutive off duty time and moves to cycle 1, the driver would only have 31 hours of on-duty time available in the next 4 days before the driver reaches the cycle 1 limit of 70 hours in the previous 7 days. If the driver decides to switch from cycle 1 back to logging truck hours the driver must take at least 9 consecutive hours of off-duty time.

Oil well service vehicle hours

Oil well service vehicle hours began as an exemption permit under the federal [Commercial Vehicle Drivers Hours of Service Regulations](#). To streamline the process, CVSE included oil well service vehicle hours into Division 37 to avoid requiring the director to issue an exemption permit.

The oil well service vehicle hours (MVAR 37.31) are unique and can be used when a driver is operating a vehicle that meets the following criteria as defined under MVAR 37.01:

- Specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry
- Used exclusively in the oil and natural gas industry for transporting equipment or materials to and from oil and natural gas facilities, or for servicing and repairing oil or natural gas facilities

Off-duty requirements

Like the logging truck hours, the oil well service vehicle hours do not meet the definition of a cycle. As a result, sections that cover cycles (MVAR 37.34), cycle 1 (MVAR 37.35) and cycle 2 (MVAR 37.36) do not apply to the carrier or the driver, and in addition to complying with daily off-duty requirements of section MVAR 37.26(3), the driver must take, in any period of 24 days, at least 3 periods of off-duty time:

- each of which is at least 24 hours long, **and**
- that may be taken consecutively or separated by on-duty time

Switching from oil well service vehicle hours to cycle 1 or cycle 2

- A driver must take at least 72 consecutive hours of off-duty time after the completion of driving under the oil well service vehicle hours before beginning to follow a cycle in accordance with section 37.34, 37.35 or 37.36 (MVAR 37.31(1)(b))

“Work-shift” and daily on-duty limits

While operating under the oil well service vehicle hours, the daily driving and on-duty time rules (MVAR 37.24) and the work-shift rules (MVAR 37.25) continue to apply.

Waiting and standby time

Waiting time and standby time at an oil or natural gas well site or support facility will be considered off-duty time when:

- The driver performs no work during the time
- The time is fully and accurately recorded in the RODS as off-duty time and denoted as waiting or standby time in the Remarks section (MVAR 37.31(2))
- The time is not included in the mandatory eight consecutive hours of off-duty time (MVAR 37.31(3))

While driving under permit from British Columbia or another jurisdiction or under the provisions in Division 37, the driver is exempt from Cycle 1 and Cycle 2 and is not permitted to defer off-duty time (MVAR 37.31(1) and MVAR 37.31(3)).

ELDS

A Carrier must ensure that each commercial vehicle that they operate is equipped with an ELD that meets the technical standard, and that the ELD is mounted in a fixed position during the operation of the commercial motor vehicle. The ELD must be visible to the driver when the driver is in normal driving position (MVAR 37.39(1)). More than one ELD must not be used at the same time for the same time period (MVAR 37.39(2) and MVAR 37.39(3)).

Exemptions from the ELD requirement

The director may exempt a carrier from the ELD requirement entirely or substitute other requirements. These exemptions could be specific to the vehicles operated by the carrier, or a driver or class of drivers employed or otherwise engaged by the carrier (MVAR 37.42).

Exemptions issued by the director can be found in Circular No. 03-2023

ELD recording and other requirements.

The carrier must require the driver to, and the driver must record all the information associated with the driver's RODS as the driver's RODS changes in accordance with MVAR Division 37 and the Technical Standard (MVAR 37.40(1) and MVAR 37.40(2)).

The carrier must ensure that, and the driver must record all the information related to the driver's RODS in a complete and accurate manner (MVAR 37.40(3) and MVAR 37.40(4)).

A driver must verify or manually enter the following information into the ELD:

- The date and start time (if other than midnight), and the driver's driver identification number.
- The cycle that the driver is following.
- The commercial motor vehicle number plates.
- The unit number or trailer number (if applicable).
- The name and address of the home terminal and the principal place of business of each carrier by which the driver is employed or otherwise engaged during the day.
- The vehicle's location description (if it is not automatically drawn from the ELD's geo-location database).
- If the driver was not required to keep a RODS immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of that day.
- Any deferral of off-duty time under MVAR 37.27.
- Any annotation necessary to complete the RODS. (MVAR 37.40(5)).
- A driver must, immediately after recording the last entry for the day, certify the accuracy of their RODS (MVAR 37.46).

If a driver is authorized by the carrier to conduct yard moves in the vehicle, the carrier must ensure that the driver's ELD is configured so that a driver can indicate those moves (MVAR 37.40(6)).

The carrier must ensure that each vehicle equipped with an ELD carries an ELD information packet containing the current version of the following documents:

- A user's manual.
- An instruction sheet for the driver that describes the steps required to generate and transfer data to a Peace Officer with respect to the driver's RODS.
- An instruction sheet for the driver that describes what steps need to be taken if their ELD malfunctions.
- A sufficient number of RODS to allow the driver to record all the information required under MVAR 37.48 for at least 15 days. (MVAR 37.41)

Maintenance

A carrier must ensure that an ELD that is installed or used in their commercial motor vehicle is in good working order and calibrated and maintained in accordance with the manufacturer's or seller's specifications (MVAR 37.43).

Malfunction

If the driver becomes aware that the ELD is displaying a malfunction, they must notify the Carrier as soon as the vehicle is parked (MVAR 37.44(1)). In addition, the driver must also record in the RODS on which day the driver noticed the malfunction the following information:

- The malfunction code.
 - This must be recorded in each RODS until the ELD is repaired (MVAR 37.44(3)).
- The date and time the driver first noticed the malfunction.
- The time when a notification of the malfunction was sent to the carrier. (MVAR 37.44(2))

When a carrier is made aware of a malfunction in the ELD they must:

- Repair or replace the ELD within:
 - 14 days from the date that they were made aware, or
 - At the latest, upon the driver's return to the home terminal from a planned trip, if the trip exceeds 14 days (MVAR 37.44(4)).
- Maintain a register of ELD malfunctions in their vehicles that must contain:
 - The name of the driver who first noticed the malfunction.
 - The name of each driver who drove the vehicle following the discovering of the malfunction, until it is repaired or replaced.
 - The make, model and serial number of the ELD.
 - The number plate or vehicle identification number of the vehicle using the ELD.
 - The date and location of the vehicle when the malfunction was first noticed.
 - The date the carrier was notified.
 - The date the ELD is repaired or replaced.
 - A concise description of the actions taken by the carrier to repair or replace the ELD. (MVAR 37.44(5))

The above records must be kept for a period of 6 months from the day that the ELD was repaired or replaced (MVAR 37.44(6)).

Accounts

A carrier must establish and maintain a system of accounts for ELDs that complies with the technical standard. This system must allow for drivers to record their RODS in a distinct and personal account and provides a distinct account for the driving time of an unidentified driver (MVAR 37.45).

OTHER RODS REQUIREMENTS

Content of RODS

All RODS are required to have the same information and use the graph grid in Schedule 2. This makes it possible for carriers and drivers to monitor their hours and for officers to confirm compliance with the regulations. Every RODS must include the following (MVAR 37.48 and Schedule 2):

- Date
- Start time, if different than midnight
- Driver's name, printed
- Driver's signature
- Odometer reading at the beginning of the day
- Odometer reading at the end of the day
- Total distance driven by the driver during the day
- Commercial vehicle licence plate number or vehicle unit number
- Cycle being followed by the driver
- Names of every carrier the driver worked with, or for, during the day
- Address of the home terminal and the principal place of business of each carrier the driver worked with, or for, during the day

In addition to this list, a driver must record time in a RODS using the local time at the driver's home terminal (MVAR 37.49).

Information to be added, as required:

- Name of the co-driver
- Remarks, such as:
 - "Deferral - Day 1" or "Deferral - Day 2" (when off-duty time is being deferred in accordance

with MVAR 37.27)

- When driving time is extended due to emergencies and adverse driving conditions (MVAR 37.17)
- The number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day, if the carrier or driver was not required to keep a RODS immediately before the beginning of the day (MVAR 37.48(1)(i))
- Odometer reading at the beginning and end of each period of personal use (MVAR 37.02(3)(e))

Completing a RODS

To fill out a Schedule 2 graph grid (as found under MVAR Schedule 2 – Instructions),

- For each duty status,
 - mark the beginning time and the end time and draw a continuous line between the time markers
 - record the name of the municipality or legal subdivision and the province or state where a change in duty status occurs, or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number, the nearest kilometre marker and the name of the nearest municipality or legal subdivision;
 - (ii) the highway number, the nearest service plaza and the name of the nearest municipality or legal subdivision;
 - (iii) the numbers of the highways that meet at the nearest intersection and the name of the nearest municipality or legal subdivision; (MVAR 37.48(2))

- **Bundling Method:** If the driver is engaged in making deliveries in a municipality that results in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined
- Enter the total number of hours for each period of duty status, which must add up to 24 hours, on the right of the grid.

Multiple days off-duty - paper RODS

While the regulations require that a driver must fill out a RODS for each day that includes all the driver's on-duty time and off-duty time (MVAR 37.47), CVSE also acknowledges that multiple days off in a row would result in a series of nearly blank paper RODS.

To help save time and paper, by policy CVSE will accept a single paper RODS that lists the date range where the driver was off-duty for the entire "day" for each "day" listed in the date range. When consecutive days off are summarizing on a single paper RODS, the driver and carrier must ensure that the paper RODS contains the names and the addresses of the home terminal, the principal place of business of the carrier, and the driver's signature.

For example: A driver ends their work shift at 6 p.m. on Monday September 6th. On Tuesday, Wednesday and Thursday the driver is off-duty. The driver starts their work shift at 8 a.m. Friday, September 10th.

CVSE would accept a single paper RODS page that lists that the driver was off-duty on the 7th, 8th and 9th.

Other RODS - Electronic

CVSE supports the use of electronic recording devices when complete with an electronic signature and when an ELD is not required. The information recorded must meet the requirements of MVAR 37.48, which in short explain that a driver may use an electronic recording device for recording his or her duty status if:

- the information would be the same if it had been submitted as a RODS in paper format
- when requested to do so by the director or a peace officer, the driver can immediately provide the information for the previous 14 days by
 - producing it on a digital display screen of the electronic recording device;
 - in handwritten form;
 - on a printout;
 - on another intelligible output; or
 - any combination of the above
- the device is capable of displaying
 - the driving time and other on-duty time for each day on which the device is used,
 - the total on-duty time remaining, and the total on-duty time accumulated in the cycle being followed by the driver, and
 - the sequential changes in duty status and the time at which each change occurred for each day on which the device is used
- the driver can prepare a handwritten RODS from the information stored in the device for each day on which the device is used
- the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences

- the device records the time spent in each duty status
- any hard copy of the RODS that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy
- the carrier provides blank paper RODS forms in the commercial motor vehicle for the driver's use

When using an electronic recording device an electronic signature is accepted so long as it meets the definition of an “electronic signature” as per the [Electronic Transactions Act \(ETA\)](#).

ETA s.1 offers the following definition: “electronic signature” means information in electronic form that a person has created or adopted in order to sign a record and that is in, attached to or associated with the record.

There is no specific format, or font style that is required of an electronic signature and it does not need to be a signature that was originally hand-written.

Distribution and keeping of RODS

In addition to rules on how RODS are to be filled out, there are rules that explain when a driver needs to forward the RODS to the carrier and how long the carrier must keep them.

MVAR 37.51 explains that a driver needs to forward the original RODS within 20 days after completing it, plus all supporting records, to the carrier's home terminal and the carrier must ensure that the driver does so.

If a driver works for more than one carrier in a day, the driver also needs to ensure that the original RODS is sent to the home terminal of the last carrier they worked for and must send a copy to every other carrier they worked for. Supporting records are to be forwarded to the home terminal of the applicable carrier (MVAR 37.51).

Once a carrier has received the RODS and supporting records, they have 30 days to deposit them at its principal place of business.

The RODS and supporting records must be kept in chronological order for each driver for a period of at least 6 months (MVAR 37.51(3)).

For a one-pager on record keeping, refer to Appendix (H) NSC record keeping at glance.

Use a RODS at all times if there is any chance you may not always qualify for an exemption. This will ensure you always have days properly recorded when you need them.

Check MVAR 37.16 if you think your driver may be exempt from hours-of-service regulations.

These exceptions apply in only a few cases.

HOS EXEMPTIONS

Many commercial motor vehicle drivers are required to follow hours of service regulations. However, the regulations do not apply to drivers who are driving (MVAR 37.16):

- A 2 or 3-axle commercial motor vehicle that is being used for the transportation of primary products of a farm, forest, sea, or lake where the driver or his employer is the producer of the products
- A 2 or 3-axle commercial motor vehicle that is being used for a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest, sea, or lake
- An emergency vehicle (must meet [MVA](#) definition)
- A commercial motor vehicle transporting passengers or goods for the purpose of providing relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster
- A road building machine as defined in the [Commercial Transport Act](#)
- A farm tractor or an implement of husbandry (must meet [MVA](#) definition)
- A commercial motor vehicle that is equipped with a mounted mobile service rig, or equipment that is directly used in the operation or the transportation of a mounted mobile service rig
- Vehicles and other equipment while engaged in highway or public utility construction or maintenance work on, under or over the surface of a highway while at the site of the work (but does not apply to him or her while travelling to or from that site)

Exemption for non-passenger vehicles under 11,795 kg GVW

In addition to these exemptions, the Director of CVSE has exempted vehicles from hours of service regulation with a licensed GVW under 11,795 kg, with conditions ([Circular 03-07](#)).

Hours of service requirements still apply to:

- Trucks or truck tractors licensed with a gross vehicle weight of more than 11,794 kg GVW
- School busses
- Vehicles operating under the Passenger Transportation Act
- Commercial vehicles that have a seating capacity of 10 or more passengers plus the driver

CONDITIONS

This exemption to hours of service is only available when operating within B.C. borders. When a vehicle travels outside of B.C., the driver must meet the requirements of the places they are travelling. When travelling to other Canadian jurisdictions the vehicle will be required to meet the Canadian Federal Commercial Vehicle Drivers Hours of Service Regulations, or the U.S. hours of service regulations if travelling within the U.S.

Local Driving Hours

Drivers who are driving within a 160km radius of their home terminal, and are not utilizing logging truck hours or oil well service vehicle hours may utilize local driving hours (MVAR 37.28).

The driver and the carrier are exempt from daily driving and on-duty time, mandatory off-duty time and daily off-duty time (MVAR 37.24, 37.25 and 37.26) if they meet the below requirements of local driving hours (MVAR 37.28).

The driver must:

- Take at least 10 hours off in a day.
- Return to the home terminal each day to take at least 10 consecutive hours of off-duty time before accumulating any additional on-duty time.

- Have taken at least 24 consecutive hours of off-duty time in the previous 14 days. (MVAR 37.28(3))

The carrier must:

- Maintain accurate and legible records showing, for each day the driver is on duty,
 1. The cycle the driver follows
 2. The time at which the driver reports for duty.
 3. The time at which the driver is released from duty.
 4. The total number of hours the driver is on-duty.
- Keep the records mentioned above, and the supporting records related to those for a minimum of 6 months from the date on which each record was made. (MVAR 37.28(4))

Part 5 (ELD Records of Duty Status) and Part 6 (Other Forms of Record of Duty Status) do not apply and a driver may not use deferral when operating under local driving hours. (MVAR 37.28(5) and MVAR 37.28(6)).

Personal use exemption

Driving commercial vehicles for personal use (MVAR 37.02(3)) is not considered to be, “on-duty,” provided:

- The commercial motor vehicle is not used in the course of the business of the carrier,
- The commercial vehicle is unloaded,
- The vehicle is not towing a trailer,
- The vehicle is not driven more than 75 km in a day
- The odometer readings are recorded at the beginning and end of personal use, and
- The driver is not subject to an Out of Service declaration.

When driving a commercial vehicle for personal use, the travel time is to be recorded as off-duty time. This exemption covers common situations such as bobtailing home, or the use of a commercial vehicle to tow a trailer for weekend camping. Regardless of the activity, the driver must not exceed 75 kilometres per day. Other daily limits do not apply while the driver is driving the vehicle for personal use.

COMMON HOS QUESTIONS

The “work-shift”

Does the “work-shift” apply to short haul driving operations? If a driver drives for an hour to haul a load of aggregate to a site, then takes a two-hour break to unload, then drives back to the plant for another hour, then takes another break to load again, and so forth, how do the Regulations affect that driver?

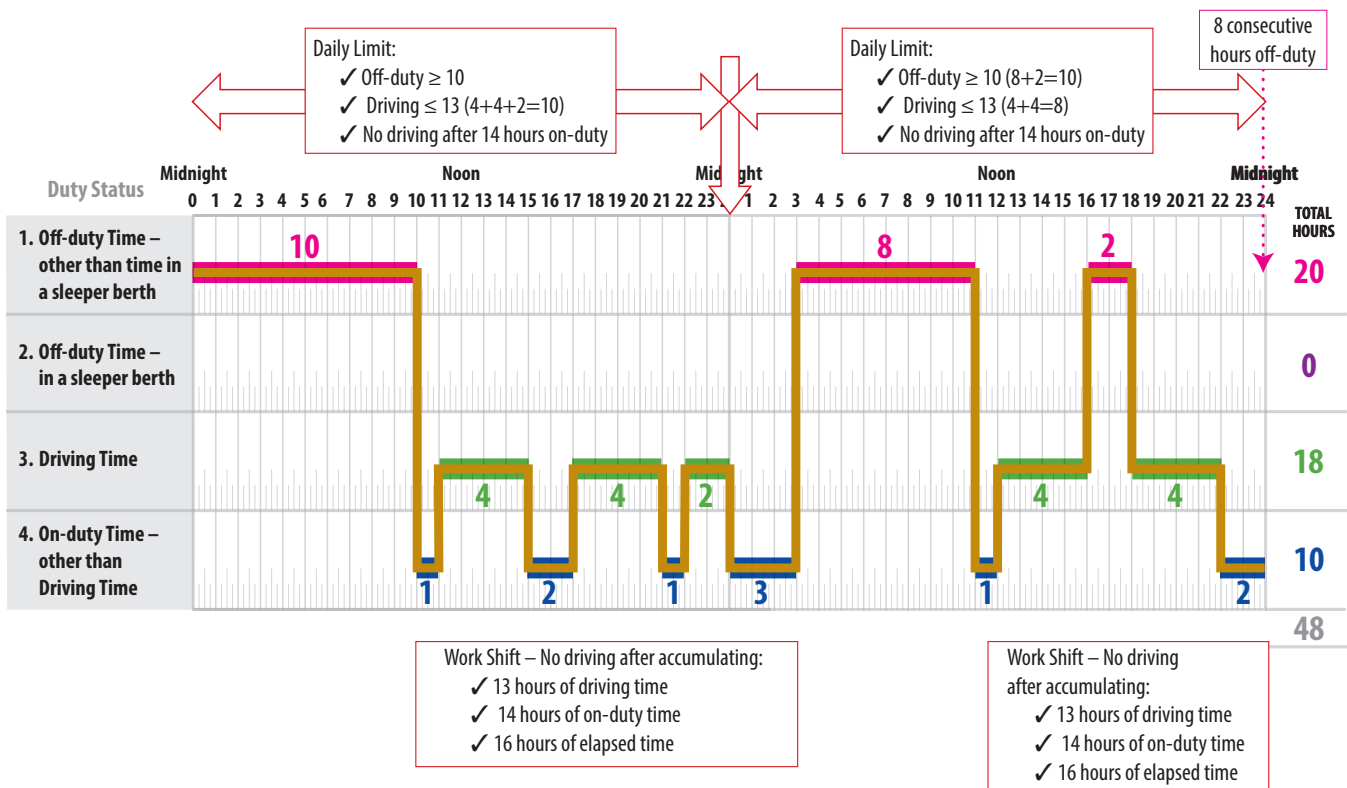
- a. Yes. “Work-shift” rules are the same for all short and long-haul operations. When a driver has reported for work, after having taken at least 8 consecutive hours off-duty, the driver must ensure they do not drive a commercial vehicle after 16 hours has elapsed. In addition to work-shift rules, the driver must also ensure they are compliant with the day rules.

My carrier defined my “day” as midnight to midnight to match the paper RODS that were purchased. I work night shifts, which means my normal work-shift spans 2 days. Does this still comply with the rules of the “work-shift” and daily off-duty time?

- a. Yes. A work-shift may be spread over two “days” and still be compliant if the driver is compliant with all the requirements of MVAR 37.25. Similarly, if the driver is compliant with all the requirements of MVAR 37.26, the driver’s RODS will be compliant. There are no rules that require the 8-consecutive hours of off-duty time to be taken within the “day”.

Here is an example of a compliant RODS that shows the work-shift spanning over two “days.”

Example 1: Compliant



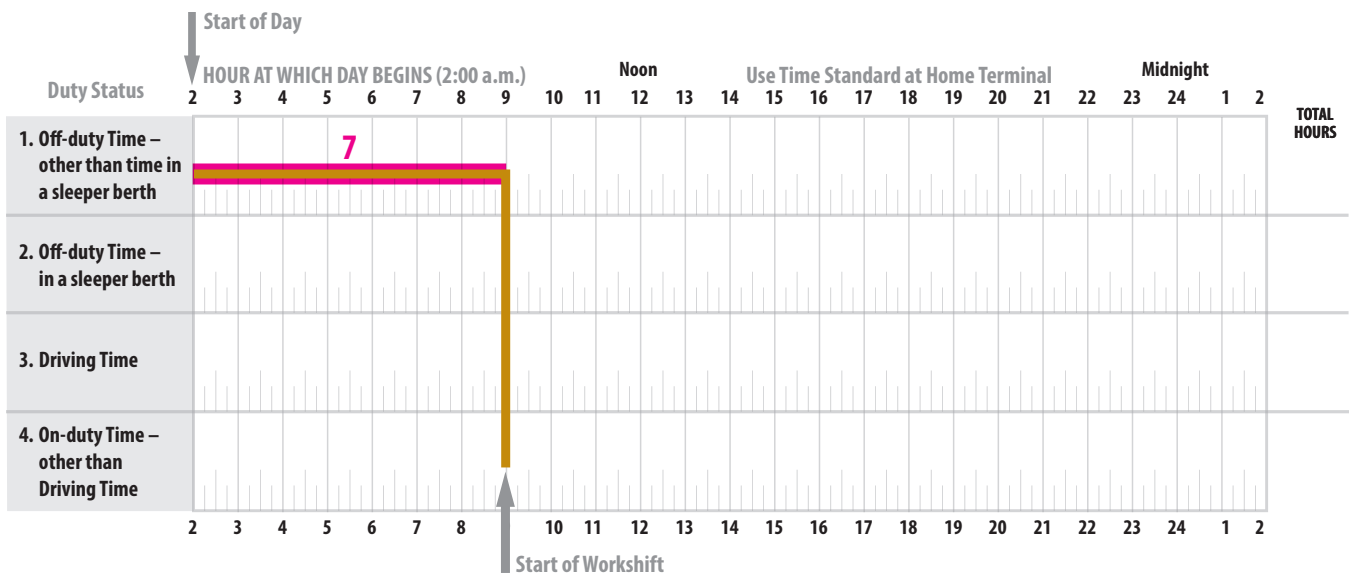
If a driver spends 8 consecutive hours resting in a stationary commercial motor vehicle will this be considered as satisfying the requirements for resetting the work shift?

- No. To be considered off-duty, the driver must have been completely relieved of all duty, responsibility and obligation for the care and custody of the vehicle, its accessories, and any passengers or cargo it may be carrying.
- The exception to this scenario is if the driver spends the 8 consecutive hours resting in a compliant sleeper berth and reports their

duty status for the time as, off-duty time spent in a sleeper berth.

How does a carrier designate the shift starting time?

- The carrier is only required to designate the start time for the day. The driver must indicate on the graph grid the change in duty status and the time at which the change occurred. The work shift starts after the driver has taken at least 8 consecutive hours off-duty and at the moment the driver performs any activity for the carrier. The work shift ends when the driver begins to take at least 8 consecutive hours off-duty.



A driver is told by dispatch to report at 16:00. The driver shows up on time. However, once arrived at the terminal, the driver is told the load will not be ready for another 5 hours. Does this mean the driver is now off-duty until the load is ready, or is the waiting time considered as part of his or her 16-hour work shift? Can the driver now postpone reporting time to whenever the load is ready?

- The driver's work shift has started and therefore, the waiting time will be considered as part of the 16 hours total elapsed time. If the carrier relieves the driver from responsibility and the driver can pursue an activity of their own choosing, the time can be shown as off-duty.

Deferring off-duty time

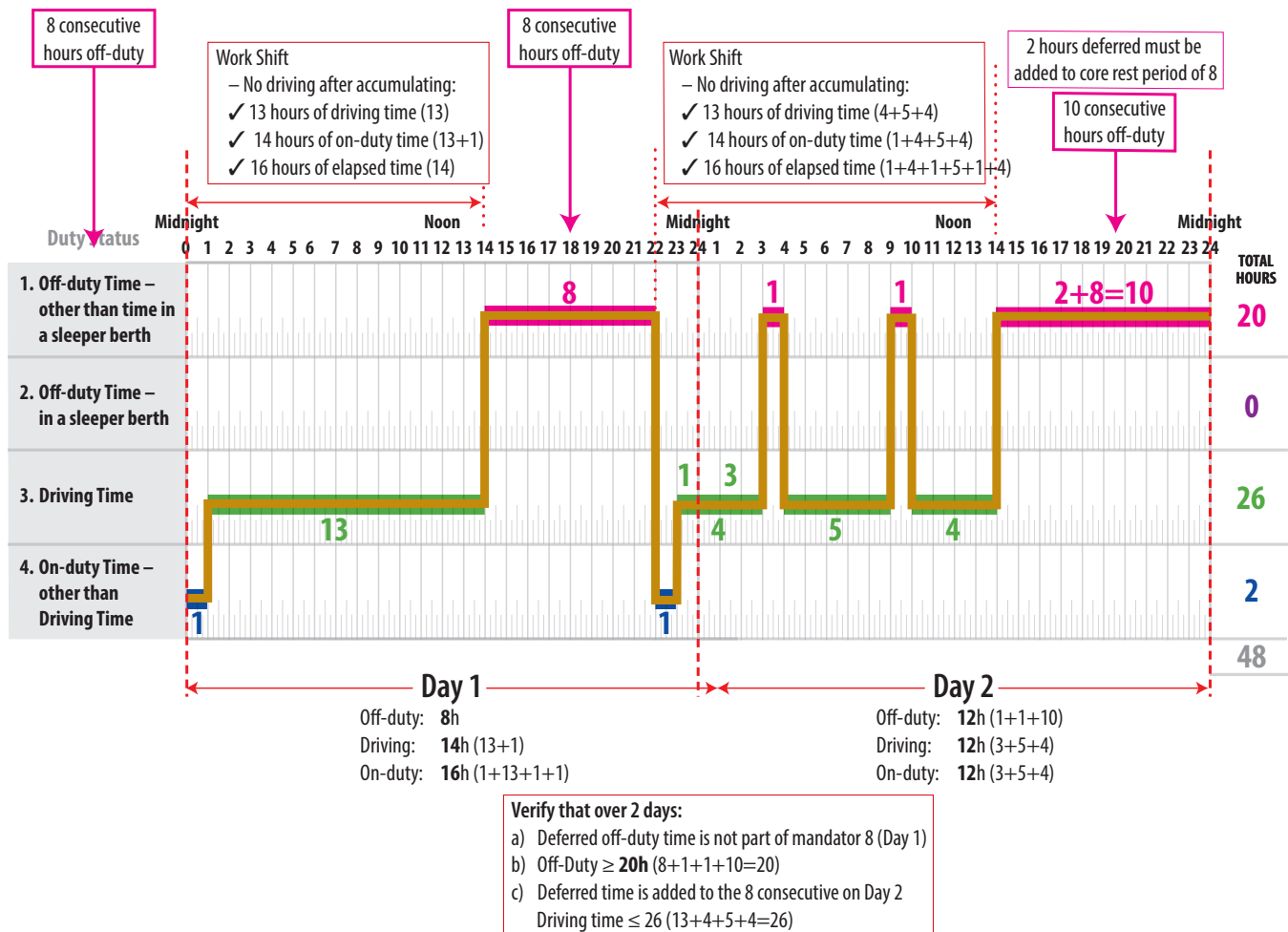
If I defer 2 hours from day 1 to day 2 does that mean I can drive 15 hours?

- a. Yes and no. Remember there are two sets of rules in place, those that relate to the “day” and those that relate to the “work-shift”.

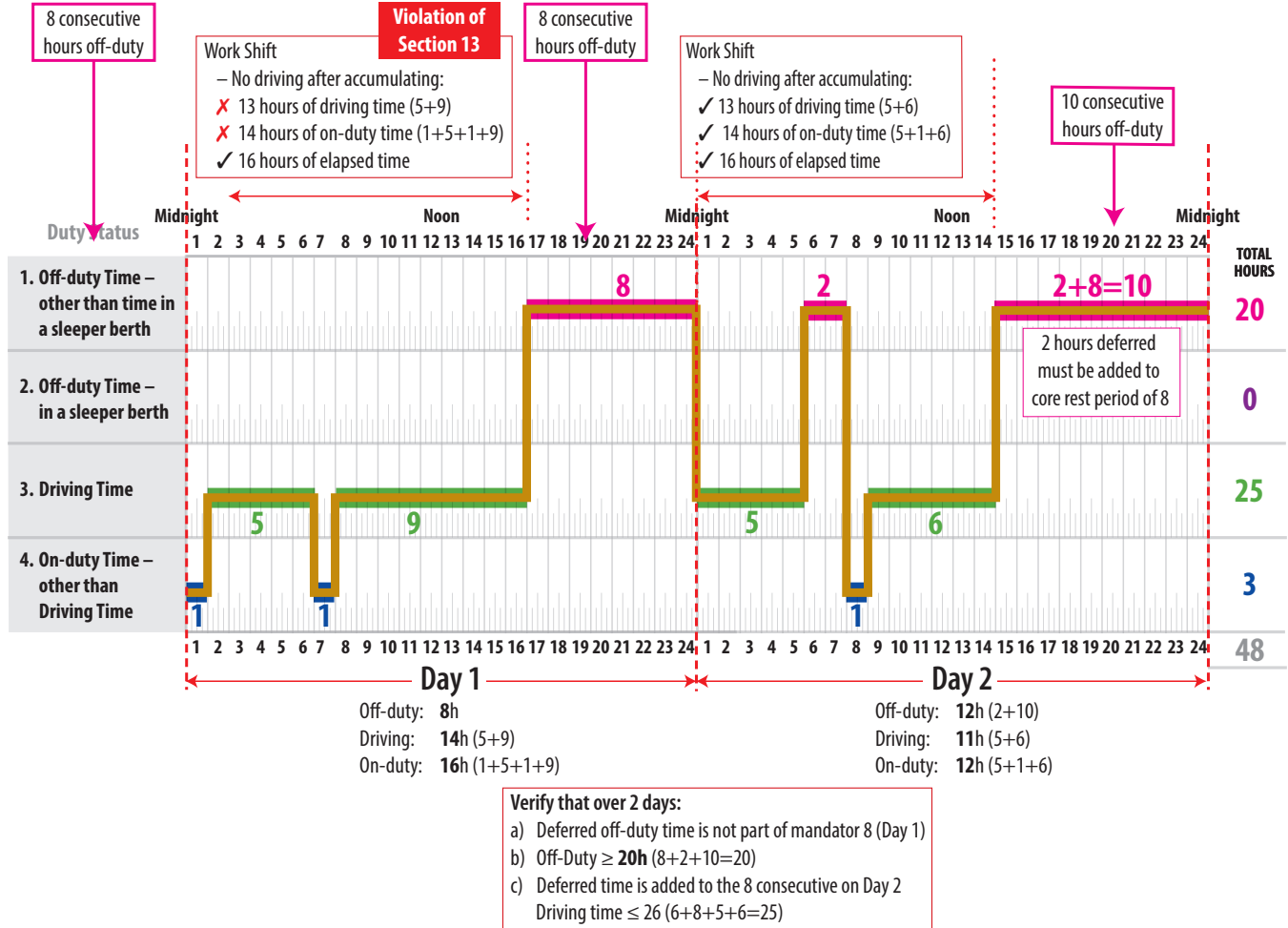
Deferral of off-duty time relates only to “day” rules prescribed by MVAR 37.24 – Daily Driving and on-duty time and MVAR 37.26 – Daily off-duty time.

The mandatory off-duty time prescribed under 37.25, commonly referred to as the “work-shift rules” continue to apply and cannot be modified. This means that driving time cannot be extended to 15 hours and on-duty time to 16 hours in the work-shift. However, if a driver takes 8 consecutive hours off-duty time in the “day”, which initiates a new work-shift, the driver can drive again.

- b. Example of a compliant deferral:



c. Example of a non-compliant use of deferral rules:



Would the driver be eligible for the “deferral of off-duty time” provision, if the driver exceeded 13 hours of driving in the immediately preceding on-duty period?

- No, the driver having exceeded the driving limitation is in violation of MVAR 37.24 – Daily Driving and on-duty time and MVAR 37.26 – Daily off-duty time. The driver would be declared out-of-service by an inspector and would be required to take a minimum of 10 consecutive hours off-duty (MVAR 37.58)

How often can I take the deferral of daily off-duty time?

- Every second day. When deferring off-duty time, you must indicate in the “Remarks” section of the RODS which day is day 1 and which day is day 2. You can only defer off-duty time from day 1 to day 2, therefore, if you are currently on day 2, you cannot defer off-duty time and must wait until the next day in order to do so (MVAR 37.27).

I'm following cycle 1. What if I used the deferral of daily off-duty time on the last day of my cycle, do I have to take 38 consecutive hours off-duty instead of 36? Deferral hours of off-duty time are added to the 8 consecutive hours of off-duty time taken on Day 2?

- a. No. If a driver used that deferral on the last day of the cycle, the driver is not required to take 38 consecutive hours off-duty to reset; they are only required to take 36 (MVAR 37.27).

Sleeper berth

As a driver, if I spend less than 2 hours in the sleeper berth. How is that time counted?

- a. Periods of time spent in a sleeper berth of less than 2 hours but greater than 30 minutes may be used to help satisfy the daily 10 hours off-duty requirement.
- b. However, this time cannot be used towards the periods of time that must be spent in the sleeper berth to satisfy the splitting of the daily off-duty time.

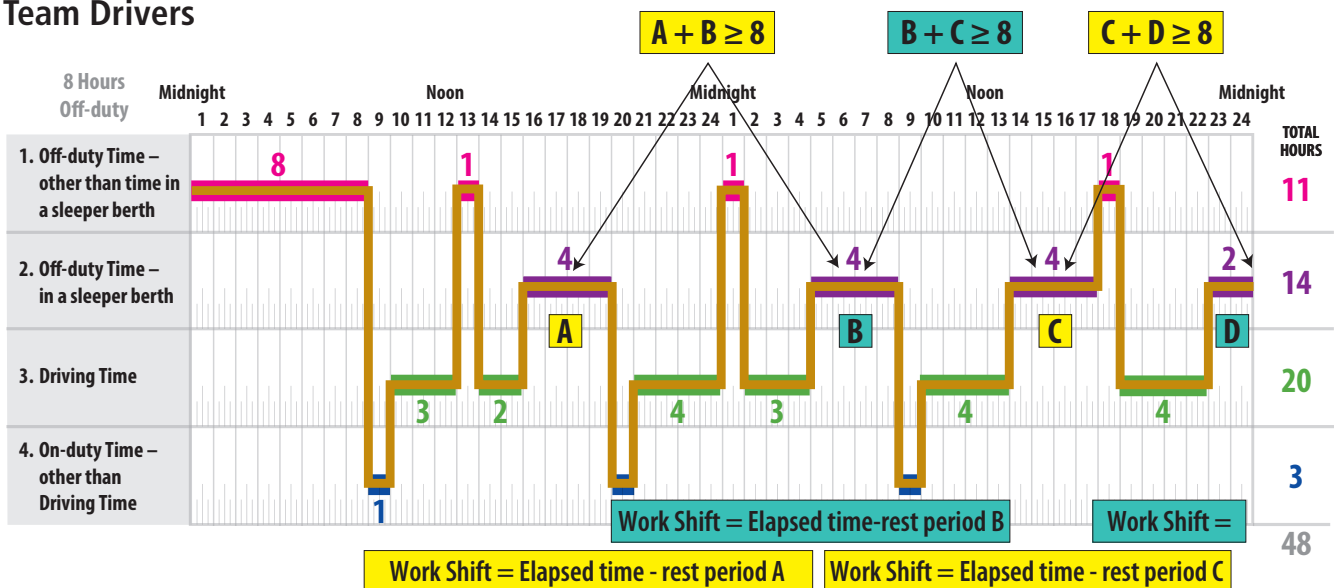
A driver can drive for 13 consecutive hours following 8 consecutive hours off-duty. Can a driver drive for 13 consecutive hours following 8 hours off-duty taken in two sleeper berth periods that are separated by driving?

- a. No.

How is the 16 hours of elapsed time reflected when using the sleeper berth provision?

- a. The following illustration provides clarification. It is important to remember drivers are not allowed to drive a commercial vehicle after accumulating 16 hours during the "work-shift".

Team Drivers



Note: Driving a commercial vehicle is NOT permitted if the length of the work shift exceeds 16 hours

With regard to calculating the 16 hour rule for single drivers in utilizing the sleeper berth rules (MVAR 37.32) if the driver takes two periods of off-duty in the sleeper berth, one being 2 hours and other being 8 hours, would the calculation of the 16 hour rule revert back to normal off-duty provisions under the mandatory off-duty time section (MVAR 37.25)?

- a. Yes. Any period of at least 8 consecutive hours automatically resets the “work- shift.”

After accumulating 8 consecutive hours of off-duty time, a driver spends 3 hours in the sleeper berth. The driver then drives a commercial vehicle for 13 hours, then spends 7 hours in the sleeper berth. Can the driver combine the two sleeper berth periods to meet the required 10-hours of off-duty time as per MVAR 37.32, and then drive for up to 13 more hours after the last 7 hours in the sleeper berth?

- a. No. The total of the driving time in the periods immediately before and after each of the sleeper berth periods cannot exceed 13 hours.

Logging truck hours and oil well service vehicle hours

Can I use the deferral of daily off-duty time (MVAR 37.27) while operating under logging truck hours or the oil well service vehicle hours?

- a. No, drivers are not permitted to defer off-duty or “reset.” This is because to meet the rules for deferral a driver must be operating under Cycle 1 or Cycle 2 (MVAR 37.27 and 37.30(6)).

Can a driver operating under the logging truck hours or the oil well service vehicle hours, use the “local hours of service exemption”?

- a. No. A driver operating under the logging truck hours must use either a Schedule 2 graph grid or the approved logging truck hours graph grid (Appendix X: Forms & modified graph grids) and meet all the requirements

of keeping a RODS. A driver operating under the oil well service vehicle hours must use a Schedule 2 graph grid and meet all the requirements of keeping a RODS.

How can a driver under logging truck hours be able to start at a time other than midnight, considering logging HOS can't be reset (MVAR 37.30(4))?

- a. A driver may change their start time of day, provided the driver has completed a minimum of 24 consecutive hours off-duty.

Completing RODS

When the driver's duty status changes, is the driver required to include a description of “on-duty not driving” activities (fuelling, pre-trip, loading, unloading, etc.) in the remarks?

- a. No. The only description required when a duty status changes is the name of the nearest city, town or village followed by the name of the province, territory, or state. That said, these sorts of details of “on-duty not driving” activities can be helpful when matching supporting records to the RODS and monitoring hours of service compliance.

Any hard copy of the RODS that is generated from the information that is stored in the device is required to be signed by the driver but the software we use has the option of an electronic signature. Is it okay to use an electronic signature?

- a. Yes. A driver has a few options to choose from when it comes to a legal signature.
 - i. You can sign the hard copy with pen, as you might when signing other legal documents, or
 - ii. You can use an electronic signature, if this is available with the software you are using. Our policy is based on the [Electronic Transactions Act \(ETA\)](#).

CVSE will accept an electronic signature if it meets the following definition: **“electronic signature”** means information in electronic form that a person has created or adopted in order to sign a record and that is in, attached to or associated with the record.

When using ELDs, you may find that the location remarks record a different city/municipality than is expected given the physical location where the duty status change occurred.

Why does this happen?

- a. This occurs because the geo-location marker being used by the device is picking up the geo-location designated to the closest municipality. There is only a single point of reference assigned to each municipality.

For example, if a driver finds themselves changing duty status at a location within the municipality of Richmond but is near the boarder of Delta. They may find that their RODS records Delta (49.084722 (latitude), -123.058611 (longitude)) and not Richmond because the geolocation for Delta happens to be closer than the one assigned to Richmond, 49.163333 (latitude), -123.163333 (longitude). As such, the remarks read:

4mi WNW Delta

- Geographically, 4mi WNW from Delta is Richmond.
- The location marker closest to the driver is Delta’s, not Richmond’s, so the ELD records Delta.

I don’t normally drive a vehicle that requires RODS, but my boss has told me tomorrow I’ll be driving one of our heavier trucks (GVW of 12 000kg) to our field office, 180km away. They said I’ll need to fill out a RODS. They also said that if asked, a CVSE officer will expect to see 14 days of RODS. Are they correct?

- a. Yes and no. He is correct that you’ll need a RODS because of the weight of truck and the distance travelled. But he isn’t correct about the officer’s expectation. Why? Because under MVAR 37.48(1)(i) carriers and drivers are provided a much simpler option. Here you’ll find that if a driver was not required to keep a RODS immediately before the beginning of the day, the driver can instead include notes in the remarks section of RODS.

In the remarks, the driver must include the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day.

What conditions must be met for a driver to record meal and other routine stops made during a work shift as off-duty time?

- a. The driver must have been completely relieved of all duty, responsibility and obligation for the care and custody of the vehicle, its accessories, and any passengers or cargo it may be carrying.

During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of their own choosing and to leave the premises where the vehicle is situated.

It should be noted the carrier is not required to provide a driver with a letter stating that they are authorized to record meal or work breaks as “off-duty”.

Local driving hours

What happens if my local driver needs to travel outside 160km, or isn't returning to the home terminal one occasion due to scheduling conflicts?

- a. If the driver no longer meets the conditions of MVAR 37.28 they will need to start a RODS on the first day they no longer meet the conditions. That being said, MVAR 37.48(1)(i) explains that if a RODS was not required to be kept immediately before the beginning of the day, the driver can include in the "Remarks" section of the RODS, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day.

This means they will not be expected to draw out the previous 14 days worth of HOS records in their RODS, they just need to make the appropriate remarks on the first RODS. You can help your driver meet this requirement by providing them with the information you maintained to comply with the local driving hours. MVAR 37.28.

My driver has pulled through a scale and has been stopped for a CVSA inspection. The officer wants to see his HOS records, but my driver is local, he doesn't have them, I do. What do I do? What does my driver do?

- a. Your driver can explain that because they operate under local driving hours the carrier keeps the records being requested. If the officer requires proof of hours, the driver can provide the carrier's contact information, so the officer can request to have them faxed or emailed so they can be reviewed. You can help your driver and the officer by ensuring your records are easily accessible and up-to-date.

How can my drivers qualify for a "local" exemption if they drive in another province or territory?

- a. So long as a driver meets all the requirements under MVAR 37.28 they can pass into another Canadian jurisdiction while staying compliant. Once the driver leaves B.C., they will be expected to follow the federal Commercial Vehicle Driver Hours of Service Regulations.

Personal use

I sometimes drive a commercial vehicle for personal use but there are some things that I am not sure need to be unloaded. Can you explain the "unloaded" concept a bit more?

- a. A driver cannot use a truck with cargo on it for personal use unless all the cargo is unloaded. A driver can use a truck with fixed mounted equipment (for example, welding truck, drill rig, etc.) and loose items such as dunnage. However, trucks with any "real cargo" such as freight, pipe, bags, etc. would need to be unloaded first before a driver can use the vehicle for personal use. Unloading of such a truck would not include removal of any "operational" items like chains, etc.

My work wraps up at the worksite at 3:30 p.m. but I have to drive back to the office to drop off some tools. Does this count as personal use?

- a. No. If the driver is returning to the home terminal of the carrier, at the end of a work-shift, the travel time is on-duty driving time. Any time the driver uses the vehicle to perform business for the carrier must be recorded as on-duty time.

- i. For example, if a driver fuels the commercial vehicle while using it for personal reasons, the driver must record fueling time as on-duty time. If a driver performs maintenance on the vehicle, the driver must record the maintenance time as on-duty time. Whether or not a company pays for the on-duty time is irrelevant.
- ii. Repositioning to pick up a load is also not personal time.

I bobtail home each night to start my minimum 8-consecutive hours of off-duty time and bobtail back to work each morning. Does the time I spend in the morning driving to work count as personal use?

- a. Yes, because you are not doing work for the carrier during your morning drive. In this situation, the commercial motor vehicle can be driven for personal use so long as it meets the requirements of MVAR 37.02(3) explained above.

If you need to fuel up in the morning, do maintenance or are obliged to do some other work for the carrier before your “normal” shift starts, the time spent doing work for the carrier must be recorded as on-duty regardless of whether or not you’ve begun your day at the home terminal or are being paid.

During a reset, I was pulled over for an inspection while bobtailing to a restaurant. I am a long-hauler. My resets are important to ensure I can make each trip in the scheduled timeframe. Sometimes during my reset I bobtail to find a restaurant or a park to rest and relax. I haven’t been doing trip inspections before driving it for personal use, even when the personal use time is the only trip in the day. The officer that pulled me over gave me a violation on my CVSA inspection for not having a trip inspection report and for not having accurate RODS since I was still counting myself as off-duty. Is this correct?

- a. Yes. Using a commercial motor vehicle for personal use during a reset will interrupt your reset.

Section 37.60 of MVAR Division 37 requires that every commercial motor vehicle be inspected before the first trip of the day and doing an inspection is an on-duty activity (MVAR 37.01). At no point does a commercial motor vehicle stop being a commercial motor vehicle, unless of course, the insurance is changed and an NSC number is no longer required.

I am an owner/operator. When I get the chance to take a vacation my family likes to go boating or RV camping. I have one truck: the one I use for business. It is insured using my NSC number because it has a GVW of 12,000kg. I know that when I use it for personal use the rules say it must be unhitched/unloaded and that I would still have to do a trip inspection. Is there a way around this?

- a. Yes and no. The rules of Division 37 must be followed with respect to each commercial motor vehicle being operated. That being said, if the vehicle no longer meets the definition of a commercial motor vehicle as prescribed by MVAR 37.01, the rules of Division 37 would no longer apply.

Volunteers or unpaid work

On the weekends I volunteer as a coach and drive a bus with a seating capacity of 12 including the driver. The bus is insured using an NSC Safety Certificate number. I don’t get paid for being a coach or the driving. Do I need to follow the HOS rules?

- a. Yes, because being paid or not is irrelevant. You are considered a “driver” by definition and the commercial motor vehicle being driven requires that HOS records be maintained.

I work for a carrier as a driver. Most days I am subject to HOS rules because of the type of truck I drive. Sometimes in the evenings after I get home from my shift, I do maintenance work on the truck I drive for them. Because my normal work-shift is over and I'm not getting paid for the maintenance work I do, I haven't been recording this time as on-duty, but I've heard that I should be. If I am not getting paid, do I really need to record this time as on-duty?

- a. Yes, because you are considered a "driver" by definition and the work being done is on behalf of and to the benefit of the carrier for which your work. Doing this work for free doesn't change the fact that you are doing work for the carrier and as such, it must be recorded as on-duty time.

At Roadside

I'm pretty new to driving and haven't been through a road side inspection before. I've heard they want to see all my stuff from that day and the days before. What should I really expect to happen?

- a. At roadside, you should be prepared to provide the inspector or officer with the records that are applicable to you and the vehicle you are driving. You may be asked to produce:
 - i. Your driver's licence
 - ii. Vehicle registration and insurance documents
 - iii. Any Transportation of Dangerous Goods (TDG) training certificates you hold
 - iv. Hours of Service – Your RODS for today and the previous 14 days (MVAR 37.56(2) (b)) and supporting records for the current trip (MVAR 37.56 (2)(c)), including retrieving information kept in an electronic format.

- v. The written trip inspection report for the current day (MVAR 37.61(6))

In addition to the those listed above, the vehicle itself may be inspected by the inspector or officer. They will need your participation to ensure you, the inspector or officer, others nearby and the vehicle are safe during the inspection.

- b. The Commercial Vehicle Safety Alliance (CVSA) has several videos that help show what a driver may expect when an inspection occurs. CVSA on-road inspections are covered under Section 7: Supplementary Information and Resources.

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SECTION 6

Vehicle Maintenance and Records



You may own, rent, or lease some, all, or none of the vehicles that are part of your company's operation. You may use lease or owner operators. No matter which way your business operates, you are responsible for the maintenance and use of the vehicles for the time they operate under your NSC Safety Certificate. You are also responsible for any vehicles towed as part of your carrier business.

Division 37 of the MVAR requires you to maintain, inspect and repair your commercial motor vehicles and trailers. The standards for how you must do this are found in Division 25 of the MVAR. Review [MVAR Division 25 – Vehicle Inspection and Maintenance](#) for further information.

Like hours of service, vehicles that fall under the NSC Program have several requirements that a carrier and a driver need to comply with. This section covers what a carrier must ensure is done so that the vehicles they are responsible for are well maintained and safe for the roads. Three main topics covered include: preventative maintenance; trip inspections; and inspections required under [Division 25](#) of the MVAR.

To demonstrate compliance with Division 37, records must be produced and retained according to regulation. While compliance with Division 37 is a requirement, an added benefit is that a carrier will save time and money – an idea explained in this section.

Establish a preventative maintenance program

When put into action, a structured preventative maintenance program can save a business time and money. When a business commits to regular maintenance, they will accumulate fewer violations and out-of-service notices on their CVSA inspections and will have more first time passes on their CVIP inspections. The vehicle spends less time idle or waiting to pass an inspection and more time on the road.

The language in Division 37 recognizes that how a preventative maintenance program looks and feels depends on the type of business the carrier is running, as well as how many vehicles are in the fleet. This is one of the reasons why the regulations state simply that the carrier must maintain “any preventative maintenance program applicable to the carrier” (MVAR 37.67(1)(d)). For example, an owner operator with only one vehicle and one driver may use a basic system with the help of a calendar or a spreadsheet, whereas a carrier with a dedicated safety manager, a fleet of 20+ vehicles, 40+ trailers and 20+ drivers may use off-the-shelf software to help them monitor their preventative maintenance program.

Set up a separate file for each vehicle in your fleet. This will make it easier to be certain you have all the records you need. It will also make it easier to ensure your vehicles are properly maintained.

If your preventative maintenance program isn't meeting your expectations, contact your local Carrier Safety Inspector for advice.

A few quick tips:

- Use the manufacturer's recommended maintenance schedule as a starting off-point when developing one for your fleet
- Use completed pre-trip inspection reports and findings to help identify possible gaps in your preventative maintenance program.
- Keep check sheets for each make, model, year and style of your vehicles
- Ensure that all items checked during a pre-trip inspection are also checked during your regular maintenance

For additional assistance with developing a vehicle maintenance program, check out [NSC Standard 11 – Maintenance and Periodic Inspection Standards](#). NSC Standard 11 is a detailed, comprehensive resource, updated as recently as January 2020. The goals of the standard are “to ensure that all commercial vehicles are subject to a systematic, regular preventative maintenance program... Regular preventative maintenance of equipment ensures small problems can be corrected before they result in accidents, major repairs or a vehicle breakdown. Establishing a preventative maintenance program that systematically identifies defects and allows an operator to effect repairs per this standard will assist in complying with the semi-annual and annual inspection requirements under the Periodic Motor Vehicle Inspection (PMVI) program.”

Set up a system to schedule maintenance on vehicles

Here are a few quick tips to help ensure your fleet is maintained effectively and efficiently:

- Establish a schedule for maintenance of the vehicles, as per the manufacturers' recommendations
- Keep check sheets specific to the make, model, year and style of your vehicles to make the process more efficient when performing maintenance tasks on different types of vehicles.

- Use your pre-trip inspections as a guide
 - Regular, routine maintenance of all items covered in your pre-trip inspections (MVAR 37.60(2)) will help avoid potentially costly or unnecessary delays on the road and will help ensure your vehicles are always ready to be dispatched.
- Train employees and drivers to inspect and maintain the fleet
- Develop a written maintenance program. Include in your program a way to check whether people are following the program. Provide copies to each of your employees and drivers.

Use one form to record all maintenance and repairs for each vehicle

Each vehicle you are responsible for should have a carefully kept record of all repairs. To help you to ensure your vehicles are being properly maintained a blank copy of this form is included under Appendix D: Forms and modified graph grids to help you collect all the information you need.

The information you put in the Date and Odometer columns will tell you when each repair was done. You can track how often maintenance is completed. Filling in the “Invoice #” column will help you track which repair invoices belong to this vehicle, since you may not want to keep invoices in the vehicle’s file. Recording each invoice number on a form like this gives you a record for your vehicle file. Then the invoice can be filed somewhere else, such as your accounts payable file.

During a Compliance Review or Quantifiable Audit, a Carrier Safety Inspector will request to see your repair invoices. You must make sure that your original invoices are readily available.

Set a specific length of time for the records you will collect in each vehicle maintenance file. For example, decide that during a set 12-month period all invoices, CVSA, CVIP and other related records for a vehicle will be kept in one file. At the end of that 12 months, open a new file for the next year’s records. This will keep your files a manageable size. It will also make it easier when you need to find a certain record.

If you usually file your invoices somewhere other than in your vehicle file, make a photocopy. Attach the invoice to the Notice and Order and file it in your vehicle file. This provides quick evidence that the repair was done. Remember, copies aren’t enough during an audit.

Check records of emergency repairs and Notice and Orders against pre-trip inspection reports. This practice can help you learn whether pre-trip inspections are being done thoroughly.

This is an example of a Vehicle Maintenance Form being used by a carrier. A blank copy of this form is included on the CVSE website, for you to copy and use. Following is an explanation of the entries made.

Vehicle Maintenance Form				
Carrier: ABC Trucking			Unit# 101	
Period from : January 1, 2009			Period to: December 31, 2009	
Date	Odometer	Repairs	Done by	Invoice #
Note 1	Jan 31	975 222	Right Steering Axle Tire Replaced (N&O Jan 30)	Kal Tire 31765
Note 2	March 9	1 029 110	"A" Service	Pete Shop
	March 16	1 029 552	Upper U-joint, steering column	JH Motors 8788-349
Note 3	March 31	1 038 697	CVIP - (884326) - Rejected Cracked Brake Linings, #2, Left	JH Motors 8788-608
Note 4	April 2	1 039 334	CVIP (884339) / Re-inspect / Pass Decal D-42996	JH Motors 8788-946

Note 1: January 31, repairs were completed. A Notice and Order was issued the day before (Jan. 30) to the driver of unit #101 and was the reason these repairs were done when they were. This may be an appropriate time to see if your driver is completing thorough pre-trips. Check the pre-trip forms to see if the driver recorded any defects that should have been repaired sooner or if something was missed that could have prevented the notice and order. If necessary, follow your progressive disciplinary policy to address the concern with your driver.

Once all the information is recorded on the form, you can file the invoice with the Notice and Order or with other invoices. Keep the Vehicle Maintenance Form in the vehicle's file.

Note 2: March 9, this vehicle was given regular "A" Service maintenance. For this vehicle, this type of service is done every 20,000 kilometres. An in-house shop mechanic (Pete) did a safety check, changed the oil and greased the vehicle. There is no invoice number because only shop supplies were used.

Include all service done at regular intervals on your vehicle's Vehicle Maintenance Form.

Note 3: March 31, the vehicle was inspected for its 6-month CVIP inspection. It failed conditionally. CVIP report #884326 is noted because even failed semi-annual inspection reports must be kept. When repairs were done, the invoice number was recorded.

Staple the invoice, or a photocopy, to the CVIP report.

Note 4: April 2, JH Motors re-inspected this vehicle and it passed. The Repairs column lists the CVIP report number and the decal number.

Ensure trip inspections are done properly

A complete trip inspection must be done on every vehicle before its first trip each day. A post-trip inspection must be done at the end of the final trip of the day. The driver can do this inspection, or someone else may be designated to do it (MVAR 37.60(2)).

In many instances a written trip inspection report is required. When the report is required, the driver must have it in their possession for the current day.

All commercial motor vehicles must be trip inspected each day, but the following vehicles do not require a **written trip inspection report** (MVAR 37.61(1)):

- 2-axle vehicles with a licensed GVW under 14,601 kg
- Commercial motor vehicles rented for a single trip
- Emergency vehicles
- Taxis do not need a written trip inspection report as long as the driver is required to immediately notify the carrier of defects found in the trip inspection or defects that come to the driver's attention while operating the taxi

All buses and other (non-taxi) passenger vehicles requiring a Passenger Transportation licence must complete written trip inspection reports.

Carriers are responsible for ensuring:

- Complete trip inspections are done on each vehicle before the first trip of the day (MVAR 37.60(3))
- A trip inspection report, if required, is properly completed before the vehicle's first trip of the day and after the last trip of the day (MVAR 37.60(6))
 - And that the driver is in possession of the current trip inspection report (MVAR 37.61(6))
- Any defects impacting the safe operation of the vehicle are repaired prior to use (MVAR 37.64)
- That when a trip lasts more than one day, the inspection required by subsection (2) should be done on the second and every subsequent day of the trip, no later than the first rest stop of the day (MVAR 37.60(4))

In situations where defects are found during a trip inspection, you or your agent (who may be the driver) must either:

- Fix the defects and sign the report to say the fix was done (MVAR 37.64(a))
- Sign the report to certify that the defect did not need to be fixed for the safe operation of the vehicle (MVAR 37.64(b))

Ensure trip inspection reports are forwarded by the driver

When trip inspection reports are completed you must:

- Ensure drivers deliver all trip inspection reports within 20 days after they are completed (MVAR 37.63)
- File all trip inspection reports with other records within 30 days of receiving them (MVAR 37.65(1))
- Keep all trip inspection reports for at least 3 months (MVAR 37.65(2))

For a quick reference on record keeping, refer to [Appendix H: NSC Record Keeping at Glance](#).

Electronic trip inspection reports

CVSE supports the use of electronic trip inspection reports, complete with electronic signatures, but they must meet the requirements of Division 37 – Part 9. Until regulations are updated to provide specific data transfer requirements, the following options may be used, depending on the peace officer and the circumstances. The officer may view the report:

- on a digital display screen of the electronic recording device
- on a print-out or in any other intelligible output
- in handwritten form
- or any combination of these

The reports may also be able to be sent via email. Any printed record received must be signed and certified by the driver for accuracy.

Regardless of the options, keep blank paper inspection reports in the vehicle. In the event of a device malfunction, or no internet service, the driver can prepare a handwritten report that can be provided to the officer.

Original vs. Scans

Original trip inspection reports must be retained by the Carrier. If the trip inspection was completed on paper, the original will be the paper copy. If it was completed electronically, the electronic copy is considered the original. A Carrier may choose to scan paper records, but the original record must be kept and may be requested during an audit.

CVIP INSPECTIONS

Many NSC vehicles require inspection by the Commercial Vehicle Inspection Program (CVIP), as described under MVAR Division 25. These include annual or semi-annual inspections of vehicles and trailers to prove they are roadworthy (MVAR 25.01(2)). If needed, an inspector or police officer may issue a Notice and Order to require a vehicle to have a CVIP inspection (MVAR 25.08(1)) at any time. This Notice and Order may need a CVIP inspection performed before your next one is due and may need to be completed before the vehicle can be dispatched again. Failure to follow a Notice and Order may result in an escalation and possible plate seizure.

In general, CVIP inspections must be done on the following:

Commercial motor vehicle or trailer type	Frequency of CVIP inspections
Taxis and limousines	Every 6 months
Buses	Every 6 months
Vehicles that have a licensed GVW of more than 8,200 kg but less than 17,300 kg	Every 12 months
Vehicles that have a licensed GVW of more than 17,300 kg	Every 6 months
Trailers and semi-trailers	Every 12 months
Dump and logging trailers	Every 6 months

These are general guidelines. Review [MVAR Division 25 – Vehicle Inspection and Maintenance](#) for further information.

Set up a recall system to track when CVIP inspections are due

Trying to remember when your annual or semi-annual inspection is due on one vehicle is tough enough, let alone on a fleet of vehicles and trailers. Setting up a simple system to track when CVIP inspections are due will help to ensure they never accidentally lapse. To ensure compliance, these inspections must be completed prior to the expiry date of the vehicle's current CVIP inspection.

What system a carrier will choose may depend on the number of vehicles in their fleet. One way that works for many small carriers is to hang a large calendar on the wall and mark it with reminders about upcoming inspection dates.

Keep thorough and organized records for each vehicle in your fleet

Keep inspection, maintenance and repair records well organized. The expectation of CVSE is that each vehicle will have its own file, where all the relevant insurance, accident, repair and maintenance records are kept (MVAR 37.67(1)(c)). This filing method helps to make sure the records are organized and easily found.

- Refer to [Appendix H: NSC Record Keeping at a Glance](#) for detailed information about how long to keep records.

Include the following in a separate file for each vehicle:

- A copy of the vehicle's registration
- Any manufacturer's recall notices
- Evidence that any repairs needed by a recall were done
- Trip inspection reports

- A maintenance record that shows both regularly scheduled maintenance and extraordinary repairs
- A copy of the vehicle's current CVIP inspection report showing that the vehicle is operating with a valid inspection certificate – include all records of repairs that had to be done if the vehicle did not pass the current inspection the first time
- A copy of any roadside (CVSA) inspection reports – include records of all repairs that had to be done because of those inspections
- A copy of any Notice and Order that needed repairs for the vehicle

There are three boxes on a Notice and Order. The action you, or your driver, must take will depend on which box the officer has checked.

Box 1: This vehicle must not be driven. It must be towed and stay off the highway until it meets the requirements of the [Motor Vehicle Act](#). It must pass a CVIP inspection before it will be allowed back on the road.

Box 2: This vehicle must be taken to an inspection facility as soon as possible and must pass a CVIP inspection within 30 days.

Box 3: The defect found must be repaired within the timeline that the officer writes down on the notice and order.

Maintaining your vehicles on a regular basis and ensuring every vehicle has detailed pre-trip and post-trip inspections will help you ensure that your vehicles can travel safely and efficiently, and will help you meet your customers' expectations.

Keep all manufacturer recall notices

Recall notices are available on the Transport Canada Web site (www.tc.gc.ca) and from vehicle manufacturers. It is recommended that a Carrier do periodic reviews of the manufacturer recall notices for each vehicle, to stay on top of newly published recall notices. If you are not the original owner of the vehicle, or the manufacturer doesn't have your contact information connected with the vehicle you are operating, doing manual periodic reviews may be the only way you'll become aware of the recall.

Inspection Reports may include:

- *CVIP annual or semi-annual inspections completed at a designated inspection facility*
- *CVSA inspections completed by a Peace Officer at roadside*
- *Pre and post-trip inspection*
- *Maintenance Check Sheets from your scheduled maintenance plan*

Attach all records of repairs done for an inspection to the report from that inspection. Then file the report and the repair records together in the vehicle's file.

Thorough pre-trips and an effective preventative maintenance program can save you time and money by avoiding unexpected delays from vehicle breakdowns or from vehicles being placed Out of Service during a CVSA inspection.

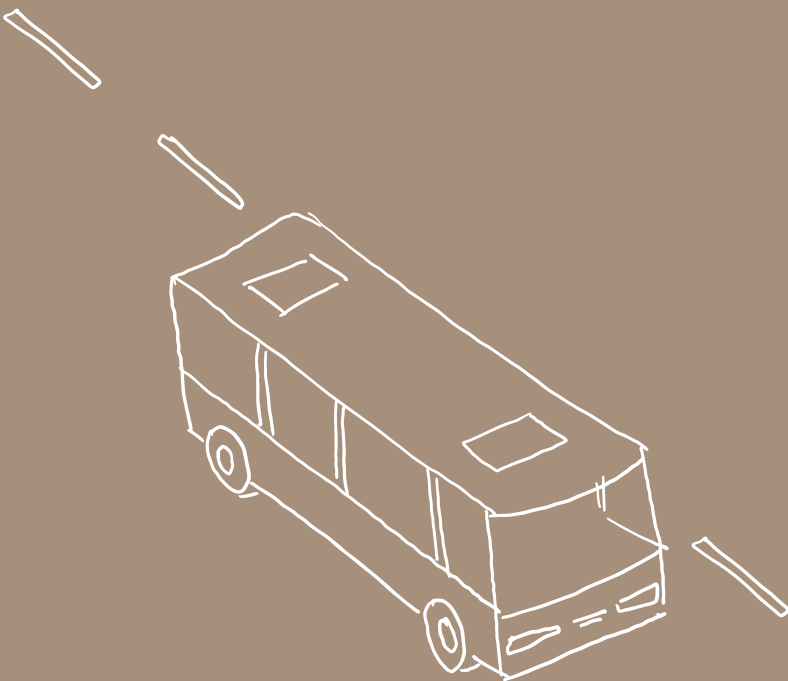
Carrier's must:

- Keep a copy of all manufacturer recall notices that affect vehicles operating under your NSC Safety Certificate, and all records that show these defects were corrected (MVAR 37.67(1)(c)(ii))
- Keep all these files for the current calendar year plus another 4 years (MVAR 37.68)

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SECTION 7

Other Safety Requirements



The earlier sections covered the aspects of Division 37 that get the most attention and raise the most questions. In this section, other safety requirements are covered that may or may not apply to a carrier depending on the type of business they operate.

Identification of NSC vehicles

Every vehicle operating under an NSC Safety Certificate must be properly identified. Before operating for the company, every commercial motor vehicle must be registered under the safety certificate number with ICBC (MVAR 37.15).

It's important to ensure the proper NSC Safety Certificate number and name is on the vehicle's registration.

ICBC Insurance Corporation of British Columbia

Owner's Certificate of Insurance and Vehicle Licence DCID 012345678

Owner's BC driver's licence no. _____

Effective date 01MAR2014
Expiry date 28FEB2015

Registration no. 12345678
Decal no. 12345678
Plate no. ZZ9999
VIN 1AB2C3DE4JAN12345
Fleet no. 123456 Unit no. 210

Owner
XYZ Truck Rentals Ltd (LESSOR)
ABC Trucking Ltd (LESSEE)
1234 Main St BC
Surrey
V4N 1A1

Veh. insp. expiry 31MAY2014
NSC no. and name 212345678
ABC TRUCKING LTD.
P.T. ref. no. _____
Change request NO

Proof of insurance
The owner and/or the operator of the vehicle described herein is insured against liability for bodily injury and property damage by reason of the operation of such vehicle. The coverage provided by this certificate also satisfies the minimum limits set out by the respective legislation governing vehicle insurance in any area of Canada and the USA.

Vehicle use: HOUSE OR OTHER MOVING TOW TRUCK OR DELIVERY OF DANGEROUS GOODS CLASSES 2,3,4,5,6,8 OR 9 OR PETROLEUM OR PETROLEUM PRODUCTS OR LIQUID WASTES OR GOODS NOT OWNED BY THE VEHICLE OWNER OR LESSEE. DISTANCE OPERATED OVER 550KM.

This card to be carried in the insured vehicle as proof of insurance.

Each vehicle must be identified according to what type of business for which it is used. The rules for identifying vehicles are found in three different sets of regulations: the [Motor Vehicle Act Regulations](#) (MVAR), the [Commercial Transport Regulations](#) (CTR) and the [Passenger Transportation Regulations](#) (PTR).



Depending on the business, a carrier must:

- ensure the name that appears on the NSC Safety Certificate is clearly displayed on both sides of the 'business vehicle' (as defined by the MVA under Section 237) in letters no less than 5 cm high (MVAR 37.14)
 - **Abbreviations or short forms of the carrier's name are not allowed.** For example: if you were issued a Safety Certificate in your personal name which is Jean Jacques St. Pierre, the name on the business vehicle must read "Jean Jacques St. Pierre", not "J.J. St. Pierre" or "Jean J. St. Pierre," or any other combination.
 - The same goes for Safety Certificates issued to incorporated businesses. For example: if the Safety Certificate is issued to 123123 B.C. Ltd., the name on the business vehicle must read "123123 B.C. Ltd." If the carrier uses a "Doing-Business-As" name, this can also be displayed on the vehicle, in addition to the name on the Safety Certificate.
- ensure the NSC Safety Certificate number and the Passenger Transportation licence (if applicable) number are on the vehicles' registrations

Carrier Name Only

The NSC Program advises strongly against putting the NSC Safety Certificate number on the business vehicle. This number is unique and should only be recorded on the vehicle's registration documents. Having it displayed to the public may put a carrier at risk for someone to use the NSC number without their authorization.

Important Note:

The MVA definition of "business vehicle" is essential to determining if your vehicle needs the NSC name to be displayed. For example, in reviewing the definition under [Section 237 of the MVA](#), you will find that vehicles used in the transportation of passengers and the passenger's personal baggage are not considered "business vehicles" because they do not meet the third requirement of "charge[ing] or collect[ing] compensation for the transportation of freight in or on the motor vehicle". Under Section 237, you will also find that "freight" is described as "personal property of every description" and specifically excludes "a passenger's personal baggage". Because "freight" does not include people/passengers, or a passenger's personal baggage, we can conclude that vehicles, like those that need a Passenger Transportation Licence to operate, do not have to display the NSC name.

AUTHORIZED USE OF NSC SAFETY CERTIFICATE

A carrier may grant authority to an individual or business to operate under their NSC Safety Certificate. This choice allows for vehicles not owned or leased by the carrier to be insured using the NSC Safety Certificate they hold. This may be something you choose to do when an employee of yours is operating a vehicle they own while doing work for you.

Several important things to keep in mind when considering granting this type of authority:

1. A National Safety Code Authorization form ([CVSE0047](#)) must be completed in full and signed by either the sole proprietor (if the NSC Safety Certificate is in the name of an individual) or a Director (if the NSC Safety Certificate is held by a corporation).
 - a. This must occur every time a vehicle's registration changes, including annual renewals or other applicable policy changes.
2. When a carrier gives authority, the vehicles named on the NSC Authorization form become the responsibility of the carrier.
 - a. The carrier must ensure that the vehicles and their drivers adhere to the standards of the NSC program and of Division 37. This includes all monitoring and maintaining all driver and vehicle records.
3. When a driver drives a vehicle under an NSC Safety Certificate all accidents, contraventions and CVSA inspections that driver is involved in while driving the vehicle will appear on the Carrier Profile.
4. When a carrier wishes to revoke authorization to use their NSC Safety Certificate number they should notify the previously authorized carrier in writing and check their Carrier Profile to make sure that the vehicle has been removed. They can also contact the issuing Autoplan Agent to let them know that the registered owner is no longer authorized and request that the National Safety Code number be removed from the vehicle registration. Once every effort has been made to work with the previously authorized individual, documentation may be sent to the National Safety Code program office to open a dispute regarding the unauthorized driver. The NSC Program office may:
 - a. send the registered owner of the vehicle a letter letting them know that they must remove the NSC number they are using from their vehicle's registration
 - b. place a hold on the vehicle to stop an insurance agent from renewing the policy without changing the associated NSC number

It is important to note that even if you follow these steps, there is no guarantee that the vehicle's owner will promptly follow direction. Be cautious and diligent when you authorize the use of your NSC Safety Certificate number.

Transportation of Dangerous Goods (TDG) needs special training

You must follow the laws in the Transport of Dangerous Goods Regulations (TDGR) if your vehicles carry dangerous goods. The regulations require you to:

- ensure all employees who are involved in shipping dangerous goods are properly trained and certified ([TDGR 6.1\(2\)](#))
- ensure proper documentation is complete and correct ([TDGR 3.5](#))
- ensure proper documentation goes with the shipment ([TDGR 3.2](#))
- know where shipping documents must be when dangerous goods are being transported, transferred or delivered ([TDGR 3.10, 3.7](#))
- be able to produce paper copies of your dangerous goods shipping document upon request ([TDGR 3.11\(2\)](#))
- know the proper means of containment required for the transport of dangerous goods ([TDGR 5.1.1](#)).
- ensure that the proper safety marks are displayed on the means of containment for dangerous goods ([TDGR 4.1](#))
- know when to report a release or anticipated release of dangerous goods ([TDGR 8.2](#))
- know what information is to be included in an emergency report regarding dangerous goods ([TDGR 8.3](#))

For more information related to the TDG visit B.C.'s [website](#).

Any spill that threatens the environmental quality of water, land or air must be reported. Call [Report a Spill](#) at 1-800-663-3456 (24 hour) immediately to log the Initial Report (DGIR).

DANGEROUS GOODS CONTACT INFORMATION

Phone: 250-953-4032

Fax: 250-952-0578

Cargo insurance is needed for most carriers

If you are paid to transport any goods, you must carry cargo insurance. There are a few exceptions to this rule, and they are listed below. You must be able to produce a copy of your cargo insurance policy or certificate if an authorized person requests it (MVAR 37.86(1)(b)). The amount of insurance you must carry depends on how much weight your vehicle is licensed to carry.

You do not need to have cargo insurance if you carry any of these goods (MVAR 37.86(2)):

- water and snow
- milk and cream in bulk or in containers being transported between farms and dairies
- petroleum products in bulk or bituminous construction materials in bulk
- logs, poles, piles, ties, shingle bolts, mine props, rough sawn lumber and fence posts
- fuel wood, sawdust, hog fuel, pulp chips and Christmas trees
- coal, ore and ore concentrates in bulk
- earth, rock, gravel and sand in bulk and unset cement mix
- grain in bulk and grain screenings
- hay (baled or loose), fresh or dried fruits and vegetables, turf and peat
- fertilizers, animal manure or refuse
- stumps and debris from demolished buildings

All bills of lading must include certain information

If your business accepts freight for shipment, you must, at the time of acceptance of the freight, ensure that a bill of lading (BOL) is issued. You are responsible for ensuring your bills of lading include all the following information (MVAR 37.77):

- name and address of the shipper
- date of the shipment
- originating point of shipment
- name of originating carrier
- names of connecting carriers, if any
- name and address of the receiver
- where the shipment is going (if different from address of receiver)
- weight, description and particulars of the goods in shipment

A BOL must also have the following:

- space to write whether the goods were received in apparent good order and condition
- space to write the declared value of the shipment
- space to note whether transportation charges are prepaid or to be collected at delivery
- space to note any special agreement between the consignor and the carrier
- an obvious statement of anything that limits a carrier's liability (for example; a term or condition of the carrier's applicable schedule of rates, an agreement with the shipper)
- a statement of notice of claim of the Specified Conditions of Carriage (MVAR 37.77(1)(c))

GENERAL PROVISIONS OF BILLS OF LADING

- Each BOL must be signed by both the shipper and the carrier as being a correct itemized list of goods in the shipment and as an acceptance of all terms and conditions contained in the BOL (MVAR 37.79). Like other supporting records, the driver must keep the BOL while transporting the freight, make it available to an inspector or officer when asked.
- The freight covered by a BOL must be in possession or control of the carrier at the time the BOL is issued (MVAR 37.82(2))
- A BOL must cover only goods received from one shipper, picked up at one place and consigned to one consignee at one destination and delivered to one place (MVAR 37.82(2))

ELECTRONIC BILLS OF LADING

Although paper records are most prevalent when it comes to bills of lading, some carriers want to move to a digital format and switch to electronic BOLs.

To allow for the switch, the regulations allow carriers who accept freight for shipment to not issue a bill of lading in paper form if:

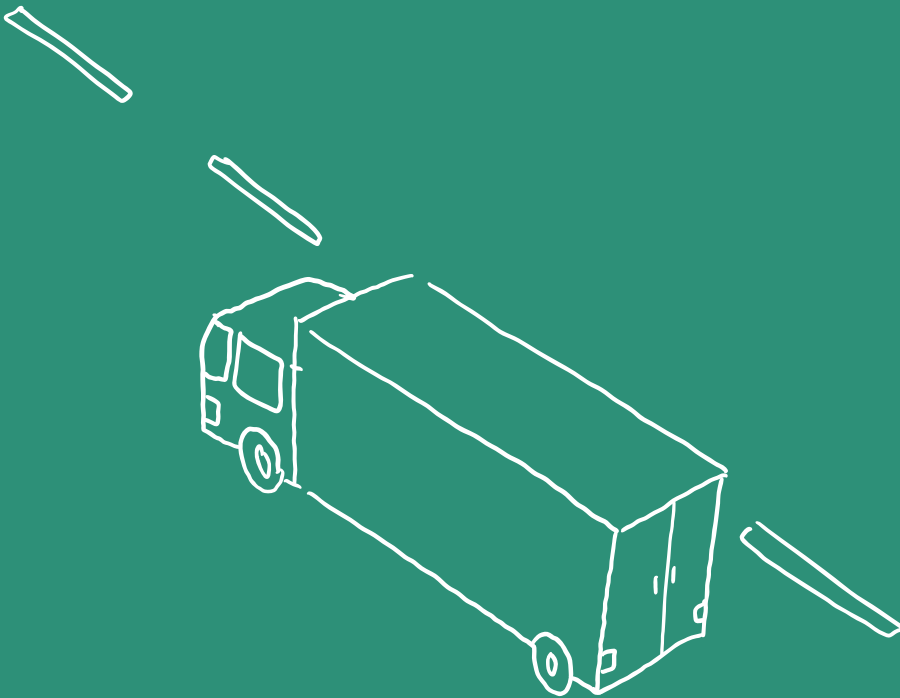
- (a) in the ordinary course of the carrier's business, the carrier uses electronic BOLs
- (b) the director has, on application of the carrier, provided to the carrier a letter exempting the carrier from the obligation to issue a BOL in paper form (MVAR 37.83)

Simply put, a carrier must only use electronic BOLs, not a combination of paper and electronic records.

For a carrier to begin using electronic BOLs, they must first be provided an exemption letter from the director of CVSE. If you're a carrier that's interested in getting this exemption, contact the NSC Program office.

SECTION 8

Supplementary Information and Resources



This section provides supplementary information related to the NSC Program, as well as other CVSE Program areas and programs under the Ministry of Transportation and Infrastructure.

When an NSC Safety Certificate becomes invalid

Invalid? Yes. There are situations when an NSC Safety Certificate can become invalid. If changes occur to the “[carrier](#)” (whether it be a person or corporation), you will want to make certain that your vehicles are insured under an updated safety certificate number.

Below are examples of when this occurs and what steps to take to confirm your vehicles are properly insured. Because these sorts of situations can get tricky, feel free to contact the NSC Program Office to discuss your situation and next steps. **Staff can be reached by phone (250) 952-0578, Monday to Friday, 8:30 a.m. to 4:30 p.m., and by email at NSC@gov.bc.ca**

Has your incorporated company dissolved?

If a company has dissolved, the safety certificate issued to that company becomes invalid.

- When a company has dissolved, vehicles should no longer operate on public highways until the insurance reflects a valid safety certificate.
- If you’ve chosen to dissolve one company and open another, you will need to apply for a new safety certificate.

Has your incorporated company amalgamated with another company?

- Several scenarios may result from a corporate amalgamation. Whatever the situation, the emerging company will need an NSC certificate if it wants to be a carrier. If only one of the original companies held a certificate, the NSC Program office can simply issue a new certificate with the new company name and keep the original NSC number. If more than one certificate existed from the amalgamating companies, then the NSC Program office will do its best to choose the most appropriate certificate to reissue in the new company name and cancel the other NSC numbers.

It is the responsibility of the carrier to inform the NSC Program office of any corporate amalgamations, name changes, or address changes.

Has the individual safety certificate holder passed away?

- There are thousands of safety certificates issued to individuals and not to an incorporated company. When the safety certificate holder passes away, the safety certificate becomes invalid.
- Because of the sensitive nature of these situations the NSC Program Office will work with family members to ensure a smooth transition during a difficult time.
- If you find yourself in this situation, please contact the office.

Bulletins, circulars and notices

On the CVSE website, www.cvse.ca, you will find a page dedicated to bulletins, circulars and notices. Here, each program area under CVSE provides updates on policies, regulation interpretation and program announcements. Commercial Transport, Inspections and Standards, Compliance, Education & Policy and the National Safety Code Program regularly post [new information](#), so visit often to stay up-to-date.

CVSA on-road inspections

Commercial Vehicle Safety Alliance (CVSA) is an association which includes Canada, the United States and Mexico. British Columbia applies the criteria developed by CVSA to drivers and vehicles of commercial motor vehicles. CVSE enforcement officers are CVSA certified which allows them to conduct CVSA inspections.

DRIVERS

CVSA requires that all drivers must:

- be properly qualified and licensed
- have all required records in the vehicle
- not be under the influence of alcohol or drugs
- follow the legislated hours of service regulations

CVSE inspectors and police officers perform roadside inspections. Vehicles and drivers that meet the out-of-service criteria prescribed by CVSA will be placed out of service.

VEHICLES

CVSA requires that all vehicles must be in safe operating condition at all times. Vehicles must meet the minimum standards set by CVSA to receive a decal. The results of the vehicle inspections are recorded on the Carrier Profile.

CVSA DECALS

If a vehicle meets the minimum standards, it will be given a decal. The decal is valid for the month in which it was issued plus an additional 2 months.

Green – January to March

Yellow – April to June

Orange – July to September

White – October to December

CVSA INSPECTIONS: VIDEO SERIES

In 2017, Today's Trucking, along with a CVSA certified inspector from Ontario made a video series to explain the CVSA inspection process. This series can help drivers and carriers know what to expect when pulled over for an inspection.

CVSA Inspections: An Overview*

* Disclaimer: this video series is only a guide. In the event of a conflict between the videos and any provision of the above acts and regulations in the jurisdiction(s) you are operating, the acts and regulations will apply.

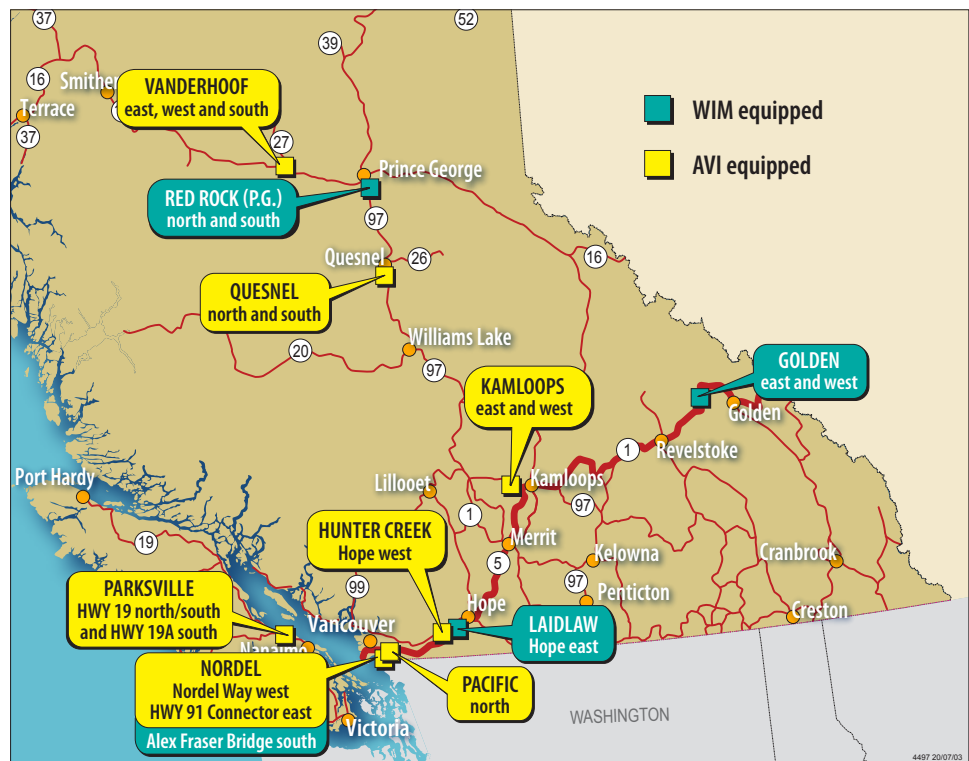


Weigh2GoBC

Weigh2GoBC allows commercial carriers to bypass W2G inspection stations (weigh scales), thus saving time, fuel, and money, all while reducing greenhouse gas emissions. W2G is a network of weigh-in-motion and automatic vehicle-identification equipped stations that use transponder communication. Once a vehicle completes a check at one W2G station, vehicles found in compliance can bypass all Weigh2Go equipped stations for the next 24 hours, subject to random reporting.

Weigh2GoBC is free to join!

If you drive through any W2G inspection station, the free program can improve your business. If you go to the United States, W2G transponders are compatible with Norpass and PrePass programs.



HOW WEIGH2GOBC CAN IMPROVE YOUR BUSINESS

Save time – The time saved by not having to report to inspection stations, while on trips, adds up in reduced driver hours!

Save Fuel – By not having to stop at inspection stations, fuel is saved by eliminating the deceleration off the highway and acceleration back on to it.

Reduce Emissions – Fewer greenhouse gases (GHG) are emitted when stopping and idling at the stations less frequently. Less fuel is also used. Carriers can access their GHG savings reports to see exact savings!

Verify Records – Carriers can access data that shows screening results and verify Hours of Service RODS.

Monitor Drivers – A random report percentage (RRP) is assigned to each carrier and each vehicle based on their NSC safety rating and on-road performance. If you are monitoring a driver, you can request that their vehicle have a higher random report percentage than the rest of the fleet. This operational tool could be incorporated into the safety plan's hiring policy or progressive disciplinary program. For example, there maybe a new driver that is still on probation, or a seasoned driver that has obtained several infractions. Raising the random report percentage for that vehicle means they will report to stations more often.

Safety is Good Business – To qualify to bypass W2G-enabled inspection stations for the next 24 hours, carriers must pass a weight, height, and credentials check. Carriers that have good NSC safety ratings, proper insurance, current vehicle inspections and are in compliance of their licenced GVW and dimensions will get more bypasses.

For more information on the W2G program, visit www.Weigh2GoBC.ca or contact the program directly by phone 250-953-4001 or email W2GoAdmin@gov.bc.ca.

Industry specific initiatives

TRANSPORTATION NETWORK SERVICES

Commercial motor vehicles that are operated as a passenger directed vehicle under a transportation network services (TNS) authorization are subject to Division 37, just like other passenger-directed vehicles operating under a licence issued under the Passenger Transportation Act.

Given some of the uniqueness related to TNS vehicles, CVSE has published some resources on the CVSE website to assist with understanding how these vehicles fit within the NSC Program and how drivers and carriers know what is considered on-duty time. For details on these resources check out the [What's New](#) page on the CVSE website.

MOTION PICTURE INDUSTRY

In April 2019, a pilot project was initiated for the Motion Picture Industry in B.C. The pilot project created substituted requirements related to Part 3 of the Motor Vehicle Act Regulations, Division 37, known as the MPI Hours of Service Rules. For details and resources related to this specific industry, check out the [What's New](#) page on the CVSE website.

Premium Carrier Program

The [Premium Carrier Program](#) is a recognition program initiated in partnership with the BC Trucking Association (BCTA). It is based on the premise that sound driving practices lead to safer highways and businesses that are more competitive. The Premium Carrier Program is intended to enhance road safety by recognizing and rewarding those carriers who show exceptional commitment to safety and to highlight their best practices as examples for other carriers.

The Premium Carrier Program reflects both the Ministry and BCTA's solid commitment to promoting safety. For additional program information and information on how to apply visit the Premium Carrier Program [website](#).

Commercial vehicle permits

The Provincial Permit Centre (PPC) can help you with obtaining oversize and overweight permits, non-resident commercial vehicle permits, motor fuel tax permits and highway crossing permits. **Staff at the PPC is available from 6:00 am to 10:00 pm PST, March to November and 5:00 am to 9:00 pm PST, November to March, at 1-800-559-9688.** This number is toll free for callers anywhere in Canada or the United States.

Some permits may also be obtained online through the [permit website](#). General inquiries about permits and extra-ordinary loads are best addressed via email to Commercial.Transport@gov.bc.ca.

Commercial vehicle tip-line

Call the Commercial Vehicle Tip-line if you have concerns about unsafe buses, taxis, or trucks. Before calling, we urge you to record as much information about the vehicle as you can (licence plate number, make, model, etc.), the time, the location and the safety concern you have.

Tips may be left anonymously.

**Accessible 24-hours a day, voicemail only,
1-888-775-8785.**

DriveBC

Since its launch in 2005, the [DriveBC website](#) has become the most frequently visited government website, providing up-to-date information province-wide, 24-hours a day. It provides current road conditions, upcoming roadwork notifications and information on closures, delays and travel advisories. [DriveBC](#) is also a great resource for inland ferry schedules, border wait times and the [BC HighwayCams](#) program.

As of April 2018, there are about 395 [BC Highway Cams](#) located across the province, which translates to 743 individual views as many cameras have more than one view. To put it into regional perspective, the South Coast Region has 181 locations (430 views); Southern Interior Region has 141 locations (201 views); and Northern Region has 73 locations (111 views). The cameras offer real-time views that can be used to help to plan routes so that delays can be kept at a minimum.

CVSE Carrier Safety Inspector offices

Carrier Safety Inspectors (CSIs) work throughout the provinces out of regional offices, weigh scales and various other locations. Use the [Regional and District Contacts website](#) to locate an office near you and ask to speak with the CSI in the area.

My local CSI is: _____

Best ways to contact: _____

Office address: _____

Inspection Stations

Inspection stations (previously referred to as weigh scales) are located throughout B.C. and are equipped with Wi-Fi and staff that are excellent resources for some questions you may have. But inspection stations may not be the only place you find CVSE inspectors and officers. You will also find them on patrol, equipped with portable weigh scales, to help ensure all routes are covered.

For inspection station hours of operation and location information, check out Commercial Transport's [List of Inspection Stations](#) or the [interactive map](#).

My local inspection station name: _____

Hours of operation: _____

Best ways to contact: _____

Address: _____

Important Note: Commercial motor vehicles over 5,500 kg must report to open inspection stations.

B.C. websites

Ministry of Transportation and Infrastructure	www.th.gov.bc.ca
Commercial Vehicle Safety & Enforcement	www.cvse.ca
Passenger Transportation Board	www.th.gov.bc.ca/ptb/index.htm
Registrar, Commercial Passenger Vehicle	https://www2.gov.bc.ca/gov/content/transportation/vehicle-safety-enforcement/services/passenger-transportation
RoadSafetyBC (formerly the Office of the Superintendent of Motor Vehicles)	https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/road-safety-rules-and-consequences/overview
International Fuel Tax Agreement (IFTA)	https://www2.gov.bc.ca/gov/content/taxes/sales-taxes/motor-fuel-carbon-tax/business/register
Insurance Corporation of British Columbia (ICBC)	www.icbc.com
WorkSafeBC	www.worksafebc.com
British Columbia Trucking Association (BCTA)	www.bctrucking.com
BC Forest Safety	www.bcforestsafe.org

B.C. publications

CVSE maintains a list of useful references and publications for commercial carriers and drivers that are available online at http://www.cvse.ca/references_publications.htm

The following may be of interest:

- [Gross Vehicle Weight Rating – Frequently Asked Questions](#)
- [Your Guide to Livestock Hauling: An Overview of Trailer Licensing & Insurance](#)
- [Booklet 2 – Cargo Security](#)
- [Booklet 3 – Commercial Vehicle Inspection Program Information](#)
- [Booklet 4 – Preventative Maintenance Programs](#)
- [15-Passenger Van Safety](#)
- [Notice and Order Information](#)
- [Vehicle Inspection Manual 2016](#)
- [Farm Vehicles On the Move](#)
- [Commercial Transport Procedures Manual](#)
- [Driving Commercial Vehicles: a guide for professional drivers, includes complete information on air brakes](#)

Important acts and regulations

Several legal acts affect your commercial carrier business. It is important that you be familiar with these acts and with their regulations. Some of these acts are federal and apply across Canada. Others are provincial and apply only in B.C. Many regulations are similar across Canada and through parts of the United States. However, be aware whenever your vehicles drive into a different province, territory, or state that some regulations may not be the same on the other side of the border. For more information, visit some of the websites listed at the end of this section.

PROVINCIAL ACTS AND REGULATIONS

- [Motor Vehicle Act](#) (MVA)
- [Motor Vehicle Act Regulations](#) (MVAR)
- [Commercial Transport Act](#) (CTA)
- [Commercial Transport Regulations](#) (CTR)
- [Passenger Transportation Act](#) (PTA)
- [Passenger Transportation Regulations](#) (PTR)

You can also find these acts and regulations on the CVSE website www.cvse.ca under “Acts and Regulations”. Copies of any or all these acts and regulations are available from Crown Publications and you may be able to view them at your local public library.

Crown Publications

Telephone: 250 387-6409 or
1 800 663-6105 (toll-free in North America)
Email: crownpub@gov.bc.ca (for enquiries only)

FEDERAL ACTS, REGULATIONS AND STANDARDS

- [Motor Vehicle Transport Act, 1987 \(MVTA\)](#)
- [Commercial Vehicle Drivers Hours of Service Regulations](#)
- [Transportation of Dangerous Goods Act \(TDGA\)](#)
- [Transport of Dangerous Goods Regulations \(TDGR\)](#)
- [Canadian National Safety Code Standards](#)
– these standards are free on the Canadian Council of Motor Transport Administrators' website: ccmta.ca

Copies of the above federal acts and regulations are available, at a cost, by calling 1-800-635-7943, or by writing to:

Publishing and Depository Services

Public Works and Government Services Canada
Ottawa, O.N. K1A 0S9

You can also find these acts and regulations on the Internet at www.tc.gc.ca and at some B.C. bookstores. A list of bookstores is available at: <http://www.tpsgc-pwgsc.gc.ca/comm/publications-eng.html>

Other Canadian websites

[Canadian Council of Motor Transportation Administrators \(CCMTA\)](#)

[Transport Canada](#)

[Transport Canada – Pacific Region](#)

[Commercial Vehicle Safety Alliance \(CVSA\)](#)

[International Registration Plan \(IRP\)](#)

[Canada's New West Partnership](#)

[Alberta provincial government – Commercial Transportation](#)

[Saskatchewan provincial government – NSC & Safety Fitness Certificate](#)

[Manitoba provincial government – Motor Carrier](#)

[Ontario provincial government – Commercial Vehicle Operators Registration](#)

[Quebec provincial government – Owners and Operators of Heavy Vehicles](#)

[Newfoundland and Labrador provincial government – National Safety Code](#)

[Nova Scotia provincial government – Trucking](#)

[New Brunswick provincial government – Trucking & Transport Industry](#)

[Prince Edward Island provincial government – Transportation, Infrastructure and Energy](#)

[Northwest Territories government – Driver and Vehicle Services](#)

[Yukon territorial government – National Safety Code](#)

[Nunavut territorial government – Department of Economic Development and Transportation](#)

U.S. websites

[Federal Motor Carrier Safety Administration](#)

[National Highway Traffic Safety Administration](#)

[Insurance Institute for Highway Safety](#)

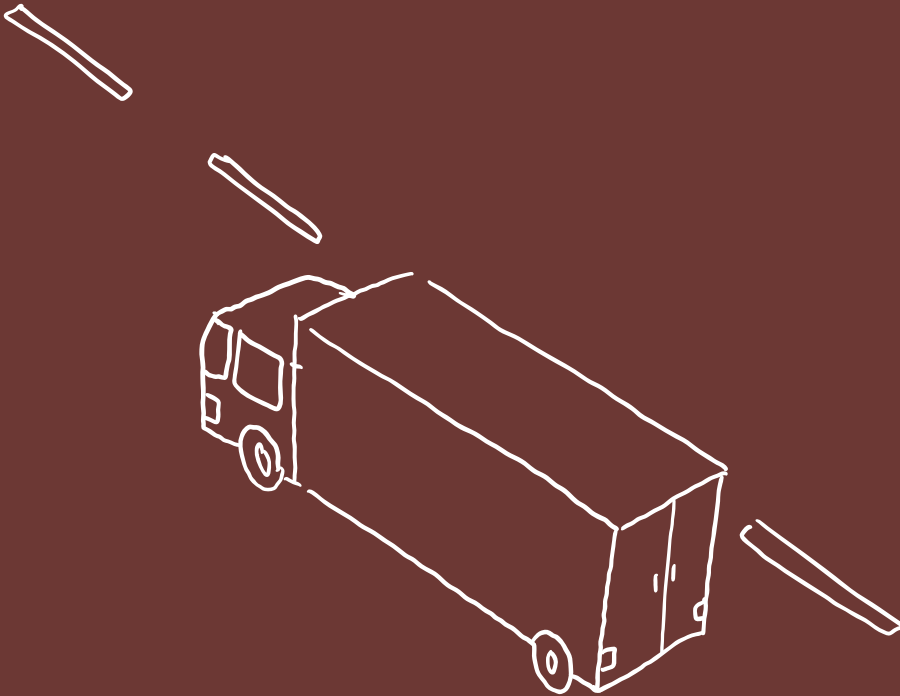
[U.S. Department of Transportation](#)

[Federal Highway Administration](#)

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SECTION 9

Appendices



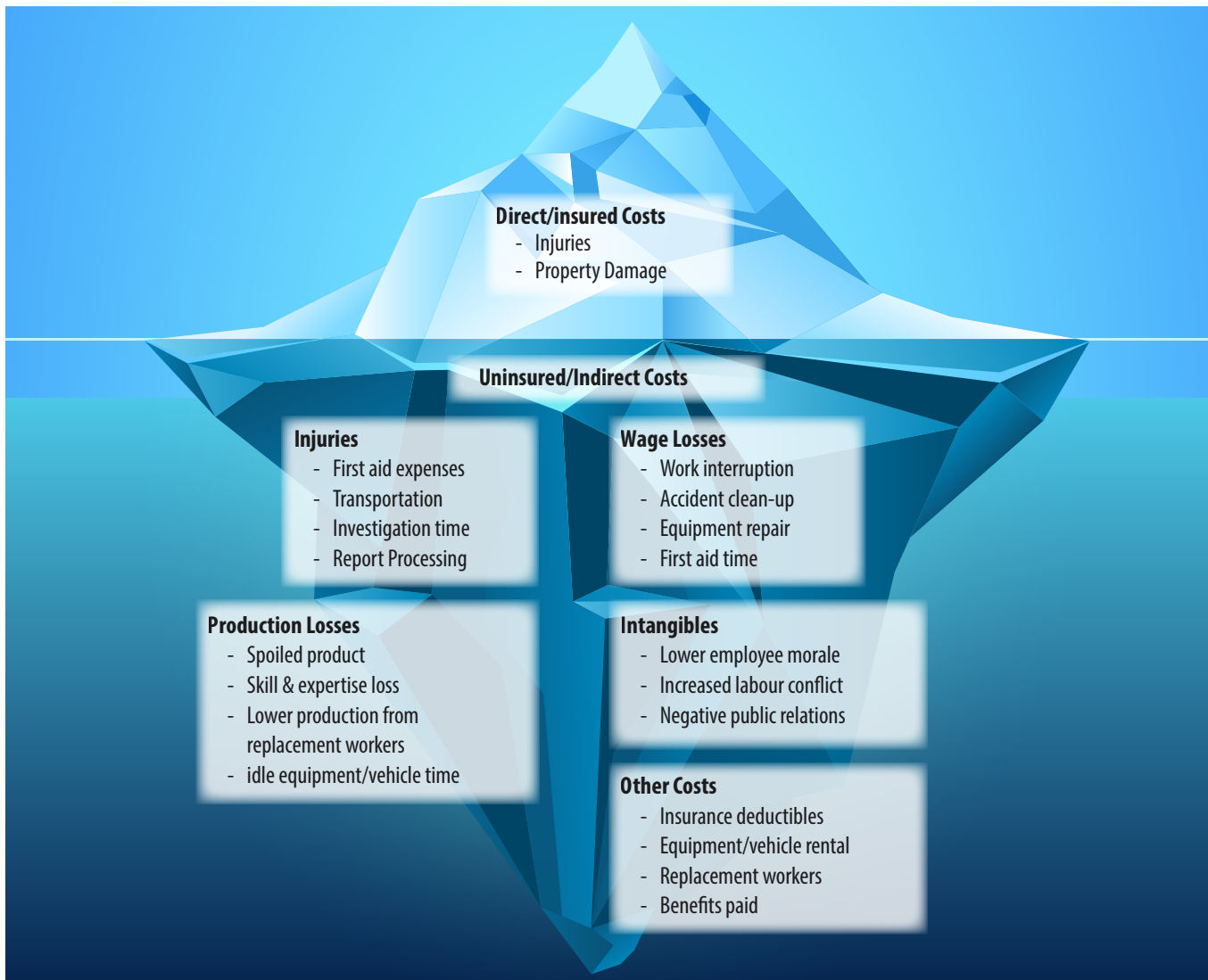
APPENDIX A: Why safety is good business

It has been long understood in the international Occupational Health and Safety (OHS) community that businesses that focus on health and safety save money, operate more effectively and have employees that are more productive. This is because incidents or accidents that result in equipment damage, employee injury or property damage have direct and indirect costs to the employer.

The iceberg analogy is useful to demonstrate that indirect/uninsured costs are typically five to ten times the direct/insured costs.

- Direct/insured costs are those that are paid by one or more insurance schemes such as workers' compensation coverage, property and fire insurance.
- Indirect/uninsured costs are those that are paid by the company or the injured worker

Below is a visual depiction of the types of costs that fall under each category; while not all these costs will apply to every incident, many will.



When thinking about this topic, it is important to remember that there are always reasons, typically many, to explain why an incident occurred in the first place. The following ten Principles of Safety Management were published by Dr. Dan Petersen in his book *Safety by Objectives*. They may be helpful in shaping the way you think about safety, to develop or evaluate your safety program and establish a work culture rooted in safety.

1. An unsafe act, an unsafe condition, an accident: all these are symptoms of something wrong in the management system.
2. Certain sets of circumstances can be predicted to produce severe injuries.
3. Safety should be managed like any other company function. Management should direct the safety effort by setting achievable goals and by planning, organizing and controlling to achieve them.
4. The key to effective line safety performance is management procedures that fix accountability.
5. The function of safety is to locate and define the operational errors that allow accidents to occur.
6. The causes of unsafe behaviour can be identified and classified. Each cause is one, which can be controlled.
7. In most cases, unsafe behaviour is normal behaviour; it is the result of normal people reacting to their environment. Management's job is to change the environment that leads to the unsafe behaviour.
8. There are three major subsystems necessary to building an effective safety system: the physical, the managerial and the behavioural.
9. The safety system should fit the culture of the organization.
10. There is no one right way to achieve safety in an organization; however, for a safety system to be effective, it must meet certain criteria. The system must:
 - a. "Force" supervisory performance
 - b. Involve middle management
 - c. Have top management visibly showing their commitment
 - d. Have employee participation
 - e. Be flexible
 - f. Be perceived as positive

Appendix B: NSC Safety Ratings detailed Breakdown

SAFETY RATING	DEFINITION
Excellent	Carriers with an Excellent Safety Rating have a Satisfactory Profile Status and an Excellent Audit Status. This indicates that the carrier's level of overall compliance is deemed acceptable.
Satisfactory	Both the Profile Status and Audit Status are Satisfactory. This indicates that the carrier's level of overall compliance is deemed acceptable.
Conditional	<p>When a carrier's Safety Rating is Conditional the Profile status is either Conditional or Unsatisfactory and the carrier has undergone an Quantifiable Audit (regardless of the outcome).</p> <p>When looking for differentiating features between carriers with a Conditional Safety Rating it is important to pay attention to their profile status and the result of the Quantifiable Audit. The Profile Status and Audit Status of one company may be better than that of another when the details are examined more closely.</p>
Satisfactory – Unaudited	This safety rating is applied to carriers with a Satisfactory Profile Status who have not been audited.
Conditional – Unaudited	The Profile Status is Conditional and the carrier has not been audited. This indicates that the carrier's on-road performance is deemed less than acceptable.
Unsatisfactory – Unaudited	The Profile Status is Unsatisfactory and the carrier has not been audited. This indicates that the carrier's on-road performance is deemed less than acceptable.
Unsatisfactory	The carrier's safety certificate has been cancelled. A carrier with a cancelled NSC Certificate is NOT allowed to operate vehicles under this NSC Certificate number.

PROFILE STATUS	DEFINITION
Satisfactory	No concerns raised by carrier's on-road performance (Violation Tickets, Out of Service Roadside Inspections, Accidents).
Conditional	<p>Carrier's on-road performance indicates a possible issue with safety and regulatory compliance as the carrier's scores are higher than 89% of carriers of a similar fleet size.</p> <p>Carrier will likely be subject to an educational compliance review to assist the carrier in improving on-road safety and compliance.</p>
Unsatisfactory	<p>Carrier's on-road performance indicates potential safety and regulatory compliance issues as the carrier's scores are higher than 95% of carriers of a similar fleet size.</p> <p>Carrier will likely be subject to a Quantifiable Audit to identify areas of non-compliance that must be addressed.</p>

AUDIT STATUS	DEFINITION
Excellent	A Quantifiable Audit of the carrier's operations determined that the carrier was 90% or above in compliance with MVAR Division 37.
Satisfactory	A Quantifiable Audit of the carrier's operations determined that the carrier was between 70 – 89.9% in compliance with MVAR Division 37.
Unsatisfactory	<p>A Quantifiable Audit of the carrier's operations determined that the carrier was less than 70% in compliance with MVAR Division 37.</p> <p>An unsatisfactory audit result will lead to further enforcement action dependant on the carrier's history and level of public safety risk (for example, follow-up audit or recommendation for cancellation).</p>

APPENDIX C: Carrier Profile dispute process

If you identify factual errors in your Carrier Profile, please report them to the NSC Program Office. This can be done by e-mail, fax, or mail.

E-mail

- Send an e-mail to NSC@gov.bc.ca
- Identify the error, include the type of incident, date and any other information that will make it easier for the NSC staff to identify. For example, the ticket number
- Attach a copy of the profile in your e-mail

Fax or mail

- Identify the error, include the type, date and any other information that will make it easier for the NSC staff to identify. For example, the ticket number
- Include page(s) of the profile that have the error
- Carrier Profile disputes can be faxed to (250) 952-0578 or mailed to:

National Safety Code Program Office

P.O. Box 9250 Stn Prov Govt
Victoria, BC V8W 9J2

The NSC Program office will investigate and you may be contacted for further information, if applicable. You will be contacted of the decision and sent a revised Carrier Profile after changes are made.

APPENDIX D: Forms and modified graph grids

Throughout this guide, you are given samples of various forms with instructions on how to use them. In this section, you can find links to blank copies of the forms:

- **[Carrier Information Update \(CVSE2050\)](#)**: This form is used to inform the NSC Program Office of corporation/carrier name changes, address/contact information changes and requests for replacement safety certificates. According to MVAR 37.11: A holder of a safety certificate must notify the director of any change in the holder's name or address within 10 days after the change.
- **[Voluntary Surrender Declaration \(CVSE0049\)](#)**: This form is used by a Carrier who wishes to voluntarily surrender their NSC Safety Certificate. To help avoid the potential for unauthorized use, the NSC Program Office recommends that an NSC Safety Certificate be surrendered when a carrier decides to cease operating NSC vehicles.
- **[National Safety Code Authorization \(CVSE0047\)](#)**: This form must be completed for every insurance transaction where a Carrier grants authorization to a person or organization to use the Carrier's NSC Safety Certificate to insure vehicles. By signing this form, the Carrier assumes responsibility for ensuring that the named vehicles and their drivers adhere to the standards of the NSC
- **[Carrier Representative Authorization \(CVSE2053\)](#)**: This form is to be used when a Carrier wishes to authorize a Carrier Representative to converse with the NSC Program Office regarding NSC matters concerning the carrier or to authorize a Carrier Representative as signatory for NSC matters concerning the Carrier.

- **Vehicle Maintenance Form**: Use this form to help ensure your vehicles are properly maintained.
- **Driver Check Sheet**: Use this sheet to track important dates concerning your driver's training and certification.

Vehicle Maintenance Form and Driver Check Sheet can be found by [clicking here](#).

- **Logging modified graph grid**: For use only by those following the logging truck hours.

Under Related Links section of the NSC website there is a link to [Hours of Service](#). This link provides several resources related to hours of service compliance, including two worksheets a carrier can use to help monitor their driver's compliance.

APPENDIX E: Glossary of relevant terms

“accident reports by police officer”

MVA 249 (1) If

- (a) a vehicle driven or operated on a highway directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount, or
- (b) an accident involving the presence or operation of a cycle on a highway or a sidewalk directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount,

a police officer who attends the accident must complete a written report of the accident in the form established by the Insurance Corporation of British Columbia and forward it to the corporation within 10 days of the accident.

(2) A person involved in an accident referred to in subsection (1) (a), or that person’s authorized representative, is entitled to obtain on request the names of any drivers involved, the licence number, the name of the registered owner of any motor vehicle involved and the name of any witness.
(MVA 249)

“adverse driving conditions” means

- (a) snow, sleet, fog or other adverse weather conditions,
- (b) a highway covered with snow or ice, or
- (c) unusual adverse road and driving conditions,

which were not known to the driver or the person dispatching the driver before the driver began the driving time (MVAR 37)

“**applicant**” means a person who applies for a safety certificate (MVAR 37)

“**business vehicle**” means a motor vehicle

- (a) that is operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of freight in or on the motor vehicle, but only if:
 - i. the operation is carried on solely under a limited number of special or individual contracts or agreements, and
 - ii. the motor vehicle is not available for use by the general public,
- (b) that is operated at any time on a highway for the transportation of freight, and includes a motor vehicle that is operated for any of the following purposes:
 - i. transportation of freight that is genuinely the property of the owner of the motor vehicle;
 - ii. transportation of freight used or subjected to a process or treatment by the owner of the motor vehicle in the course of a regular trade or occupation or established business of the owner, when the transportation is incidental to the owner’s trade, occupation or business;
 - iii. delivery or collection of freight sold or purchased, or agreed to be sold or purchased, or let on hire by the owner of the motor vehicle, otherwise than as agent, in the course of a regular trade or established business of that owner, or

- (c) that is operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of freight in or on the motor vehicle,

but does not include a motor vehicle operated for hire while used exclusively in carrying pupils or teachers to or from a school (MVA 237)

“carrier”, in relation to a commercial motor vehicle, means

- (a) the owner of the commercial motor vehicle,
- (b) a person, other than the owner, who manages the commercial motor vehicle or determines the uses to which the commercial motor vehicle may be put,
- (c) the lessee of the commercial motor vehicle, if the lease has a term of one month or more, or
- (d) a person who holds a licence under the Passenger Transportation Act that authorizes the commercial motor vehicle to be operated as a passenger directed vehicle under a transportation network services authorization,

but a person is not a carrier only because the person is the driver of the commercial motor vehicle; (MVAR 37)

“co-driver” means a person who is present in a commercial motor vehicle because the person has been, or is about to be, its driver

“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that is one or more of the following:

- (a) a truck or truck tractor, including a trailer, if any, attached to the truck or truck tractor, having a licensed gross vehicle weight of more than 5,000 kg;

- (b) a bus;

- (c) a commercial passenger vehicle operated under a licence or temporary operating permit issued under the Passenger Transportation Act;

- (d) a business vehicle within the meaning of section 237 of the Act having a licensed gross vehicle weight of more than 5,000 kg; (MVAR 37)

“cycle” means

- (a) cycle 1, under which on-duty time is accumulated over a period of 7 days, and
- (b) cycle 2, under which on-duty time is accumulated over a period of 14 days (MVAR 37)

“day” in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle (MVAR 37)

“driver” means

- (a) a person who drives a commercial motor vehicle, and
- (b) in relation to a carrier, a person employed or otherwise engaged by the carrier to drive a commercial motor vehicle

“driving time” means the period of time that a driver is at the controls of a commercial motor vehicle when the engine of the motor vehicle is in operation (MVAR 37)

“duty status” means, in respect of a driver,

- (a) off-duty time other than off-duty time under paragraph (b),
- (b) off-duty time spent in a sleeper berth,
- (c) driving time, or

- (d) on-duty time other than driving time
(MVAR 37)

“electronic logging device” or “ELD” means a device or technology that

- (a) automatically records a driver’s driving time,
- (b) facilitates the recording of the driver’s record of duty status, and
- (c) is certified by an accredited certification body under section 79.1 of the Commercial Vehicle Drivers Hours of Service Regulations (Canada)

“farm vehicle” means a commercial vehicle owned and operated by a farmer, rancher or market gardener, the use of which is confined to purposes connected with his farm, ranch or market garden, including use for pleasure and is not used in connection with any other business in which the owner may be engaged (CTR 1.01)

“freight” includes personal property of every description that may be conveyed in or on a motor vehicle or trailer, but does not include a passenger’s personal baggage (MVA 237)

“highway” includes

- (a) every highway within the meaning of the Transportation Act,
- (b) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles,
- (c) and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited,

but does not include an industrial road (MVA 1)

“home terminal”

- (a) means the place of business of a carrier at which a driver ordinarily reports for work, and
- (b) for the purposes of recording information related to the driver’s record of duty status or determining the 160 km radius as described in section 37.28 [local driving hours], includes a temporary work site designated by the carrier

“licensed gross vehicle weight” means the gross vehicle weight for which a commercial motor vehicle is licensed under the Commercial Transport Act;

“industrial road” means industrial road as defined in the [Industrial Roads Act](#), and includes a forest service road as defined in the Forest Act and land designated as a development road under section 139 (1) of the [Petroleum and Natural Gas Act](#) (MVA 1)

“off-duty time” means any period other than on-duty time (MVAR 37)

“oil well service vehicle” means a commercial motor vehicle that is

- (a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
- (b) used exclusively in the oil or natural gas industry for;
 - i. transporting equipment or materials to or from oil or natural gas well facilities, or
 - ii. servicing or repairing those facilities;

“on-duty” (1) Subject to subsections (2) and (3), on-duty time is the period that

- (a) begins when
 - i. a driver begins work, or

- ii. a driver is required by a carrier to be available to work, except if the driver is waiting to be assigned to work, and

(b) ends when

- i. the driver stops work, or
- ii. the driver is relieved of responsibility by the carrier.

(2) The period described in subsection (1) includes driving time and time spent by the driver

- (a) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial motor vehicle,
- (b) travelling in a commercial motor vehicle as a co-driver, other than time spent in the sleeper berth,
- (c) participating in the loading or unloading of a commercial motor vehicle,
- (d) inspecting or checking the load of a commercial motor vehicle,
- (e) waiting before and while a commercial motor vehicle is serviced, loaded, unloaded or dispatched,
- (f) waiting before and while a commercial motor vehicle or its load is inspected and the driver's requirements are assessed, and, if applicable, time spent taking required remedial actions,
- (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (h) resting in or occupying a commercial motor vehicle for any other purpose, other than
 - i. time counted as off-duty time in accordance with section 37.18 [travelling as a passenger – off-duty time],
 - ii. time spent in a sleeper berth,

- iii. time spent in a stationary commercial motor vehicle to satisfy the requirements of section 37.26 (3) [daily off-duty time], and

- iv. time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.26

(3),

- (i) performing yard moves, and
- (j) performing any work for any carrier.

“principal place of business” means the place identified in writing by the carrier to the director, and approved by the director, where records required to be maintained under this Division are kept by the carrier;

“record of duty status” means a record in which a driver records the information required under section 37.40 [ELD recording requirements] or 37.48 [content of record of duty status];

“road building machine” means a vehicle

- (a) that is designed and used primarily for grading of highways, paving of highways, earth moving and other construction work on highways,
- (b) that is not designed or used primarily for the transportation otherwise of persons or property, and
- (c) that is only incidentally operated or moved over a highway,

and includes a vehicle designated as a road building machine by order of the Lieutenant Governor in Council, but does not include

- (d) a vehicle originally designed for the transportation of persons, or property to which machinery has been attached, or

- (e) dump trucks originally designed to comply with the size and weight provisions of the regulations (CTA 1);

“safety certificate” means

- (a) a certificate issued under section 37.09 [issuance of safety certificate], or
- (b) a certificate issued under the law of any jurisdiction, in or outside Canada,

where the law relating to the requirements is substantially the same as in this regulation;

“sleeper berth” means an area of a commercial motor vehicle that meets the requirements of Schedule 1 of this

“supporting records” means any of the following records or information received or prepared by a carrier or by a driver in the course of the driver’s duties:

- (a) electronic mobile communication records reflecting communications between a driver and a carrier transmitted through a driver call-in or fleet management system;
- (b) payroll records, settlement sheets or equivalent records that indicate payments to the driver;
- (c) government-issued records indicating the location of the commercial motor vehicle;
- (d) reports, receipts or records relating to the load of the commercial motor vehicle, including a bill of lading, itinerary, schedule or equivalent record that indicates the origin and destination of each trip;
- (e) reports, receipts or records relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial motor vehicle;

- (f) reports, dispatch or trip records, receipts or other records indicating the date, time or location of the commercial motor vehicle during a trip, including arrival and departure times;

“trailer” means a vehicle that is at any time drawn on a highway by a motor vehicle, except

- (a) an implement of husbandry,
- (b) a side car attached to a motorcycle, and
- (c) a disabled motor vehicle that is towed by a tow car,

and includes a semi-trailer as defined in the Commercial Transport Act (MVA 1);

“trip inspection report” means a record kept pursuant to section 37.61 (MVAR 37)

“yard move” means moving a commercial motor vehicle within any of the following locations that is not a highway, as defined in the Transportation Act:

- (a) a terminal;
- (b) a depot;
- (c) a port.

APPENDIX F: Glossary of acronyms

ACRONYM	EXPLANATION
AVI	Area Vehicle Inspector
CSI	Carrier Safety Inspector
CTA	Commercial Transport Act
CTEO	Commercial Transport Enforcement Officer
CTR	Commercial Transport Regulations
CVIP	Commercial Vehicle Inspection Program (CVIP) inspections are completed every 6 or 12 months, based on vehicle type, at a designated inspection facility.
CVSA	Commercial Vehicle Safety Alliance (CVSA) inspections are completed roadside. Only a CVSA Inspection with an Out of Service result accumulates points on a carrier's profile.
DOT	The U.S. Department of Transportation
HOS	Hours of Service
MOTI	Ministry of Transportation and Infrastructure
MVA	Motor Vehicle Act
MVAR	Motor Vehicle Act Regulations
N&O	Notice and Order which requires a vehicle to be either inspected immediately (Box 1), or within 30 days (Box 2), or repaired as specified by the peace officer (Box 3).
N-print	N-print driver abstracts provide a record of driver penalty points and include a record of commercial vehicle-related convictions.
NSC	National Safety Code
OOS	Out of Service (OOS)
PT	Depending on context: Pacific Time or Passenger Transportation
RODS	Record of Duty Status
TDG	Transport of Dangerous Goods
TDGR	Transport of Dangerous Goods Regulations
W2GoBC or W2G	Weigh2GoBC is an electronic pre-clearance screening program allowing registered vehicles to potentially bypass an inspection station. More information about the program can be found at www.weigh2gobc.ca .

APPENDIX G: N-print abstract

How to Read Your Driver Abstract

BRITISH COLUMBIA DRIVING RECORD SEARCH				N ← 1									
EXPERIMENTAL DRIVER				LICENCE NO.: 9999999	DRIVER CLASS: 100								
				TYPE: 5 YR RENEWAL									
				BIRTHDATE: 07DEC54	EXPIRY DATE: 07DEC1996								
				DRIVER STATUS: NORMAL	ORIGINAL DATE: 01JAN71								
				FILE REFERENCE: F000000									
RESTRICTIONS FIX: AIR BRAKES PERMITTED ← 4													
VARIABLE: NONE ← 5													
6		7		8		9		10		11		12	
VIOLATION DATE	DISPOSITION AND DATE	ACT AND SECTION		CONTRAVENTION DESCRIPTION				PTS	LOC	NSC			
13MAY2001	11JUN2001	MVA	217/1	FAILING TO WEAR SEATBELT				00	BURNABY				
23MAY2001	11JUN2001	MVR	37.23/6	FAIL TO PRODUCE INSPECT RPT				00	SURREY	Y			
A COPY OF INSURANCE RECORDS MAY BE OBTAINED FROM:													
PUBLIC INFORMATION, INSURANCE CORPORATION OF BRITISH COLUMBIA													
151 WEST ESPLANADE, NORTH VANCOUVER, BC, V7M 3H9													
PHONE: 1-800-663-3051 OR 1-604-661-2800													
INSURANCE CORPORATION OF BRITISH COLUMBIA				12 JAN 2000				← 13					
VICTORIA, BC													

1. **N** Indicates enhanced abstract containing non-moving violations. The “N” print abstract was designed for National Safety Code purposes.

2. **Driver Class:** Indicated the class of licence which is held by the driver. Information regarding licence class is available on the icbc.com website at: http://www.icbc.com/Licensing/lic_getlic_types.html

3. **Driver Status:** Indicates the current status of the record. Statuses may include:

- Normal
- Hold (Note: A hold status does not necessarily indicate a problem with the licence. A hold status may be the result of an administrative problem, a requirement for a medical exam, outstanding debts, etc. A record with a hold status is still active. A hold status DOES NOT indicate that the licence is invalid.) Carriers may want to ascertain the purpose of the hold with the driver.
- Prohib – Driver is prohibited from driving.
- Surrender – Driver has surrendered licence; Can either be voluntary or to licence in another province.
- Deceased – Records indicate that the driver is deceased.

4. **Restriction Fix:** Includes any restrictions or endorsements on the licence. Restrictions are used to permit an individual to drive in accordance with their own skills, abilities, and driver fitness. Restrictions narrow the privileges associated with a class of licence. Endorsements increase the types of vehicles an individual is permitted to operate beyond those normally permitted in a licence class.

Possible restrictions/endorsements include:

- 06 Ignition interlock required
- 07 Permits house trailer any weight without airbrakes
- 08 House trailer combination only
- 10 Operation of motorcycle permitted between sunrise and sunset only; Passengers prohibited on a motorcycle.
- 11 Operation of motorcycle permitted only while under direct supervision of an adult who holds a valid class 6 driver’s licence; Speed 60 km/h maximum.
- 12 Restricted to daylight hours only.
- 13 Class 6 or 8 not permitted to carry passengers
- 14 No Hwy 99 S of Van or Hwy 1 E of Van or W of Hwy 9
- 15 Permitted to operate vehicles with airbrakes
- 16 Not permitted to operate class 2 or 4
- 17 Not permitted to operate buses
- 18 Permitted to operate single trucks with airbrakes on industrial roads
- 19 Permitted to operate truck trailer with airbrakes on industrial roads
- 20 Permitted to operate truck trailer of any GVW without airbrakes
- 21 Corrective lenses required
- 22 *W* Commercial Class not qualified in USA
- 23 Hearing aid required with class 1,2,3,4 or for 18/19
- 24 Class 6 or 8 restricted to motor scooters
- 25 Fitted prosthesis/leg brace required
- 26 Specified vehicle modifications required
- 28 Restricted to automatic transmission
- 35 Not permitted to exceed 60 km/h
- 36 Not permitted to exceed 80 km/h

- 37 Not permitted to transport dangerous goods
- 38 Operation of motorcycle permitted only while under direct supervision of an adult age 25+ who holds a valid class 6 Driver’s Licence; Speed 60km/h maximum
- 39 Qualified supervisor age 25+ required, one passenger
- 42 Qualified Supervising adult, one passenger only
- 43 Restricted to 5 am to midnight only
- 44 No operation of motor vehicle with alcohol in body; Must clearly display official New Driver sign
- 45 One passenger only (immediate family members exempt) unless accompanied by a qualified supervisor age 25+
- 46 No operation of motor vehicle with alcohol in body (0 BAC), must clearly display official Learner (L) driver sign, use electronic device not permitted while driving
- 47 No operation of motor vehicle with alcohol in body (0 BAC), must clearly display official Novice (N) driver sign, use of electronic device not permitted while driving
- 51 (Variable). In case of restriction 51, the restriction number and the exact wording are shown on the back of the licence

5. **Variable:** The variable restriction is used in unusual circumstances. For example, “50 km radius of Victoria” may be placed on a licence when a Driver’s Medical Examination Report and/or subsequent reexamination road test(s) indicate the need for such a restriction.

6. **Violation date:** The date that the alleged contravention occurred.

7. **Disposition date:** The date on which the violation is deemed guilty or becomes due.

8. **Act and Section:** Indicates the specific act and section that the violation was in contravention of. Some common values include:

MVA – Motor Vehicle Act
MVR – Motor Vehicle Regulations
CTA – Commercial Transport Act
CTR – Commercial Transport Act Regulations

Online versions of most British Columbia statutes (acts and regulations) are available at the following web address: <http://www.gp.gov.bc.ca/statreg/>

9. **Contravention Description:** A brief description of the contravention.

10. **Points:** The number of driver penalty points associated with the contravention. When you are ticketed for a traffic or driving violation under the B.C. Motor Vehicle Act or its regulations, driver penalty points (DPPs) will be recorded against your driving record. You may also receive Points against your driving record for certain Criminal Code of Canada convictions (such as impaired driving), or other offences, without getting a violation ticket. More information regarding Driver Penalty Points is available on the icbc.com website at: http://www.icbc.com/Licensing/lic_fines_pen_points.html

11. **Loc:** The location where the alleged contravention took place.

12. **NSC:** Indicates whether the vehicle is registered under a National Safety Code certificate. Contraventions with a Y in the NSC column are vehicles operating under an NSC certificate.

13. Indicates the date the abstract was printed.

APPENDIX H: NSC record keeping at a glance

Required Files	When to Get Them	How Long to Keep Them
Recommended Files *		

DRIVER RECORDS

Employment application and signed company policy*	At time of hire	Term of employment
Driver abstracts – N-Print	At time of hire; minimum every 12 months thereafter	Current + 4 years
TDG Certificates	At time of hire or when certified	Current + 2 years after expiry
Driving incident records (includes all violation tickets, Notice and Orders, CVSA inspections – Level 3, training records/certificates and any disciplinary/remedial action)	Within 15 days of incident	Current + 4 years

ACCIDENT RECORDS (separately or in the driver's file)

Accident reports	Within 15 days of incident	Current + 4 years
Accident details (including pictures, notes, statements)*	Within 15 days of incident	Current + 4 years

HOURS OF SERVICE

Drivers' RODS	Within 20 days	6 months
Supporting Records (may include time-stamped fuel receipts, bills of lading and shipping documents, accommodation and meal receipts, toll receipts – anything with times and dates that you know to be accurate, so you can use them to verify driver RODS)	Within 20 days	6 months
Accurate time records when exempt from RODS requirement	Daily	6 months

VEHICLE RECORDS

Trip inspection reports	Within 20 days	3 months
Vehicle inspections (CVIPs, CVSAs)	On completion	3 years
Maintenance and all repair records/receipts	On completion	3 years
Vehicles sold/disposed from carrier fleet (maintenance, repair and inspection reports)	On completion of disposal	6 months after disposal or provide to new owner
Manufacturer recall notices	After correction	Current + 4 years

OTHER

Bills of Lading	File immediately	3 years
Cargo insurance	File immediately	Current year

Important Notice: This document is for guidance only. If there is any conflict between this document and the [Motor Vehicle Act Regulations](#), the regulations will apply.

Please Note: These timelines are based solely on the minimum requirements of the [Motor Vehicle Act Regulations](#) and **DO NOT** speak for any record retention requirements from any other agency or jurisdiction. Before destroying any records, ensure that they are not required under any other obligations.