

WHAT IS A COMMERCIAL MOTOR VEHICLE (CMV)?

For the purpose of this regulation a CMV does not include:

- a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms;
- an ambulance, fire apparatus, a hearse or a casket wagon;
- a mobile crane;
- a motor home or a vehicle commonly known as a tow truck;
- a commercial motor vehicle leased for no longer than thirty days by an individual;
- a commercial motor vehicle operated under a dealer or service permit that is not transporting passengers or goods;
- a commercial motor vehicle operated under the authority of an In-Transit permit; or
- a bus that is used for personal purposes without compensation.

THE HOURS OF SERVICE REGULATION DOES NOT APPLY TO:

- 2 or 3 axle CMV transporting primary farm, forest, sea or lake products;
- a vehicle being used by a police officer;
- a cardiac arrest vehicle;
- a vehicle engaged in providing relief in an emergency;
- a bus operated by a municipality as part of a public transit service; or
- a pick-up truck being used for personal purposes that has a manufacturer's gross vehicle weight rating of 6,000 kilograms or less.

This is an unofficial version of Government of Ontario legal materials. For accurate references refer to the official volumes. The Highway Traffic Act, and Ontario Regulation 555/06 – Hours of Service, may be viewed on the Internet at:

www.e-laws.gov.on.ca

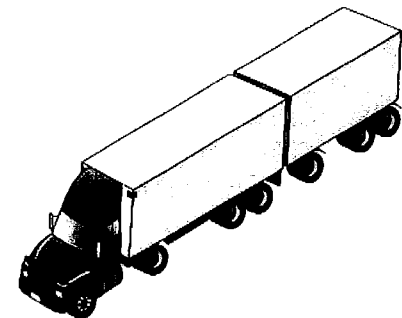
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1-800-387-7736

New

Hours of Service Regulation For Commercial Vehicle Drivers In Ontario



January
2007

BACKGROUND

Over the past several years, representatives from the federal government, along with Canadian provincial and territorial governments, have been working to modernize the commercial vehicle drivers' hours of service regulations.

The new federal rules were developed and supported by all Canadian jurisdictions, a broad spectrum of stakeholders and officials from a variety of affected industries, as well as fatigue management experts and safety advocates. The new regulations reflect the advances in scientific research pertaining to human sleep patterns and fatigue management practices. Research indicates that fatigue is measured not just by the number of hours one is able to sleep, but also the number of hours of continuous wakefulness, and the level of performance expected during those hours.

The Ministry of Transportation has amended the provincial hours of work regulations to adopt the new federal hours of service rules into provincial regulations. One of the key foundations of the new rules is to ensure that all commercial vehicle drivers, regardless of whether they are driving long-haul or short-haul, have a mandatory and appropriate length of off-duty period to allow a reasonable opportunity for rest to maintain performance and alertness.

The new regulation will ensure that the benefits of restorative rest can be enjoyed by all commercial drivers operating in Ontario.

DUTY STATUS

There are four categories of duty status time:

1. Off-duty time, other than time spent in a sleeper berth.
2. Off-duty time spent in a sleeper berth.
3. On-duty time spent driving.
4. On-duty time, other than time spent driving.

The new regulation contains four basic requirements:

1. DAILY REQUIREMENT

- A driver must have 10 hours off-duty in a day;
 - A driver cannot drive more than 13 hours in a day;
 - A driver cannot drive after 14 hours on-duty in a day.
- ❖ *Some exceptions apply, refer to Ontario Regulation 555/06*

2. MANDATORY OFF-DUTY TIME

- After a period of at least 8 hours off-duty a driver cannot drive more than 13 hours;
- After a period of at least 8 hours off-duty a driver cannot drive after having been on-duty for 14 hours;
- After a period of at least 8 hours off-duty a driver cannot drive after 16 hours has elapsed.

3. CYCLE REQUIREMENT

- An operator shall designate a cycle for the driver to follow;
- There are two cycles available, a 7 day cycle or a 14 day cycle;
- In a period of 7 consecutive days a driver cannot drive after having been on-duty for 70 hours;
- In a period of 14 consecutive days a driver cannot drive after having been on-duty for 120 hours. Drivers following this cycle shall not drive after accumulating 70 hours on-duty without having taken 24 consecutive hours of off-duty time.
- On any day, all drivers must have a period of at least 24 consecutive hours off-duty in the preceding 14 days.

CYCLE RESET / SWITCHING

- A driver may only switch the cycle they are on if they start a new cycle;
- To start a new cycle, a driver on the 7 day cycle must take 36 consecutive hours off-duty;
- To start a new cycle a driver on the 14 day cycle must take 72 consecutive hours off-duty.

4. RECORD KEEPING REQUIREMENT

DAILY LOG CONTENTS

A daily log may be handwritten, computer generated or made by means of a recording device. A daily log must contain the following information:

- The driver's name.
- The date.
- The name of the driver's co-drivers, if any.
- The start time of the day being recorded, if the day does not start at midnight.
- The cycle that the driver is following.
- The odometer reading, at the start of the day.
- The number plate of each commercial motor vehicle to be driven and each trailer.
- The name of the operator.
- The address of the driver's home terminal and of the principal place of business of the operator.
- Graph grid as illustrated in Form 1 of the regulation (not required for Recording Device).
- The start and end times for each duty status during the day.
- The location where the driver's duty status changes.
- The total time spent in each duty status during the day.
- The odometer reading at the end of the day.
- The total distance driven by the driver.
- The driver's signature.

DAILY LOG EXEMPTION

A driver is not required to keep a daily log if the driver:

- Drives the commercial motor vehicle solely within a radius of 160 kilometres of the location at which the driver starts the day; and
- Returns at the end of the day to the same location from which he or she started; and
- Only works for one operator that day.

If a driver is not required to keep a daily log the operator shall keep a record for the day showing:

- The date, driver's name and the location where the driver starts and ends the day;
- The cycle that the driver is following;
- The hour at which each duty status starts and ends and the total number of hours spent in each duty status.