

MOTOR CARRIER SAFETY STANDARDS

FEDERAL SAFETY STANDARDS

While the responsibility for promulgating motor carrier safety legislation in Canada generally falls on the provincial governments, the Federal government has provided some guidance in the areas of hours of service and dangerous goods transport. Under the Motor Vehicle Transport Act, 1987, Hours of Service Regulations were passed to restrict the hours that a driver can spend driving or on duty, and to require daily recordkeeping in the absence of provincial legislation. The “Commercial Vehicle Drivers Hours of Service Regulations” were updated on November 15, 1994, and also November 16, 2005 (effective January 1, 2007).

Effective January 10, 1997, an amendment to the Canadian Motor Vehicle Safety Regulations put a new standard in place. The Canadian Motor Vehicle Safety Standard (CMVSS) 108 covered revisions in lighting requirements for commercial vehicles, especially conspicuity markings, identification lights, and brake lamps. The most substantive changes were the new requirements for heavy trailers to have reflective markings and for light trucks and multipurpose passenger vehicles to have centre high-mounted stop lights.

Dangerous goods regulations, on the other hand, were implemented to consolidate a number of previously uncoordinated and separately administered acts and regulations. The “Transportation of Dangerous Goods Act, 1992” is an Act to promote public safety in the transportation of dangerous goods.

On January 1, 2006, Transport Canada’s regulations on Safety Fitness Certificates (SFC) went into effect. Extra-provincial carriers are required to obtain an SFC from their base-plated province in order to operate on Canadian roads.

This section provides a summary of basic driver and carrier responsibilities under these regulations. Since many provinces have already implemented hours of service restrictions, the appropriate provincial section(s) should be referenced first to see what, if anything, is required. All provinces have, however, adopted the federal safety standards for transporting dangerous goods. To avoid duplication, documentation, marking, training and reporting requirements applicable to drivers and carriers in all provinces are outlined herein.

NOTE: Due to the complex nature of the dangerous goods transport requirements, copies of the federal and provincial acts and regulations must be obtained to ensure compliance.

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Commercial Vehicle Drivers Hours of Service Regulations

On November 16, 2005 Transport Canada adopted the newly revised *Commercial Vehicle Drivers Hours of Service Regulations*. The new regulations were **effective on January 1, 2007**, and presently require drivers to keep a record of their daily driving and other work activities in a prescribed format, and to make these records available to designated enforcement officials upon request.

The following is a summary of the current hours of service regulations. The full text of the regulations is provided after this explanation.

Applicability — The federal Canadian hours of service regulations apply to extraprovincial drivers (drivers operating in more than one province/territory and U.S. drivers) operating commercial vehicles. Under the *Commercial Vehicle Drivers Hours of Service Regulations*, commercial vehicles are defined as:

- trucks, tractors, or trailers, or any combination of them, that have a gross vehicle weight exceeding 4 500 kilograms; or
- buses with a seating capacity of more than 10 persons, including the driver.

Drivers of the following vehicles are not subject to the regulations:

- two- or three-axle commercial vehicles being used for transporting the primary products of a farm, forest, sea or lake (if the driver or the motor carrier is the producer of the products) or 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 farm, forest, sea or lake operation;
- emergency vehicles;
- vehicles providing relief in a public welfare emergency; and
- buses that are part of the public transit service that is provided in a municipality, in contiguous municipalities, or within 25 kilometres of the boundary of the municipality or contiguous municipalities.

The regulations also do not apply when a driver is driving the vehicle for personal use, as long as:

- the vehicle has been unloaded,
- any trailers have been unhitched,
- the distance traveled does not exceed 75 kilometres in a day,
- the driver has recorded in his/her logbook the odometer reading at the beginning and end of the personal use, and
- the driver is not subject to an out-of-service declaration.