

# **B.C. Motion Picture Industry**

## Hours of Service rules for carriers and drivers of commercial motor vehicles

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# 01.

## Purpose and scope

Effective April 2, 2019, the Director, Commercial Vehicle Safety and Enforcement branch (CVSE) of British Columbia's Ministry of Transportation and Infrastructure issued an exemption under Motor Vehicle Act Regulations (MVAR) 37.11.02 to introduce modified Hours of Service ("HOS") rules applicable to drivers of commercial vehicles in the Motion Picture Industry ("MPI") under a new two-year **pilot project** (the "Pilot").

The purpose of this guide is to outline the obligations and responsibilities of carriers and drivers in British Columbia's motion picture industry, specifically in respect of these new HOS rules.

It should be noted that carriers also have additional existing obligations under the Motor Vehicle Act ("the MVA"), which go beyond the scope of this document. For more information about these obligations, please consult the **Carrier Safety Guide** published by the Ministry of Transportation and Infrastructure, or contact a member of the CMPA-BC Industrial Relations team.



# 02.

## Carriers

A carrier is anyone who owns, leases, or manages and decides how a commercial motor vehicle should be used.

Section 37.01 of the MVAR Division 37 Safety Code defines "carrier" as follows:

**"carrier"** means, in relation to a commercial motor vehicle,

- a) the owner of the commercial motor vehicle, including a person in possession of the commercial motor vehicle under a contract by which the person may become the owner of the commercial motor vehicle on full compliance with the contract,
- b) any other person having management of the commercial motor vehicle or determination of the uses to which it is put, and
- c) the lessee of the commercial motor vehicle if the lease for the commercial motor vehicle has a term of at least one month,

More specifically for the purposes of the Pilot, the carrier is considered to be the production company or studio responsible for the production, regardless of what National Safety Code (NSC) certificate is displayed on a commercial vehicle's registration documents. The carrier has overall responsibility for monitoring and ensuring compliance with the Hours of Service rules for all drivers operating as part of the production.

MVAR 37.12 states that a carrier must not request, require or allow a driver to drive and a driver must not drive if:

- a) The driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive, or
- b) Driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or employees of the carrier.

For more information, visit the **BC Commercial Vehicle Safety and Enforcement (CVSE)** website.



## 03. Commercial motor vehicles

The HOS rules for the motion picture industry apply to drivers of commercial motor vehicles province-wide. Under the MVA, a commercial motor vehicle is a motor vehicle used in the course of business, if that vehicle:



- ✓ is used for the transportation of persons or freight; and
- ✓ is one of the following:
  - a truck or truck tractor with a licensed gross vehicle weight of more than 11,794 kg (including the weight of any attached trailer);
  - a bus (which is any vehicle that carries 10 or more passengers, plus the driver);
  - a motor vehicle that requires a Passenger Transportation license (taxis, limousines, some buses, etc.); or
  - a business vehicle as defined by the Motor Vehicle Act with a gross vehicle weight over 11,794 kg.

## 04. Motion picture industry vehicles

Under the Pilot, a motion picture industry vehicle is defined as a commercial motor vehicle providing transportation of persons or property to or from a motion picture (theatrical, film, video, commercial, or television) production site.



## 05. Your responsibilities under the MVAR

Carriers are responsible for ensuring that drivers operating commercial motor vehicles that are licensed over 11,794 kg or passenger vehicles that have a seating capacity of 10 or more passengers plus the driver operating on a production adhere to the MPI Pilot HOS rules.

### Obligations under these rules include:

- ✓ understanding the HOS rules;
- ✓ ensuring that workers who are responsible for the management of transportation equipment and personnel understand the HOS rules;
- ✓ ensuring drivers do not drive for longer periods than legally allowed;
- ✓ ensuring drivers get the rest periods they are required to have;
- ✓ keeping accurate records that show drivers are working within the legal limits; and
- ✓ ensuring drivers who travel into other provinces or territories know and follow the federal hours of service regulations.

Drivers are also responsible for working within the HOS rules, and care must be taken by drivers to ensure that they do not exceed the maximum number of driving or on-duty hours before taking a rest period as outlined below. However, the carrier is still required to confirm the hours that each driver has worked since their last rest period prior to them starting on the carrier's production, and to set up practices that ensure drivers follow the HOS rules.

# 06.

## On-duty and off-duty

Under the HOS rules, a driver is either “**on-duty**” or “**off-duty**”.

“On-duty” means the period when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work. On-duty time ends when the driver stops work or is relieved of responsibility by the carrier. On-duty time includes time spent driving as well as time spent by the driver doing any of the following:



### On-duty time includes time spent driving as well as time spent by the driver doing any of the following:

- ✓ inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle;
- ✓ participating in the loading or unloading of a commercial motor vehicle;
- ✓ inspecting or checking the load of a commercial motor vehicle;
- ✓ waiting for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched;
- ✓ waiting for a commercial motor vehicle or its load to be inspected;
- ✓ waiting at an en-route point because of an accident or other unplanned occurrence or situation; and
- ✓ resting in or occupying a commercial motor vehicle for any other purpose; except
  - time counted as off-duty time in accordance with section 37.13 (Travelling as a passenger – off-duty time);
- ✓ performing any work for any carrier. This would include non-transportation related production work for an MPI carrier or any work for carriers outside of the MPI.

### Examples of on-duty activities on a production may include:

- ✓ pre-trip inspections and completing logbooks;
- ✓ cleaning the vehicle;
- ✓ prepping the vehicle for a move;
- ✓ waiting in an assigned vehicle for clearance to leave the location from the Captain;
- ✓ chocking tires or securing equipment;
- ✓ moving the vehicle;
- ✓ going to shops, equipment houses, etc.;
- ✓ driving a carrier’s vehicle to the driver’s residence in the event that the vehicle is stored there when not in use (known as pre-setting)
- ✓ any other duties a driver may be requested to undertake by the carrier for work-related purposes.

“Off-duty” time refers to all time that does not meet the definition of “on-duty time” above. The Ministry of Transportation has provided additional guidance for the motion picture industry due to the fact that there may be times when a driver is legitimately required to be both available for work and waiting to be assigned work.

Specifically, if there is a reasonable assumption that a driver will spend 30 or more minutes awaiting assignment of unscheduled work, that time may be logged as off-duty and would therefore not count towards the maximum 5 or 15 hours of on-duty time a driver may accumulate before they are no longer able to drive (see Section 8 below).

**Examples of off-duty time on a production may include:**

- ✓ waiting on set, at the circus or crew park until it is time for the next run or crew pick-up;
- ✓ waiting in or near the vehicle or elsewhere when the driver has no current duties;
- ✓ meal breaks;
- ✓ waiting or riding as a passenger in a shuttle to take a driver from their personal vehicle to the circus, set, work trucks, the starting location of the move, or back to a personal vehicle after the move is complete; and
- ✓ driving a personal vehicle home.

**Common misconceptions regarding on-duty and off-duty time in the motion picture industry include:**

**MISCONCEPTION**

**FACT**

<p>A crew member is being paid to be at work so they cannot be considered off-duty under HOS rules.</p>	<p>The financial arrangements between a crew member and the employer do not affect whether a driver is on-duty or off-duty.</p>
<p>A driver must remain on the set or be near their vehicle and therefore must be on-duty.</p>	<p>Being required to remain in the general vicinity of the vehicle does not automatically mean a driver is on-duty; a driver may be on set and still be off-duty.</p>
<p>A driver is operating a vehicle that doesn't fall under National Safety Code regulations so they don't need to record that time on their daily log.</p>	<p>If the driver is driving a vehicle for personal use, the driver would correctly be off-duty. However, if a driver is driving the vehicle as part of their work responsibilities, the time must be recorded as on-duty, not driving.</p>
<p>If a crew member works in a different part of the production and only occasionally drives a vehicle, they don't need to be concerned with HOS rules.</p>	<p>Anyone who drives a vehicle that is required to follow HOS rules must be compliant at the time they start driving, and must remain compliant, even if they only drive occasionally. All other non-driving work should be logged as on-duty, not driving time.</p>

For clarity, anyone who drives a commercial motor vehicle over 11,794 kg or a vehicle with seating of 10 or more passengers plus the driver, is required to follow HOS rules and must be compliant from the time they start driving, even if they only drive occasionally. All other non-driving work that crew members undertake on a production counts as on-duty, not driving time and must be logged as such.

All on-duty and off-duty time is required to be logged by drivers and copies of the logs must be obtained by production ([Section 12 below](#)).

## 07. Definition of “day” for daily logs

A carrier must define “day” under the Motion Picture Industry HOS rules as the 24-hour period from midnight to midnight for daily logs. Call times and the time at which a driver begins their shift or starts being paid do not affect the start of the day on a daily log, which is always midnight (12:00 a.m.).



## 08. Daily hours of service limits

**Under the motion picture industry HOS Pilot rules, a driver is no longer able to drive if:**

- ✓ more than 5 hours have passed since the end of the driver’s last off-duty period of at least 30 minutes;
- ✓ they have been on-duty for 15 cumulative hours since a driver’s last consecutive eight hour break (or “turnaround”); or
- ✓ they have driven for 11 cumulative hours since the driver’s last consecutive eight hour break.

For clarity, the 15 hour maximum on-duty and 11 hour maximum driving caps are cumulative and do not mean that a driver can only be on set or working for those durations. A driver’s work day may be longer than 15 elapsed hours and they may still be allowed to drive provided the driver has off-duty periods of no less than 30 minutes at a time and the driver has not exceeded the above on-duty and driving hours limits.

Example: a driver is required to be on set from 6:00 a.m. on Monday to 12:00 a.m. on Tuesday for a total of 18 hours. The driver was relieved of all duties for three hours during the workday while waiting to begin a move. These three hours were therefore off-duty. The rest of the shift was spent driving and performing other duties. The driver’s total on-duty time was 15 hours even though the driver’s paid workshift spanned 18 hours.

A driver’s work day may be longer than 15 cumulative hours on-duty, but they would not be allowed to drive after that point until they had taken 8 consecutive hours off-duty. The on-duty time would still count towards the cumulative cycle limits.

# 09.

## Hours of service limits in a 7-day cycle

In addition to the daily limits on a driver's on-duty and driving time, there are also cumulative weekly limits.

In a weekly cycle, a driver can work a maximum of:



A CUMULATIVE TOTAL OF  
**85 ON-DUTY HOURS**  
 OVER A  
**7 DAY PERIOD;**

**OR**



A CUMULATIVE TOTAL OF  
**60 ON-DUTY HOURS**  
 SPENT DRIVING OVER A  
**7 DAY PERIOD,**

**whichever comes first.**

# 10.

## Mandatory off-duty time to limit consecutive days

In order to combat fatigue and ensure safety on the road, drivers are required by law to have minimum rest periods as follows:

8 consecutive hours off-duty after  
 15 cumulative hours on-duty OR  
 11 cumulative hours driving

**AND**

At least 24 consecutive hours off-duty  
 in 8 days OR at least 36 consecutive  
 hours off-duty in 14 days.

For clarity, because a day is always midnight to midnight, if a driver works a shift that extends past midnight and therefore into the next day, the driver is considered to have worked two days for the purpose of determining the 24- or 36-hour required consecutive off-duty times.

Example: a driver works 7 consecutive days, and on the seventh day their shift starts at 2:00 p.m. and ends at 4:00 a.m. the following day. This driver has now worked eight consecutive days and is no longer eligible for the 24 hours off-duty. They must now have a 36 hour rest period within 14 days from the end of their last 24 or 36 hour off-duty period. The rest period can be taken on any day after the shift ends on the 8<sup>th</sup> day, but by the end of the 14<sup>th</sup> day the driver must have taken a 36 hour off-duty period.

## 11. Resetting hours of service



**A driver's cumulative hours of service in a cycle can be reset at any time by the driver having 72 consecutive hours off-duty.**

## 12. Log books

Carriers and drivers are required to maintain daily logs of drivers' on-duty, off-duty, and driving time. A driver must not drive and a carrier must not request, require or allow a driver to drive unless the driver has in their possession (MVAR 37.18.04):

- ✓ a log book of their previous 14 days; and
- ✓ a daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred
- ✓ any supporting documents or other relevant records that the driver received in the course of the current trip.



A driver's required rest periods and maximum daily and weekly on-duty and driving hours apply even if a driver has worked for multiple productions in a given cycle. It is therefore extremely important that drivers maintain effective log books, and that productions review at least 14 days' worth of daily logs when a driver starts work on a production. This includes day-call drivers.

### **MVAR 37.18.02 and Schedule 2 require daily logs to include:**

- ✓ address of home terminal and principal place of business;
- ✓ carrier's name and name of the production;
- ✓ driver's name;
- ✓ license plate number or unit number of the vehicle driven;
- ✓ odometer readings (start and end for each commercial motor vehicle);
- ✓ date of the shift;
- ✓ end time of the driver's last 8 hour consecutive off-duty period;
- ✓ start time of the shift;
- ✓ time spent driving during the shift;
- ✓ time spent on-duty, not driving during the shift;
- ✓ time spent off-duty during the shift; and
- ✓ time at which the 8 hour consecutive off-duty period begins at the end of the shift.



Drivers must record the information for all productions worked during the day and for all vehicles driven during the day.

**Carriers are required to retain copies of the drivers’ logs. They must:**

- ✓ get drivers to provide their original daily logs within 20 days;
- ✓ monitor and review the logs to ensure compliance;
- ✓ 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;
- ✓ file all daily logs with Carrier’s other records within 30 days of receipt; and
- ✓ keep each of these logs in Carrier’s files for at least 6 months.

For examples of daily logs, please see [Appendix A](#).

**Recording periods of driving interspersed by short periods of other on-duty time (aka “Bundling”).**

Regardless of the instructions in Schedule 2, section 1 c) of MVAR Division 37, the practice of bundling, or recording periods of on-duty driving time interspersed by short periods of other on-duty time is only allowed under the following circumstances for drivers operating under MPI Rules:

- ✓ Periods of on-duty driving interspersed by short periods (less than 30 minutes each) of on-duty (not-driving) time may be logged solely as on-duty driving time to simplify the completion of the daily graph grid. This practice is known as “Bundling”.
  - Example: A driver leaves the studio at 1:00 pm to make three deliveries within Vancouver. At 1:35 pm the driver arrives at Destination A and makes a 10-minute stop to deliver items. At 1:45 pm the driver leaves Destination A and arrives at Destination B at 2:05 pm. After a 15-minute delivery stop, the driver departs Destination B at 2:20 pm and arrives at Destination C at 2:50 pm. After a 15-minute delivery stop the driver departs Destination C at 3:05 pm and arrives back at the studio at 3:30 pm. All stops (on-duty not driving) are less than 30 minutes. The driver may record the 2 hours and 30 minutes of elapsed time roundtrip from the studio as driving.
- ✓ Periods of on-duty (not-driving) time that are anticipated to be at least 30 minutes should be logged as on-duty and not driving time, to avoid inflating a driver’s driving hours.”

## 13. Fatigue management

Due to the nature of the production cycle and the long work hours it entails, ensuring that drivers are given the rest period required by the law may not be enough to manage fatigue effectively in the workplace.

Productions should develop a fatigue management plan as part of their overall safety plan that applies to all workers on a production and that takes into consideration the appropriate health and safety requirements. These include obligations under WorkSafeBC regulations, and any requirements under the appropriate union collective agreements. Workers should also be aware of steps they can take to manage their own fatigue which are outlined in [Actsafes’s Recommendations for Managing Fatigue](#).

Productions are advised to contact the CMPA-BC Industrial Relations team should they require assistance in the development of a fatigue management plan.

# Appendix A – Sample Log

## Driver's Daily Log Motion Picture Industry British Columbia

Rev 05/01/19

Production Name	<input type="text"/>	Driver ID #	<input type="text"/>	<table border="1"> <tr> <th>Day</th> <th>Month</th> <th>Year</th> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td colspan="3">For consecutive off-duty days only, enter last off-duty date below.</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Day	Month	Year	<input type="text"/>	<input type="text"/>	<input type="text"/>	For consecutive off-duty days only, enter last off-duty date below.			<input type="text"/>	<input type="text"/>	<input type="text"/>
Day	Month	Year														
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For consecutive off-duty days only, enter last off-duty date below.																
<input type="text"/>	<input type="text"/>	<input type="text"/>														
Name of Carrier	<input type="text"/>	Power Unit	<input type="text"/>													
Principal Place of Business	<input type="text"/>	<table border="1"> <tr> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Unit # or License Plate</td> <td>Province</td> </tr> </table>		<input type="text"/>	<input type="text"/>	Unit # or License Plate	Province									
<input type="text"/>	<input type="text"/>															
Unit # or License Plate	Province															
Home Terminal Address	<input type="text"/>	Trailer	<input type="text"/>													
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<input type="text"/>	<input type="text"/>															
Unit # or License Plate	Province															
Driver's Signature	<input type="text"/>	Starting Odometer	Ending Odometer	Total Distance Driven												
		<input type="text"/>	<input type="text"/>	<input type="text"/>												
<input checked="" type="checkbox"/> <b>MPI Rules</b> 15/11/8 (Daily) • 60 Hrs./7 Day (Driving) • 85 Hrs./7 Days (On Duty) <input type="checkbox"/> <b>Passenger-Carrying Vehicle</b> (check if applicable)																

*I certify these entries are true and correct.*

	Mid-night	1	2	3	4	5	6	7	8	9	10	11	Noon	13	14	15	16	17	18	19	20	21	22	23	Hrs.	Min.	
	1. Off Duty																										
2. Driving																											
3. On Duty (not driving)																											
	Mid-night	1	2	3	4	5	6	7	8	9	10	11	Noon	13	14	15	16	17	18	19	20	21	22	23	<b>Total Hours</b>	For Min. ¼ = .25 ½ = .50 ¾ = .75	

Remarks

Daily Recap	
Driving Line 2	On Duty Lines 2 + 3
1	1
2	2
3	3
4	4
5	5
6	6
<b>Total Hours</b>	

Shipping Documents:

Motion picture equipment  
*B/L or Manifest No.*

Same as motor carrier  
*Shipper / Commodity*

*Use Local Time Standard at Home Terminal*

14-Day Recap	Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Total Hours Off Duty														
Total Hours On Duty															

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Available Hours on Day 7*	
Subtract above total hours from:	
60	85
7	7

\*If 72 consecutive hours were taken off, available hours are 60/85

**Should you have any questions, please contact the CMPA-BC Industrial Relations team:**

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