

Hours of Service Rules for the Motion Picture Industry in B.C.

TO:

Carriers and drivers operating within the Motion Picture Industry (MPI) in B.C.
Commercial Vehicle Safety and Enforcement (CVSE)
Law Enforcement Agencies

Purpose of Circular:

To advise that effective January 2, 2024, the Director, Commercial Vehicle Safety, has updated the exemption previously issued under Compliance Circular 02-2019 under [Motor Vehicle Act Regulations \(MVAR\) 37.23](#) to implement the following hours of service rules for commercial motor vehicles providing transportation of persons or property to or from a motion picture production site.

While these vehicles will be exempt from specific portions of [Parts 4 to 8 of MVAR Division 37](#), there are substituted requirements to ensure that drivers are not operating while fatigued and public safety remains a priority.

The substituted requirements may be amended by the Director upon reasonable notice to industry. Any amendments will be published as an update to this circular.

Background

On April 2, 2019, following three years of discussions with a working group composed of representatives from CVSE, the MPI and CreativeBC (formerly the B.C. Film Commission), the Director issued Compliance Circular #02-2019 to implement an hours of service (HOS) pilot project for commercial motor vehicles providing transportation of persons or property to or from a motion picture production site under MVAR 37.23. While originally planned to be a two-year pilot, the pilot was extended as a result of the interruptions and challenges faced during the pandemic.

Following further discussions with the working group and a review of industry's compliance with the modified requirements, CVSE has concluded that, with some minor modifications, the MPI HOS Pilot Project has been successful and is no longer considered a pilot project.

CVSE recognizes the extraordinary efforts all parts of the motion picture industry have invested in shifting practices and educating all parties to ensure that HOS requirements are considered, and

road safety is given priority. The pilot allowed the working group to refine the requirements to ensure understanding and address challenges that were not initially identified. The modified substituted requirements below reflect that learning. This circular also contains the clarification regarding off-duty time for the MPI that was previously provided in NSC Bulletin # 01-18.

The working group will be continuing their work in relation to other areas covered by MVAR Division 37.

Application

The MPI Hours of Service Rules (MPI Rules) are only applicable within the province of B.C. for commercial motor vehicles providing transportation of persons or property to or from a motion picture production site.

The exemption is issued subject to the following conditions and with the following substituted requirements as allowed under MVAR 37.23.

Conditions

In order to operate under this exemption, the production company or studio responsible for the production must comply with all duties and responsibilities of the carrier, regardless of what NSC certificate is displayed on a vehicle's registration documents. The carrier has overall responsibility for monitoring and ensuring compliance with the MPI Rules for all drivers operating on behalf of the production.

Drivers who operate under this exemption and also operate commercial motor vehicles for purposes unrelated to a motion picture production site must ensure that they will be in compliance with all applicable requirements under MVAR Division 37, Parts 4-8 including daily, cycle and workshift limits when they return to operating a commercial motor vehicle that is not covered under this exemption.

Commercial motor vehicles transporting of persons or property to or from a motion picture production site are exempt from MVAR 37.24 through 37.27, and 37.34 through 37.38 as these requirements are replaced by the substituted requirements defined below. All other requirements under MVAR Division 37, Parts 4-8 remain in force.

Substituted Requirements

1. Definitions

Day: Despite MVAR 37.01, when operating under MPI Rules, a day means a calendar day (i.e. midnight to midnight).

MPI workshift: The driving and on-duty period which occurs between two periods of at least 8 consecutive hours of off-duty time.

2. Minimum off-duty hours per day

A driver must have at least 8 hours off-duty time in addition to following the break requirements defined in the MPI Rules requirement 3. These 8 hours do not have to be consecutive.

3. Break requirements

A driver must not drive if more than 6 hours have passed since the end of the driver's last off duty period of at least 30 minutes. The driver must take at least 30 minutes of off-duty time before driving again.

4. Maximum on-duty hours per MPI workshift

A driver must not drive after accumulating 15 hours (may be non-consecutive) of on-duty time during the driver's current MPI workshift. The driver must take at least 8 consecutive hours of off-duty time before driving again.

5. Maximum driving time after coming on duty

A driver must not drive after accumulating 11 hours of driving time during the driver's current MPI workshift. The driver must take at least 8 consecutive hours of off-duty time before driving again.

6. Maximum on-duty time in a cycle

A driver must not drive after accumulating 85 hours of on-duty time during any period of 7 days.

7. Maximum driving time in a cycle

A driver must not drive after accumulating 60 hours of driving time during any period of 7 days.

8. Mandatory off-duty time to limit consecutive work days

A driver must not drive if the driver has not taken either:

- a) 24 consecutive hours of off-duty time in 8 days, or
- b) 36 consecutive hours of off-duty time in 14 days.

If a driver has not taken at least 24 consecutive hours of off-duty time within 8 days, the driver must take at least 36 hours of off-duty time in 14 days in order to remain in compliance.

9. Reset requirement

A driver may end their current cycle and begin a new cycle if the driver takes at least 48 consecutive hours of off-duty time.

10. Records of duty status

Whether or not the requirements of 37.28 are met by the carrier and the driver, a driver operating under this exemption is required to record hours using a graph grid (paper or electronic) that is compliant with MVAR 37.48 and Schedule 2.

A carrier must require every driver to fill out and every driver must fill out a record of duty status each day that accounts for all of the driver's on-duty time and off-duty time for that day.

For clarity, this includes days when the driver is off-duty for 24 consecutive hours. Two or more consecutive days off-duty may be recorded on one record of duty status by noting the date range on the record of duty status.

A carrier may choose to modify the graph grid to remove "Off-duty time when spent in a sleeper berth".

A driver must indicate "Operating under MPI Rules" in the "Remarks" section of the record of duty status.

11. Clarification of off-duty definition

When a driver is legitimately both required to be available to work and waiting to be assigned work, if there is a reasonable assumption that the driver has at least 30 minutes before they are likely to be assigned unscheduled work, that time may be logged as off-duty and would then count towards their break requirement under requirement 3.

If the off-duty time is at least 8 consecutive hours, it may also meet the requirements to reset the driver's workshift under requirements 4 and 5.

If the driver needs to complete any work for any carrier prior to the completion of at least 30 minutes off-duty, then, while the time was correctly logged as off-duty, it would not count towards the break requirement.

Appendix A contains additional information regarding this clarification, including common misconceptions and examples based on MPI vehicle types.

12. Deferrals

Despite MVAR 37.27, a driver operating under this exemption must not defer off-duty time.

13. Use of sleeper berth

Despite MVAR 37.32 and 37.33, a driver operating under this exemption must not split the mandatory 8 consecutive off-duty hours.

14. Recording periods of driving interspersed by short periods of other on-duty time (aka bundling)

Regardless of MVAR 37.48 (5), a driver operating under the MPI rules may only combine periods of driving interrupted by short periods of other on-duty time under the following circumstances:

- Periods of driving interspersed by short periods (less than 30 minutes) of on-duty (not driving) time are combined and logged as driving time to simplify the completion of the graph grid.
- Periods of on-duty time that are anticipated to be at least 30 minutes should be logged as on-duty time to avoid inflating a driver's driving hours.
- Periods of driving time or on-duty time must not be bundled into off-duty time.

15. Emergencies and adverse driving conditions

For clarity, the reference under MVAR 37.17 (1) to "the requirements of this Part" should be understood to mean "the requirements of the MPI Rules" as these are the substituted requirements that replace the relevant sections.

The section references under MVAR 37.17 (2) are understood as follows:

- Section 37.24 – Requirements 4 and 5 under the MPI Rules
- Section 37.25 – Requirements 4 and 5 under the MPI Rules
- Section 37.26 (3) – Requirement 3 under the MPI Rules

As such, a driver operating under the MPI Rules who encounters adverse driving conditions, as defined in MVAR 37.01, may:

- a) extend the permitted 11 hours of driving time in requirement 5, and the 15 hours of on-duty time in requirement 4, by the amount of time needed to complete the trip, and
- b) omit the break requirement in requirement 3, if
 - (i) the driving, on-duty time and MPI workshift is not extended more than 2 hours
 - (ii) the driver still take the required 8 consecutive hours of off-duty time, and
 - (iii) the trip could have been completed under normal driving conditions without the reduction.

As required under MVAR 37.17 (3), a driver using either of these allowances must record the reason for doing so in the record of duty status.

For further information regarding on this exemption and the substituted requirements, please contact the NSC program office at NSC@gov.bc.ca or 250-952-0576 and advise that your question is related to the MPI Rules.



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List of Appendices

Appendix A – Background and Examples for Determining off-duty time in the MPI

Appendix A – Background and Examples for Determining off-duty time in the MPI

Background

A driver's HOS status is based on the driver's activities and responsibilities during a given time period.

While a driver in the motion picture industry may always be considered on-duty due to the phrase "or is required by the carrier to be available to work", the definition of on-duty also includes "except when the driver is waiting to be assigned to work". As such, there is often time when an MPI driver is legitimately both required to be available to work and waiting to be assigned work.

The following misconceptions and examples of duties are provided to assist drivers and carriers determine whether the driver is on-duty or off-duty.

Common misconceptions

- ☒ *A crew member is being paid to be "at work" so they cannot be off-duty for HOS records.*
 - ✓ The financial arrangements between a crew member and the employer are a matter that is entirely separate from whether a driver is on-duty or off-duty.
- ☒ *A driver must remain on the set or be near their vehicle so they must be on-duty.*
 - ✓ 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.
- ☒ *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.*
 - ✓ 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.
- ☒ *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.*
 - ✓ 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 work the crew member does on the production would count as on-duty time and must be recorded if crew member then drives a production vehicle that requires HOS compliance.

Examples

Shuttle or Cast Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection and review the call sheet● Receiving communication about next required run● Cleaning the vehicle and making sure there is water available for the cast● Any other duties you are requested to perform	<ul style="list-style-type: none">○ Waiting on Set, or at the Circus or Crew Park until it's time for the next run or crew pick-up○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Meal breaks

Move Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection and logbook● Prepping your assigned vehicle for the move● Waiting in your assigned vehicle for clearance to leave the location from the Captain or Co-Captain● Chocking the tires or securing equipment● Any other duties you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to the starting location of the move, or back to your personal vehicle after the move is complete○ Meal breaks○ Driving your personal vehicle home from the Crew Park

Camera, Grip, Lighting/Electrics Truck Drivers (Working Trucks)

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Moving the vehicle or ensuring the vehicle is parked level or has power● Going to shops, equipment houses or the lab● Any other duties you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Driving your personal vehicle home from the Crew Park

Cable Truck Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Performing any duties required by your Genny Op	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ When you have no current duties and Genny Op says they don't expect to require your assistance for at least thirty minutes○ Driving your personal vehicle home from the Crew Park

Special Effects Truck Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Ensuring TDG requirements are met● Any other duties or runs you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Driving your personal vehicle home from the Crew Park

Honeywagons, Hair/Make-Up and Costume Trailers, Star Wagon or Trailer Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Cleaning the rooms and maintaining the secondary washroom● Ensuring plumbing, heating and electrical are functional● Ensuring fresh water tanks are full and waste tanks are not● Unlocking or locking rooms● Any other duties or runs you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Driving your personal vehicle home from the Crew Park