

RE: Hours of Service (HOS) Exemption for Non-Passenger Vehicles Under 11,795 kg LGVW

TO:

Commercial Vehicle Safety and Enforcement
Law Enforcement Agencies
Carriers with vehicles plated in B.C.

Purpose Of Circular:

To advise that, effective August 1, 2023, the Director, Commercial Vehicle Safety & Enforcement (the Director) has granted an exemption from HOS requirements to non-passenger commercial motor vehicles (CMVs) with a licensed gross vehicle weight (LGVW) under 11,795 kg as allowed under Motor Vehicle Act Regulations (MVAR) 37.22.

This circular repeals and replaces Compliance Circular 03/07 issued November 28, 2007 which granted an equivalent exemption under the previous version of MVAR Division 37.

Background:

MVAR 37.22 states:

The director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,

- (a) exempt from Parts 4 to 8, unconditionally or on conditions the director considers desirable, commercial motor vehicles with a licensed gross vehicle weight of more than 5 000 kg and less than 11 795 kg, and*
- (b) substitute other requirements in respect of the exemption.*

The Director has concluded that it continues to be in the interest of more effectively promoting and securing road safety to grant this HOS exemption as described below.

Application

When operating in B.C., drivers of non-passenger CMVs plated in B.C. with an LGVW under 11,795 kg are exempt from all requirements under MVAR Division 37 Parts 4 to 8.

If a driver needs to operate into another jurisdiction, drivers and carriers are reminded that the federal [Commercial Vehicle Drivers Hours of Service Regulation](#) (CVDHOSR) applies to CMVs with a LGVW over 4,500 kg. When operating outside of B.C., drivers will be expected to maintain the required HOS records under CVDHOSR which may include the use of electronic logging devices (ELDs).

This exemption does not apply to CMVs used to transport passengers, whether or not a licence under the Passenger Transportation Act is required.

Additional Information:

Carriers and drivers are reminded of their responsibilities under MVAR 37.06 which states:

A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive 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.*

Carriers and drivers operating under this exemption and found to be operating or allowing their drivers to drive when driving would be likely to jeopardize the safety or health of the public or the driver may still be subject to enforcement actions regardless of this exemption.

Should you require further information, please contact National Safety Code Program staff at 250 952-0576, or by email at NSC@gov.bc.ca.

Thank you,

A handwritten signature in black ink, appearing to read 'S. Eburne', followed by a long horizontal line extending to the right.

Samantha Eburne
Director, Commercial Vehicle Safety & Enforcement