

RE: Provincial Electronic Logging Device (ELD) Exemptions

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 issued limited exemptions from provincial ELD requirements under Motor Vehicle Act Regulations (MVAR) s. 37.42.

These ELD exemptions do not exempt drivers from other hours of service (HOS) requirements or the requirement to record HOS using records of duty status (RODS) or, if applicable, a local time record.

Background:

As announced on February 13, 2023, MVAR Division 37 has been amended effective August 1, 2023 to implement a provincial ELD mandate that generally mirrors the federal ELD mandate being enforced since January 1, 2023.

MVAR 37.42 states:

- (1) Despite section 37.39 (1) [requirement for ELD], the director may, if the director considers it desirable for the purposes of more effectively promoting and securing road safety,
 - (a) exempt a carrier from the requirement to equip a commercial motor vehicle or class of commercial motor vehicles operated by the carrier with an ELD, unconditionally or on conditions the director considers desirable, and*
 - (b) substitute other requirements in respect of
 - (i) a commercial motor vehicle or class of commercial motor vehicles operated by a carrier,*
 - or*
 - (ii) a driver or class of drivers employed or otherwise engaged by a carrier.***
- (2) If a commercial motor vehicle is exempt from the requirement to equip the commercial motor vehicle with an ELD, a driver driving that commercial motor vehicle is not required to maintain records in accordance with this Part.*

Following a review, the Director has concluded that it is desirable for the purposes of more effectively promoting and securing road safety to issue the ELD exemptions to the classes of commercial motor vehicles (CMVs) below. Any conditions under which an exemption is granted are listed after the exemption.

Appendix A is included with definitions of key terms used in the exemptions to provide additional clarity.

This circular provides a single source for ELD exemptions issued to a class of CMVs in B.C. This circular also includes the class of CMVs exempted under the federal ELD mandate as defined in the Commercial Vehicle Drivers Hours of Service Regulation (CVDHOSR) s. 77 (1).

Application

Effective August 1, 2023, carriers are exempt from the requirement to equip a commercial motor vehicle (CMV) with an ELD if the vehicle is part of one of the following classes:

- (1) Rental CMVs that are the subject of a rental agreement no longer than 30 days that is not an extended or renewed rental of the same CMV
- (2) CMVs manufactured before model year 2000
- (3) Oil well service vehicles where the driver is operating under a federal HOS permit issued under CVDHOSR s. 63 or B.C.'s oil well service vehicle hours (MVAR 37.31)
 - (a) For federal HOS permits, the driver must carry and produce a copy of the exemption for inspection
- (4) CMVs where the driver is operating under a federal HOS permit issued under CVDHOSR s. 61 or 62
 - (a) For federal HOS permits, the driver must carry and produce a copy of the exemption for inspection
- (5) CMVs where the driver is operating under an ELD or HOS exemption issued under s.16 of the federal Motor Vehicle Transport Act (MVTA)
 - (a) For federal exemptions or permits, the driver must carry and produce a copy of the exemption or permit for inspection
- (6) CMVs operated as part of a driveaway operation
- (7) CMVs where the driver is operating under Motion Picture Industry (MPI) Rules as defined in Compliance Circular 02-2019
 - (a) Drivers are required to use RODS as required under the MPI Rules
- (8) CMVs operating under defined schedules as part of B.C.'s public transit system
- (9) School buses and special activity buses as defined in MVAR s.1 under the following condition:
 - (a) ELDs are required when the school bus or special activity bus is being driven for purposes which require a licence issued under the Passenger Transportation Act (PTA)

- (10) CMVs operated within a 160 km radius of their home terminal and, if plated in B.C., where the driver is operating under local driving hours requirements (MVAR 37.28)
- (11) CMVs operated occasionally outside of a radius of 160 km of their home terminal, under the following conditions:
 - (a) No more than 1 trip outside 160 km radius for the current day or within the previous 14 days, to a maximum of 6 days within a 60-day period
 - (b) For trips outside 160 km, drivers are required to maintain RODS as required under MVAR 37.47 (2)
- (12) CMVs operated by a driver who is engaged by multiple carriers in a single day, under the following conditions:
 - (a) The driver must:
 - i. notify all carriers that the driver will be engaged by during the day
 - ii. complete the Multiple Carriers in a Day Acknowledgement form ([CVSE0065](#))
 - iii. present a copy of the completed [CVSE0065](#) for inspection upon request
 - (b) The carriers must:
 - i. complete the Multiple Carriers in a Day Acknowledgement form ([CVSE0065](#))
 - ii. retain a copy of the completed [CVSE0065](#) with the driver's RODS
 - (c) This exemption does not apply when the driver of the CMV is only engaged by one carrier in a day

Unless a driver is operating under local driving hours as defined in MVAR 37.28, a driver of exempted CMVs must records their HOS using another form of RODS as required under MVAR 37.47 (2)(a).

These exemptions are effective August 1, 2023.

At this time, there is no planned expiry of these exemptions, but the Director retains the right to amend or add conditions, or remove any ELD exemption to more effectively promoting and securing road safety. Any such changes or additional exemptions for classes of vehicles will be published as an amendment to this circular.

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



Samantha Eburne
 Director, Commercial Vehicle Safety & Enforcement

Date	Status	Notes
01 August 2023	Issued	
04 August 2023	Updated	• Hyperlinks for CVSE0065 corrected

Appendix A – Definitions

The following definitions are provided for additional clarity.

For Exemption (1), **“model year”** means:

- (a) the year recorded on a CMVs registration document
- (b) for clarity, engine year or year of manufacture are not considered in determining model year

For Exemption (3), **“oil well service vehicle”** has the same meaning as in MVAR 37.01, and means a CMV that is:

- (a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
- (b) used exclusively in the oil or natural gas industry for
 - (i) transporting equipment or materials to or from oil or natural gas well facilities, or
 - (ii) servicing or repairing those facilities;

For Exemption (6) **“driveaway”** means an operation in which one or more commercial vehicle(s) are the commodities being transported, including the commercial vehicle providing the motive power, where the commercial vehicle(s) being transported are:

- (a) being transported by a driver, employed for that purpose;
- (b) being transported for the purpose of sale, lease or rental;
- (c) being transported between manufacturers and dealers or between dealers and end-users;
- (d) unladen;
- (e) being transported with each commercial vehicle having one or more sets of wheels on the surface of the roadway; and
- (f) being transported by means of a saddle-mount or towbar if there are multiple CMVs

For Exemption (11):

“home terminal” has the same meaning as in MVAR 37.01, and

- (a) means the place of business of a carrier at which a driver ordinarily reports for work, and
- (b) for the purposes of recording information related to the driver’s record of duty status or determining the 160 km radius as described in section 37.28 [local driving hours], includes a temporary work site designated by the carrier;

“trip”, depending on the trip length and whether a temporary worksite is designated in place of a home terminal, means:

- (a) Within 1-6 days, leaving the home terminal to travel outside of the 160km radius and includes the return to the home terminal.
- (b) Within 7-14 days, leaving the home terminal to travel to a temporary worksite designated by the carrier under MVAR 37.01 and includes the return to the home terminal.
- (c) Over 14 days, leaving the home terminal to travel to a temporary worksite designated by the carrier under MVAR 37.01.