



Module 14

Exemptions



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Things to think about ...

Within the Federal *Commercial Vehicle Drivers Hours of Service Regulations*, there are four situations when a driver is exempt from the driving, on-duty or off-duty limits specified in the Regulations:

- Emergencies
- Adverse driving conditions
- Driver traveling as a passenger
- Commercial vehicle used for personal use

What conditions must a driver meet to be exempt in these situations?

What will I learn in this module?

- Emergencies
- Adverse driving conditions
- Traveling as a passenger
- Commercial vehicle for personal use



What are emergencies?



Legislative References:

- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 1 Interpretation*
- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 76 Emergencies and Adverse Driving Conditions*

Emergencies

An emergency is a sudden, urgent, unexpected situation (or impending situation) that requires immediate action. In an emergency, the safety or security of people is at risk or likely to be in jeopardy. The term ‘in an emergency’ does not include situations such as a driver’s desire to get home, shipper’s demands, loading/unloading delays, market declines or a shortage of drivers.

In an emergency, drivers may require more driving time to reach a location that provides the following:

- Safety for the occupants of the commercial vehicle and for other users of the road
- Security for the commercial vehicle and its load

In these situations, the *Federal Commercial Vehicle Drivers Hours of Service Regulations* allow drivers to do the following:

- Extend driving hours of service in response to the emergency
- Drive to the first available safe location
- Remove persons and the load from the emergency situation. The “security of commercial vehicle and its load” refers to the cargo and / or passengers in the commercial vehicle. Other legislation such as the *Federal Health of Animals Regulations* and *Explosive Act* may apply.

In other words, the driving time, on-duty time, off-duty time, and cycle limits do not apply in an emergency. However, if the driver extends driving, on-duty or elapsed time because of an emergency, the driver must record it in the “Remarks” section of the daily log.

What are adverse driving conditions?



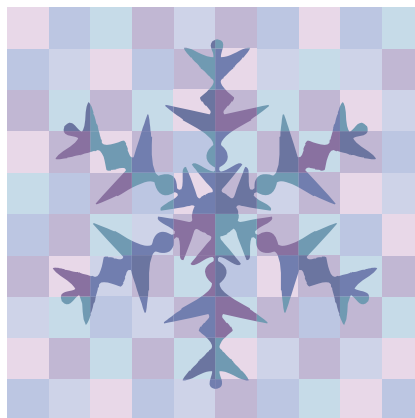
Legislative References:

- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 1 Interpretation*
- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 76 Emergencies and Adverse Driving Conditions*

Adverse driving conditions include snow, sleet, fog, or other adverse weather conditions, that were not known (or could not reasonably have been known) to a driver or a motor carrier dispatching a driver, immediately before the driver began driving from their last place of rest. This includes a highway covered with snow or ice and unusual road conditions but does not include delays at border crossings.

For example, during the winter, a driver may check the weather forecast before starting to drive and find that the forecast is for moderate amounts of snow between the last place of rest and the destination. In this situation, the driver cannot claim adverse driving conditions when it starts to snow.

However, if the driver encounters unexpected blizzard conditions where the roads are icy and all drivers must drive with caution, the driver can claim adverse driving conditions.



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South of Latitude 60°N

If a driver encounters adverse driving conditions during a trip south of latitude 60°N (that the driver can usually complete under normal conditions), the driver can make the following adjustments:

- Increase the driving and on-duty time in the cycle by up to 2 hours
- Decrease daily off-duty time by up to 2 hours. For example, if the driver drives for 15 hours (i.e., 13 hour limit + 2 hour extension), the driver takes 8 hours off-duty (i.e., 10 hours – 2 hours). The driver must take the required 8 consecutive hours of core off-duty time.

Daily Driving Limit 13 hours + 2 hours = 15 hours	Daily On-Duty Limit 14 hours + 2 hours = 16 hours	Daily Off-Duty Requirement 10 hours – 2 hours = 8 hours
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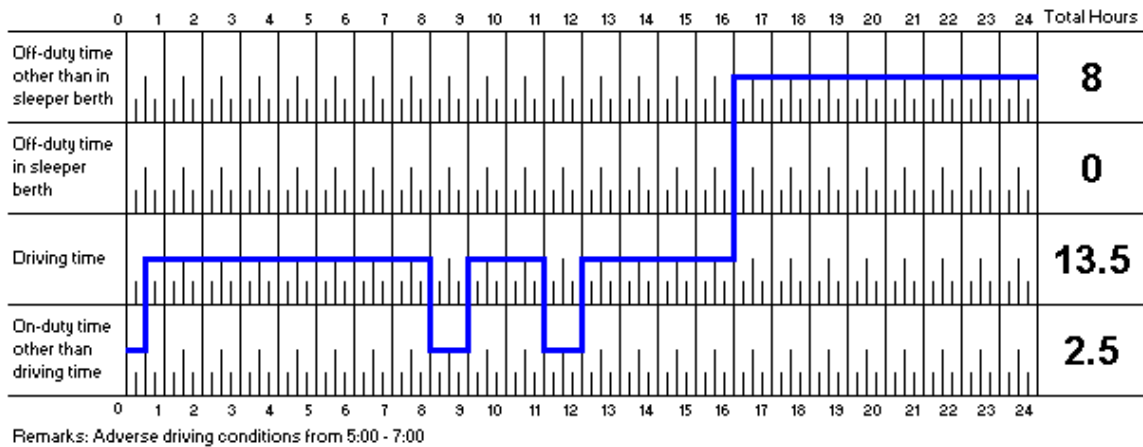
Therefore, with this exemption, the driver can extend the daily driving and on-duty limits, as well as the work shift driving and on-duty limits. However, despite the exemption, a driver must stop driving after 16 hours of elapsed time in a work shift.

If the driver extends driving time because of adverse driving conditions, the driver must record it in the “Remarks” section of the daily log.



Example #1:

A driver has 8 consecutive hours of core off-duty time before starting the day. The driver waits for two hours at the scene of a traffic accident. The accident happens before the driver reaches the destination but was not present when the driver left from his/her last rest location. It takes the driver approximately two hours to travel 10 kilometers because of the ongoing investigation, evacuation of the injured, as well as clean up at the scene.



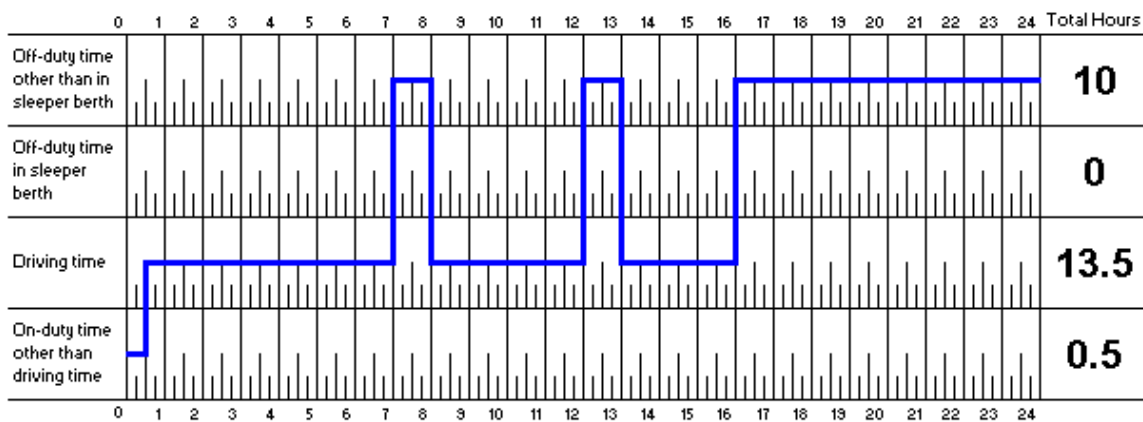
The situation is an “adverse driving condition” because the driver was not aware of, and the driver could not have predicted the event prior to the start of the trip. The driver can increase the driving and on-duty time in the cycle by up to 2 hours and decrease daily off-duty time by up to 2 hours. The driver must stop driving after 16 hours of elapsed time in the work shift.



Example #2:

A driver has 8 consecutive hours of core off-duty time before starting the day. The driver checks the weather forecast before driving and learns that there will be foggy conditions between the last place of rest and the destination.

One hour after starting the trip, the driver encounters fog and has to slow down his/her driving speed. It takes the driver 1 hour to travel 50 kilometers. After the fog, the driver continues and is able to reach the destination with no other weather problems.



Remarks: Adverse driving conditions from 1:30 - 2:30

In this situation, the driver cannot claim adverse driving conditions because of the fog. The driver knew that there was fog before the driver started the trip. Therefore, because the driver is not eligible to claim adverse driving conditions, the driver must comply with the regular daily limits. In this example, the driver exceeds the daily driving limit by 0.5 hour (13.5 hours – 13 hours) and is in violation.

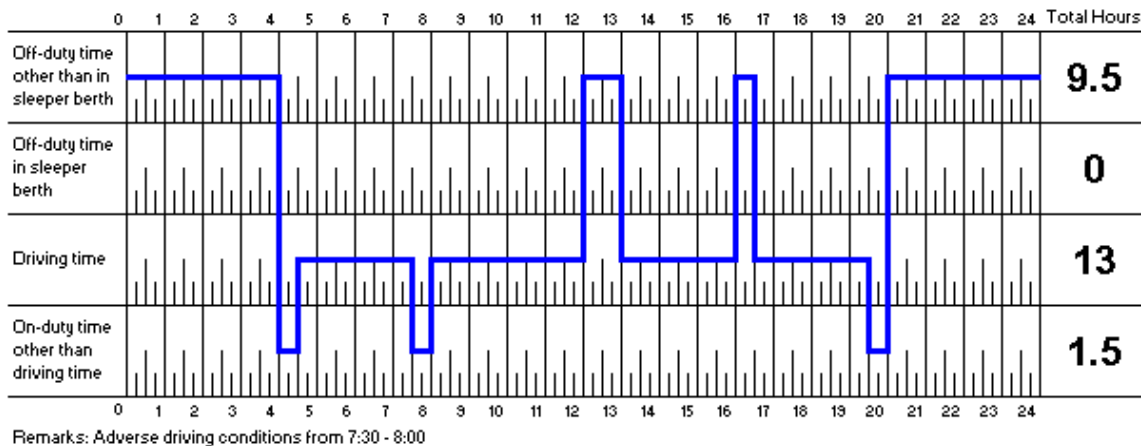


Example #3:

A driver finishes the last 4 hours of 8 consecutive hours of core off-duty time before starting the day. The driver checks the road report and discovers that there will be poor winter driving conditions (icy sections, bare wheel paths, drifting snow) between the last place of rest and the destination.

Three hours after starting the trip, the driver encounters an icy section of highway and the driver slows the vehicle to 10 kilometres per hour. The driver decides that it is safer to stop the vehicle and pull over to the side of the road until the highway maintenance crews have finished working on that section of highway. The driver stays in his/her vehicle for half an hour while the maintenance crew sands and salts the highway.

The driver then continues and is able to reach the destination without any other delays. After supervising the unloading of the vehicle, the driver starts 8 consecutive hours of core off-duty time.



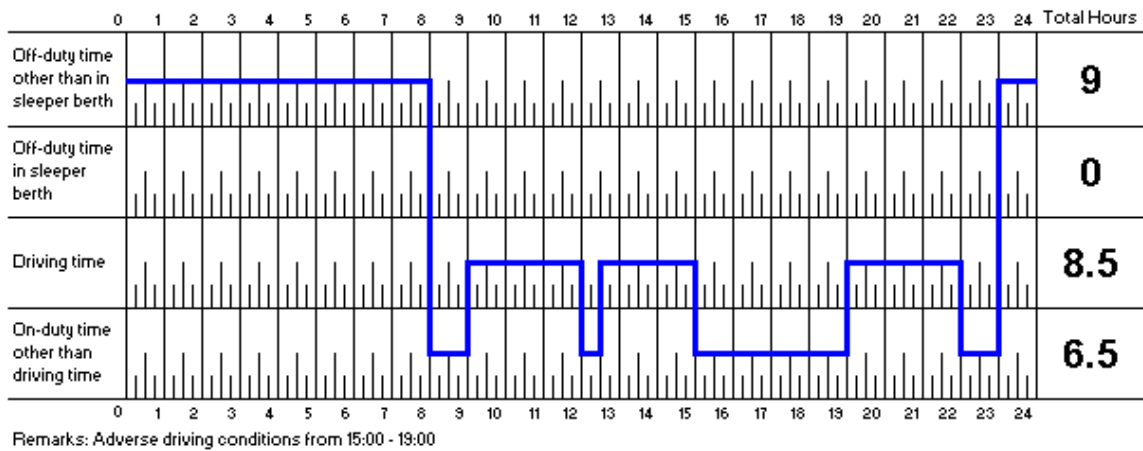
In this example, the driver cannot claim adverse driving conditions because the driver knew that there were icy sections of highway before the driver started the trip. Therefore, because the driver is not eligible to claim adverse driving conditions, the driver must comply with the regular daily limits. In this example, the driver has the following violations:

- Exceeds daily on-duty limit by 0.5 hour (14.5 hours – 14 hours)
- Fails to meet daily off-duty requirement (10 hours – 9.5 hours = 0.5 hour)



Example #4

A driver is traveling from Fort St. John to Edmonton. Although the driver could normally complete the trip from Fort St. John to Edmonton, the driver plans to spend the night in Whitecourt, before completing his trip to Edmonton the next day. The driver encounters adverse driving conditions one hour before Whitecourt (i.e., driver must wait while the debris from a major traffic accident is removed from the highway). The driver uses the adverse driving conditions extension to drive to Edmonton. The driver starts 8 consecutive hours of core off-duty time at 23:00.



The driver can claim adverse driving conditions because the driver was not aware of, and the driver could not have predicted the delay caused by the traffic accident, prior to the start of the trip. The driver is eligible to use the maximum 2-hour extension to drive to Edmonton because, under normal conditions, the driver can complete the trip from Fort St. John to Edmonton. Therefore, although the driver has 15 hours of on-duty time in the day and the work shift, the driver is not in violation.



Summary of Adverse Driving Condition Limits (South of Latitude 60°N)

Daily Limits (start time of 24-hour period specified by carrier)

- No driving after 13 hours driving + maximum 2-hour extension
- No driving after 14 hours on-duty + maximum 2-hour extension
- At least 8 hours of off-duty time which form part of 8 consecutive core off-duty hours

Work Shift Limits (period between end of one core rest period and start of next core rest period)

- No driving after 13 hours driving + maximum 2 hour extension
- No driving after 14 hours on-duty + maximum 2 hour extension
- No driving after 16 hours elapsed time (includes all time in work shift)

North of Latitude 60°N

If a driver encounters adverse road conditions during a trip north of latitude 60°N (that the driver can complete under normal conditions), the driver can make the following adjustments:

- Increase driving time by up to 2 hours
- Driver must take the required 8 consecutive hours of off-duty time

If the driver extends driving time because of adverse driving conditions, the driver must record it in the “Remarks” section of the daily log. We will discuss driving north of latitude 60°N in detail in Module 16.



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When is a driver traveling as a passenger?



Legislative References:

- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 1 Interpretation*
- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 10 Traveling as a Passenger – Off-Duty Time*

A driver is traveling as a passenger if the driver meets the following conditions:

- A motor carrier asks the driver to travel as a passenger in a commercial vehicle, car, train, aircraft or boat to a destination where the driver will begin driving
- Upon reaching the destination, the driver takes 8 consecutive hours of off-duty time before driving. If the driver takes this off-duty time, the driver can count the time spent as a passenger as off-duty time.

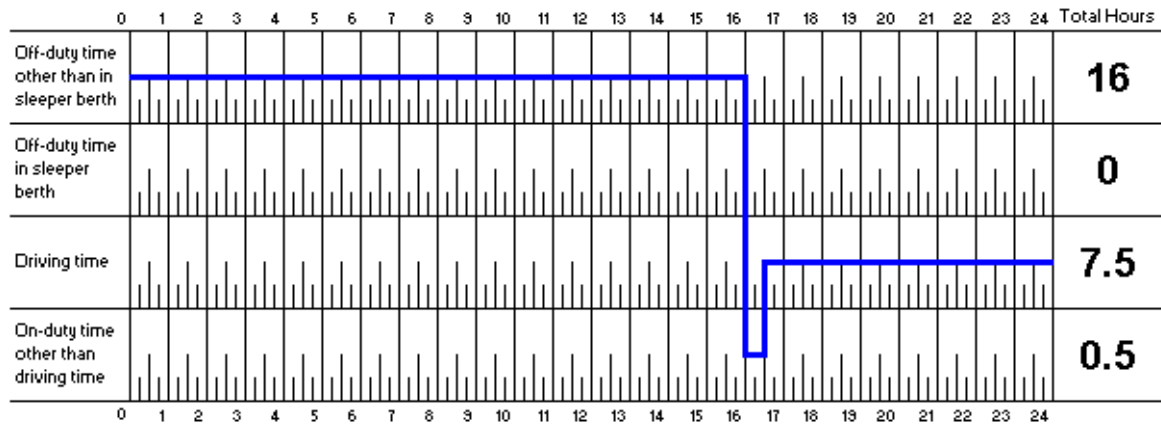
For example, a motor carrier might require that a driver travel by bus to a destination where the driver will begin driving. If the driver hires a cab or gets a ride from a friend from the bus depot to the truck terminal, then the driver can count that travel time as a passenger would as "off-duty time" when the driver later takes 8 hours off-duty.

However, if the driver rents a car or drives his personal car from the bus depot to the truck terminal, then that time would be considered to be "on-duty not driving" (since he was not a "passenger") and that time would NOT be changed to off-duty when he eventually takes his 8 hours off-duty.



Example #5:

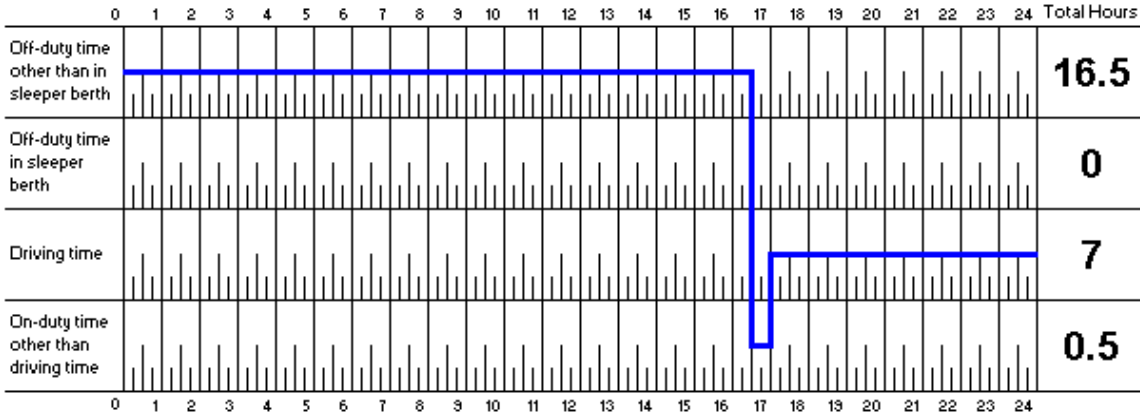
A driver travels as a passenger in a car from 0:00 – 8:00 to the destination where the driver will begin driving. The driver then takes 8 consecutive hours off-duty before starting the work shift at 16:00.





Example #6:

A driver travels as a passenger in an aircraft from Lethbridge to Edmonton (with a stopover from 6:45 – 7:30 in Calgary). The driver leaves Lethbridge at 6:00 and arrives in Edmonton at 8:30. While on the plane and during the stopover, the driver completes paperwork. When the driver arrives in Edmonton, the driver takes 8 consecutive hours off-duty before starting the work shift at 16:30.



In this example, the driver can claim off-duty time while traveling from Lethbridge to Edmonton. The time that a driver spends completing administrative work while traveling as a passenger on an aircraft is considered to be off-duty time.

Team Drivers

In some situations, the driver is a co-driver (team driver) who has been, or is about to be, the driver:

- In order to claim off-duty time (spent in a sleeper berth), the co-driver must rest in the sleeper berth. The co-driver cannot sleep on the passenger seat, while the vehicle is being operated, and claim off-duty time.
- Any time spent resting in or otherwise occupying a commercial vehicle (other than the sleeper berth) must be recorded as "on-duty time."



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When can a driver use a commercial vehicle for personal use?



Legislative References:

- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Section 1 Interpretation*
- *Federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) Sections 2(1)(e) and 2(2) Application*

A driver can record the time spent driving a commercial vehicle for personal use as off-duty time if it meets all of the following criteria:

- Vehicle is unloaded. Specifically, a driver cannot use a truck with cargo on it for personal use unless all of the cargo is unloaded. A driver can use a truck with fixed mounted equipment (i.e., welding truck, drill rig, etc.) and loose items such as dunnage. However, trucks with any "real cargo" such as freight, pipe, bags, etc. would need to be unloaded first before a driver can use the vehicle for personal use. Unloading of such a truck would not include removal of any "operational" items like chains, etc.
- Any trailers are unhitched
- Distance traveled does not exceed 75 kilometers in a day. Distance is measured by actual distance not radius distance.
- Driver records the odometer reading in the logbook at the beginning and end of the personal use
- Driver is not the subject of an out-of-service declaration

Any time that the driver uses the vehicle to perform business for the motor carrier must be recorded as on-duty time. For example, if a driver fuels the vehicle while using the commercial vehicle for personal use, the driver must record fueling time as on-duty time. Whether or not a company pays for the on-duty time is irrelevant.



Travel Time

When a driver is using the vehicle for personal use/reasons, a driver records all travel time as off-duty time. This includes the use of a commercial vehicle as a personal vehicle for the weekend however, the driver must not exceed 75 kilometers per day. Other daily limits do not apply while the driver is driving the vehicle for personal use.

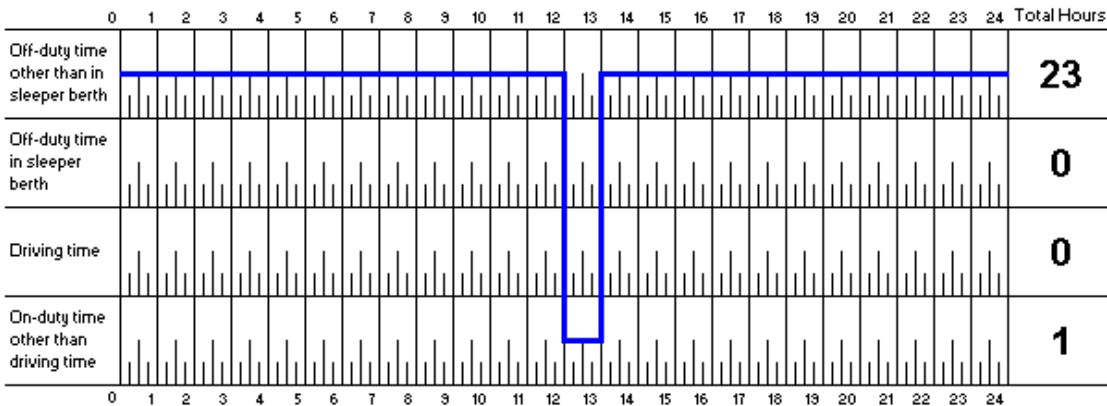
When a driver is driving to the home terminal, the travel time can be either on-duty or off-duty. The home terminal is the motor carrier’s place of business and is the location where the driver ordinarily reports for work. It also includes a temporary work site designated by the motor carrier.

- If the driver is returning to the home terminal at the end of a work shift, the travel time is on-duty driving time.
- If the driver is driving to the home terminal to report for work, the travel time may be off-duty.

Example # 7:

A driver drives the commercial vehicle for personal use on a Saturday (day off). The driver drives for 69 kilometers. From 12:00 – 1:00, the driver fuels the vehicle and performs maintenance activities on the vehicle. The driver records the activities on the daily log as follows:

Odometer Start	139876
Odometer Finish	139945
Total Distance	69 km





Module Self-Check Questions

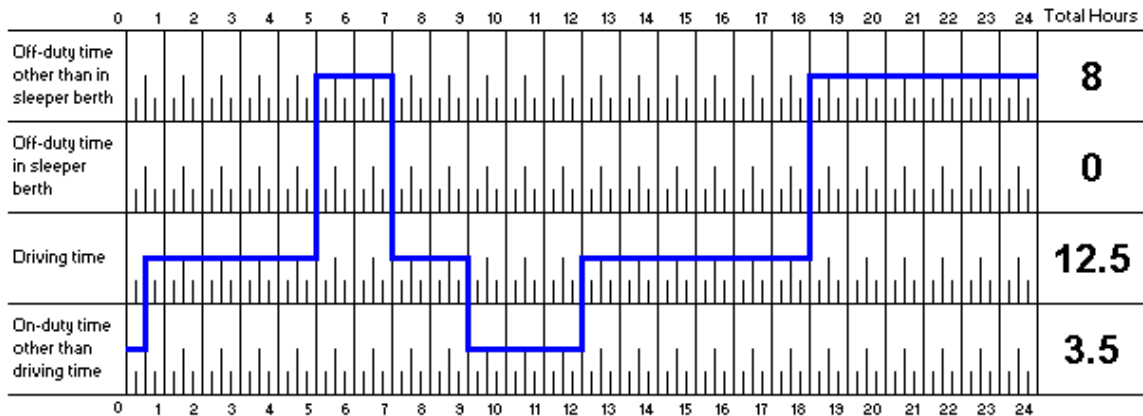
If you can answer the following questions, you are ready to move to the next module. If you can't answer the questions, please review the module again before continuing.

- 1) A driver is 1 hour from a truck stop that provides facilities for the driver to rest for 8 hours, but the driver is only 2 hours from home. If the driver is using the emergency exemption, can the driver drive home?

- 2) Review the following daily logs and identify any violations.

Driver #1

Note: The driver had 8 consecutive hours off-duty before starting the day and the 6 hours at the end of the day is part of 8 consecutive hours off-duty.

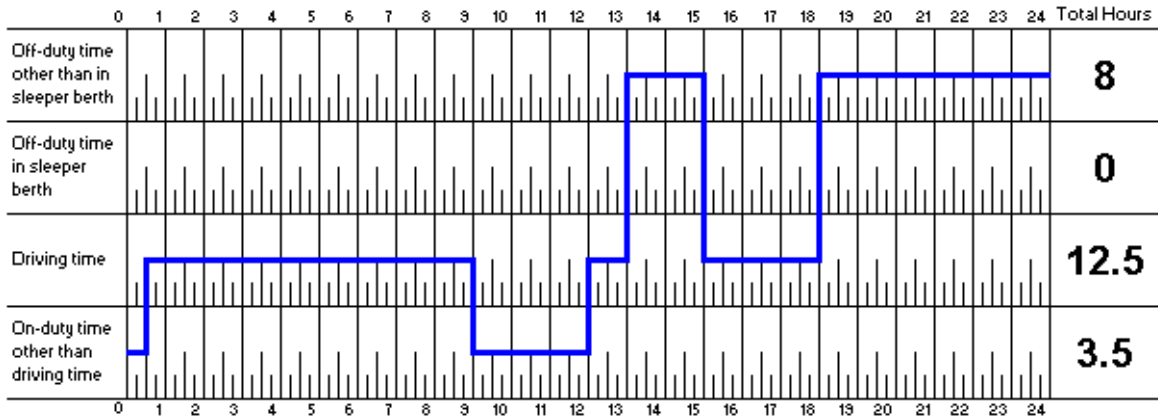


Remarks: Adverse driving conditions from 13:00 - 15:00



Driver #2

Note: The driver had 8 consecutive hours off-duty before starting the day and the 6 hours at the end of the day is part of 8 consecutive hours off-duty.



Remarks: Adverse driving conditions from 5:00 - 7:00

Answers to Module Self-Check Questions

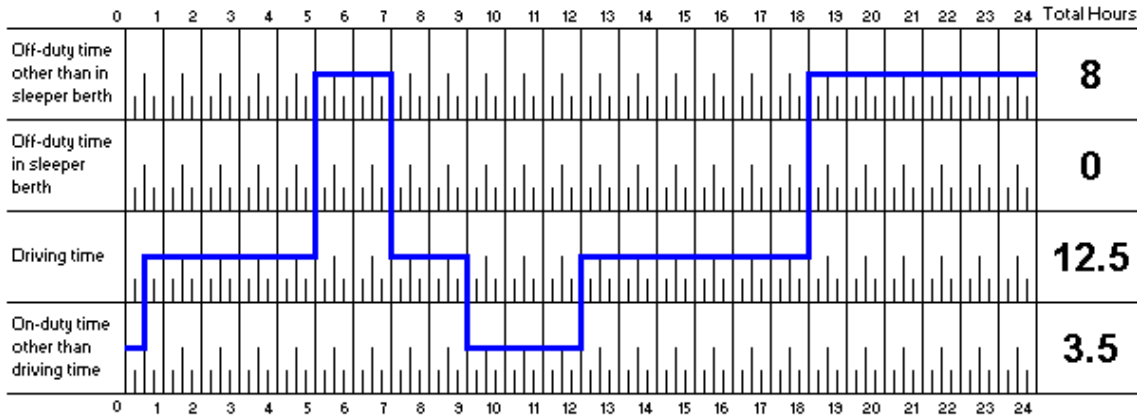
- 1) A driver is 1 hour from a truck stop that provides facilities for the driver to rest for 8 hours, but the driver is only 2 hours from home. If the driver is using the emergency exemption, can the driver drive home?
 - No, in the case of an emergency, the driving rules only extend to the first location that can accommodate passengers and provides security for the commercial vehicle and its load



2) Review the following daily logs and identify any violations.

Driver #1

Note: The driver had 8 consecutive hours off-duty before starting the day and the 6 hours at the end of the day is part of 8 consecutive hours off-duty.



Remarks: Adverse driving conditions from 13:00 - 15:00



Driver #1

Daily Limits (start time of 24-hour period specified by carrier)

- No driving after 13 hours driving + maximum 2 hour extension (adverse driving conditions)
- No driving after 14 hours on-duty + maximum 2 hour extension (adverse driving conditions)
- At least 8 hours of off-duty time which form part of 8 consecutive core off-duty hours

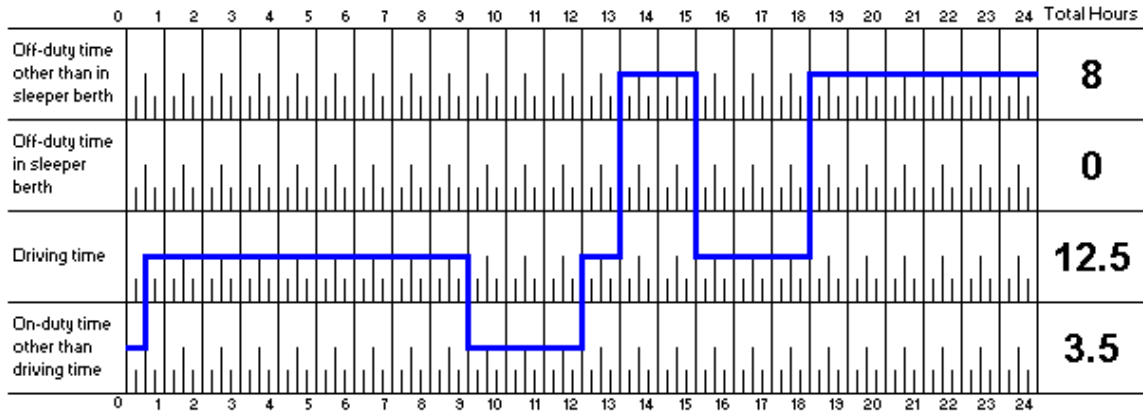
Work Shift Limits (period between end of one core rest period and start of next core rest period)

- No driving after 13 hours driving + maximum 2 hour extension (adverse driving conditions)
- No driving after 14 hours on-duty + maximum 2 hour extension (adverse driving conditions)
- No driving after 16 hours elapsed time (includes all time in work shift)
 - **Drive after 16 hours elapsed time**
 - **The 16th hour was reached at 16:00**
 - **Driver drove in violation from 16:00 – 18:00 for a total of 2 hours in violation**



Driver #2

Note: The driver had 8 consecutive hours off-duty before starting the day and the 6 hours at the end of the day is part of 8 consecutive hours off-duty.



Remarks: Adverse driving conditions from 5:00 - 7:00



Driver #2

Daily Limits (start time of 24-hour period specified by carrier)

- No driving after 13 hours driving + maximum 2 hour extension (adverse driving conditions)
- No driving after 14 hours on-duty + maximum 2 hour extension (adverse driving conditions)
- At least 8 hours of off-duty time which form part of 8 consecutive core off-duty hours

Work Shift Limits (period between end of one core rest period and start of next core rest period)

- No driving after 13 hours driving + maximum 2 hour extension (adverse driving conditions)
- No driving after 14 hours on-duty + maximum 2 hour extension (adverse driving conditions)
- No driving after 16 hours elapsed time (includes all time in work shift)
 - **Drive after 16 hours elapsed time**
 - **The 16th hour was reached at 16:00**
 - **Driver drove in violation from 16:00 – 18:00 for a total of 2 hours in violation**



Notes: