



# Notice to Tour Operators

February 13, 2006

## **How Changes to Canada's Driver Hours of Service Rules May Affect You**

Canada's driver hours of service rules are changing! The new rules, expected to be implemented in early 2007, were developed by Transport Canada through the Canadian Council of Motor Transport Administrators (CCMTA) with significant input from the truck and bus industry, unions and road safety advocates. The rules are based on the most comprehensive fatigue management research ever undertaken and are designed to provide more opportunity for drivers to obtain rest. Here are some of the major provisions of the new rules that you should know.

### **Maximum Driving Time**

No change. Drivers can drive for maximum of **13 hours** per day.

### **Maximum Shift Length**

The maximum number of "on-duty" hours per day is reduced from 15 hours to **14 hours**. In addition, the new rules introduce a cap on the length of the driver's work shift. The driver cannot drive after **16 hours** has elapsed from the time he/she went "on-duty" despite the number of "on-duty" hours that day. This will impact tours where the driver has an early start, has some "off-duty" time during the day, and then is asked to do some work late in the evening. For example, a driver that starts work at 6:00 am cannot drive after 10 pm, regardless of the number of "on-duty" or "off-duty" hours that day. Before driving again, the driver must take 8 consecutive hours "off-duty".

### **Minimum daily "off-duty" time**

Drivers must take at least **10 hours** "off-duty" each day. At least **8 hours** of the "off-duty" time are required before a driver can begin a new work shift. Note: no "short turns" allowed! The two other hours of "off-duty" time may be distributed throughout the day in blocks of time no less than 30 minutes each. A driver that is not able to obtain 10 hours of "off-duty" time in one day may defer a maximum of 2 hours of the daily "off-duty" time to the following day provided the total "off-duty" time taken in the two days is at least 20 hours, and the deferred "off-duty" time is tacked onto the next 8 consecutive hour "off-duty" period.

### **Mandatory Day Off**

Drivers must have at least one period of 24 consecutive hours "off-duty" every 15 days, regardless of the amount of "on-duty" time accumulated. This applies even if the driver doesn't reach an "on-duty" cycle limit.

### **Weekly or Bi-weekly (Cycle) Limits**

Drivers are limited to **70 hours** of "on-duty" time in 7 days, or **120 hours** "on-duty" time in a 14 day period. Drivers on the 70 hour cycle must take 36 consecutive hours "off-duty" once they reach the 70<sup>th</sup> hour. This is called a cycle re-set. Drivers on the 120 hour cycle must take a minimum of 72 hours "off-duty" once they reach 120 hours in a 14-day period. In addition, drivers using the 120 hour cycle must take 24 consecutive hours "off-duty" prior to the 70<sup>th</sup> hour of the cycle.

### **Tour Operator culpability**

Under the new rules, it will be an offence for any person or organization to request, require or allow a driver to drive who is not in compliance with the hours of service regulations. This includes Tour Operators and Tour Directors who could be prosecuted and fined for driver hours of service violations. (Under today's rules, only the driver and the carrier can be charged).

## **Advice to Tour Operators**

1. Become familiar with the new rules. Refer to MCC's Hours of Service booklet for an overview
2. Consult with your coach operator(s) and discuss how the new rules will affect your itineraries, as some tours which can be legally conducted with one driver under today's rules may require a second driver.
3. Discuss the new rules with your sales staff.
4. Inform your Tour Directors never to ask or direct the driver to drive in excess of the legal limits as they can face charges under the regulations.
5. Give us a call! We can answer your questions about the new rules and make suggestions that can help to ensure you and your bus company operate within the regulations.

This Notice was produced as a member service of Motor Coach Canada. The information on this page is a summary only and does not address all the legal requirements of the new Hours of Service Regulations. For more information please refer to MCC's publication, *A Guide to Canada's New Driver Hours of Service Regulations* and the official regulations as published in the Canada Gazette Part 2 : <http://canadagazette.gc.ca/partII/2005/20051116/html/sor313-e.html>.