

# ***Module 20***

## ***Out-of-Service Declarations***



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### Things to think about ...

The Federal *Commercial Vehicle Drivers Hours of Service Regulations* are the rules that truck and bus drivers follow when driving a commercial vehicle in Canada. These rules include maximum allowable driving times and minimum required off-duty times. If a driver violates these rules, the driver can be subject to an out-of-service declaration.

What is an out-of-service declaration?

What happens if a driver is subject to an out-of-service declaration?

### What will I learn in this module?

- Out-of-service declaration

## What is an out-of-service declaration?



### **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 91 Out-of-Service Declarations*

A director or an inspector can issue an out-of-service declaration for any of the following violations to the *Federal Commercial Vehicle Drivers Hours of Service Regulations*:

- 1) Driver's faculties are impaired to the point where it is unsafe for the driver to drive or driving would risk the safety or health of the public (refer to Module 3 for further information regarding responsibilities).
- 2) Driver fails to comply with driving time or off-duty time requirements:
  - Daily limits (refer to Module 5 for daily limits and Module 7 for deferral of daily off-duty time)
  - Work shift limits (refer to Module 6 for work shift limits and Module 8 for the splitting of off-duty time using sleeper berths)
  - Cycle limits (refer to Module 9 for cycles)
  - Permit limits (refer to Modules 10 – 13 for special permits)
- 3) Driver is unable or refuses to produce his/her daily logbook. The driver must produce the current day and the previous 14 days log pages to an inspector (refer to Module 17 for daily logs).  
A driver operating under the oil well service permit must be able to produce copies of the required 3 periods of 24 consecutive hours of off-duty time in any period of 24 days (refer to Module 10 for Oil Well Service Vehicle Permits).

- 4) There is evidence that the driver completed more than one daily log, entered inaccurate information in the daily log or falsified information in the daily log (Module 17).
- 5) Driver mutilates or defaces a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has followed the driving time and off-duty requirements (Module 17).



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## What happens if a driver is subject to an out-of-service declaration?

The director or inspector notifies the driver and carrier in writing of the reason that a driver is subject to an out-of-service declaration and the period during which it applies. Level 1 - 5 CVSA roadside inspection reports and TVR (written warnings) satisfy this requirement.

If a driver is subject to an out-of-service declaration, the driver cannot operate a commercial vehicle for a specific period of time. A driver can operate other motor vehicles, other than commercial vehicles, during the out-of-service period.

The duration of an out-of-service period depends upon the violation:

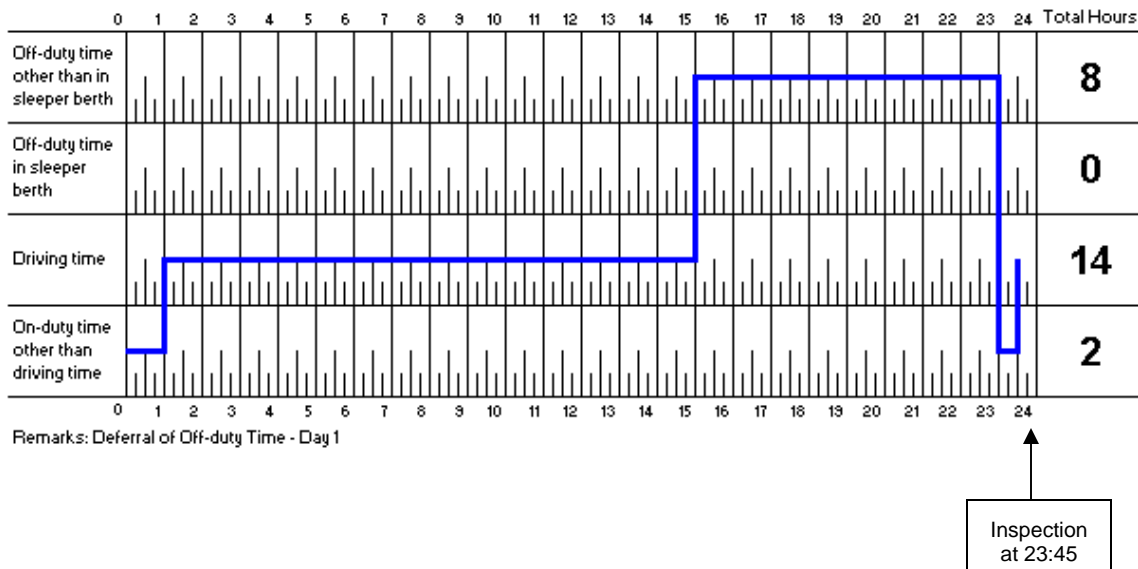
Violation #	Description	Out-of-Service Period
1	Driver's faculties are impaired to the point where it is unsafe for the driver to drive or driving would risk the safety or health of the public	10 consecutive hours (from time of check)
2a	Driver fails to comply with driving time requirements	10 consecutive hours if driver exceeds the driving time limit
2b	Driver fails to meet an off-duty time requirement	For the number of hours needed to correct the failure, if the driver fails to meet an off-duty time requirement
3	Driver is unable or refuses to produce his/her daily logbook	72 consecutive hours (from time of check)
4	There is evidence that the driver completed more than one daily log, entered inaccurate information in the daily log or falsified information in the daily log	72 consecutive hours (from time of check)
5	Driver mutilates or defaces a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has followed the driving time and off-duty requirements	72 consecutive hours (from time of check)



For violations #3, #4, and #5, the out-of-service period may extend beyond 72 hours, for whatever period is necessary, until the driver has corrected the daily log or provided the proper records to the director or inspector.

Example #1:

A driver takes 8 consecutive hours off-duty before starting the day. During the day, the driver drives for 14 hours and then takes 8 consecutive hours off-duty. The driver decides to defer 2 hours of off-duty time to the next day. An inspector stops the driver and reviews the following daily log:



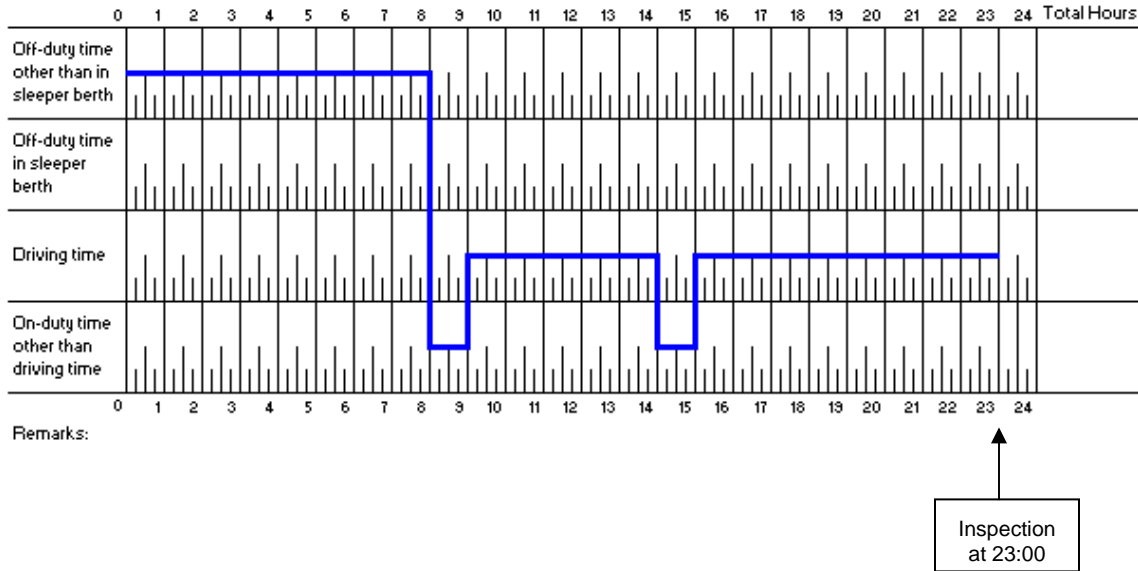
The inspector determines the following:

- Driver is not eligible for the deferral of off-duty time because the driver failed to take 8 consecutive hours off-duty time after 13 hours of driving
  - Drive after 13 hours driving time on Day 1  
The 13th hour was reached at 14:00 on Day 1  
Driver drove in violation from 14:00 – 15:00 for a total of 1 hour in violation
- Driver exceeded driving time limit so driver is declared out-of-service and must take a minimum of 10 consecutive hours off-duty



Example #2:

A driver takes 8 consecutive hours off-duty and then is driving or performing other on-duty activities for the next 15 hours. An inspector stops the driver and reviews the following daily log:



The inspector determines the following:

- Driver drove after 14 hours on-duty in a day
  - Drive after 14 hours on-duty in a day  
The 14<sup>th</sup> hour was reached at 22:00  
Driver drove in violation from 22:00 – 23:00 for a total of 1 hour in violation
- Driver exceeded on-duty time limit so driver is declared out-of-service and must take 10 consecutive hours off-duty. Driver is eligible to resume driving at 9:00 on the next day.



## 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) Identify the out-of-service periods for the following 5 violations.

Violation	Description	Out-of-Service Period
1	Driver's faculties are impaired to the point where it is unsafe for the driver to drive or driving would risk the safety or health of the public	
2a	Driver fails to comply within driving time requirements	
2b	Driver fails to meet an off-duty time requirements	
3	Driver is unable or refuses to produce his/her daily logbook	
4	Evidence that the driver completed more than one daily log, entered inaccurate information in the daily log or falsified information in the daily log	
5	Driver mutilates or defaces a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has followed the driving time and off-duty requirements	





## Answers to Module Self-Check Questions

1) Identify the out-of-service periods for the following 5 violations.

Violation	Description	Out-of-Service Period
1	Driver's faculties are impaired to the point where it is unsafe for the driver to drive or driving would risk the safety or health of the public	10 consecutive hours (from time of check)
2a	Driver fails to comply within driving time requirements	10 consecutive hours if driver exceeds the driving time limit
2b	Driver fails to meet an off-duty time requirements	For the number of hours needed to correct the failure, if the driver fails to meet an off-duty time requirement
3	Driver is unable or refuses to produce his/her daily logbook	72 consecutive hours (from time of check)
4	Evidence that the driver completed more than one daily log, entered inaccurate information in the daily log or falsified information in the daily log	72 consecutive hours (from time of check)
5	Driver mutilates or defaces a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has followed the driving time and off-duty requirements	72 consecutive hours (from time of check)



**Notes:**