

MOTOR CARRIER ACT Nova Scotia Regulation Clauses for School Buses and Drivers

Governor in Council Public Passenger Motor Carrier Act Regulations

made under subsection 27(3) of the

Motor Carrier Act

R.S.N.S. 1989, c. 292

O.I.C. 92-1258 (December 22, 1992), N.S. Reg. 284/92

as amended up to O.I.C. 2007-568 (October 30, 2007), N.S. Reg. 414/2007

Note: In these regulations “commercial vehicle” does not include School Buses.

- These regulations are in addition to the Board Regulations.

Drivers of public passenger vehicles

- No driver of a public passenger vehicle shall, during or within ten hours before the driver's working hours, consume liquor as defined in the Liquor Control Act.
- The driver of a public passenger vehicle before crossing the track of a railway at grade shall bring the vehicle to a full stop so that the front of the vehicle is not less than 4.6 m (15 ft.) and not more than 9.1 m (30 ft.) from the nearest rail and shall proceed over the track with the vehicle in low gear when satisfied that it is safe to proceed.
- No driver of a public passenger vehicle shall, outside a city or town, follow any other vehicle at a distance of less than 61 m (200 ft.).
- Despite subsection (1), the driver of a school bus shall not stop the bus for the purpose of taking on or discharging passengers at
 - (a) more than three places in 1.6 km (1 mile); or
 - (b) a place that has not been designated as a loading station by a school board or other authority by or on whose behalf the bus is operated.
- The driver of a public passenger vehicle shall bring the vehicle to a full stop before loading or unloading passengers.

- No driver of a public passenger vehicle shall leave the same upon a highway unattended unless the engine has been shut off, the parking brake has been securely set, and all other reasonable precautions have been taken to prevent the movement of such vehicle while so unattended.
- No driver of a public passenger vehicle shall cause or permit the vehicle to be fuelled with passengers aboard in a closed building or fuelled more frequently than is necessary during a run. *(The SSRSB School Bus Drivers will not fuel a bus at any time or place with passengers onboard)*
- The driver of a public passenger vehicle shall perform a trip inspection and make a certified record of the inspection prior to the vehicle's first trip of the day in accordance with the regulations under the Motor Vehicle Act.
- The driver of a public passenger vehicle may refuse to provide or continue to provide transportation to a person who is in an intoxicated or unfit condition, behaving in a boisterous or disorderly manner or using profane or obscene language.

Additional regulations relating to school buses

- In addition to these regulations and the Board Regulations, the following shall apply to the driver of a school bus:
 - no driver of a school bus shall permit passengers to stand in a school bus when the vehicle is in motion or at any time permit more passengers to be carried in the vehicle than provided for in the seating capacity rating or permit persons other than pupils, teachers and duly authorized officials to be carried in the school bus while it is transporting pupils to and from schools;
 - the driver of a school bus shall endeavour to maintain order among the passengers being transported and shall have authority to order a disorderly passenger to leave the vehicle and shall report any misconduct by passengers and any such action by him [or her] to the appropriate school authorities;
 - the driver of a school bus shall not operate the bus for the carriage of passengers when a passenger is standing in the bus or is seated otherwise than on a seat provided for passengers or when an aisle of the bus is obstructed contrary to the regulations made by the Board under the Act;
 - the driver of a school bus that is occupied by a number of passengers that is equal to the seating capacity rating of the bus shall not take on another passenger;
 - where the number of passengers in a school bus exceeds the seating capacity rating of the bus the driver of the bus before putting it in operation, shall direct a number of passengers equal to the number in excess of the seating capacity rating of the bus to leave the bus;
 - even where the number of passengers in a school bus does not exceed the seating capacity rating of the bus, the driver shall refuse to accept additional passengers or may direct passengers to leave the bus when the passengers are of such size or are carrying such articles that an aisle of the bus is or will be obstructed, wholly or partially, by passengers or by articles carried by them;

- when loading or unloading a school bus at a school, the driver shall park the school bus so that the door or doors used for such purpose are next to the school;
- when loading or unloading a school bus, the driver shall not stop the school bus in a position which necessitates the school pupils crossing a street or road between the school and the school bus;
- every school bus driver shall caution the passengers with respect to the instruction in Section 41 of the Board Regulations and shall ensure the strict and prompt compliance with Section 41 by the pupils to whom Section 41 applies;
- the driver of a school bus shall check to ensure that all persons have moved from in front of a stopped school bus before proceeding;
- Where a school bus is stopped on a highway for the purpose of taking on or discharging passengers, the driver of the school bus shall activate the red warning lights and stop arm simultaneously, and shall continue to activate the red warning lights and stop arm during the period the school bus is so stopped for such purpose and until those passengers who of necessity must cross the highway have completed the crossing.
- The driver of a school bus in motion on a highway shall activate the amber caution lights approximately 150 m (500 ft) before the school bus comes to a stop on a highway for the purpose of taking on or discharging passengers.
- The driver of a school bus shall not activate the red warning lights and the stop arm otherwise than as required by subsection (6) and shall not activate the amber caution lights other than as required by subsection (7).

Board Public Passenger Motor Carrier Act Regulations

made under subsection 27(1) of the

Motor Carrier Act

R.S.N.S. 1989, c. 292

O.I.C. 92-1257 (December 22, 1992), N.S. Reg. 283/92

as amended up to O.I.C. 2013-402 (December 20, 2013), N.S. Reg. 342/2013

Note: In these regulations "commercial vehicle" does not include School Buses.

These regulations are in addition to the Governor in Council Public Passenger Motor Carrier Act Regulations.

Additional regulations relating to school buses

- The motor carrier shall post the maximum seating capacity determined by the inspector above the windshield to the right of the driver's position.
- No motor carrier shall permit
 - passengers to stand in a school bus when the vehicle is in motion;
 - at any time more passengers to be carried in the vehicle than provided for in the seating capacity rating;
 - persons other than pupils, teachers and duly authorized officials to be carried in the school bus;
- Every motor carrier shall cause to be posted inside each school bus in full view of the seated passengers an instruction card giving instruction to pupils regarding their behaviour on the bus and supplied to the motor carrier by the Board.
- No person shall obstruct, either wholly or partially, an aisle of a school bus by
 - sitting or standing in the aisle;
 - sitting in such a manner that the person's body or any part thereof extends beyond a seat into the aisle; or
 - placing books, bags, boxes, sporting equipment, clothing or any other article in the aisle or in such a position that it extends into the aisle.
- A person who is directed by the driver to leave the school bus shall do so immediately.
- Every school pupil being conveyed shall be instructed by the principal, of the school which the pupil attends, that if after getting off a school bus it is necessary for such pupil to cross the highway, the school pupil must proceed immediately to a position approximately 3 m (10 ft.) in front of the stopped school bus, stop, look, and listen, then cross the road at least 3 m (10 ft.) in front of the stopped school bus, when it is safe to do so.

Commercial Vehicle Drivers' Hours of Service Regulations

made under Section 303 of the

Motor Vehicle Act

R.S.N.S. 1989, c. 293

O.I.C. 2009-517 (December 15, 2009), N.S. Reg. 332/2009

Note: In these regulations "commercial vehicle" does include School Buses.

Definitions

- The following definitions apply in these regulations:
 - "adverse driving conditions" means snow, sleet, fog or other adverse weather or road conditions that were not known, and could not reasonably have been known, to a driver or a carrier dispatching a driver immediately before the driver began driving;
 - "carrier" means a person who owns, leases or is otherwise responsible for the operation of a commercial vehicle;
 - "commercial vehicle" means
 - a truck, truck-tractor or trailer, or any combination of them, that exceeds a registered gross vehicle weight of 4500 kg, or
 - a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver, and is used for transporting passengers for compensation;
 - "cycle" means 1 of the following periods during which a driver's on-duty time is accumulated:
 - cycle 1, under which on-duty time is accumulated over 7 consecutive days,
 - cycle 2, under which on-duty time is accumulated over 14 consecutive days;
 - "daily log" means a record required by Section 31 that accounts for all of a driver's on-duty time and off-duty time for a particular day;
 - "day", in relation to a driver's hours of service, means a 24-hour period that begins at the start time;
 - "director" means the person designated by the Minister under Section 4;
 - "driver" means any of the following and, for the purposes of Section 41, includes a co-driver:
 - a person who operates a commercial vehicle,
 - in relation to a carrier, a person who is employed or otherwise engaged by the carrier to operate a commercial vehicle, including a self-employed driver;
 - "duty status" means any of the following periods of time:

- off-duty time, other than time spent in a sleeper berth,
 - off-duty time spent in a sleeper berth,
 - driving time,
 - on-duty time, other than driving time;
- “elapsed time” means the 16-hour period referenced in subsection 7(2);
- “home terminal” means a carrier’s place of business where a driver ordinarily reports for work and, in Sections 30 to 32 and Schedule 2, includes a temporary work site designated by the carrier;
- “inspector” means a motor vehicle inspector appointed under Section 6 of the *Motor Vehicle Act*;
- “off-duty time” means any time other than on-duty time;
- “on-duty time” means the time beginning from when a driver starts work or is required by the carrier to be available to work, other than when the driver is waiting to be assigned to work, and ending when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver doing any of the following activities:
 - inspecting, servicing, repairing, conditioning or starting a commercial vehicle,
 - travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth of the vehicle,
 - participating in the loading or unloading of a commercial vehicle,
 - inspecting or checking the load of a commercial vehicle,
 - waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
 - waiting for a commercial vehicle or its load to be inspected,
 - waiting at an en-route point because of an accident or other unplanned occurrence or situation,
 - performing any work for any carrier,
- “out-of-service declaration” means a declaration issued by the director or an inspector under Section 38 to a driver for contravention of these regulations;
- “principal place of business” of a carrier means the place or places in the Province designated by the carrier as the place where daily logs, supporting documents and any related relevant records required to be kept by these regulations will be kept;
- “start time”, in relation to a day, means the hour a driver’s day begins, as designated by a carrier for the duration of the driver’s cycle;
- “supporting document” means a document or information that is recorded or stored by any means and that is required by the director or an inspector to assess compliance with these regulations, and includes fuel receipts, bills of lading, shipping documents and accommodation receipts.

Maximum daily driving time and maximum daily on-duty time

- Except as otherwise provided in these regulations, a carrier must not request, require or allow a driver to drive and a driver must not drive again in a day after the driver has accumulated:
 - 13 hours of driving time in the day; or
 - 14 hours of on-duty time in the day.

Mandatory off-duty time

- Unless a driver has taken at least 8 consecutive hours of off-duty time before driving again, a carrier must not request, require or allow the driver to drive and the driver must not drive again after the driver has accumulated:
 - 13 hours of driving time; or
 - 14 hours of on-duty time.
- A carrier must not request, require or allow a driver to drive and a driver must not drive again if 16 hours has elapsed between the end of the driver's most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Minimum daily off-duty time

- Except as otherwise provided in these regulations, a carrier must ensure that a driver takes and the driver must take at least 10 hours of off-duty time in a day and the 10 hours must include:
 - 8 consecutive hours of off-duty time;
 - at least 2 hours of off-duty time that is not part of the 8 consecutive hours of off-duty time required by clause (a).
- Off-duty time other than the 8 consecutive hours required by clause (1)(b) may be distributed throughout the day in blocks of at least 30 minutes each.

Maximum on-duty time for cycle 1 driver

- A carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive again after the driver has accumulated 70 hours of on-duty time during any of the following:
 - any 7 consecutive days;

Off-duty time before cycle reset

- A driver may end their current cycle and begin a new cycle that is the same as their current cycle if the driver first takes the following off-duty time:
 - for cycle 1, at least 36 consecutive hours;
- After a driver takes the off-duty time required by subsection (1), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Requirement to fill out daily log

- Except as provided in subsection (2), a carrier must require a driver to fill out and each driver must fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.

Possession of daily logs and supporting documents by drivers

- A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has all of the following in their possession:
 - a copy of the daily logs for the previous 14 days;
 - the daily log for the current day, completed up to the time that the driver's duty status last changed;
 - any supporting documents and any related relevant records that the driver received during the current trip.

Distributing and keeping daily logs

- Except as provided in subsection (2) for a driver employed or otherwise engaged by more than 1 carrier in a day, a carrier must ensure that a driver sends and a driver must send the original daily log and supporting documents to the home terminal no later than 20 days after the driver completes the daily log.
- A carrier must do all of the following with the daily logs and supporting documents of the drivers it employs or otherwise engages:
 - deposit them at its principal place of business no later than 30 days after the date they are received;
 - keep them for at least 6 months, in chronological order for each driver.

**Commercial Vehicle Trip Inspection and Records
regulations made under Section 303 of the
Motor Vehicle Act
R.S.N.S. 1989, c. 293
O.I.C. 90-944 (July 31, 1990), N.S. Reg. 223/90**

Note: In these regulations "commercial vehicle" does include School Buses.

- The driver of a commercial vehicle shall inspect the commercial vehicle or cause it to be inspected on a daily basis prior to its first trip of the day.

- When completing an inspection pursuant to Section 3, the driver of a commercial vehicle, or the person designated by the driver to inspect the commercial vehicle, shall note in an inspection report any safety related defects in the items referred to in Schedules I and II, or if none, the report shall so indicate.
- In addition to any defects noted in the inspection required pursuant to Section 3, a driver of a commercial vehicle shall at the end of the day record in the inspection report any defects observed while in charge of the vehicle.
- Prior to operating a commercial vehicle, a carrier or its agent shall effect repair of any items listed on the vehicle inspection report that would be likely to affect the safety of operation of the vehicle.

TIR Motor Carrier Division

School Bus Driver Handbook

Stall or Breakdown Procedures

If the school bus cannot proceed along the highway due to mechanical breakdown or road conditions, the driver should take whatever action is necessary to safeguard their passengers and the motoring public.

- The school bus should be brought to a stop as far off the travelled portion of the highway as possible and the passengers should remain on the bus.
- If the bus cannot be removed from the highway and there is a definite risk to the passengers, they should be evacuated immediately to a risk free zone.
- If the driver is unable to determine or correct the problem he/she should remain with the bus and request some responsible person to notify their employer.
- When a public passenger vehicle is disabled on a highway outside the limits of a city or town, at a time when lighted lamps are required on vehicles and the public passenger vehicle cannot be removed from the travelled portion of the highway, the driver of the vehicle shall place red emergency triangular reflectors upon the highway, one at a distance of approx. 60 metres (200 feet) in front of the vehicle, and two at the rear of the vehicle, one at approx. 9 metres (30 feet) and one at approx. 60 metres (200 feet)

Emergency Procedures

The school bus driver is responsible at all times for the safety of both the bus and the passengers. Drivers are to ensure that all emergency equipment required by the MCA and the MVA are accessible and located in their proper place.

Drivers must be knowledgeable in the operation of the emergency equipment and should ensure that students are familiar with the location, and the operation of the safety equipment and emergency exits.

Evacuation Drills

As part of the emergency procedures policy, school bus drivers and their student passengers must be knowledgeable and practice emergency evacuation procedures.

Cleanliness

The school bus shall be kept in a clean and sanitary condition and well ventilated. Daily cleaning should include the following:

1. The floor should be swept at least once per day and mopped at least twice weekly. Depending on road and weather conditions, sweeping and mopping may be required more often to maintain the interior condition and cleanliness of the school bus.
2. The interior of the bus should be dusted and inspected for any damage daily.
3. Windshields, windows, signs and mirrors should be cleaned; also the lenses of all lights and reflectors.
4. The exterior of the bus shall be kept clean. Weekly washing is required; however, depending on road and weather conditions more frequent washing may be necessary.