



Passenger Restrictions

Policy Category:	SAFETY	Signature:	
Next Review Date:	October 31, 2019	Approved by:	Pam Mullin, Director
Originally Issued:	October 28, 2010	Date Approved:	September 17, 2018

POLICY STATEMENT

KBD prohibits all pets and unauthorized passengers¹ from accompanying the operator of a vehicle that is either owned, leased, or licensed to 1067273 Ontario Inc, or if not owned, leased, or licensed to 1067273 Ontario Inc, then while the operator is conducting business on behalf of KBD Transportation.

PURPOSE

The purpose of this policy is to protect:

- The safety of passengers by not placing them in a position of unnecessary risk;
- The integrity of KBD's cross-border livelihood by not violating C-TPAT policy, which could endanger KBD's FAST certification; and,
- The exposure of KBD, itself, from unnecessary liability risk.

SCOPE

This policy applies to all KBD Transportation employees² as well as subcontractors³ and managers⁴ and any other individual who is operating a:

- Vehicle owned by, or leased or licensed to, 1067273 Ontario Inc.; or a
- Vehicle not owned by, or leased, or licensed to, 1067273 Ontario Inc. but being used to conduct business on behalf of KBD Transportation.

POLICY GUIDELINES

- Pets are not permitted;
- Passengers may be permitted if, and only if, the vehicle, for the duration of the passenger accompaniment, is operating within Canada and will not be crossing into and/or operating within the U.S.⁵;
- Before a passenger can be permitted, the vehicle operator must:

¹ Passengers include but are not limited to a KBD current or previous employee, a family or non-family member, a friend or a stranger, as well as any pets.

² Employee includes but not limited to those employees who drive trucks and work in the KBD garage or office.

³ Subcontractors include but are not limited to Owner/Operators.

⁴ Managers include but are not limited to the Operations, Safety & Compliance Manager, Credit Manager, and Office & Administrative Manager.

⁵ Vehicle operators who have extenuating circumstances may be exempted from this clause at the discretion of the Operations or Safety & Compliance Manager.

- Have been employed or contracted by KBD Transportation for a minimum of three months;
 - Be in possession of a safe driving record; exhibiting no preventable violations (speeding, etc.) or otherwise risky behaviour, as assessed by and according to the discretion of the Safety & Compliance Manager;
 - Submit a *Request to Carry a Passenger form* (Appendix A) to the Safety & Compliance Manager a minimum of five business days prior to the travel date; and,
 - Ensure that the travel period is between and including the months of May through October when favourable road conditions are more probable⁶.
- In order for a passenger to be approved, the passenger must:
 - Provide proof of a clean criminal record;
 - Be 10 years of age or older at the time of travel;
 - Have completed and signed a *FULL AND FINAL RELEASE AND WAIVER form* (Appendix B), or in the case of a passenger under the age of 18, BOTH parents must have signed a waiver; and,
 - Provide proof of personal vehicle insurance coverage (pink slip) to minimize KBD's potential for liability.
- While travelling, the passenger will:
 - Abide by all applicable highway, provincial, federal laws, etc. at all times including but not limited to the use seatbelt restraints;
 - Adhere to all rules and regulations at shippers, receivers, warehouses, etc. and are not to leave the vehicle, but rather remain in the vehicle bunk, while at aforementioned locations;
 - Not assist in the loading or unloading of trailers; and,
 - Not operate equipment or tamper with any instruments or controls belonging to either KBD Transportation or a shipper, receiver, warehouse, etc.
- Passenger Restrictions:
 - Vehicle operators are permitted one passenger per occurrence up to a maximum of twice monthly⁷; and,
 - If the passenger is under the age of 18, then the scheduled pickup and delivery locations must permit passengers under the age of 18 on site in order for the request to be approved.

RESPONSIBILITIES

EMPLOYEE, SUBCONTRACTOR, AND MANAGER RESPONSIBILITIES:

- Submit a completed *Request to Carry a Passenger form* (Appendix A) as well as the *Full and Final Release Waiver form* (Appendix B) to the Safety & Compliance Manager; and,
- Adhere to this policy.

NON-KBD EMPLOYEE RESPONSIBILITIES:

⁶ Vehicle operators who have extenuating circumstances may be exempted from this clause at the discretion of the Operations or Safety & Compliance Manager.

⁷ Vehicle operators who have extenuating circumstances may be exempted from this clause at the discretion of the Operations or Safety & Compliance Manager.

- When driving a KBD-owned, leased, or plated vehicle, adhere to this policy.

SAFETY & COMPLIANCE MANAGER RESPONSIBILITIES:

- Accept a *Request to Carry a Passenger form* (Appendix A) and approve only if *all* of the following conditions are met:
 - The form was received a minimum of 5 days prior to the request for travel;
 - The passenger can provide a clean Criminal Check;
 - The passenger can provide proof of insurance;
 - The form was accompanied by a *Full and Final Release Waiver*, completed and signed by the passenger if over 18, or by both parents, if under 18.
 - The driving record and likelihood of risky behaviour of the driving operator has been fairly and thoroughly assessed and found to be safe;
 - The dispatch assignment during the passenger travel period is for Canada only;
 - The travel period is between and including the months of May to October;
 - The shipper and/or receiver allow passengers in vehicles on their property;
 - The shipper and/or receiver allow passengers <18 on their property (if applicable);
 - The vehicle operator has not exceeded two requests in the present month; and,
 - Previous passengers for this vehicle operator have abided by the policy guidelines.
- Ensure that a *Full and Final Release and Waiver form* (Appendix B) is on file;
- Educate passengers prior to trip departure on this policy's guidelines as well as the KBD Code of Conduct Policy.
- Keep a record of requests (approvals and denials) for record-keeping purposes; and
- Following the passenger travel period, assess and record the conduct of the passenger.

HUMAN RESOURCES MANAGER RESPONSIBILITIES:

- Educate new employees upon hire;
- Re-educate existing employees as necessary;
- Educate non-KBD employees who will be operating a KBD-owned, leased, or plated vehicle;
- Communicate the policy to employees annually;
- Review and update this policy annually; and,
- Oversee compliance with this policy, revoking future privileges and/or applying progressive disciplinary action (see Progressive Discipline Policy) to violators of this policy, which, if reasonably interpreted to be either purposefully insubordinate or neglectfully irresponsible, may result in immediate termination of employment.

KBD MANAGEMENT RESPONSIBILITIES:

- Provide support and guidance for the development and application of, as well as the adherence to, this policy.

RELATED POLICIES, PROCEDURES, and GUIDELINES

- KBD Code of Conduct;
- Progressive Discipline Policy.

Appendix A: REQUEST TO CARRY A PASSENGER FORM

Driver Name: _____ Employment Date: _____ (3 mos. +)
Passenger Name: _____ Relationship to Driver: _____
Passenger DOB: _____ (age 10 +) Trip Date(s): _____
Trip Details: _____

APPROVAL CHECKLIST:

- Driver has been employed with KBD for longer than 3 months;
- Request was submitted a minimum of 5 days prior to this trip;
- Driver has not exceeded two passenger approvals this month;
- Travel date is between the months of May and October;
- Trip is within Canada;
- Driver has a recorded history of low-risk driving;
- Passenger has provided proof of a clean criminal record;
- Passenger is 10 years of age or older at the time of travel;
- If the passenger is under age 18, approval has been obtained from the shipper/receiver;
- If this passenger has travelled before, records show that they previously abided by the rules of the Passenger Restriction Policy;
- A completed and signed *FULL AND FINAL RELEASE AND WAIVER form* is attached, or in the case of a passenger under the age of 18, BOTH parents have signed the waiver; and,
- Passenger has provided proof (pink slip) of personal automobile liability to minimize liability to KBD.

PASSENGER AGREES TO:

- Abide by all applicable highway, provincial, federal laws, etc. at all times including but not limited to the use of seatbelt restraints;
- Adhere to all rules and regulations at shippers, receivers, warehouses, etc. and are not to leave the vehicle, but rather remain in vehicle bunk, while at aforementioned locations;
- Not assist in the loading or unloading of trailers; and,
- Not operate equipment or tamper with any instruments or controls belonging to either KBD Transportation or a shipper, receiver, warehouse, etc.

Approved by: (Print Name)

Approved by: (Signature)

Date

Future Recommendation (Post-Trip)

Appendix B: FULL AND FINAL RELEASE AND WAIVER

PLEASE READ CAREFULLY BEFORE SIGNING.

For and in consideration of my being permitted to ride as a passenger in a motor vehicle insured under or owned and/or operated by a broker in the employ of KBD Transportation or by a broker/driver acting as an agent of independent contract with KBD Transportation.

For other good and valuable consideration, the sufficiency of which is acknowledged, I, myself, heirs, executors, administrators, successors and assigns, hereby fully release, acquit and discharge, it's customers, insurance company, officers, directors, employees, agents successors and assigns (The Releasee), from any and all actions, losses or damages which may be incurred by me or to my property, as a result or in any manner whatsoever related to my being permitted to accompany the broker/driver and to be a passenger.

I further waive any and all such aforesaid claims and causes of action against the release. Further, in the event that I make any claim or take any proceedings against any other person or corporation who might claim contribution or indemnity against the release, I agree to fully and completely indemnify the release from and for any claims, damages, costs, judgements or awards, including the releasee's legal fees on a solicitor and his own client basis. I understand that should I suffer personal injury as a result of helping the broker/driver or however caused, I am also not covered or entitled to Workers' Compensation.

This temporary passenger authorization expires: _____

DATED AT _____

THIS _____ DAY OF _____ YEAR _____.

NAME OF PASSENGER: _____

Signature of Passenger and/or Guardian

Witness

BROKER/DRIVER NOTE: HAVING PASSENGERS IN A VEHICLE OPERATING UNDER THE AUTHORITIES OF WITHOUT A VALID WAIVER ON FILE AT THE HOME TERMINAL IS CAUSE FOR IMMEDIATE DISMISSAL.