

SUBJECT: Amendments to Division 35 of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58 and to the *Violation Ticket Administration and Fines Regulation*, B.C. Reg. 89/97.

Managers, Victoria	Carrier Safety Inspectors	Driver Services Centres
Motor Vehicle Inspectors	Government Agents	MOT (Director, Chair
Passenger Transportation Board	Appointed Agents	Transportation Policy)
Deputy Director, CVSE	Trucking Industry	Supt of Motor Vehicles
Regional CVSE Managers	Law Enforcement Agencies	
Managers, Licensing	Commercial Transport Insp.	
ADM (Compliance and Consumer	(Weigh Scales)	
Services)	Passenger Transportation Branch	

PURPOSE OF CIRCULAR

The purpose of this circular is to advise of changes to Division 35 of the *Motor Vehicle Act Regulations*, effective immediately, that adopt a new national cargo securement standard. The *Violation Ticket Administration and Fines Regulation* has also been amended to reflect the change in offences under the new regulatory provisions for violation of cargo securement requirements. The signed Order In Council outlining the changes is attached.

BACKGROUND

Since the mid-1990's, Canada, the United States and the commercial transport industry have been collaborating on the development of a cargo securement standard for implementation in both countries. The goals of the initiative were to harmonize jurisdictional requirements and reduce the number of accidents caused by cargo shifting on or within, or falling from, vehicles.

The cargo securement standard is #10 in the series of National Safety Code standards. The standard can be downloaded from the Commercial Vehicle Safety and Enforcement (CVSE) website at <http://www.pssg.gov.bc.ca/cvse/nacs>.

The amended sections of the *Violation Ticket Administration and Fines Regulation* are as follows:

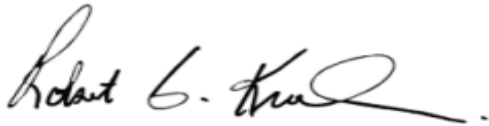
MVAR Section	Description
35.03 (2)	Carrier permits operation without proper equipment or with insecure cargo
35.03 (3)	Driver operates commercial or business vehicle without proper equipment or with insecure cargo
35.03 (4)	Driver operates non-commercial or non-business vehicle without proper equipment or with insecure cargo
35.08 (2)	Failure to stop or secure cargo
35.09	Insecure luggage in bus passenger compartment

These amendments recognize the increasing level of responsibility for compliance with cargo securement requirements placed on drivers of non-commercial vehicles, drivers of commercial vehicles and carriers by prescribing different fine amounts for each type of offender.

Commercial Vehicle Safety and Enforcement (CVSE) will be allowing industry a period of adjustment and education to come into compliance with the new requirements. Until June 30, 2005, CVSE staff will be taking an educational approach towards non-compliance with the new standard so long as cargo is safely secured in accordance with the previous requirements of Division 35 of the *Motor Vehicle Act Regulations*. This educational approach will not apply to situations where cargo poses a public safety risk due to its method of securement.

CVSE's load security booklet has been updated to reflect the requirements of the new standard. The revised booklet will be posted on the CVSE website and distributed to weigh scales once it is printed.

Inquiries should be directed to Doug Elliot, Manager, Commercial Transport at (250) 953-4017.

A handwritten signature in black ink, appearing to read "Robert G. Kroeker", followed by a long horizontal flourish.

Robert G. Kroeker
Director, Commercial Vehicle Safety & Enforcement
Ministry of Public Safety and Solicitor General

Attachment