

SUBJECT: Enforcement of Division 35 of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58.

CVSE Managers	Carrier Safety Inspectors	Driver Service Centres
Regional CVSE Managers	Commercial Transport Inspectors	Director, Transportation
Deputy Director, CVSE	Motor Vehicle Inspectors	Policy
Managers, ICBC Licensing	Trucking Industry	ADM, Highway
Passenger Transportation Board	Appointed Agents	Infrastructure
Law Enforcement Agencies	Government Agents	OSMV

PURPOSE OF CIRCULAR

The purpose of this circular is to advise that the period for enforcement officers to take an educational approach towards non-compliance with the new national cargo securement standard ends June 30, 2005.

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>.

Commercial Vehicle Safety and Enforcement (CVSE) has allowed industry a period of adjustment and education to come into compliance with the new requirements. Until June 30, 2005, CVSE staff have taken 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 has not applied to situations where cargo poses a public safety risk due to its method of securement.

Commencing July 1, 2005, CVSE staff should proceed with enforcement of Division 35 and the Standard. Carriers found not in compliance with the National Safety Code Standard 10, but in compliance with the previous *Motor Vehicle Act Regulations*, Division 35 will be issued a Notice & Order to comply before proceeding.

One exception to the enforcement of Division 35 and the Standard is the standards applying to the logging industry and the requirement for logs to be wrapped. Due to a problem with the availability of wrappers, logging truck operators are unable to comply with the new requirements and as such will be given a grace period to come into compliance with the requirement to wrap the logs, as per Part 2, Division 1 of the Standard. The grace period will end on September 1, 2005.

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

A handwritten signature in black ink, reading "Robert G. Kroeker". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

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