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COMPLIANCE CIRCULAR

NO. 02/07

May 11, 2007

SUBJECT: New Fine Amounts and Offences for Seat Belt Laws

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 Services)	(Weigh Scales)	
	Passenger Transportation Branch	

PURPOSE OF CIRCULAR

To advise that effective May 14, 2007, there will be new vehicle occupant restrictions and related offences, as well as increased fines for British Columbia's seat belt offences.

The new regulations in Division 39 of the *Motor Vehicle Act Regulations* (attached) limit the number of passengers in a vehicle to the number of available seat belt assemblies (with some exceptions as outlined in this circular).

The new offences and increased fine amounts reflect an expanded accountability placed on drivers, commercial carriers, employers, owners, and passengers to ensure that there are no more passengers than the vehicle can safely accommodate and that every passenger is secured in a seat with a seat belt.

Increased Fine Amounts – May 14, 2007

Motor Vehicle Act

Violation Ticket Administration and Fines Regulation – Schedule 3, revised May 14, 2007

1 Provision under the MVA	2 Contravention	3A Fine (>30 days)	3B Reduced Fine (≤30days)	4 Victim Surcharge Levy	5 Ticketed Amount (>30 days)	5B Reduced Ticketed Amount (≤30 days)
section 220 (2)	Operate vehicle without seat belts	\$145	\$120	\$22	\$167	\$142
section 220 (3)	Operate vehicle with inoperative seat belts	\$145	\$120	\$22	\$167	\$142
section 220 (4)	Fail to wear seat belt	\$145	\$120	\$22	\$167	\$142
section 220 (6)	Permit passenger without seat belt	\$145	\$120	\$22	\$167	\$142

Effective May 14, 2007, Division 39 MVAR has been updated providing new offences and fine amounts prescribed in the *Violation Ticket Administration and Fines Regulation* as outlined below.

Motor Vehicle Act Regulations – Division 39, revised May 14, 2007

Violation Ticket Administration and Fines Regulation – Schedule 3, revised May 14, 2007

1 Provision under MVAR	2 Contravention	3A Fine (>30 days)	3B Reduced Fine (≤30days)	4 Victim Surcharge Levy	5 Ticketed Amount (>30 days)	5B Reduced Ticketed Amount (≤30 days)
section 39.01 (a)	Fail to remain seated	\$145	\$120	\$22	\$167	\$142
section 39.01 (b)	Fail to be only occupant of seat	\$145	\$120	\$22	\$167	\$142
section 39.02 (a)	Operate vehicle while person riding on vehicle	\$145	\$120	\$22	\$167	\$142
section 39.02 (b)	Operate vehicle while more than one person in seat	\$145	\$120	\$22	\$167	\$142
section 39.02 (c)	Operate vehicle while person not seated	\$145	\$120	\$22	\$167	\$142
section 39.02 (d)	Operate vehicle with too many seats	\$145	\$120	\$22	\$167	\$142
section 39.02 (e)	Operate vehicle with too many persons in vehicle	\$270	\$245	\$41	\$311	\$286
section 39.021 (a)	Require or allow vehicle to be operated with too many persons in vehicle	\$520	\$495	\$78	\$598	\$573
section 39.021 (b)	Require or allow vehicle to be operated with inoperative seat belts	\$520	\$495	\$78	\$598	\$573
section 39.021 (c)	Require or allow vehicle to be operated with too many seats	\$520	\$495	\$78	\$598	\$573

The revised regulations require every passenger to be in a designated seating position, which is defined as a seating position with a seat belt assembly. Co-drivers in a team of drivers will, however, continue to be able to accumulate off-duty time in the sleeper berth of a commercial truck-tractor; passengers in emergency vehicles and sheriff vehicles will continue to be exempt

from seat belt offences; and there are exemptions provided (as outlined below) for vehicles not originally equipped with a seat belt assembly.

- In consideration of the impact of this change in seat belt regulations as they apply to sleeper berth requirements, CVSE is taking an educational approach to allow for commercial vehicle operators who may already have seasonal plans for families and acquaintances to accompany them in their work travels.
- CVSE will not be enforcing the passenger limits for those using sleeper berths until after September 30, 2007 and requests that our law enforcement partners apply the rules in the same way to maintain enforcement consistency.

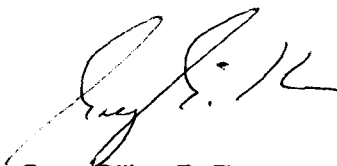
It is now an offence to equip, drive, or allow vehicles to be driven with more seats than the manufacturer originally provided (unless the vehicle has passed an inspection specifically approving the installation of additional seating positions).

- Questions relating to approved additions of seats and seat belt assemblies can be directed to Mike Woods, Manager of Vehicle Safety and Standards, Commercial Vehicle Safety and Enforcement at the Ministry of Transportation (250 953-4040).

Some new offences will not apply to certain vehicles manufactured without seat belts, specifically:

- Passenger and commercial vehicles, other than a bus or motor home with a model year of 1973 or earlier;
- Buses with a model year earlier than 1994;
- Motor homes with a model year of 1998 or earlier; and
- Vehicles not required to have seat belts as specified by the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured or imported.

Please note that tickets for drivers transporting children are under Division 36 of the *Motor Vehicle Act Regulations*. Violations for transporting children aged 5 and under are provided for under S. 36.01 MVAR. At this time, the fine amounts for offences under Division 36, Child Seating and Restraint Systems, remain at \$109 if not paid within 30 days and includes the victim surcharge.



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Ministry of Transportation