

# Commercial Vehicle Safety and Enforcement Dispute Resolution Process Frequently Asked Questions

## Q. What is this process all about?

A. CVSE responded to industry concerns that there was no formal means to address disputes related to:

- **Out of Service Criteria** under the Commercial Vehicle Safety Alliance program and referenced to the provincial acts and regulations for which inspectors have authority.
- **Notice and Orders** issued under authority of Division 25.08 of the Motor Vehicle Act Regulations and actions taken under that authority.

This dispute resolution process is a very unique and innovative approach to resolving disputes that may arise from time to time. The rules, regulations and policies are by their nature very complex and technical. The process goes a long way to balancing enforcement, road safety and as much as possible, freedom of operation for compliant carriers using the highway systems in our province.

## Q. If I just don't like the action being taken can I dispute it?

A. CVSE understands that most enforcement actions are accepted without dispute. This process however is focused on specific circumstances where you must have some evidence that the officer has applied criteria improperly.

## Q. How does this process work?

A. If a difference of opinion arises then there is an opportunity to ask for reconsideration of the circumstances and how the legislation and policy are being applied. CVSE staff has been made aware of this new policy and should be able to advise you of options available to help resolve the dispute.

## Q. Does this apply to violation tickets I get?

A. No. You must dispute the traffic ticket as outlined by the officer and/or explained on the violation ticket. Go here... <http://www.icbc.com/driver-licensing/tickets/paying-disputing/disputing-ticket>

**Q. Does the dispute resolution process cover circumstances where the officer's conduct was inappropriate?**

A. No. Conduct and performance issues are handled by means of a different process. In those cases you should as to speak to a supervisor to assist in resolving your concern.

**Q. My vehicle was impounded. Does this process apply to that impoundment?**

A. No. Vehicle Impoundment falls under Provincial Legislation and has a separate process to resolve disputes. Here is the link <http://www.pssq.gov.bc.ca/osmv/impoundment/>

**Q. How will this work?**

A. CVSE does recognize that roadside disputes are inevitable. Either party may request that the dispute resolution process be started.

CVSE and industry have worked closely together to arrive at this process. The expectation is that the majority of the disputes will be resolved at the first or second level.

Issues arising once the N&O or OOS documents are provided to the carrier's offices should be addressed immediately. Reconsideration will be based on the information available to staff at the time of the interaction.

**Q. How long will it take to resolve the dispute?**

A. We expect that most disputes will be resolved almost immediately. There may be a very few, those more complex or those that require follow up where it could take several days or weeks.

**Q. Will CVSE pay for my expenses incurred if the dispute is resolved in my favour?**

A. The policy does not allow for financial compensation. Should a dispute be resolved in the driver/carriers favour then CVSE will remove any carrier profile points that have been associated to that specific Out of Service designation. There are no points associated with a Notice and Order under the NSC.

**Q. What if I don't like the final decision?**

A. The process should resolve the vast majority of disputes. This process has been developed to ensure administrative fairness adhering to the rules of natural justice as well as attempting to have a multi level review including an 'independent' review by a manager removed from the circumstances. However once that review has been adjudicated the process is complete. You may wish to consult legal counsel to see if a judicial review may be a possibility but it falls outside the scope of this process.