

COMPLIANCE CIRCULAR

NO. 02/11

March 9, 2011

SUBJECT: Amendment to the *Motor Vehicle Act Regulation Division 35 – Cargo Securement to Exclude Vehicles Weighing 5,000 kg or Less from the Requirements of National Safety Code Standard 10*

Managers, Victoria	Passenger Transportation Board	Commercial Transport Insp.
Regional CVSE Managers	Passenger Transportation Branch	(Inspection Stations)
Area Vehicle Inspectors	Carrier Safety Inspectors	ICBC
Deputy Director, CVSE	Government Agents	Supt of Motor Vehicles
ADM, Highways Department	Law Enforcement Agencies	Trucking Industry

PURPOSE OF CIRCULAR

To advise of a proposed amendment currently in process to the Motor Vehicle Act Regulation Division 35 – Cargo Securement that will exclude vehicles weighing 5,000 kg or less from the requirements of National Safety Code Standard 10 (the Standard).

Under the proposed amendment, vehicles with a licensed gross vehicle weight exceeding 5,000 kg will continue to be subject to the requirements of the Standard (under section 35.02 of the Motor Vehicle Act Regulation). Vehicles with a licensed gross vehicle weight of 5,000 kg or less will not be subject to the Standard but will remain subject to the general cargo securement requirement (under section 35.04 of the Motor Vehicle Act Regulation).

Pending this amendment, it is recommended that enforcement agencies use general cargo securement requirements (under section 35.04 of the Motor Vehicle Act Regulation) for vehicles weighing 5,000 kg or less.

BACKGROUND

In British Columbia, cargo securement is regulated under Division 35 of the Motor Vehicle Act Regulations. The regulation currently requires that all vehicles comply with National Safety Code Standard 10 – Cargo Securement (the Standard).

The Standard was developed with the intent of harmonizing cargo securement requirements for commercial vehicles and requires that all tie-downs be marked with a working load limit (WLL) by the manufacturer. The WLL refers to the maximum load weight a tie-down and its associated components can safely secure.

The Standard became effective on January 1, 2010 and a national educational enforcement period was provided until January 1, 2011. The educational period has raised industry awareness of the requirement for marked tie-downs. However, the general public may not be aware of this change and operators of vehicles weighing 5,000 kg or less (such as private cars and pickup trucks) may inadvertently be in violation of the current regulation for using common and acceptable tie-down materials that are not marked with a WLL by the manufacturer or rated with a WLL.

The cargo securement regulation is not intended to penalize operators of vehicles weighing 5,000 kg or less for using common and acceptable tie-down materials which are not marked with a WLL by the manufacturer or rated with a WLL, and the proposed regulatory amendment in process will clarify this distinction.

A handwritten signature in black ink, appearing to read 'Perry Dennis', with a stylized flourish extending to the right.

Perry Dennis
A/Director
Commercial Vehicle Safety and Enforcement Branch
Ministry of Transportation and Infrastructure