

Commercial Vehicle Safety & Enforcement

NOTICE # 04 - 11
August 16 , 2011

Vehicle Inspections & Standards

NOTICE

To All Designated Inspection Facilities and Secondary Vehicle Manufacturers

Re: Modification Requirements for Commercial Passenger Vehicles

Current Motor Vehicle Act Regulations (MVAR) pertaining to Commercial Passenger Vehicles are defined in Division 10. Vehicles that are intended for Commercial Passenger use under the *Passenger Transportation Act* must meet Federal (Canada) construction standards in accordance with MVAR Division 10.051 which states (in part):

- (1) In this section, "**date of manufacture**" means the latest of the dates on which a vehicle was
 - (a) first constructed by the original manufacturer, or
 - (b) altered by a manufacturer authorized under the Motor Vehicle Safety Act (Canada).
- (2) Subject to subsections (3) and (4), a person must not operate, or cause to be operated, a bus, passenger car or multipurpose passenger vehicle, as those terms are defined in the Motor Vehicle Safety Regulations (Canada), C.R.C. 1038, that was manufactured after January 1, 1971, unless the vehicle
 - (a) conforms to the safety standards under that Act that applied to that class of vehicle on the date of manufacture, and
 - (b) bears a national safety mark, as that term is defined in the Motor Vehicle Safety Act (Canada), indicating compliance with the Canadian Motor Vehicle Safety Standards.
- (3) Subsection (2) does not apply to a person who operates, or causes to be operated, an antique motor vehicle or a special sightseeing bus if the vehicle
 - (a) is operated as a commercial passenger vehicle, and
 - (b) has not been altered from the original manufacturer's specifications, other than to bring it into compliance with the requirements of this regulation respecting mechanical standards.

Since the enactment of this regulation in 2005, Commercial Vehicle Safety & Enforcement (CVSE) has been accepting of Professional Engineering reports that indicated the acceptability or equivalency of some vehicle modifications outside the requirements of the Federal Motor Vehicle Safety Regulations.

In consultation with Transport Canada, CVSE has determined that the practice of allowing engineering reports as a measure of equivalency is not acceptable and that the overall vehicle safety requirements defined in the MVSA cannot be met through this process.

Effective January 01, 2012, all Commercial Passenger vehicles subjected to inspection for the purpose of application for NEW Commercial Passenger Licensing must meet the regulatory requirements of MVAR Division 10.051, all other applicable regulations and vehicle inspection requirements as defined in the Vehicle Inspection Manual. Vehicles that are currently in use as commercial passenger vehicles and that maintain valid licensing are not affected by this change.

After January 01, 2012, vehicles modified outside the MVSA requirements and / or do not bear a compliance label as indicated in MVAR 10.051 (2)(b) will not be considered compliant for commercial passenger use and will not receive approval from CVSE to obtain commercial passenger licensing.

Evidence of non-compliant vehicle modifications contrary to MVSA requirements will be reported to Transport Canada for investigation.

Should any further information be required, please contact the Vehicle Inspection Program at 250 952 0577 or by email at vehicle.inspections@gov.bc.ca .

Regards,

A handwritten signature in black ink, appearing to read "B. Kangas", with a stylized flourish at the end.

Brian Kangas, Manager, Vehicle Inspections & Standards
Commercial Vehicle Safety & Enforcement Branch
Ministry of Transportation & Infrastructure