



Information Sheet (June 2011)

Provincial and Federal Commercial Vehicle Safety Requirements and Federal Requirements for Imported Vehicles

The purpose of this Information Sheet is to inform passenger transportation licence applicants and licensees of the provincial and federal commercial vehicle safety requirements, the federal requirements for imported vehicles, and other legislation related to commercial passenger vehicles.

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Considering the purchase or lease of a vehicle for commercial passenger use?

The Registrar of Passenger Transportation (Registrar) must be satisfied that a vehicle has met safety requirements before it can be operated as a commercial passenger vehicle.

In British Columbia, commercial passenger vehicles must be in compliance with provincial regulations. This requirement is specified under *Section 25* (General Authorization) and *Section 29* (Special Authorization) of the *Passenger Transportation Act*:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_04039_01

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Division 10 of the provincial Motor Vehicle Act Regulation (MVAR) sets out the regulations governing “commercial passenger vehicles” and includes, but is not limited to, the following topics:

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| ➤ Standees in commercial passenger vehicles | ➤ Ventilation and exhaust |
| ➤ Application of federal construction standards | ➤ Heater |
| ➤ Vehicle construction | ➤ Tool storage |
| ➤ Seating | ➤ Fuel Tank |
| ➤ Aisle | ➤ Rearview mirrors |
| ➤ Entrance | ➤ Instruments |
| ➤ Emergency door | ➤ Retread Tires |
| ➤ Windows | ➤ Interior Lamp |
| ➤ Baggage and express | ➤ Towing by commercial passenger vehicle |

MVAR Division 10, Section 10.051, “*Application of federal construction standards*” (*), requires compliance with Canada Motor Vehicle Safety Standards (CMVSS) under the mandate of Transport Canada.

Points to be considered:

- The Passenger Transportation (PT) Branch does not endorse, or become involved in, the purchase or lease of a vehicle. The decision to purchase or lease a vehicle is the sole responsibility of the applicant/licensee.
- When operating a vehicle under a PT licence it is the owner’s responsibility to ensure that it meets CMVSS requirements. This is an ongoing obligation.
- A CMVSS or Registrar of Imported Vehicles (RIV) decal is a starting point. A CMVSS or RIV decal shows that a vehicle is in compliance with CMVSS standards at the time specified on the decal.
- If the PT Branch has reason to believe that a vehicle was modified after its manufacture (CMVSS decal) or importation (RIV decal) then the owner may be required to prove current compliance with CMVSS.
- The Commercial Vehicle Safety Enforcement Branch (CVSE) inspects vehicles solely to determine if they are in compliance with MVAR Division 10, determine if any post manufacture modifications or alterations have occurred, and verify that they display the correct compliance markings for the indicated vehicle type or use.
- The PT Branch and the CVSE are not under the mandate of Transport Canada and cannot conduct CMVSS testing for applicants or licensees.

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- A modified vehicle must comply with MVAR Division 10, Section 10.051. Examples of modifications made to vehicles (e.g. buses, stretched SUV's, wheelchair accessible vehicles) may include, but are not limited to:
 - *installation of wheelchair lifts;*
 - *rearrangement of seating such as side facing passenger seats;*
 - *open-top and/or double-decker sightseeing buses,*
 - *installation of storage units/racks, luggage dividers, restrooms;*
 - *installation of furniture such as tables;*
 - *installation of appliances such as TV's and stereos.*

*** For ease of reference an excerpt from the MVAR Division 10 is being provided regarding compliance requirements for commercial passenger vehicles – Division 10.051 states:**

- 10.051** (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.

MVAR Division 10 can be viewed in full on the CVSE web site at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/26_58_00

If you have any questions regarding CMVSS compliance standards please contact the Commercial Vehicle Safety & Enforcement Branch at:

Phone: 250-952-0577

Fax: 250-952-0578

Email: Vehicle.Safety.Standards@gov.bc.ca

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When considering the purchase or lease of vehicle(s) it is important to note the following:

- The Branch strongly recommends that, before purchasing or leasing a vehicle, a person obtain approval for their application or, in the case of a licensee; contact the Branch about the addition/replacement of a vehicle to be operated under a licence.
- A Commercial Vehicle Inspection Program (CVIP) “sticker” from a provincial designated inspection facility (DIF) is not acceptable proof of CMVSS compliance because DIF facilities are not Transport Canada certified.
- If considering the purchase or lease of a party bus or specialty vehicle that may have previously been operated under a PT licence, it is strongly recommended that you contact the PT Branch with vehicle information (i.e. year, make, and model; vehicle identification number (VIN) and vehicle registration number). PT Branch staff can confirm if a vehicle was previously licensed for commercial use in BC and if it was weighed to determine its maximum legal seating capacity. If you purchase a vehicle that was previously operated under a PT licence, the Registrar may require proof of compliance with CMVSS and may also require that it be weighed again (if applicable).
- Even though the service proposal of an applicant/licensee appears to meet the criteria for general passenger vehicles, prior to the issuance of a licence, the Registrar may require submission of digital vehicle photos or the weigh-in of a vehicle at a CVSE Inspection Station (weigh scale) to determine its maximum legal seating capacity.
- A listing of Transport Canada registered vehicle manufactures is available at:
<http://www.tc.gc.ca/eng/roadsafety/safevehicles-manufacturing-index-453.htm>.

At the discretion of the Registrar, applicants/licensees will be required to complete and submit a **Vehicle Safety Compliance Declaration** (form number PT5005B; available at <http://www.th.gov.bc.ca/forms/results.aspx?group=21>) for the vehicle(s) they intend to operate under a passenger transportation licence. Please familiarize yourself with the requirements listed on this form.

Considering the purchase or lease of an imported vehicle for commercial passenger use?

Prior to importing a vehicle into Canada, you need to be informed on whether or not the vehicle can be imported. Canada has safety standards that must be met. The *Motor Vehicle Safety Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-10.01/index.html>) requires that all vehicles imported into Canada be in compliance with the Canada Motor Vehicle Safety Regulations and associated Canada Motor Vehicle Safety Standards (CMVSS). The Registrar may require further inspection of imported vehicles.

Transport Canada is a source of information for everything you need to know about importing a vehicle from the United States or from anywhere in the world.

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The following information, on the importation of vehicles into Canada has been excerpted from the Transport Canada (Road Safety and Motor Vehicle Regulation Directorate) web site which can be viewed in full at:

<http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-index-443.htm>

Vehicle Importation from the United States

When importing a vehicle into Canada from the United States there are a number of steps you must take and questions to be answered.

- Do you know what makes and models of vehicles can be imported into Canada?
- Are any modifications required?
- Is there a recall on that particular vehicle?
- Does your province have requirements that must be met?
- What documentation do you need?
- What duty and taxes must be paid?
- How do you move the vehicle without permanent licence plates?

Before you set out to purchase an imported vehicle, consult the following web sites to learn more about federal requirements:

- [How to Import a Vehicle into Canada](http://www.riv.ca/ImportingAVehicle.aspx) (Registrar of Imported Vehicles – see below for contact information) <http://www.riv.ca/ImportingAVehicle.aspx>
- [Importing a Vehicle into Canada](http://www.cbsa-asfc.gc.ca/publications/pub/bsf5048-eng.html) (Canada Border Services Agency – see below for contact information) <http://www.cbsa-asfc.gc.ca/publications/pub/bsf5048-eng.html>
- [Frequently asked questions](http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-faq-index-452.htm) <http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-faq-index-452.htm>
- [List of Vehicles Admissible from the United States - HTML format](http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-usa-vafus-menu-475.htm) <http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-usa-vafus-menu-475.htm>
- [List of Vehicles Admissible from the United States - PDF format** \(162 KB\) - Use this format for a printable version of the list](http://www.tc.gc.ca/media/documents/roadsafety/VAFUS.pdf) <http://www.tc.gc.ca/media/documents/roadsafety/VAFUS.pdf>

***PDF documents may be viewed using use Adobe® Acrobat Reader. We understand that the reader may be downloaded free of charge by visiting the Adobe® web site.*

Importation of Vehicles into Canada from Countries other than the United States (USA)

The federal requirements for importation of vehicles into Canada from countries, other than the USA, can be viewed on the Transport Canada web site at:

<http://www.tc.gc.ca/eng/roadsafety/safevehicles-importation-other-than-index-446.htm>

Or, you can contact Transport Canada (see below for contact information).

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Contact Information (Importation of Vehicles into Canada)

- **Transport Canada
Road Safety and Motor Vehicle Regulation Directorate**

Tower "C"
Place de Ville
330 Sparks Street
Ottawa ON K1A 0N5

Within Canada: 1-800-333-0371
Outside Canada: 613-998-8616
Facsimile: 613-998-8541

- **Registrar of Imported Vehicles (RIV)**

405 The West Mall, Suite 400
Toronto ON M9C 5K7

Within North America: 1-888-848-8240 (English and French)
Outside North America: 1-416-626-6812
Internet Address: www.riv.ca
E-mail Address: info@riv.ca

- **Canada Border Services Agency (CBSA)**

Within Canada: 1-800-461-9999
Outside Canada: 1-204-983-3500 or 1-506-636-5064
Internet Address: www.cbsa.gc.ca

Considering the use of a short term, rental vehicle for commercial passenger use?

It is common practice for applicants and licensees to purchase or lease vehicle(s). However, we want to caution those applicants and licensees considering the use of short term, rental vehicles (i.e. for use on a job by job basis). It is our experience that this type of arrangement can lead to difficulty in obtaining vehicle documents from the vehicle rental agency that meet PT Branch requirements (as described in items 1 to 3 below). Complications with vehicle documents will result in delays when processing the issuance or renewal of a licence.

It is PT Branch policy to send applicants a letter to request the vehicle documents that are required before a licence can be issued.

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The following vehicle documents are requested from all applicants prior to issuing or renewing a licence:

1. Photocopy(ies) of current **Owner's Certificate(s) of Insurance** showing the vehicle(s) to be licensed/registered in the correct I.C.B.C. insurance category and the correct seating capacity.

Division 37 of the Motor Vehicle Act Regulation (MVAR) states that vehicles operating under the *Passenger Transportation Act* require a National Safety Code. Accordingly; vehicle registration document(s) must bear the National Safety Code (NSC) number of the applicant/licensee. The upper right corner of the vehicle registration document for rental vehicles will most likely bear the NSC number of the rental agency. Applicants will require the agreement of the vehicle rental agency, as well as the assistance of an Insurance Corporation of British Columbia (ICBC) auto plan agent, to meet PT Branch vehicle documentation requirements.

2. Photocopy(ies) of the **Commercial Vehicle Inspection Program (CVIP) Inspection Report(s) (Form MV3104)** to verify vehicle(s) have been inspected and passed by an approved vehicle inspection facility.

Division 25 of the MVAR states that vehicle(s) operated under a passenger transportation licence require a Commercial Vehicle Inspection Program (CVIP) inspection be performed every 6 months. We understand that rental agencies are required to inspect their vehicles only once per year. Applicants will require the agreement of the vehicle rental agency to have the vehicle(s) re-inspected to Division 25 standards.

- MVAR (Division 25 and 37) can be viewed in full at <http://www.th.gov.bc.ca/cvse/acts-regulations.htm>.
- Questions about NSC requirements can be directed to the NSC Branch at 250-952-0576 or National.Safety.Code@gov.bc.ca.
- For a list of Designated Inspection Facilities visit http://www.th.gov.bc.ca/cvse/vehicle_inspections.htm or contact the Commercial Vehicle Safety Enforcement Branch for assistance at 250-952-0577.

3. Short term, rental vehicle(s) operated under a passenger transportation licence must also meet Canada Motor Vehicle Safety Standards (CMVSS) and imported vehicles must comply with the *Canada Motor Vehicle Safety Act* which requires that all vehicles imported into Canada be in compliance with the Canada Motor Vehicle Safety Regulations and associated CMVSS. These requirements are outlined in this Information Sheet.

It is strongly recommended that applicants/licensees contact their vehicle rental agency and ICBC auto plan agent **well ahead of their anticipated start up date** to discuss the above mentioned PT Branch vehicle document requirements.

At the discretion of the Registrar, applicants/licensees will be required to complete and submit a **Vehicle Safety Compliance Declaration** (form number PT5005B; available at <http://www.th.gov.bc.ca/forms/results.aspx?group=21>) for the vehicle(s) they intend to operate under a passenger transportation licence. Please familiarize yourself with the requirements listed on this form.

After the PT Branch receives the required vehicle documents, it will take between 5 and 8 business days for the Branch to issue a licence. This estimated timeline is referenced in item 1 d) of the attached Timelines table on our web site:

http://www.th.gov.bc.ca/rpt/Documents/App_Licence_Renewal_Timelines.pdf.

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It is also important to note that, after a licence is issued, the decision to use short term, rental vehicle(s) will also affect **annual licence renewals**. The Branch mails renewal notices to licensees six to eight weeks before the licence expiry date. Before a licence renewal can be processed the licensee must submit the renewal form and vehicle(s) documents for vehicle(s) currently active under their licence. The Branch requires a minimum of 10 business days, prior to the licence expiry date, to process a licence renewal. A licence cannot be renewed unless there is a minimum of one active vehicle reported. Failure to meet the above requirements would result in the expiry of the licence. Please direct questions about annual renewal processing deadlines to the PT Branch Licensing and Client Services team at 604-453-4250.

Considering the use of trailers or roof cargo racks to carry passenger gear/baggage?

When carrying passengers, personal baggage and/or roof racks (**), the gross vehicle weight cannot exceed the Gross Vehicle Weight Rating (GVWR) as indicated on the CMVSS certification decal.

For ease of reference the following excerpts from the MVAR Division 10 are being provided regarding compliance requirements for “baggage and express” and “towing by a passenger vehicle” – Sections 10.12 and 10.21 state:

Baggage and express

- 10.12** (1) If a commercial passenger vehicle is used for the transportation of baggage or express,
- (a) adequate space shall be provided for its accommodation located so as not to interfere with the free and ready access to the entrance door, emergency exit door and emergency exit windows of the vehicle and constructed so as to prevent baggage falling onto or against any passenger, and
 - (b) the vehicle shall be constructed in such a manner that the baggage or express is protected from dust and moisture.
- (2) No commercial passenger vehicle shall be equipped with a baggage carrier over the engine hood.
- (3) The driver of a commercial passenger vehicle shall ensure that all baggage and express carried in or on any commercial passenger vehicle is
- (a) loaded so as not to interfere with the free and ready access to the entrance door, emergency exit door and emergency exit windows, and
 - (b) stowed in such a manner as to prevent its falling on or against any passenger.
[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, ss. 5 and 9.]

Towing by passenger vehicle

- 10.21** (1) No person shall drive or operate a commercial passenger vehicle while it is towing a trailer unless
- (a) the manufacturer of the commercial passenger vehicle signifies, in writing, that the vehicle is suitable for towing a trailer, and the maximum gross vehicle weight of the trailer, and
 - (b) the trailer is equipped with brakes.
- (2) A commercial passenger vehicle equipped with a rear emergency door shall not tow a trailer.
[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

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****** Vehicles equipped with **roof cargo racks**, when combined with the carriage of passengers, may be at a greater risk for a “roll-over” because, when loaded, the use of a roof cargo rack can raise the centre of gravity significantly and affect the vehicle’s handling characteristics.

Accordingly, the PT Branch does not recommend or support the use of roof cargo racks on **15 passenger buses** (e.g. vans) and strongly recommends that you contact your local Area (Motor) Vehicle Inspector to find out more about the matter of GVWR and the securing of cargo before using a roof cargo rack.

If you have any questions regarding the above-mentioned CMVSS or MVAR compliance standards please contact the Commercial Vehicle Safety & Enforcement (CVSE) Branch at:

Phone: 250-952-0577

Fax: 250-952-0578

Email: Vehicle.Safety.Standards@gov.bc.ca

OR contact a local CVSE Area (Motor) Vehicle Inspector (if your business is located in BC).
A telephone contact list is available at: http://www.th.gov.bc.ca/cvse/vehicle_inspections.htm

Have you made inquiries about municipal by-laws or rules governing passenger carriers?

Applicants are advised to contact the municipalities in which they will be operating regarding municipal by-laws relevant to commercial passenger carriers.

Considering operating a commercial passenger vehicle at an airport and/or a ferry terminal?

Applicants considering the operation of commercial passengers at an airport and/or a ferry terminal are advised to contact each authority regarding their rules and requirements related to commercial passenger carriers.

Need further information on passenger transportation (PT) application processes?

If you require further information on PT application processes, please visit our website at <http://www.th.gov.bc.ca/rpt/> or call the Branch to speak with a Registration Officer at 604-453-4250.

BC residents can contact the Branch toll free through Enquiry BC at <http://www.gov.bc.ca/contacts/index.htm>