
THE HIGHWAY TRAFFIC ACT
(C.C.S.M. c. H60)

Motor Carrier Safety Fitness Requirements Regulation

Regulation 168/2003
Registered October 27, 2003

Definitions

1 The following definitions apply in this regulation.

"**Act**" means *The Highway Traffic Act*.

"**commercial truck**" means a commercial truck that has a registered gross weight of 4,500 kg or more.

"**dangerous goods**" means dangerous goods as defined in the *Transportation of Dangerous Goods Act, 1992* (Canada).

"**director**" means Director of Transportation Safety and Regulation of the Manitoba Department of Transportation and Government Services.

"**emergency response assistance plan**" means an emergency response assistance plan as defined in the *Transportation of Dangerous Goods Regulations, SOR/2001-286*, made under the *Transportation of Dangerous Goods Act, 1992* (Canada).

"**motor carrier**" means a motor carrier who operates a public service vehicle, or a commercial truck that has a registered gross weight of 4,500 kg or more.

"**property of others**", in relation to a motor carrier's insurance requirements, does not include property being carried by the motor carrier.

"**safety fitness certificate**" means a safety fitness certificate within the meaning of clause 322.1(3)(c) of the Act.

Prescribed fitness criteria

2 The fitness criteria that a motor carrier must meet for the purposes of subsections 290(2) and (2.2) of the Act are the safety fitness criteria set out in section 3.

Safety fitness criteria

3 The criteria for determining a motor carrier's safety fitness are the following:

(a) whether the motor carrier complies with, or undertakes to comply with, every law relating to highway safety in every jurisdiction in which the motor carrier operates or proposes to operate as a motor carrier;

(b) whether the motor carrier's highway safety performance in the two years before a determination has resulted in the suspension of the motor carrier's operating privilege in any jurisdiction in Canada, the United States or Mexico;

(c) whether the motor carrier has the minimum liability insurance coverage required by section 4;

(d) whether the motor carrier

(i) has filed with the director written proof of compliance with the insurance requirements of section 4 for each public service vehicle and commercial truck that it operates, or

(ii) if the motor carrier is applying to register a public service vehicle or commercial truck, has filed with the director a written undertaking to purchase the minimum liability insurance coverage required by section 4 for the vehicle;

(e) whether the motor carrier maintains an active registration under the Act for a public service vehicle or commercial truck.

Insurance requirements

4(1) A motor carrier must have and maintain at all times a policy of insurance from an insurer authorized to carry on business in Manitoba covering legal liability of the motor carrier for bodily injury to or the death of any person, or for the loss of or damage to property of others, in the following minimum amounts:

(a) \$2,000,000. for each public service vehicle or commercial truck used for the transportation of dangerous goods of a kind and in a quantity that requires an emergency response assistance plan to be filed under the *Transportation of Dangerous Goods Regulations*, SOR/2001-286;

(b) \$2,000,000. for each public service passenger vehicle that has a seating capacity of 11 or more persons, including the driver;

(c) \$1,000,000. for each public service vehicle, other than one described in clause (a) or (b);

(d) \$200,000. for each commercial truck that it operates only within Manitoba, other than one described in clause (a);

(e) \$1,000,000. for each commercial truck, other than one described in clause (a) or (d).

4(2) Each insurance policy required by subsection (1) must contain an endorsement under which the insurer agrees to give at least 10 days written notice to the director

(a) of the upcoming non-renewal or proposed cancellation of the policy; or

(b) of an upcoming change in the policy that may result in the policy no longer providing the minimum coverage required by subsection (1).

4(3) A motor carrier must without delay notify the director if

(a) an insurance policy required by subsection (1) is not renewed, is cancelled or is changed so that the policy no longer provides the coverage required by subsection (1); or

(b) the carrier is aware that any of those things is likely to happen.

Variation of insurance requirements by transport board

5 The Motor Transport Board may, in its discretion, vary the requirements prescribed in subsection 4(1) with respect to an individual motor carrier or class of motor carriers.

Safety fitness certificates — application and issuance

6(1) To obtain a safety fitness certificate, a motor carrier must

(a) submit an application to the director on a form approved by the director;

(b) submit written proof, acceptable to the director, that the carrier has the insurance required by section 4; and

(c) provide the director with any information the form requires and any additional information the director requires at any time.

6(2) Before the director issues a safety fitness certificate to a motor carrier he or she must determine whether the carrier meets the safety fitness criteria set out in section 3.

6(3) To make a determination under subsection (2), the director

(a) must consider the carrier's safety compliance record maintained under subsection 322.1(1) of the Act for the two years before the determination; and

(b) may consider whatever other information he or she considers necessary.

6(4) If the director determines that a motor carrier meets the safety fitness criteria, the director must issue a safety fitness certificate to the carrier. The director may refuse to issue a certificate to a motor carrier if the director determines that the carrier does not meet the safety fitness criteria.

6(5) The director may approve the form and content of safety fitness certificates. However, the director must set out in each certificate the safety fitness rating of the motor carrier.

6(6) The safety fitness rating is to be based on the carrier's safety compliance record maintained under subsection 322.1(1) of the Act and may, in order from highest to lowest rating, be satisfactory, satisfactory unaudited, conditional or unsatisfactory.

6(7) A motor carrier's safety fitness certificate expires on the last day of the carrier's registration period under the Act. The carrier must concurrently apply to renew the safety fitness certificate when the carrier applies to renew the registration of his or her public service vehicle or commercial truck.

6(8) Subsections (1) to (6) apply, with necessary changes, to the renewal of a safety fitness certificate.

Repeal

7 The *Motor Carrier Insurance Requirements Order*, Manitoba Regulation 238/97, and the *Fitness Requirements for Commercial Trucks and Drive-Yourself Vehicles Order*, Manitoba Regulation 53/89, are repealed.

Coming into force

8 This regulation comes into force on November 1, 2003.

October 27, 2003

THE MOTOR TRANSPORT
BOARD:

Tarlochan Gill
Chairperson

Darlene Hallson
Secretary

The Queen's Printer
for the Province of Manitoba