**Regulations Amending the Motor Vehicle Safety Regulations (Interpretation and Standards 108 and 131)**

*Statutory authority*

*Motor Vehicle Safety Act*

*Sponsoring department*

Department of Transport

**REGULATORY IMPACT ANALYSIS STATEMENT**

(*This statement is not part of the Regulations*.)

**Issue**

Several provinces and territories have advised Transport Canada that their ministries of education have either suspended or banned the use of 15-passenger vans for student transport and instead require the use of a multi-functional activity type of bus. School boards and bus service operators currently cannot purchase a school bus absent of some of the safety features such as the stop signal arm and flashing lights, which are not required when the vehicle is being used for non-school commuting purposes such as transporting people to extracurricular field trips or to sporting events. These control devices are not necessary in situations where the vehicle would not be repeatedly picking up and dropping off students at the roadside. Several stakeholders have requested the creation of a definition of a multifunction school activity bus (MFSAB).

**Objectives**

This amendment proposes to introduce a definition of an MFSAB within the *Motor Vehicle Safety Regulations* to address stakeholder needs. The introduction of a definition of an MFSAB would accommodate school boards and bus service operators while providing a similar level of safety as that of school buses.

**Description and rationale**

This proposed amendment would introduce a definition of a multifunction school activity bus (MFSAB). Under the *Motor Vehicle Safety Regulations*, a bus is a prescribed class of vehicle that has a designated seating capacity of more than 10. These vehicles include 15-passenger vans and school buses, which must meet safety standards applicable to buses in general. School buses are further defined, as they must meet additional safety standards for the transportation of children to and from school.

An MFSAB is a type of school bus without the traffic/ pedestrian control devices (such as the stop signal arm and flashing lights found on school buses) and that is not intended to be used to pick up and drop off students from school. The MFSAB would be required to meet several of the standards of the Canada Motor Vehicle Safety Standards (CMVSS) applicable to school buses, such as for rollover protection, body joint strength and exit requirements. This definition of an MFSAB would also harmonize with the federal requirements of the United States and is consistent with the objectives of the Canada-United States Regulatory Cooperation Council.

The Canadian Standards Association (CSA) publishes a voluntary standard for buses, D270, which complements the federal requirements. This standard, which defines requirements for a multi-functional activity bus (MFAB), applies many of the requirements for a school bus, but to a vehicle that would not be used for transporting students to and from school. A multi-functional activity bus, as defined by CSA D270, does not need to have school bus seats or traffic/pedestrian control devices and cannot fall within the federal definition of a school bus or the proposed definition of an MFSAB. The MFAB category does not have a parallel under U.S. federal definitions.

The highway traffic act of each province/territory sets out the legal responsibilities for motor vehicle owners and drivers. More importantly, provinces, territories and their ministries of education decide the mode of transportation for students. Enforcement of the proper use of any vehicle is under the jurisdiction of provincial/territorial governments.

**“One-for-One” Rule**

The “One-for-One” Rule does not apply to this proposal as there is no change in administrative costs to businesses with the introduction of a definition of an MFSAB.

**Small business lens**

The small business lens does not apply to this proposal as there are no increased costs imposed on small business.

**Consultation**

The Department of Transport informs the automotive industry, public safety organizations, and the general public when changes are planned to the *Motor Vehicle Safety Regulations*. This gives these stakeholders the opportunity to comment on these changes by letter or email. The Department also consults regularly, in face-to-face meetings or teleconferences, with the automotive industry, public safety organizations, the provinces and the territories.

In addition, the Department meets regularly with the federal authorities of other countries. Given that harmonized regulations are key to trade and to a competitive Canadian automotive industry, the Department and the United States Department of Transportation hold semi-annual meetings to discuss problems of mutual interest and planned regulatory changes. In addition, departmental officials participate in and support the development of United Nations Global Technical Regulations, which are developed by the World Forum for the Harmonization of Vehicle Regulations (WP.29) under the direction of the United Nations.

With a view to improving road safety, several stakeholders have requested amendments to the *Motor Vehicle Safety Regulations* to distinguish multifunction school activity buses from 15-passenger vans and other buses, and to apply additional safety standards to this class of vehicle. The development of a definition for the MFSAB included participation from the Van Angels group of stakeholders, the Canadian Standards Association (CSA), the provincial governments, school boards, and vehicle manufacturers.

In two letters dated July 14, 2011, the CSA President and the CSA Technical Committee on School Buses requested that the Department consider establishing a definition of an MFSAB. The Technical Committee on School Buses consists of all the major school bus stakeholders including representatives from the provincial and territorial governments, vehicle manufacturers (which includes Canada’s largest school bus manufacturer), bus service operators and Transport Canada. The letters expressed the importance of creating regulatory harmonization across the country and with the United States for these types of vehicles.

The CSA Technical Committee on School Buses stated in its letter that if the MFSAB definition were introduced into the *Motor Vehicle Safety Regulations*, it intends to revise the current D270 Standard to apply only to a federally defined MFSAB. This updated D270 Standard would be easier for provincial and territorial jurisdictions to apply and create greater consistency across all jurisdictions.

Several stakeholders desire to use an MFSAB in lieu of other transportation options, such as 15-passenger vans, for the transportation of school age children for extracurricular activities. Similar to school buses, an MFSAB would have additional safety standards, over and above those applicable to other types of buses. Some ministries of education currently require that vehicles used for the transport of students to extracurricular activities meet the current requirements for multifunctional activity buses under the CSA D270 Standard. These ministries have indicated that a federally defined MFSAB in conjunction with an updated CSA D270 standard would be welcomed.

In three letters dated August 4, 2011, safety advocates including the stakeholder group known as Van Angels and two associated safety advocates expressed strong support for the CSA request that Transport Canada establish a definition for the MFSAB.

In late 2012, the Department requested information from the provinces and territories with respect to their views to introducing a new definition in the *Motor Vehicle Safety Regulations* for a multifunction school activity bus. The Department proposed that this new definition would mandate appropriate safety standards for this type of vehicle. All provinces and two territories responded indicating that they were supportive of the introduction of a new definition along with the associated safety standards. One jurisdiction indicated that it is neutral, as it currently uses school buses and does not anticipate using another type of bus for student transportation. Feedback was also requested from the Canadian Council of Motor Transport Administrators (CCMTA) board members from the 13 provincial/territorial jurisdictions. Alberta and British Columbia representatives responded and indicated that they were supportive of the amendment. No other members submitted comments.

**Implementation, enforcement and service standards**

Motor vehicle manufacturers and importers are responsible for ensuring compliance with the requirements of the *Motor Vehicle Safety Act* and its regulations. The Department of Transport monitors the self-certification programs of manufacturers and importers by reviewing their test documentation, inspecting vehicles, and testing vehicles obtained in the open market. In addition, when they identify a defect in a vehicle or equipment, manufacturers and importers must issue a Notice of Defect to the owners and to the Minister of Transport. Any person or company that contravenes a provision of the *Motor Vehicle Safety Act* or its regulations is guilty of an offence, and liable to the applicable penalty set out in the Act.

**Contact**

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**Please note:** It is important that your comments be provided to the attention of the person noted above before the closing date. Submissions not sent directly to the person noted may not be considered as part of this regulatory proposal. Individual responses to your submission will not be provided. The *Canada Gazette*, Part Ⅱ, will contain any changes that are made resulting from comments received, along with a summary of relevant comments. Please indicate in your submission if you do not wish to be identified or if you do not wish to have your comments published in the *Canada Gazette*, Part Ⅱ.

**PROPOSED REGULATORY TEXT**

Notice is given, pursuant to subsection 11(3) of the *Motor Vehicle Safety Act* [(see footnote a)](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#a), that the Governor in Council, pursuant to subsections 5(1) [(see footnote b)](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#b) and 11(1) of that Act, proposes to make the annexed *Regulations Amending the Motor Vehicle Safety Regulations (Interpretation and Standards 108 and 131)*.

Interested persons may make representations to the Minister of Transport concerning the proposed Regulations within 75 days after the date of publication of this notice. All such representations must be in writing and cite the *Canada Gazette*, Part Ⅰ, and the date of publication of this notice, and be addressed to Kyle Buchanan, Regulatory Development Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 16th Floor, 275 Slater Street, Ottawa, Ontario K1A 0N5 (email: kyle.buchanan@tc.gc.ca).

Ottawa, November 28, 2013

JURICA ČAPKUN  
*Assistant Clerk of the Privy Council*

**REGULATIONS AMENDING THE MOTOR VEHICLE SAFETY REGULATIONS (INTERPRETATION AND STANDARDS 108 AND 131)**

**AMENDMENTS**

**1. (1) The definition “school bus” in subsection 2(1) of the *Motor Vehicle Safety Regulations*** [(see footnote 1)](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#1) **is replaced by the following:**

“school bus” means a bus designed or equipped primarily to carry students to and from school or to and from school-related events; (*autobus scolaire*)

**(2) Subsection 2(1) of the Regulations is amended by adding the following in alphabetical order:**

“multifunction school activity bus” means a school bus that is designed to pick up and drop off students under circumstances in which there is no need to control traffic. (*autobus multifonction pour les activités scolaires*)

**2. Paragraph 6(1)(*f*) of the Regulations is amended by striking out “and” at the end of subparagraph (xxi), by adding “and” at the end of subparagraph (xxii) and by adding the following after subparagraph (xxii):**

* (xxiii) “MFSAB/AMAS” to refer to a multifunction school activity bus;

**3. Subsection 108(13) of Schedule IV to the Regulations is replaced by the following:**

(13) Every school bus other than a multifunction school activity bus shall be equipped with a flasher that conforms to SAE Recommended Practice J1054, *Warning Lamp Alternating Flashers* (October 1989), and that activates the signal lamps referred to in S5.1.4 of TSD 108.

**4. Subsection 131(1) of Schedule IV to the Regulations is replaced by the following:**

**131.** (1) Subject to subsection (2), every school bus other than a multifunction school activity bus shall be equipped with one or two stop signal arms that conform to the requirements of *Technical Standards Document No. 131, School Bus Pedestrian Safety Devices* (TSD 131), as amended from time to time.

**COMING INTO FORCE**

**5. These Regulations come into force on the day on which they are published in the *Canada Gazette*, Part Ⅱ.**

[49-1-o]

* [Footnote a](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#REFa)  
  S.C. 1993, c. 16
* [Footnote b](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#REFb)  
  S.C. 1999, c. 33, s. 351
* [Footnote 1](http://www.gazette.gc.ca/rp-pr/p1/2013/2013-12-07/html/reg3-eng.html#REF1)  
  C.R.C., c. 1038