

(Consolidated up to 199/2011)

**ALBERTA REGULATION 314/2002**

**Traffic Safety Act**

**COMMERCIAL VEHICLE CERTIFICATE  
AND INSURANCE REGULATION**

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### **Definitions**

- 1 In this Regulation,
  - (a) “Act” means the *Traffic Safety Act*;
  - (b) “Board” means the Alberta Transportation Safety Board;
  - (c) repealed AR 35/2009 s2;
  - (d) “driver” means a person who is driving or is in actual physical control of a commercial vehicle;
  - (d.1) “federal legislation” means the *Motor Vehicle Transport Act, 1987* (Canada), and includes the regulations under that Act;
  - (e) “jurisdiction outside Alberta” means any jurisdiction (other than Alberta) of Canada, of the United States of America or of Mexico;
  - (f) “operating authority certificate” means a certificate authorizing the operation of a commercial vehicle issued or issuable under Part 2;

- (f.1) “operator profile” means the profile established and maintained in respect of a person under section 36.1(1);
- (g) “registered owner” means the person in whose name a commercial vehicle is registered under the *Operator Licensing and Vehicle Control Regulation*;
- (h) “safety fitness certificate” means a commercial vehicle safety fitness certificate issued or issuable by the Registrar under the Act or the federal legislation;
- (h.1) “safety fitness rating” means
  - (i) a safety fitness rating assigned or assignable by the Registrar under Part 4, or
  - (ii) where reference is made to a rating in a jurisdiction outside Alberta, an equivalent rating assigned by the appropriate official under the laws of such a jurisdiction;
- (i) “safety laws” means, as the context requires,
  - (i) the Act and regulations made under the Act;
  - (ii) the *Dangerous Goods Transportation and Handling Act* and regulations made under that Act;
  - (iii) the laws of a jurisdiction outside Alberta, respecting the same, similar or equivalent subjects as those regulated or controlled by the laws referred to in subclauses (i) and (ii);
- (j) “transportation legislation” is to be construed in accordance with section 132 of the Act.

AR 314/2002 s1;315/2003;35/2009

**Agreements**

**1.1** Without limiting any power that the Minister has under section 10 of the *Government Organization Act*, the Minister may enter into any written agreements that are required for the effective administration of matters to which this Regulation or the federal legislation or both relate and may, in any such agreement, grant any exemptions from the provisions of this Regulation that are required for the implementation of any such agreements.

AR 35/2009 s3

**Collection and disclosure of personal information**

**1.2(1)** Without limiting the application of any other provisions of this Regulation allowing or requiring the collection of personal

information, the Registrar may collect personal information that is necessary to enable the Registrar to carry out and exercise the Registrar's duties, functions and powers under this Regulation with respect to

- (a) applications and the effects of applications (including notifications of their results),
- (b) certificates,
- (c) verification that insurance requirements are met,
- (d) safety fitness ratings,
- (e) any permits issued under the federal legislation or the Act,
- (f) inspections,
- (g) appeals,
- (h) operator profiles, and
- (i) administrative penalties.

**(2)** The following persons are required or allowed, as the case may be, to disclose to the Registrar personal information contemplated by the following provisions or matters respectively listed:

- (a) an insurer or, so far as applicable, an insurance agent or adjuster within the meaning of the *Insurance Act*, with respect to information covered by sections 4(1)(g), 12(2), 20(2)(g), 26 and 29;
- (b) an applicant for a certificate or a permit, with respect to matters required or allowed by this Regulation to be included in the application;
- (c) the holder of a certificate, with respect to section 12(2);
- (d) the directors of a corporation, with respect to section 48(2).

**(3)** Personal information may be collected, with respect to this Regulation, from a person other than the individual that information is about where

- (a) that other person is required or allowed to disclose that information under subsection (2), or
- (b) its collection from that individual is impracticable, and from that other person is necessary or unavoidable, in the

light of the Registrar's duties or functions under this Regulation.

(4) In this section, "personal information" means personal information about an identifiable individual.

AR 35/2009 s3

## **Part 1 Safety Fitness Certificates for Freight Trucks**

### **When a safety fitness certificate is required**

**2(1)** No person may operate a commercial vehicle that is used or intended to be used to transport goods on a highway for which, under the Act, a certificate of registration is issued for a gross weight of 11 794 kilograms or more, unless the operation of the vehicle is carried out under the authority of a safety fitness certificate.

**(2)** No person may operate a commercial vehicle that is used or intended to be used to transport goods on a highway for which a certificate of registration is issued by a jurisdiction outside Alberta, unless the operation of the vehicle is carried out under the authority of a safety fitness certificate or equivalent authority issued by a government or government agency in the jurisdiction in which the vehicle is registered, if a safety fitness certificate or equivalent authority is required by that jurisdiction.

**(3)** Subsection (1) does not apply to prohibit the operation of

- (a) commercial vehicles primarily used to transport agricultural products, if the driver of the truck is a bona fide farmer or employee of the farmer who owns or produces the agricultural product;
- (b) 2- or 3-axle commercial vehicles primarily used to transport primary products of a forest, lake or river, if the driver or the driver's employer produces the primary product;
- (c) commercial vehicles to which a permit issued under section 62 of the Act applies;
- (d) a commercial vehicle that is exempted by the Registrar under subsection (4).

(4) The Registrar may exempt a commercial vehicle from the requirement of a safety fitness certificate under subsection (1) subject to any terms and conditions the Registrar considers appropriate.

AR 314/2002 s2;136/2003;100/2004

#### **Application for safety fitness certificate**

**3** When a safety fitness certificate is required under section 2(1) the registered owner must apply to the Registrar for a safety fitness certificate authorizing the operation of commercial vehicles of 11 794 kilograms or more that are registered in the applicant's name.

(2) Repealed AR 35/2009 s4.

AR 314/2002 s3;100/2004;35/2009

#### **Safety fitness certificates under federal or provincial legislation**

**3.1(1)** This section applies with respect to a registered owner who has one or more commercial vehicles

- (a) for which a certificate or certificates of registration are issuable or have been issued for a gross weight of 4501 kilograms or more, and
- (b) which are intended to operate to any extent outside Alberta.

(2) Without limiting the applicability of any other provisions of this Regulation, the federal legislation applies with respect to operators and commercial vehicles referred to in subsection (1).

(3) The Registrar is the provincial authority for Alberta referred to in section 7(1) of the federal legislation.

(4) The Registrar shall prepare and make available for production to members of the public, on request, written criteria respecting the proof required for determining whether a safety fitness certificate is to be issued under the Act or under the federal legislation.

(5) On an application for a safety fitness certificate, the Registrar shall determine, in accordance with the criteria referred to in subsection (4), whether issuance of the certificate is required by or under the Act or the federal legislation.

(6) If a safety fitness certificate is required by or under the federal legislation for the operation of a commercial vehicle in Alberta, the registered owner of the commercial vehicle shall apply to the Registrar for a safety fitness certificate under the federal legislation authorizing its operation.

AR 35/2009 s5

**Contents of application for a safety fitness certificate**

- 4(1)** An application for a safety fitness certificate by a registered owner must
- (a) be made on a form satisfactory to the Registrar, containing the information required by the Registrar;
  - (b) be accompanied by the fee prescribed in Schedule 2;
  - (c) confirm that the applicant has comprehensive knowledge of safety laws in Alberta, and if the applicant operates or intends to operate in a jurisdiction outside Alberta, that the applicant will obtain comprehensive knowledge of safety laws in that jurisdiction or those jurisdictions and will comply with them;
  - (d) confirm that the applicant has a written ongoing inspection, maintenance and repair program that meets the requirements of the *Commercial Vehicle Safety Regulation* for all commercial vehicles in respect of which the application is made and for any commercial vehicles which may subsequently be acquired by the applicant;
  - (e) confirm that the applicant has a written safety program that addresses the matters described in section 40;
  - (f) confirm that one or more persons are designated in writing as responsible for
    - (i) the inspection, maintenance and repair program, and
    - (ii) the safety program;
  - (g) provide evidence of insurance required by this regulation and any other enactment, and if required by the Registrar, verification from the insurer;
  - (h) provide names, addresses and contact information for the applicant and any other information necessary to establish or update an operator profile;
  - (i) state whether the applicant operates or proposes to operate a commercial vehicle in a jurisdiction outside Alberta;
  - (j) state the applicant's principal place of business in Alberta.
- (2)** If the registered owner applies for an amendment to a safety fitness certificate, the application must be accompanied by
- (a) the fee prescribed in Schedule 2, and

- (b) a description of the amendment requested and the reasons for it.

**(3)** The Registrar may require an applicant for a safety fitness certificate or amendment to it to provide any additional information the Registrar considers necessary to properly consider the application.

AR 314/2002 s4;35/2009;121/2009

#### **Safety fitness rating**

**5(1)** The Registrar must, in accordance with Part 4 of this regulation, assign each applicant for a safety fitness certificate a safety fitness rating of

- (a) satisfactory,
- (b) satisfactory unaudited,
- (c) conditional, or
- (d) unsatisfactory.

**(2)** Where a registered owner has a satisfactory rating, the Registrar may upgrade that rating to excellent if the Registrar considers, based on criteria he or she establishes in writing, that all or any of the matters needed for a satisfactory rating are exceeded to the extent so established.

AR 314/2002 s5;35/2009

#### **Registrar's decision**

**6(1)** The Registrar may, after considering an application for a safety fitness certificate or amendment to it, any operator profile and any relevant safety fitness rating of the applicant in Alberta and in any jurisdiction outside Alberta,

- (a) issue to the applicant a safety fitness certificate, with or without terms and conditions, and if the safety fitness certificate is issued, must state the safety fitness rating assigned to the applicant;
- (b) refuse the application for a safety fitness certificate, in which case the applicant is to be entered in the operator profile with an unsatisfactory safety fitness rating;
- (c) issue an amended safety fitness certificate, with or without terms and conditions, or refuse the amendment.

**(2)** The Registrar must

- (a) notify the applicant of the decision in writing;

- (b) if the application is refused, give reasons for the refusal and notify the applicant of the applicant's right to appeal to the Board under section 43 of the Act;
- (c) if terms and conditions are imposed, notify the applicant of the applicant's right to appeal to the Board under section 43 of the Act.

AR 314/2002 s6;35/2009

**Temporary safety fitness certificate**

**7(1)** Despite sections 3 and 5, when a person becomes the registered owner of a commercial vehicle for which a safety fitness certificate is required under section 2(1), the Registrar may issue, with terms and conditions, a safety fitness certificate, in which case the registered owner must be assigned a conditional safety fitness rating.

**(2)** The term of the safety fitness certificate is to be that established by the Registrar, but not exceeding 18 months in duration.

AR 314/2002 s7;100/2004

**Effect of safety fitness certificate**

**8** When a safety fitness certificate is issued to a registered owner under this Part,

- (a) during the time that the person remains the registered owner of commercial vehicles, the certificate authorizes the operation of all commercial vehicles for which a safety fitness certificate is required or issued and in respect of which the applicant is or becomes the registered owner, and
- (b) this regulation applies to the operation of those commercial vehicles.

**Dormancy**

**9(1)** If a person to whom a safety fitness certificate is issued ceases to have registered in that person's name a commercial vehicle for which a safety certificate is required for 12 continuous months, the safety fitness certificate automatically expires.

**(2)** The Registrar may cancel a safety fitness certificate if the Registrar is satisfied that a person in respect of whom a safety fitness certificate is issued has not operated a commercial vehicle in respect of which the certificate is issued for a period of at least 12 months and notify that person in writing accordingly.

## Part 2 Buses

### Division 1 Operating Authority Certificates

#### When an operating certificate is required

**10(1)** Subject to subsections (2) and (3), no person may operate a commercial vehicle that is used or intended to be used to transport passengers except under the authority of an operating authority certificate.

**(2)** No operating authority certificate is required in respect of a commercial vehicle that is used or intended to be used to transport passengers that

- (a) is a school bus when it is used for a purpose under section 19 of the *Commercial Vehicle Safety Regulation*;
- (b) is a transit bus operated by or on behalf of a municipality as a municipal passenger transportation service;
- (c) is operated for or in connection with a funeral service;
- (d) is operated as an airport passenger service, as defined in subsection (4), and that has a manufacturer's seating capacity originally designed
  - (i) for 11 or more passengers, including the driver, or
  - (ii) for 10 or fewer passengers, including the driver and that
    - (A) provides a scheduled service, and
    - (B) the scheduled service is approved by the airport authority managing the airport;
- (e) is a commercial vehicle with a manufacturer's seating capacity originally designed for 15 or fewer passengers, including the driver, operated as a taxi that provides on-demand service to transport passengers and their luggage, if any, to a requested destination;
- (f) is used to transport passengers in a vehicle with a manufacturer's seating capacity originally designed for 10 passengers or fewer, including the driver, who are employees or contract workers of the registered owner or who are members of the registered owner or other persons satisfactory to the Registrar, and who are transported without compensation;

(g) is a commercial vehicle that is exempted by the Registrar under subsection (2.1).

**(2.1)** The Registrar may exempt a commercial vehicle from the requirement of an operating authority certificate under subsection (1) subject to any terms and conditions that the Registrar considers appropriate.

**(3)** The owner of a commercial vehicle in respect of which a licence is issued under the federal legislation is, while operating as an extra-provincial undertaking, exempt from the requirement under this regulation to hold an operating authority certificate but only with respect to the extra-provincial undertaking and not with respect to other commercial vehicles the owner operates.

**(4)** In subsection (2)(d), an “airport passenger service” means a service, provided with or without payment of compensation by passengers, by which passengers are transported

- (a) from one or more pick-up points to an airport and the only drop-off is the airport, or
- (b) from an airport to one or more drop-off points and the only pick-up point is the airport.

AR 314/2002 s10;136/2003;35/2009;121/2009

#### **Application for an operating authority certificate**

**11(1)** When a person is required to operate a commercial vehicle under the authority of an operating authority certificate under section 10, the registered owner must apply to the Registrar for the operating authority certificate or any amendment to or renewal of it.

**(2)** The application must

- (a) be on a form satisfactory to the Registrar and contain the information required by the Registrar;
- (b) be accompanied by the fee prescribed by Schedule 2;
- (c) describe the operation that is proposed or the reason for the application, amendment or renewal;
- (d) provide details about the passengers or proposed passengers to be served;
- (e) describe the route or routes proposed to be travelled or the area to be served;

- (f) provide any other information the Registrar requires in order for the application to be properly considered.

AR 314/2002 s11;35/2009

#### **Insurance required**

**12(1)** An applicant for an operating authority certificate under section 11 must also provide any of the following insurance policies that the Registrar requires:

- (a) a policy of cargo insurance against loss of or damage to cargo of any kind in transit or in the custody or control of the transporter;
- (b) a policy of guarantee insurance covering
  - (i) the payment to the consignor of sums collected by the transporter on behalf of the consignor;
  - (ii) the faithful performance of conditions contained or referred to in the operating authority certificate.

**(2)** The Registrar may require the applicant or the insurer, or both, to provide verification of insurance required by this regulation.

AR 314/2002 s12;35/2009

## **Division 2 Decisions on Operating Authority Certificates**

#### **Issue, amendment and renewal of decisions**

**13(1)** The Registrar must refer to the Board an application for an operating authority certificate, or an amendment to or renewal of it, with respect to a commercial vehicle that is used or intended to be used to transport passengers.

**(2)** After considering the application the Board may recommend to the Registrar, with or without terms and conditions, that the Registrar

- (a) issue an operating authority certificate for not more than 3 years,
- (b) amend the certificate, or renew a certificate on one or more occasions, but each renewal may not be for more than 3 years, or
- (c) refuse the application.

**Terms and conditions on operating authority certificates**

**14** In addition to the conditions that are imposed on an operating authority certificate by this Regulation, the Registrar may impose any term or condition that the Registrar considers appropriate on an operating authority certificate or on any amendment to or renewal of it, including

- (a) with respect to a scheduled passenger service,
  - (i) the route or routes in respect of which the operating authority certificate is issued;
  - (ii) the minimum frequency of the service;
  - (iii) the nature or type of service scheduled or the purpose for which the service is scheduled;
  - (iv) the passengers, luggage and goods that may or may not be transported;
- (b) with respect to a charter passenger service,
  - (i) the pre-arranged service, designating the common purpose of the passengers on the service and the common destination of the passengers, and may include return to the point of origin;
  - (ii) prohibiting passenger pick-up and drop-off except as designated in the operating authority certificate;
  - (iii) prohibiting a recurring service;
- (c) with respect to a private bus that is a commercial vehicle used to transport, for compensation, employees or members of the registered owner that owns the bus, or other persons authorized by the operating authority certificate,
  - (i) the origin of the service, the destination and the route or routes in respect of which the service is proposed to be provided;
  - (ii) the passengers that may or may not be transported;
  - (iii) the purpose for which the service is provided;
  - (iv) a tariff of fees or charges that may be imposed on passengers or prohibiting the imposition of any passenger fee or charge;
- (d) with respect to an industrial bus, being a commercial vehicle used to transport, under contract, employees of a

person other than the registered owner of the vehicle, or other persons authorized by the operating authority certificate,

- (i) the origin of the service, the destination and the route or routes in respect of which the service is proposed to be provided;
  - (ii) the passengers that may or may not be transported;
  - (iii) the purpose for which the service is provided;
- (e) with respect to any application for an operating authority certificate described in this section or otherwise,
- (i) the nature, type, duration, purpose and route or routes in respect of which the service is proposed to be provided;
  - (ii) specifying or prohibiting pick-up and drop-off points for passengers;
  - (iii) terms and conditions that are considered appropriate to protect the public interest.

AR 314/2002 s14;35/2009

#### **Notice of decision**

**15(1)** The Registrar must give written notice of the decision about an application for an operating authority certificate, or any amendment to or renewal of it, as soon as practicable after the decision is made to the following:

- (a) the applicant;
- (b) every person who objected to or intervened in the application.
- (c) repealed AR 35/2009 s11.

**(2)** The Registrar must notify the applicant of the reasons for refusal and of the applicant's right to appeal to the Board under section 43 of the Act

- (a) a refusal of the application, or
- (b) any terms or conditions imposed.

AR 314/2002 s15;35/2009

**Operating authority certificates do not give exclusive rights**

**16** An operating authority certificate does not confer exclusive rights on the holder of it and it does not prevent the Registrar from issuing or amending any other operating authority certificate with respect to the same or similar matters.

**Cancellation or amendment of certificate for lack of exercise**

**17** If the Registrar is of the opinion that the authority conferred by an operating authority certificate has not been exercised or has not been fully exercised within 6 months from the date of issue of the certificate, or during any period of 12 consecutive months, the Registrar may,

- (a) if the authority was not exercised at all, cancel the certificate, or
- (b) if it was, change the certificate to suit the extent to which that authority was exercised.

AR 314/2002 s17;35/2009

**18** Repealed AR 121/2009 s46.

### **Division 3 Safety Fitness Certificates**

**Safety fitness certificates for buses**

**19(1)** No person may operate a commercial vehicle in respect of which, under the Act, a certificate of registration is issued, having a manufacturer's seating capacity originally designed for 11 passengers or more, including the driver, that is used or intended to be used to transport passengers on a highway, unless the operation of the vehicle is carried out under the authority of a safety fitness certificate.

**(2)** No person may operate a commercial vehicle in respect of which a certificate of registration is issued in a jurisdiction outside Alberta unless the operation of the vehicle is carried out under the authority of a safety fitness certificate or equivalent authority issued by a government or government authority in the jurisdiction in which the vehicle is registered, if a safety fitness certificate or equivalent authority is required by that jurisdiction.

**Application for a safety fitness certificate**

**20(1)** When a safety fitness certificate is required under section 19(1), the registered owner must apply to the Registrar for a safety fitness certificate authorizing the operation of one or more

commercial vehicles that are registered in the applicant's name for which a safety fitness certificate is required.

- (2)** The application for a safety fitness certificate by a registered owner must
- (a) be made on a form satisfactory to the Registrar, containing the information required by the Registrar;
  - (b) be accompanied by the fee prescribed in Schedule 2;
  - (c) confirm that the applicant has comprehensive knowledge of safety laws in Alberta, and if the applicant operates or intends to operate in a jurisdiction outside Alberta, that the applicant will obtain comprehensive knowledge of safety laws in that jurisdiction or those jurisdictions and will comply with them;
  - (d) confirm that the applicant has a written ongoing inspection, maintenance and repair program for all commercial vehicles described in section 19(1) in respect of which the application is made, and for any commercial vehicle which may subsequently be acquired by the applicant that must operate under the authority of a safety fitness certificate, that meets the requirements of the *Commercial Vehicle Safety Regulation*;
  - (e) confirm that the applicant has a written safety program that addresses the matters described in section 40;
  - (f) confirm that one or more persons are designated in writing as responsible for
    - (i) the inspection, maintenance and repair program, and
    - (ii) the safety program;
  - (g) provide evidence of insurance required by this regulation and any other enactment, and if required by the Registrar, verification from the insurer;
  - (h) provide names, addresses and contact information for the applicant and any other information necessary to establish or update an operator profile;
  - (i) state whether the applicant operates or proposes to operate commercial vehicles in a jurisdiction outside Alberta;
  - (j) state the applicant's principal place of business in Alberta.
- (3)** If the registered owner applies for an amendment to a safety fitness certificate, the application must be accompanied by

- (a) the fee prescribed by Schedule 2, and
  - (b) a description of the amendment requested and the reasons for it.
- (4) The Registrar may require an applicant for a safety fitness certificate or amendment to it to provide any additional information the Registrar considers necessary to properly consider the application.

AR 314/2002 s20;213/2006;35/2009;121/2009

#### **Safety fitness rating**

**21** The Registrar must, in accordance with Part 4 of this regulation, assign each applicant for a safety fitness certificate a commercial vehicle safety fitness rating of

- (a) satisfactory,
- (b) satisfactory unaudited,
- (c) conditional, or
- (d) unsatisfactory.

#### **Registrar's decision**

**22(1)** The Registrar may, after considering an application for a safety fitness certificate or amendment to it, any operator profile, and any relevant safety fitness rating of the applicant in Alberta and in any jurisdiction outside Alberta

- (a) issue to the applicant a safety fitness certificate, with or without terms and conditions, and if the safety fitness certificate is issued, must state the safety fitness rating assigned to the applicant;
  - (b) refuse the application for a safety fitness certificate, in which case the applicant is to be entered in the operator profile with an unsatisfactory rating;
  - (c) issue an amended safety fitness certificate, with or without terms and conditions, or refuse the amendment.
- (2) The Registrar must
- (a) notify the applicant of the decision in writing;
  - (b) if the application is refused, give reasons for the refusal and notify the applicant of the applicant's right to appeal to the Board under section 43 of the Act;

- (c) if terms and conditions are imposed, notify the applicant of the applicant's right to appeal to the Board under section 43 of the Act.

AR 314/2002 s22:35/2009

**Temporary safety fitness certificate**

**22.1** Despite sections 20 and 21, when a person becomes the registered owner of a commercial vehicle for which a safety fitness certificate is required under section 19(1), the Registrar may issue, with terms and conditions, a safety fitness certificate for not more than 60 days, in which case the registered owner must be assigned a conditional safety fitness rating.

AR 136/2003 s4

**Effect of safety fitness certificate**

**23** When a safety fitness certificate is issued to a registered owner under this Part,

- (a) during the time that the person remains the registered owner of commercial vehicles, the certificate authorizes the operation of all commercial vehicles for which a safety certificate is required under section 19 and in respect of which the applicant is or becomes the registered owner, and
- (b) this regulation applies to those commercial vehicles.

### **Part 3 Commercial Vehicle Insurance Requirements**

#### **Division 1 Cargo and Liability Insurance**

**Cargo insurance**

**24(1)** This section does not apply to

- (a) a person who only transports the items named in Schedule 1, or
- (b) a person who owns the goods that the person is transporting.

**(2)** A registered owner must maintain cargo insurance against loss of or damage to goods transported,

- (a) for each commercial vehicle engaged in the transportation of farm produce other than dairy products, at least \$600;
  - (b) for each commercial vehicle engaged only in the transportation of unprocessed milk or cream, an amount equal to the actual cash value of the goods.
- (3)** If a person is engaged in the transportation of a mobile home, that person must maintain, in respect of the mobile home, insurance acceptable to the Registrar that,
- (a) for a single wide mobile home
    - (i) provides coverage against loss or damage for the greater of
      - (A) \$10 000, or
      - (B) the cash value of the mobile home and its contents, if any, and
    - (ii) provides for collision coverage on the mobile home,and
  - (b) for a double wide mobile home,
    - (i) provides coverage against loss or damage for the cash value of the 2 halves and their contents, if any,
    - (ii) provides that if one of the halves is damaged to the extent that it is not practicable to repair it, the other half will be considered to have been also destroyed, and
    - (iii) provides for collision coverage on the mobile home.
- (4)** If subsections (2) and (3) do not apply, the registered owner who transports goods on a commercial vehicle must maintain cargo insurance against loss or damage to goods transported as follows:
- (a) for each vehicle having a registered gross weight of 12 700 kilograms or less, at least \$15 000;
  - (b) for each vehicle having a registered gross weight of more than 12 700 kilograms but less than 18 000 kilograms, at least \$20 000;
  - (c) for each vehicle having a registered gross weight of 18 000 kilograms or more but not more than 21 000 kilograms, at least \$20 000;

- (d) for each vehicle having a registered gross weight of more than 21 000 kilograms but not more than 37 000 kilograms, at least \$27 000;
- (e) for each vehicle having a registered gross weight of more than 37 000 kilograms, at least \$32 000.

(5) In this section, “registered gross weight” means the weight specified on the certificate of registration issued in respect of the commercial vehicle.

#### Liability insurance

**25** The registered owner of a commercial vehicle used or intended to be used to transport goods on a highway for which a certificate of registration under the Act is issued for a gross weight of 11 794 kilograms or more must maintain, for each vehicle in respect of any one accident, insurance against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property of others, other than goods, of at least

- (a) \$2 000 000 for transportation of dangerous goods set out in Schedule 1 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992* (Canada) in the quantities indicated in Column 7 of that Schedule, in respect of which an emergency response plan is required to be filed under Part 7 of those Regulations, and
- (b) \$1 000 000 in all other cases.

AR 314/2002 s25;100/2004

## Division 2 Passenger Hazard and Cargo Insurance

#### Passenger hazard insurance

**26(1)** The registered owner of

- (a) a commercial vehicle for which an operating authority certificate is required or issued, or
- (b) a commercial vehicle operated as an airport transportation service, with or without compensation paid by passengers, by which passengers are transported,
  - (i) from one or more pick-up points to an airport and the only drop off point is the airport, or
  - (ii) from an airport to one or more drop off points and the only pick-up point is the airport;

- (c) a rented commercial vehicle that is used or intended to be used to transport passengers for compensation,

must not operate the vehicle unless the vehicle is covered by a policy of automobile insurance providing passenger hazard coverage in at least the following amounts:

- (d) \$400 000 for bodily injury or death of any one person as a result of any single accident;
- (e) if the manufacturer's seating capacity of the vehicle was originally designed for 10 passengers or fewer, including the driver, \$1 000 000 for bodily injury or death of 2 or more persons as a result of any single accident;
- (f) if the manufacturer's seating capacity of the vehicle was originally designed for 11 passengers or more, including the driver, \$2 000 000 for bodily injury or death of 2 or more persons as a result of any single accident.

(2) When requested to do so by the Registrar, the holder of an operating authority certificate issued in respect of a commercial vehicle must direct the insurer to file with the Registrar, as the case may be, evidence of the current policy referred to in subsection (1).

(3) Nothing in this section affects the obligations of a person under the *Insurance Act*.

AR 314/2002 s26;136/2003

#### **Passenger hazard insurance for school bus**

**26.1(1)** Every school bus that is used for a purpose under section 19 of the *Commercial Vehicle Safety Regulation* must be covered by a policy of automobile insurance providing passenger hazard coverage in at least the following amounts:

- (a) \$200 000 for bodily injury or death of any one person as a result of any single accident;
- (b) if the manufacturer's seating capacity of the vehicle was originally designed for 15 passengers or fewer, including the driver, \$500 000 for bodily injury or death of 2 or more persons as a result of any single accident;
- (c) if the manufacturer's seating capacity of the vehicle was originally designed for 16 passengers or more, including the driver, \$1 000 000 for bodily injury or death of 2 or more persons as a result of any single accident.

(2) When requested to do so by the Registrar, the owner of the school bus must direct the insurer to file with the Registrar, as the

case may be, evidence of the current policy referred to in subsection (1).

**(3)** Nothing in this section affects the obligations of a person under the *Insurance Act*.

AR 121/2009 s46

#### **Insurance for taxis**

**27** Every vehicle used as a taxi must be covered by

- (a) a motor vehicle liability policy that complies with the *Insurance Act*, and
- (b) an automobile insurance policy that provides for passenger hazard coverage of not less than \$1 000 000 for liability resulting from bodily injury to or the death of one or more persons as a result of any single accident.

#### **Cargo insurance**

**28** The registered owner of a commercial vehicle for which an operating authority certificate is required and who also provides an express shipment service for goods must maintain a policy of cargo insurance of at least \$500 for each piece of cargo to cover loss of or damage to each item.

#### **Verification of insurance**

**29(1)** The Registrar may, at any time, request an insurer to provide evidence that a registered owner to whom this regulation applies has and is maintaining the insurance required by this regulation.

**(2)** An insurer must reply to the Registrar's request within 15 days of receiving it.

#### **Extra-provincial undertakings**

**30** To the extent that the requirements of this Part are not in conflict with requirements for insurance under the federal legislation, they apply to the owner of an extra-provincial bus undertaking and the owner of an extra-provincial truck undertaking, as those terms are defined in the federal legislation.

AR 314/2002 s30;35/2009

#### **Insurance requirements are conditions**

**31** It is a condition of every safety fitness certificate and operating authority certificate that the insurance coverage required by this regulation be maintained in respect of the vehicles, cargo and passengers to which the certificate applies.

**Liability****31.1(1)** In this section,

- (a) “business entity” includes a corporation, partnership or sole proprietorship;
- (b) “lender” means a lender as defined in section 187(0.1) of the Act;
- (c) “lessor” means a lessor as defined in section 187(0.1) of the Act;
- (d) “related group” means a group of persons, each member of which is related to every other member of the group;
- (e) “renter” means a renter as defined in section 187(0.1) of the Act;
- (f) “seller” means a seller as defined in section 187(0.1) of the Act.

**(2)** For the purposes of this section,

- (a) an individual is related to another individual if the individuals are related by blood relationship, marriage or adoption or by virtue of an adult interdependent relationship,
- (b) a business entity is related to
  - (i) a person who controls the business entity, if it is controlled by one person,
  - (ii) a person who is a member of a related group that controls the business entity,
  - (iii) a person who is an officer or member of the board of, or a partner or member of a partnership group in that business entity or is an officer or member of the board of, or a partner or member of a partnership group in a business entity associated with that business entity,
  - (iv) a person who is an officer, shareholder or member of the board of, or a partner or member of a partnership group in that business entity and is also an officer, shareholder or member of the board of, or a partner or member of a partnership group in a business entity associated with that business entity, or

- (v) any person related to a person described in subclauses (i), (ii), (iii) or (iv),

or

- (c) in the case of any 2 business entities, a person is related to another person if
  - (i) both business entities are controlled by the same person or group of persons,
  - (ii) each business entity is controlled by a different person and the person who controls one of the business entities is related to the person who controls the other business entity,
  - (iii) one of the business entities is controlled by one person and that person is related to any member of a related group that controls the other business entity,
  - (iv) one of the business entities is controlled by one person and that person is related to each member of an unrelated group that controls the other business entity,
  - (v) any member of a related group that controls one of the business entities is related to each member of an unrelated group that controls the other business entity, or
  - (vi) each member of an unrelated group that controls one of the business entities is related to at least one member of an unrelated group that controls the other business entity.

**(3)** For the purposes of this section,

- (a) a business entity is associated with another business entity if
  - (i) one of the business entities controls the other business entity,
  - (ii) both of the business entities are controlled by the same person or group of persons,
  - (iii) each of the business entities is controlled by a different person and the person who controls one of the business entities is related to the person who controls the other, and one of those persons owns, directly or indirectly, one or more shares of the capital stock of, or otherwise has a financial interest

other than a nominal interest in, each of the business entities,

(iv) one of the business entities is controlled by one person and that person is related to each member of a group of persons that controls the other business entity, and any one of those persons owns, directly or indirectly, one or more shares of the capital stock of, or otherwise has a financial interest other than a nominal interest in, each of the business entities, or

(v) each of the business entities is controlled by a related group and each of the members of one of the related groups is related to all of the members of the other related group, and one of the members of one of the related groups owns, directly or indirectly, one or more shares of the capital stock of, or otherwise has a financial interest other than a nominal interest in, each of the business entities,

(b) related persons are deemed not to deal with each other at arm's length, and

(c) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

**(4)** A lender, lessor, seller or renter of a commercial vehicle, that is used or intended to be used to transport passengers is exempt from section 187(2.1) of the Act if

(a) the lender, lessor, seller or renter of the commercial vehicle is either related to the person who operates the commercial vehicle or is a business entity associated with the business entity who operates the commercial vehicle, or is not dealing at arm's length with the person or business entity who operates the commercial vehicle, and the commercial vehicle

(i) is specifically exempted by section 10(2) from requiring an operating authority certificate under this Regulation, or

(ii) has been exempted by the Registrar under section 10(2.1) from the requirement of an operating authority certificate in respect of the commercial vehicle,

or

- (b) the lender, lessor, seller or renter of the commercial vehicle is either related to the person who operates the commercial vehicle or is a business entity associated with the business entity who operates the commercial vehicle, or is not dealing at arm's length with the person or business entity who operates the commercial vehicle, and the person or business entity who operates the commercial vehicle
  - (i) is operating under a valid permit issued under the Act by the Registrar exempting the commercial vehicle from the requirement of an operating authority certificate,
  - (ii) cannot operate the commercial vehicle other than under the authority of an operating authority certificate under this Regulation, or
  - (iii) is exempt under section 10(3) from the requirement to hold an operating authority certificate with respect to an extra-provincial undertaking.

AR 208/2010 s2

## **Part 4**

### **Safety Fitness Ratings**

#### **Ratings established**

**32** There are established the following safety fitness ratings for the purposes of the Act and this regulation:

- (a) satisfactory;
- (b) satisfactory unaudited;
- (c) conditional;
- (d) unsatisfactory.

#### **Deciding safety fitness ratings**

**33(1)** In deciding the safety fitness rating to be assigned to a person or in deciding whether a safety fitness rating assigned to a person should be changed, the Registrar must take into consideration

- (a) the operator profile of the person concerned;
- (b) any other information related to safety or compliance with safety laws that the Registrar considers appropriate, including

- (i) the nature and quality of the safety program and vehicle maintenance, repair and inspection program of the carrier and whether the programs have been implemented and maintained;
  - (ii) the driving record of drivers or proposed drivers employed or engaged by the registered owner;
  - (iii) any other information that, in the opinion of the Registrar, constitutes a failure by the applicant or carrier to comply with the Act or the *Dangerous Goods Transportation and Handling Act* or a regulation under either Act;
- (c) a safety fitness rating assigned by a jurisdiction outside Alberta and the reasons for it.

(2) In deciding the safety fitness rating to be assigned to a person or in deciding whether a safety fitness rating assigned to a person should be changed, the Registrar may take into consideration

- (a) whether the registered owner is or has been associated with a carrier that has a conditional or an unsatisfactory rating in Alberta or in a jurisdiction outside Alberta, and if so, the nature of the association and the reason for that rating;
- (b) whether the registered owner or carrier is or has been a director of or official with a carrier that has received a conditional or an unsatisfactory rating in Alberta or in a jurisdiction outside Alberta and the reason for it.

(3) The Registrar may conduct an inspection in order to assist in deciding on a safety fitness rating, any change to it, or to keep an operator profile up-to-date.

AR 314/2002 s33;35/2009

#### **Safety fitness ratings**

**34(1)** Subject to this section, the Registrar must rate a registered owner who is issued a safety fitness certificate as follows:

- (a) satisfactory, if the Registrar is satisfied
  - (i) the registered owner's operator profile and other matters considered are satisfactory, and
  - (ii) the results of an inspection are satisfactory;

- (b) satisfactory unaudited, if the Registrar is satisfied that the registered owner has met the requirements for applying for a safety fitness certificate but
    - (i) the registered owner has not been the subject of an inspection, or
    - (ii) the results of an inspection are not sufficient, in the opinion of the Registrar, to rate the registered owner as satisfactory and another inspection is required;
  - (c) conditional, if the Registrar is not satisfied the applicant is satisfactory, but nevertheless should be granted a safety fitness certificate with terms and conditions.
- (2) The Registrar may rate a registered owner unsatisfactory, in which case
- (a) no safety fitness certificate is to be issued to that person, or
  - (b) if a safety fitness certificate exists it is cancelled when the unsatisfactory rating is issued.

(2.1) Where a registered owner has a satisfactory rating, the Registrar may upgrade that rating to excellent if the Registrar considers, based on criteria he or she establishes in writing, that all or any of the matters referred to in subsection (1)(a)(i) and (ii) exceed the criteria needed for a satisfactory rating to the extent so established.

- (3) The safety fitness rating of a person continues
- (a) whether or not the person is the registered owner of a commercial vehicle;
  - (b) until the Registrar changes or cancels the rating.

AR 314/2002 s34;35/2009

#### **Review of safety fitness ratings**

**35(1)** The Registrar may, at any time, review the safety fitness rating of a person.

(2) After a review, the Registrar may, by notice in writing to the person, change the rating assigned to that person and add or remove terms and conditions on the safety fitness certificate held by that person, and notify the person in writing accordingly.

(3) A notice under this section must give reasons for the decision and notify the person concerned of that person's right to appeal to the Board under section 43 of the Act.

**Unsatisfactory rating and its effect**

**36(1)** If an applicant for a safety fitness certificate or a registered owner is rated unsatisfactory, the Registrar must

- (a) notify the person, in writing,
  - (i) stating the reason, and
  - (ii) stating that it is an offence for the person to lease, rent or operate commercial vehicles that are required to operate under the authority of a safety fitness certificate,
- (b) in accordance with section 91 of the Act, cancel or suspend the certificate of registration of the commercial vehicles registered in the person's name and give written notice to the person accordingly,
- (c) cancel or suspend any safety fitness certificate or Registrar's permit and give written notice to the holder of it as soon as practicable,
- (d) cancel or suspend any operating authority certificate and give written notice to the holder of it as soon as practicable, and
- (e) notify the person affected of that person's right to appeal to the Board under section 43 of the Act.

**(2)** Where a person is rated unsatisfactory, whether by the Registrar or by a jurisdiction outside Alberta, another application for a safety fitness certificate or for an operating authority certificate may not be made for at least 6 months after the unsatisfactory rating is assigned, unless the applicant provides special reasons and the Registrar allows an earlier application.

AR 314/2002 s36:35/2009

## **Part 4.1 Commercial Vehicle Operator Profile**

### **Establishing and maintaining of operator profiles**

**36.1(1)** For the purposes of monitoring the activities and safety records of carriers and other persons who engage or have engaged in or who carry out or have carried out a related function within the meaning of section 144(1) of the Act in relation to the operation of commercial vehicles (in this subsection referred to as "relevant persons"), the Registrar

- (a) shall establish and maintain a profile for each relevant person who is issued or holds or is required to hold a safety fitness certificate, and
  - (b) may establish and maintain a profile for any other relevant person.
- (2) Operator profiles may be maintained in electronic or paper form, or in both.

AR 35/2009 s17

**Contents of operator profiles**

**36.2(1)** For any person in respect of whom a safety fitness certificate is required and subject to section 36.3, a person's operator profile must contain at least the following information insofar as it relates to that person, is provided to or obtained by the Registrar, is necessary having regard to the purposes of this Regulation and the Registrar decides that it should be included in the person's operator profile:

- (a) a record of any conviction for an offence against or administrative penalty imposed or other action taken under any transportation legislation involving any commercial vehicle operated by that person;
  - (b) a record of any accident occurring in or outside Alberta involving any commercial vehicle operated by that person;
  - (c) a record of any inspection conducted by a peace officer in or outside Alberta involving any commercial vehicle operated by that person;
  - (d) the person's safety fitness rating;
  - (e) any relevant written communications requiring the person to take an action or to cease engaging in conduct and the person's written responses to those communications;
  - (f) any other information the Registrar considers appropriate with a view to maintaining a record of safety and compliance with transportation legislation with respect to commercial vehicles by their registered owner or persons employed or engaged by their registered owner or operating commercial vehicles.
- (2) In subsection (1)(b), "accident" means an accident as a result of which an individual is injured or dies or the apparent cost to repair property damaged as a result equals or exceeds \$1000.

AR 35/2009 s17

**Processing of information in operator profiles**

**36.3(1)** If the Registrar forms the opinion that any information in an operator profile is in error, inaccurate or no longer relevant, the Registrar shall remove that information from the operator profile.

(2) Subject to subsection (1), the Registrar may

- (a) remove information from an operator profile if satisfied that neither the registered owner nor a person employed or engaged by the registered owner was responsible for the incident or matter that generated that information, or
- (b) include the same information in the operator profiles of 2 or more persons if satisfied that those persons are jointly or that each is partially responsible for the incident or matter that generated that information.

AR 35/2009 s17

**Notification about operator profile changes**

**36.4(1)** Where the Registrar records information in an operator profile about a person who is neither the registered owner nor a driver employed or engaged by the registered owner of the commercial vehicle to which the information relates, the Registrar shall notify that person in writing, giving reasons underlying the record.

(2) The person notified may, in writing, request the Registrar to reconsider the decision implementing the record, in which case the Registrar shall do so and shall make any changes in the decision that the Registrar considers necessary and notify the applicant in writing of

- (a) the new decision, with reasons, and
- (b) if the new decision is adverse, the applicant's right to appeal to the Board applying subsection (3), and how to make the appeal.

(3) An applicant referred to in subsection (2)(b) has the right to appeal the adverse decision under section 44 of the Act.

AR 35/2009 s17

**Availability of information on operator profile**

**36.5(1)** A person is entitled to inspect the information maintained by the Registrar on that person's own operator profile.

(2) Section 11.1 of the Act applies with respect to commercial vehicles lawfully described or referred to in operator profiles.

AR 35/2009 s17

**Transitional provision**

**36.6** All records and other information that constituted carrier profiles established by the Registrar under the *Commercial Vehicle Carrier Profile Regulation* (AR 99/2007) are to be treated as operator profiles established under this Regulation.

AR 35/2009 s17

## **Part 5 Administrative Penalties**

**Contents of notice of administrative penalty**

**37(1)** A notice of an administrative penalty imposed under section 143 of the Act must contain the following information:

- (a) the name of the person on whom the administrative penalty is imposed;
- (b) the provision of the regulatory legislation the person has contravened or failed to comply with;
- (c) a brief description of the nature of the contravention or failure to comply identified under clause (b);
- (d) the amount of the administrative penalty imposed;
- (e) whether the penalty is fixed or accumulates for each day or part of a day that the contravention or failure to comply occurs or continues;
- (f) the date the notice of the administrative penalty is issued;
- (g) the date by which the penalty must be paid, unless the penalty is an accumulating penalty;
- (h) a statement describing the right of a person on whom the administrative penalty is imposed to appeal the administrative penalty to the Board, the addresses to which the appeal is to be sent, how the appeal is to be made and the date by which the appeal is to be made.

**(2)** The form of the notice of the administrative penalty, containing at least the information described in subsection (1), must be approved by the Registrar.

**Manner of determining amount of administrative penalty**

**38(1)** The Registrar is to determine the amount of the administrative penalty imposed on a person after considering the following factors and the considerations described in subsection (2):

- (a) the seriousness of the contravention;
  - (b) the nature of the commercial vehicle operation;
  - (c) whether an accident occurred or the danger that an accident could have occurred as a result of the contravention;
  - (d) the history of contraventions of regulatory legislation by the person on whom the administrative penalty is imposed.
- (2) The Registrar is to be guided by the following considerations:
- (a) the amount of the administrative penalty imposed should reflect the seriousness of the contravention;
  - (b) the greater the danger or possibility that an accident could have occurred, or the greater the degree of risk to people or property that did occur as a result of the contravention, or the fact that an accident did occur, the higher the penalty should be;
  - (c) the more times a person has previously been issued an administrative penalty the higher the penalty should be;
  - (d) the greater the degree of wilfulness or neglect in the contravention, the higher the penalty should be.

#### **Limitation period**

**39** An administrative penalty may be imposed only within 6 months of the date the Registrar first becomes aware of the contravention of the regulatory legislation in respect of which the administrative penalty is to be imposed.

## **Part 6 Obligations and Prohibitions**

### **Division 1 Safety Plans, Drivers and Records**

#### **Contents of safety program**

**40(1)** The registered owner of every commercial vehicle who is required to operate the vehicle under the authority of a safety fitness certificate must establish, maintain and follow a written safety program that, in a manner that is clearly documented, addresses matters relating to the safe use and operation of commercial vehicles, including:

- (a) speed limits, seat-belt use, drug and alcohol use, defensive driving, load security, and fuelling;
  - (b) proper records and recording of information including, as required, bills of lading, manifests, dangerous goods documents, time records, drivers' daily logs and weigh slips;
  - (c) policies that drivers are expected to comply with the law, and policy and procedures related to driver training, responsibilities, conduct and discipline;
  - (d) instructions for the use of safety equipment, including, as required, the use of fire extinguishers, goggles, and hard hats;
  - (e) training for employees about safety laws and their application and an ongoing program for evaluating their driving skills;
  - (f) retention of complete records for each driver in accordance with section 41;
  - (g) policies for ensuring that drivers are properly qualified for the type of vehicle they operate.
- (2) The registered owner must designate a person as responsible for
- (a) maintaining and implementing the safety program, and
  - (b) ensuring compliance with safety laws.
- (3) It is a condition of every safety fitness certificate that the registered owner and the owner's employees must comply with the registered owner's safety program.

AR 314/2002 s40;121/2009

**Driver records**

- 41(1)** The registered owner of every commercial vehicle who is required to operate the vehicle under the authority of a safety fitness certificate must maintain, for each of that owner's drivers, a driver record file containing the following information:
- (a) the driver's completed application form for employment with the registered owner;
  - (b) a copy of the driver's abstract in a form satisfactory to the Registrar when the driver is first hired or employed, dated within 30 days of the date of employment or hire;

- (c) annual updated copies of the driver's abstract in a form satisfactory to the Registrar;
- (d) the driver's employment history for the 3 years immediately preceding the time the driver started working for the carrier;
- (e) a record of the driver's convictions of safety laws in the current year and in each of the 4 preceding years;
- (f) a record of any administrative penalty imposed on the driver under safety laws;
- (g) a record of all collisions involving a motor vehicle operated by the driver that are required to be reported to a peace officer under any enactment of Alberta or a jurisdiction outside Alberta;
- (h) a record of all training undertaken by a driver related to the operation of a commercial vehicle and compliance with safety laws;
- (i) a copy of any training certificate issued to the driver, in electronic or paper form, for the period starting on the date the training certificate is issued and continuing until 2 years after it expires, in accordance with Part 6 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992* (Canada);
- (j) a copy of a current medical certificate for the driver.

(2) Subsection (1) is a condition of every safety fitness certificate.

#### **Certificates to be carried in vehicles**

**42(1)** The registered owner must place in each commercial vehicle to which a certificate relates, or provide to each driver operating a commercial vehicle operated under the authority of a safety fitness certificate or operating authority certificate, or both, the original or a copy of the original certificate or certificates.

(2) The driver of a commercial vehicle operating under the authority of a safety fitness certificate or an operating authority certificate, or both, must carry the original or a copy of the certificate or certificates in the vehicle and produce them on request of a peace officer.

**Record-keeping requirements**

**43(1)** Unless another enactment or the Registrar otherwise permits in writing, the records required to be maintained by a carrier under this regulation and under the *Commercial Vehicle Safety Regulation* must

- (a) be kept at the carrier's principal place of business in Alberta,
- (b) be retained for the current year in which they are created, established or received and the 4 calendar years immediately following, and
- (c) be readily available for inspection by a peace officer during the carrier's regular business hours.

**(2)** Subsection (1) is a condition of every safety fitness certificate and operating authority certificate.

AR 314/2002 s43;211/2006;121/2009

## **Division 2 Other Obligations**

**Acting under federal authority**

**44** When the Registrar acts under the federal legislation, the Registrar must, in accordance with the federal legislation, issue licences in like terms and conditions and in like manner as if

- (a) the extra-provincial bus undertaking were a local bus undertaking, or
- (b) the extra-provincial truck undertaking were a local truck undertaking.

AR 314/2002 s44;35/2009

**Exemptions**

**45** A person who, under this regulation, is not required to operate a commercial vehicle under the authority of a safety fitness certificate or an operating authority certificate, or both, is exempt from the requirement of a safety fitness certificate or operating authority certificate, or both, as the case may be.

**Fees**

**46** The fees that are to be paid for an application, action, activity or service performed that is described in the Schedule 2 are the fees prescribed in that Schedule.

**Agency restrictions**

**47(1)** No person may engage in the business of an agent arranging for the transportation of goods or passengers on a highway unless that person has been appointed as an authorized agent by the holder of an operating authority certificate or a safety fitness certificate.

**(2)** An authorized agent of a holder of an operating authority certificate or a safety fitness certificate must be appointed in writing and the appointment must

- (a) be signed by the certificate holder, and
- (b) be displayed in a conspicuous place on the premises at which the agent conducts the agency business.

**(3)** No person may solicit or undertake to arrange the transportation of passengers or goods by a vehicle on a highway unless the person by, for or on behalf of whom the vehicle is operated is authorized under this regulation to transport passengers or goods in accordance with the solicitation or undertaking.

**Certain transactions prohibited**

**48(1)** No operating authority certificate may be capitalized, sold, assigned, leased or transferred, in whole or in part, except with the prior written approval of the Registrar.

**(2)** The Registrar may require the directors of a corporation that is the holder of an operating authority certificate to report to the Registrar any issue or transfer of shares of its capital stock.

**(3)** If the Registrar is of the opinion that the number of shares issued or transferred has affected the actual control of the corporation, the Registrar may determine that the issue or transfer constitutes a transfer of the operating authority certificate held by the corporation and may suspend or cancel it.

AR 314/2002 s48;35/2009

**Effect of court judgment on operating authority certificate**

**49(1)** When a judgment is outstanding against the holder of an operating authority certificate that in the opinion of the Registrar arises out of the exercise by that person of the authority granted by the certificate, a certified copy of the judgment may be filed with the Registrar by a party to the action and the Registrar must not, after the filing of the judgment, approve a transfer of the certificate unless there is filed with the Registrar

- (a) a memorandum of satisfaction of the judgment, or

- (b) a consent to the transfer executed on behalf of all parties to the action.

(2) If an appeal has been commenced from a judgment referred to in subsection (1), the Registrar may approve a transfer of the certificate on the holder paying to the Registrar security in a form satisfactory to the Registrar and in an amount sufficient to satisfy the judgment if the appeal is not successful.

AR 314/2002 s49;35/2009

### **Insurance**

**50** No person may operate a commercial vehicle without the insurance required by this regulation unless the carrier is authorized to do so under a Registrar's permit issued under section 62 of the Act.

### **False information**

**51** If an applicant for an operating authority certificate or an amendment to or renewal of it, or an applicant for a safety fitness certificate or amendment to it provides false or misleading information, the Registrar

- (a) may suspend or cancel the certificate, and
- (b) if the certificate is suspended or cancelled, shall notify the registered owner accordingly and of the person's right to appeal to the Board under section 43 of the Act.

AR 314/2002 s51;35/2009

### **Mechanical failures and collisions: freight trucks**

**52(1)** If a freight truck for which a safety fitness certificate is required cannot be operated because of a mechanical failure or collision (in this section called a "disabled freight truck") the carrier may substitute another commercial vehicle if

- (a) the licence plates and certificate of registration of the disabled freight truck are carried in the cab of the substituted commercial vehicle while the substituted vehicle is used in place of the disabled freight truck,
- (b) the substituted vehicle has a certificate of registration issued under the Act, and
- (c) the substituted commercial vehicle is insured as required by law.

(2) A person must not operate the substituted commercial vehicle for more than 10 days without a permit to do so issued by the Registrar under section 62 of the Act.

#### **Mechanical failures and collisions: buses**

**53(1)** If a commercial vehicle, in the case of a commercial vehicle designed to carry 11 passengers or more, including the driver, and for which a safety fitness certificate is required, cannot be operated because of a mechanical failure or collision (in this section called a “disabled bus”), the carrier must immediately make arrangements for passengers to be transported to their intended destination

- (a) without additional charge to the passengers, and
- (b) as expeditiously as possible in the circumstances.

(2) The carrier may substitute another commercial vehicle designed to transport passengers if

- (a) the licence plates and certificate of registration of the disabled bus are carried in the cab of the substituted vehicle while the substituted vehicle is being used in place of the disabled bus, and
- (b) the substituted vehicle is insured as required by law.

(3) A person must not operate a substituted commercial vehicle for more than 10 days without a permit to do so issued by the Registrar under section 62 of the Act.

### **Division 3 Prohibitions**

#### **Compliance with terms and conditions**

**54** Every person to whom a safety fitness certificate or operating authority certificate is issued must comply with the terms and conditions of the certificate.

#### **Offences created**

**55** A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

- section 2(1), (2);
- section 3(1);
- section 10(1);
- section 11(1);
- section 18(a) to (d);
- section 19(1), (2);

section 20(1);  
section 24(2), (3), (4);  
section 25;  
section 26(1), (2);  
section 26.1(1), (2);  
section 27;  
section 28;  
section 29(2);  
section 40(1), (2);  
section 41(1);  
section 42(1), (2);  
section 47(1) to (3);  
section 48(1);  
section 50;  
section 52(2);  
section 53(1), (3);  
section 54;  
section 56;  
section 57.

AR 314/2002 s55;136/2003;315/2003;121/2009

#### **Unsatisfactory rating**

**56** No person who has an unsatisfactory safety fitness rating in Alberta or in any jurisdiction outside Alberta may lease, rent or operate a commercial vehicle for which a safety fitness rating is required.

AR 314/2002 s56;315/2003;35/2009

#### **Obstruction of Registrar and peace officers**

**57** No person may obstruct the Registrar or a peace officer from entering a carrier's place of business in Alberta for the purpose of inspecting the carrier's records or the carriers' commercial vehicles.

## **Part 7 Transitional Provisions, Repeal, Expiry and Coming into Force**

### **Division 1 Transitional Provisions**

#### **Definition**

**58** In this Division, "former regulation" means the *Public Vehicle Certificate and Insurance Regulation* (AR 22/98).

**Applications to the Board transferred to the Registrar**

**59** An application made to the Board under the former regulation that is pending or under consideration when this Regulation comes into force, and in respect of which the Registrar makes a decision under the Act, must be transferred to and continued by and a decision made by the Registrar under the Act and this regulation.

**Ratings continued**

**60** A carrier that is rated by the Board under the former regulation continues to have the same safety fitness rating as if it had been issued by the Registrar under this regulation.

**Safety fitness ratings being processed**

**61** If a carrier is in the process of being assigned a safety fitness rating or a change of rating is being considered by the Board when this regulation comes into effect, the Board must transfer the application to the Registrar and the Registrar must decide the safety fitness rating under this regulation.

**Safety fitness certificate**

**62** A safety fitness certificate issued under the former regulation

- (a) is to be considered a safety fitness certificate issued by the Registrar, and
- (b) continues according to its terms and conditions as if it had been issued under this regulation.

**Operating authority certificates for liveries**

**63** An operating authority certificate issued under the former regulation authorizing a person to operate a livery business is repealed.

**Other operating authority certificates**

**64** An operating authority certificate issued under Part 3, Division 1 of the former regulation

- (a) is to be considered an operating authority certificate issued by the Registrar, and
- (b) continues according to its terms and conditions as if it had been issued under this regulation.

**Validation of Board decisions on uncompleted transactions**

**64.1** Notwithstanding any amendment made by the *Commercial Vehicle Certificate and Insurance (Authority Transfer 2008) Amendment Regulation*, any decision made by the Board before the commencement of that Regulation with respect to a transaction or other matter that was uncompleted or not finalized as at the time of that commencement remains fully valid with respect to that transaction or matter as if that Regulation had not been enacted.

AR 35/2009 s23

**Division 2****Repeal, Expiry and Coming into Force****Repeal**

**65** The *Public Vehicle Certificate and Insurance Regulation* (AR 22/98) is repealed.

**Expiry**

**66** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repressed in its present or an amended form following a review, this Regulation expires on May 31, 2014.

AR 314/2002 s66;118/2006;98/2007;70/2010;199/2011

**Coming into force**

**67** This Regulation comes into force on the coming into force of section 156 of the Act.

**Schedule 1****Goods Exempted from Cargo Insurance**

alfalfa (raw or pelletised)	lime
animal feed and related concentrates	loam
and supplements (not for human consumption)	logs
asphalt mix (bituminous)	lumber
brick	newspapers
cement (dry or wet)	organic manure
clay	peat moss
coal	propane
concrete products	salt
condensate	sand
crude oil	sawdust
crushed glass	scrap iron
dead animals	septic tank refuse
drilling mud	snow
	stone

fodder	sugar beets (raw
garbage	or pelletised)
grain	sulphur
granite	topsoil
granulite	water
gravel	woodchips
herculite	

## Schedule 2

### Fees

Application, Act, Activity or Service Performed		Fee Payable
1(1)	Application for an extra-provincial operating authority certificate or amendment to it under the <i>Motor Vehicle Transport Act</i> (Canada)	\$180
(2)	Application for renewal of an extra-provincial operating authority certificate under the <i>Motor Vehicle Transport Act</i> (Canada)	60
2	Application for an operating authority certificate, or an amendment to it or renewal of it	50
3	For filing an objection to an application for an operating authority certificate or an amendment to it	120
4	For filing an intervention to an application for an operating authority certificate or an amendment to it	120
5	Application for a safety fitness certificate or an amendment to it	50
6	An appeal to the Board on the basis of a paper only hearing	125
7	An appeal to the Board for which an oral hearing is requested	250
8	Application for a Registrar's permit to exempt a person from a provision of this Regulation or a provision of the Act relating to commercial vehicles	55