

**SUBJECT: Temporary Operating Permits**

Managers, Victoria	Carrier Safety Inspectors	Driver Services Centres
Motor Vehicle Inspectors	Government Agents	MOT (Director, Chair, Transportation Policy)
Motor Carrier Commission	Appointed Agents	Trucking Industry
Deputy Director, CVSE	Motor Carrier Dept.	Supt of Motor Vehicles
Regional CVSE Managers	Law Enforcement Agencies	
Managers, Licensing	Commercial Transport Insp.	
ADM (Compliance and Consumer Services)	(Weigh Scales)	

PURPOSE OF CIRCULAR

To inform that a recent Order in Council (OIC) consolidates provisions for Temporary Operation Permits (TOP) in the Motor Vehicle Act Regulations (MVAR) and eliminates Interim Permit provisions.

BACKGROUND

Temporary Operating Permits (TOPs) allow for the short-term licensing and insurance of non-licensed vehicles. Authority for the issuance of these permits has been provided in Division 4 of the CTR and Division 14 of the MVAR. Both regulations have used similar wording to provide for the issuance of TOPs and both divisions have similarly applied to commercial vehicles.

To eliminate regulatory duplication, ICBC has recently completed a regulatory amendment that repeals Division 4 of the CTR and clarifies the issuance of TOPS to commercial vehicles in MVAR 14. In addition, the OIC reconfirms the statutory authority for provincial weigh scales to issue TOPs.

The OIC also repeals MVAR 14.011, eliminating Interim Permit issuance. Interim Permits were once used for the temporary movement of a vehicle on a highway on a single-trip basis. Historically, only the RCMP issued the Interim Permit to vehicles that were either stopped without a proper permit or in circumstances where the proper permit was not otherwise available. Due to changes in business practice, the use of technology and expansion of weigh scale station hours and locations, these permits are no longer used. The BC Chiefs of Police Traffic Advisory Committee and the RCMP have supported this change.

Procedures/Changes:


- Authority to issue all TOPs is now found in Division 14 of the Motor Vehicle Act Regulations.
- Interim Permits issued under MVAR 14.011 can no longer be issued.

See attached OIC for the specific amendments to the regulations.

Robert G. Kroeker
Director, Commercial Vehicle Safety & Enforcement
Ministry of Public Safety and Solicitor General

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 992, Approved and Ordered OCT - 7 2004



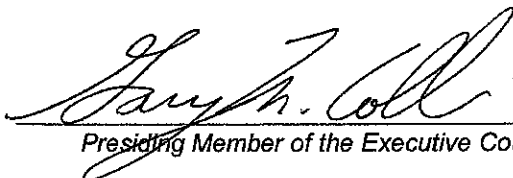
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders as set out in the attached Schedule.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Commercial Transport Act, ss. 4 & 11, Motor Vehicle Act, s. 210, Offence Act, s. 132

Other (specify):- oic 1004/58, 1567/91, 27/78, 262/97

July 6, 2004

920/2003/11

SCHEDULE

Commercial Transport Regulations

- 1 *Division 4 of the Commercial Transport Regulations, B.C. Reg. 30/78, is repealed.*

Commercial Transport Fees Regulation

- 2 *Item 6 of the Schedule to the Commercial Transport Fees Regulation, B.C. Reg. 328/91, is repealed.*

Motor Vehicle Act Regulations

- 3 *Section 14.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is repealed and the following substituted:*

Temporary operation permit

- 14.01** (1) The Insurance Corporation of British Columbia or a person
- (a) employed in the ministry of a minister responsible in whole or in part for the Act or the *Commercial Transport Act*, and
 - (b) designated by the corporation by name or position
- may grant a permit for the temporary operation on a highway of a motor vehicle or trailer that may or may not have been licensed or registered under the Act or the *Commercial Transport Act*.
- (2) A permit under this section must cover a period, not exceeding 15 days, specified in the permit by the Insurance Corporation of British Columbia or designated person and, subject to this section, the corporation or designated person may include in the permit the terms and conditions the corporation or designated person considers appropriate for the temporary operation of the motor vehicle or trailer.
 - (3) A permit under this section does not provide motor carrier licensing under the *Passenger Transportation Act*.
 - (4) A permit under this section is not valid for the operation of a vehicle for which a prohibition under Division 25 is in force.
 - (5) A permit under this section may be granted for a laden commercial vehicle weighing 5 000 kg gross vehicle weight or less or for any other motor vehicle, trailer or semi-trailer.

- (6) A permit under this section for a laden commercial vehicle weighing more than 5 000 kg gross vehicle weight may not be granted unless
- (a) the load is a single load, and
 - (b) the trip is only a one way trip from point to point in British Columbia with no pick up or drop off of a load or partial load allowed en route.

4 *Sections 14.011 and 14.012 are repealed.*

5 *Sections 14.02 to 14.04 are repealed and the following substituted:*

Fees, without load

14.02 The Insurance Corporation of British Columbia or designated person must not grant a permit under section 14.01 for the operation of a vehicle other than one described in section 14.03 unless the corporation or designated person has received

- (a) the fee specified in item 7 (b) of the Schedule to the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, and
- (b) the premium payable under the *Insurance (Motor Vehicle) Act*.

Fees, with load

14.03 The Insurance Corporation of British Columbia or designated person must not grant a permit under section 14.01 for the operation of a laden commercial vehicle weighing more than 5 000 kg gross vehicle weight unless the corporation or designated person has received

- (a) the fee specified in item 7 (c) of the Schedule to the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, and
- (b) the premium payable under the *Insurance (Motor Vehicle) Act*.

Temporary operation permit for inspection

14.04 (1) The Insurance Corporation of British Columbia or a person

- (a) employed in the ministry of the minister responsible in whole or in part for the Act or the *Commercial Transport Act*, and
- (b) designated by the corporation

may grant to any person, without fee and for the purpose described in subsection (2), a permit for the temporary operation of a motor vehicle or trailer, subject to the terms and conditions set out in the permit, from the place of residence of the owner or a garage or other place of repair to a designated inspection facility and return.

- (2) The purpose referred to in subsection (1) is to facilitate the presentation of the motor vehicle or trailer for inspection or repair as required by Division 25.
- (3) A motor vehicle or trailer operated in accordance with a permit under this section need not have an inspection certificate affixed to it under Division 25.

6 *Section 25.01 (2) (j) is repealed and the following substituted:*

- (j) driven under a permit issued under section 6 (7) of the *Commercial Transport Act* or under Division 14 of this regulation, .

- 7 *Section 25.16 (g) is repealed and the following substituted:*
(g) driven under a permit issued under Division 14.

Motor Vehicle Fees Regulation

- 8 *Item 7 of the Schedule to the Motor Vehicle Fees Regulations, B.C. Reg. 334/91, is amended by repealing paragraph (c) and substituting the following:*
(c) The fee for a temporary operation permit under section 14.03 of B.C. Reg. 26/58 shall be 8% of the annual licence fee for the vehicle to the nearest dollar.

Violation Ticket Administration And Fines Regulation

- 9 *Schedule 2 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended under the heading "COMMERCIAL TRANSPORT REGULATIONS, B.C. REG. 30/78" by striking out the following item:*

section 4.04 (2)	Fail to obtain permit	\$150	\$23	\$173
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- 10 *Schedule 3 is amended under the heading "MOTOR VEHICLE ACT REGULATIONS, B.C. REG. 26/58" by striking out the following item:*

section 14.012	Fail to obtain permit within seven days of interim permit	\$70	\$45	\$81	\$56
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