



Province of Alberta

TRAFFIC SAFETY ACT

VEHICLE INSPECTION REGULATION

Alberta Regulation 211/2006

With amendments up to and including Alberta Regulation 64/2012

Office Consolidation

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(Consolidated up to 64/2012)

ALBERTA REGULATION 211/2006

Traffic Safety Act

VEHICLE INSPECTION REGULATION

Table of Contents

1 Interpretation

Part 1

Declaration and Sale of Vehicles

Division 1

Declaration

- 2 Declaration by insurance company
- 3 Declaration by self-insured
- 4 Declaration by the Registrar
- 5 Salvage motor vehicle from outside Alberta
- 6 Non-repairable vehicle
- 7 Notice to the Registrar
- 8 Assignment of vehicle status
- 9 Return of certificate of registration
- 10 End of salvage motor vehicle or unsafe vehicle status
- 11 Reinstatement of salvage motor vehicle
or unsafe vehicle status
- 12 Notification regarding non-repairable vehicle

Division 2

**Sale of Salvage, Out of Province,
Used Motor Vehicles**

- 13 Sale of salvage motor vehicle
- 14 Sale of out of province motor vehicle
- 15 Sale of used motor vehicle
- 16 Expiry of mechanical fitness assessment
- 17 Application

Part 2 Vehicle Inspection

Division 1 Requirements for Vehicle Inspection Certificates

- 18 Registration of salvage or out of province motor vehicle or unsafe vehicle
- 19 Operation of commercial vehicle
- 20 Other vehicles
- 21 Production of certificate on request

Division 2 Vehicle Inspection Requirements

- 22 Adoption of manuals
- 23 Compliance with vehicle inspection manuals
- 24 Prohibition
- 25 Supplying certificates
- 26 Unissued certificate
- 27 Issuing a certificate
- 28 Completing a certificate
- 29 Issuing record of inspection
- 30 Expiry of certificate
- 31 Re-inspection
- 32 Direction to be inspected
- 33 Revocation of salvage or out of province motor vehicle inspection certificate
- 34 Revocation of commercial vehicle inspection certificate
- 35 Revocation of a certificate
- 36 Recognition of other certificates
- 37 Recognition of other certificates for commercial vehicles

Part 3 Licences

Division 1 Background Check

- 38 Background check

**Division 2
Vehicle Inspection Facilities**

- 39 Facility licences
- 40 Application
- 41 Renewal, addition or deletion
- 42 Expiry
- 43 Facility requirements
- 44 Posted licence
- 45 Posted shop rate

**Division 3
Vehicle Inspection Technicians**

- 46 Technician licences
- 47 Application
- 48 Background check
- 49 Renewal, addition and deletion
- 50 Expiry
- 51 Training and examination
- 52 Production of licence

**Division 4
Facility and Technician Application Fees**

- 53 Fees
- 54 Exemption from fee

**Part 4
Administration and Enforcement****Division 1
Licence Suspension and Cancellation**

- 55 Automatic suspension and reinstatement
- 56 Criminal offences
- 57 Investigation of facility or technician
- 58 Audit
- 59 Submission of information
- 60 Cooperation with directions
- 61 Suspension, cancellation or prohibition
- 62 Show cause
- 63 Notice to licence holder
- 64 Return of documents
- 65 Removal of suspension, cancellation or prohibition

Division 2
Vehicle Safety Investigator Directive

- 66 Issuance of directive by investigator
- 67 Compliance with directive
- 68 Disposition of a directive

Division 3
Administrative Penalties

- 69 Contents of notice
- 70 Determination of penalty amount
- 71 Limitation period

Part 5
Licensee and Technician Profiles

- 72 Definitions
- 73 Establishing and maintaining profiles
- 74 Contents of profiles

Part 6
General

- 75 Terms and conditions
- 76 Registrar's exemption
- 77 Continuing competency
- 78 Crown property
- 79 Accuracy of records
- 80 Examination of records
- 81 Records and information
- 82 Vehicle safety investigator
- 83 Missing certificate
- 84 Missing licence
- 85 Non-transferability
- 86 Offences

Part 7
Transitional Provisions, Consequential Amendments, Repeals, Expiry and Coming into Force

- 87 Transitional provisions

Consequential Amendments

- 88 Commercial Vehicle Certificate and Insurance Regulation

89 Operator Licensing and Vehicle
Control Regulation

90 Procedures Regulation

Repeals, Expiry and Coming into Force

91 Repeals

92 Expiry

93 Coming into force

Schedule

Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Traffic Safety Act*;
- (b) “bus” means a bus as defined in section 130(1)(a) of the Act;
- (c) “carrier” means a carrier as defined in section 130(1)(b) of the Act;
- (d) “certificate” means a vehicle inspection certificate issued under section 27 and includes a commercial vehicle inspection certificate, an out of province motor vehicle inspection certificate or a salvage motor vehicle inspection certificate, as applicable;
- (e) “commercial vehicle” means
 - (i) a commercial vehicle as defined in the Act, or a combination of commercial vehicles, that is registered for a gross weight of 11 794 kilograms or more and that is not a bus,
 - (ii) a converter dolly, or
 - (iii) a bus;
- (f) “converter dolly” means a trailer converter dolly as defined in the *Motor Vehicle Safety Regulations*, CRC c.1038;
- (g) “date of inspection” means the date an inspection certificate is issued;
- (h) “decal” means a vehicle inspection decal referred to in section 27;

- (i) “facility” means a vehicle inspection facility that is licensed under this Regulation;
- (j) “facility licence” means a vehicle inspection facility licence issued by the Registrar under this Regulation;
- (k) “Facility Operating Manual” means a Vehicle Inspection Facility Operating Manual adopted under section 22, respecting the operation of a vehicle inspection facility for the type of vehicle being inspected;
- (l) “handi-bus” means a bus that meets the Canadian Standards Association Standard D409 applicable at the time it was manufactured and that is used primarily for the purpose of providing transportation for persons with physical disabilities;
- (m) “investigator” means a vehicle safety investigator authorized by the Registrar to carry out investigations, audits and reviews of licensees, technicians and facilities;
- (n) “licensee” means the holder of a facility licence and includes an agent, manager or employee of the holder of the licence;
- (o) “out of province motor vehicle” means a motor vehicle that is not registered under the Act and was last registered in a jurisdiction other than Alberta;
- (p) “record of inspection” means a record issued by a vehicle inspection technician in accordance with the requirements set out in the Facility Operating Manual and the applicable Vehicle Inspection Manual;
- (q) “subsisting”, when used in relation to a certificate or licence under this Regulation, means that, at the relevant time, the certificate or licence is current and has not expired nor been revoked, suspended or cancelled;
- (r) “technician” means a vehicle inspection technician who holds a vehicle inspection technician licence issued under this Regulation;
- (s) “technician licence” means a vehicle inspection technician licence issued by the Registrar under this Regulation;
- (t) “trade certificate” means a trade certificate as defined in the *Apprenticeship and Industry Training Act*;
- (u) “transit bus” means a bus that is operated

- (i) under the management of an urban area when the bus is operated within the boundaries of that urban area or between that urban area and an abutting urban area, and
- (ii) at regular intervals, in accordance with a set time schedule or over a specified route,

but does not include a handi-bus;

- (v) “unsafe vehicle” means a vehicle that has been assigned status as an unsafe vehicle by the Registrar under section 8;
- (w) “Vehicle Inspection Manual” means a Vehicle Inspection Program Manual of Inspection Methods and Standards adopted under section 22.

(2) For the purposes of the Act and this Regulation, “non-repairable vehicle” means a salvage motor vehicle that is a non-repairable vehicle as set out in Part 1.

(3) For the purposes of the Act and this Regulation, “salvage motor vehicle” means a motor vehicle that is a salvage motor vehicle as set out in Part 1.

(4) This Regulation does not apply to an off-highway vehicle.

(5) Sections 19 and 21 of this Regulation do not apply to the following:

- (a) a commercial vehicle that is being used primarily to transport an agricultural product where the driver of the vehicle
 - (i) is a bona fide farmer who owns or produced that agricultural product, or
 - (ii) is an employee of that farmer;
- (b) a 2- or 3-axle vehicle that is used for the transport of primary products on a forest, lake or river, where the driver or driver’s employer is the producer of those primary products;
- (c) a transit bus.

AR 211/2006 s1;49/2010

Part 1 Declaration and Sale of Vehicles

Division 1 Declaration

Declaration by insurance company

2(1) A motor vehicle is a salvage motor vehicle if

- (a) it is damaged and an insurance company under a contract of insurance does any of the following:
 - (i) replaces the motor vehicle;
 - (ii) pays an amount determined under a contract of insurance for the damaged motor vehicle and acquires ownership of it;
 - (iii) pays an amount determined under a contract of insurance for the market value of the motor vehicle before it was damaged, less its value before any repairs are made to it, and does not acquire ownership of it,
- (b) after being stolen,
 - (i) it is recovered and is found to have been damaged while it was stolen, and
 - (ii) an insurance company under a contract of insurance replaces the motor vehicle or pays an amount determined under the contract of insurance for the motor vehicle and acquires ownership of it,

or

- (c) an insurance company would have been required to do one of the things set out in clause (a) or (b)(ii) but did not do so because the insured person breached the contract of insurance or did not accept the payment determined under the contract of insurance for the market value of the motor vehicle.

(2) Subsection (1) does not apply to a motor vehicle if the sole damage to the motor vehicle is hail damage to the outer body sheet metal.

Declaration by self-insured

3(1) If a financial responsibility card has been issued to a person under section 825 of the *Insurance Act* and

- (a) the person is liable for damage to a motor vehicle that is not owned or operated by the person, the motor vehicle is a salvage motor vehicle if the person
 - (i) replaces the motor vehicle,
 - (ii) pays an amount for the motor vehicle and acquires ownership of it, or
 - (iii) pays an amount for the damage that takes into account the market value of the motor vehicle before it was damaged, less its value before any repairs are made to it, and does not acquire ownership of it,

or

- (b) damage occurs to a motor vehicle that is owned or operated by the person, the motor vehicle is a salvage motor vehicle if the person
 - (i) is of the opinion that the cost of repairing the motor vehicle is more than the value of the motor vehicle before it was damaged, and
 - (ii) sells or disposes of the motor vehicle instead of repairing it.

(2) Subsection (1)(b) does not apply to a motor vehicle

- (a) if the sole damage to the motor vehicle is hail damage to the outer body sheet metal, or
- (b) the motor vehicle was stolen but was not recovered.

Declaration by the Registrar

4 A motor vehicle is a salvage motor vehicle if it is assigned salvage motor vehicle status by the Registrar under section 8.

Salvage motor vehicle from outside Alberta

5 If a jurisdiction outside Alberta designates a motor vehicle as a salvage motor vehicle or assigns it a substantially similar status and the motor vehicle is brought into Alberta, the motor vehicle is deemed to be a salvage motor vehicle for the purposes of this Regulation.

Non-repairable vehicle

6 A salvage motor vehicle is a non-repairable vehicle if it has no resale value except as a source of parts or scrap metal, including, without limitation, a salvage motor vehicle that

- (a) has been recovered after being stolen but with substantially all the body panels or interior components missing,
- (b) has been submerged in water that reached the bottom of the vehicle's dash panel,
- (c) has been burned or damaged by heat in 2 or more compartments or burned or damaged by heat to the extent that high-strength steel components are affected,
- (d) has, in the case of a full frame motor vehicle, extensive damage requiring replacement of both cab and frame, or
- (e) has, in the case of a unibody motor vehicle,
 - (i) collision or other damages to the passenger compartment floor, cowl or A-pillar,
 - (ii) collision or other damages to the rocker panel and B-pillar extending into the floor, or
 - (iii) an opening made anywhere in the unibody as part of a rescue or recovery operation.

Notice to the Registrar

7(1) The following shall notify the Registrar or a person appointed by the Registrar that a motor vehicle is a salvage motor vehicle not more than 6 days after it becomes a salvage motor vehicle:

- (a) an insurance company referred to in section 2;
- (b) a person who does one of the things referred to in section 3(1).

(2) Notification under subsection (1) must include the following:

- (a) if the person is an insurance company,
 - (i) the company's name and address and the name, address and telephone number of the company's contact person, and

- (ii) the number of the insurance policy, the number of the claim and the date the claim was paid or, if the claim was not paid, the reason for not paying it;
- (b) if the person is not an insurance company, the person's name, address and telephone number;
- (c) the name, address and telephone number of the owner of the motor vehicle;
- (d) the following information about the motor vehicle:
 - (i) its make, model and year of manufacture;
 - (ii) the manufacturer's serial number;
 - (iii) the type of motor vehicle;
 - (iv) the licence plate number of the motor vehicle and the jurisdiction in which it was issued;
 - (v) the odometer reading;
- (e) the cause of damage to the motor vehicle;
- (f) a brief description of the damage to the motor vehicle;
- (g) whether as a result of the damage the motor vehicle is a non-repairable vehicle;
- (h) any other information that may be required by the Registrar.

(3) The Registrar may direct the insurance company referred to in subsection (1)(a) or the person referred to in subsection (1)(b) to reimburse the Registrar or the person appointed by the Registrar for the costs of administering this section and section 8.

Assignment of vehicle status

8 If the Registrar is of the opinion that the operation of a vehicle may pose a safety hazard to persons or other vehicles on the highway by reason of structural or other defects, the Registrar may assign the vehicle status in one of the following categories:

- (a) salvage motor vehicle;
- (b) non-repairable motor vehicle;
- (c) unsafe vehicle, whether or not the vehicle is subject to a direction under section 66 of the Act;

- (d) another category determined by the Registrar to be appropriate.

Return of certificate of registration

9 If a motor vehicle becomes a salvage motor vehicle, the person in possession of the motor vehicle's certificate of registration shall return the certificate to the Registrar not more than 14 days after the motor vehicle becomes a salvage motor vehicle.

End of salvage motor vehicle or unsafe vehicle status

10(1) A motor vehicle is no longer a salvage motor vehicle when a subsisting salvage motor vehicle inspection certificate for the motor vehicle is filed with the Registrar.

(2) A vehicle is no longer an unsafe vehicle when

- (a) a subsisting salvage motor vehicle inspection certificate for the vehicle is filed with the Registrar, or
- (b) when the Registrar for any other reason has determined that the vehicle is no longer an unsafe vehicle and has changed its status to another category under section 8 or 33(7).

Reinstatement of salvage motor vehicle or unsafe vehicle status

11(1) Subject to subsection (2), if a salvage motor vehicle inspection certificate is filed with the Registrar for a motor vehicle and the certificate is later revoked under this Regulation, the motor vehicle becomes a salvage motor vehicle again, unless it has been assigned to another category by the Registrar under section 8 or 33(7).

(2) If a salvage motor vehicle inspection certificate is filed with the Registrar for a vehicle that was previously assigned unsafe vehicle status by the Registrar and the certificate is later revoked under this Regulation, the vehicle becomes an unsafe vehicle again, unless it has been assigned to another category by the Registrar under section 8 or 33(7).

Notification regarding non-repairable vehicle

12(1) A person who purchases a salvage motor vehicle for scrap or parts or who destroys or dismantles a salvage motor vehicle for scrap or parts shall notify the Registrar that the motor vehicle is a non-repairable vehicle not more than 6 days after it becomes a non-repairable vehicle.

(2) A salvage motor vehicle under subsection (1) becomes a non-repairable vehicle on the date of purchase, if the vehicle was purchased for scrap or parts, or at the time when the person commences to destroy or dismantle the vehicle.

Division 2 Sale of Salvage, Out of Province, Used Motor Vehicles

Sale of salvage motor vehicle

13 A person shall not sell a motor vehicle that is a salvage motor vehicle unless, before the sale,

- (a) the person provides the buyer with a subsisting salvage motor vehicle inspection certificate for the motor vehicle, or
- (b) the person provides the buyer with a written statement advising that the vehicle is a salvage motor vehicle for which there is no subsisting salvage motor vehicle inspection certificate.

Sale of out of province motor vehicle

14 A person shall not sell a motor vehicle that is an out of province motor vehicle unless, before the sale,

- (a) the person provides the buyer with a subsisting out of province motor vehicle inspection certificate for the motor vehicle, or
- (b) the person provides the buyer with a written statement advising that the motor vehicle is an out of province motor vehicle for which there is no subsisting out of province motor vehicle inspection certificate.

Sale of used motor vehicle

15(1) Subject to subsection (2), a dealer in used motor vehicles shall, before entering into a contract to sell a motor vehicle, give to the buyer a used motor vehicle mechanical fitness assessment that contains the following:

- (a) a statement identifying the type of motor vehicle as a truck, motorcycle, bus, van, light truck, automobile or other type of motor vehicle;
- (b) a statement showing the make, model, year, vehicle identification number, odometer reading in kilometres or

miles, licence plate number and province of registration of the vehicle;

- (c) the name and address of the dealer selling the vehicle and the name of the technician who issued the mechanical fitness assessment;
- (d) a statement that the mechanical fitness assessment expires 120 days after the date on which it was issued;
- (e) a statement certifying that at the time of sale the motor vehicle
 - (i) complies with the *Vehicle Equipment Regulation* (AR 122/2009), or
 - (ii) does not comply with the *Vehicle Equipment Regulation* (AR 122/2009) and containing a description of the items of equipment that are missing or do not comply with the *Vehicle Equipment Regulation* (AR 122/2009);
- (f) the signature of the technician who conducted the mechanical fitness assessment;
- (g) the date the mechanical fitness assessment was issued.

(1.1) Despite section 1(1)(r), for the purposes of subsection (1), “technician” means a person who,

- (a) in the case of a mechanical fitness assessment of passenger vehicles and light trucks, holds a subsisting trade certificate in the designated trade of automotive service technician under the *Apprenticeship and Industry Training Act*, or
- (b) in the case of a mechanical fitness assessment of heavy vehicles and equipment, holds a subsisting trade certificate in the heavy equipment technician branch or the truck and transport mechanic branch of the designated trade of heavy equipment technician under the *Apprenticeship and Industry Training Act*.

(2) Subsection (1) does not apply to a used motor vehicle sold by a dealer

- (a) to another dealer, or
- (b) to a person or partnership engaged in the business of repairing, dismantling or wrecking motor vehicles.

AR 211/2006 s15;49/2010

Expiry of mechanical fitness assessment

16 A dealer's mechanical fitness assessment provided under section 15(1) for a used motor vehicle expires 120 days after the date on which it was issued.

AR 211/2006 s16;49/2010

Application

17 Sections 14 and 15 do not apply to a salvage motor vehicle.

Part 2 Vehicle Inspection

Division 1 Requirements for Vehicle Inspection Certificates

Registration of salvage or out of province motor vehicle or unsafe vehicle

18(1) A person who applies to the Registrar for a certificate of registration for a salvage motor vehicle shall provide a subsisting salvage motor vehicle inspection certificate in respect of that motor vehicle.

(2) A person who applies to the Registrar for a certificate of registration for an out of province motor vehicle shall provide a subsisting out of province motor vehicle inspection certificate in respect of that motor vehicle.

(3) A person who applies to the Registrar for a certificate of registration for an unsafe vehicle shall provide a subsisting salvage motor vehicle inspection certificate in respect of that vehicle.

(4) A person shall not register a salvage or out of province motor vehicle or an unsafe vehicle if there is no subsisting certificate issued for the vehicle.

Operation of commercial vehicle

19(1) A person shall not operate a commercial vehicle on a highway unless

- (a) the vehicle has been inspected under this Regulation and a certificate and decal have been issued for that vehicle,
- (b) the original copy of the certificate is located within the commercial vehicle for which it was issued,

- (c) the decal is securely affixed to the commercial vehicle for which it was issued in accordance with the procedures set out in the applicable Vehicle Inspection Manual, and
- (d) the certificate and decal have not expired, in accordance with section 30(1)(b) in the case of a commercial vehicle that is not a bus or section 30(1)(c) in the case of a bus, or been revoked, suspended or cancelled.

(2) Notwithstanding subsection (1)(b), in the case of a vehicle that is a converter dolly, the original copy of the certificate shall be located

- (a) at the principal place of business of the owner of the converter dolly for which it is issued, or
- (b) within the vehicle that is towing the converter dolly.

Other vehicles

20(1) A person shall not operate a vehicle under an Operating Authority Certificate issued pursuant to the *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) on a highway unless

- (a) the vehicle has been inspected under this Regulation and a commercial vehicle inspection certificate and decal have been issued for that vehicle,
- (b) the original copy of the certificate is located within the vehicle for which it was issued,
- (c) the decal is securely affixed to the vehicle for which it was issued in accordance with the procedures set out in the applicable Vehicle Inspection Manual, and
- (d) the certificate and decal have not expired in accordance with section 30(1)(c) or been revoked, suspended or cancelled.

(2) This Regulation, subject to any necessary modifications, applies

- (a) to the vehicle and to the owner, operator and driver of the vehicle referred to in subsection (1), and
- (b) to the completion and affixing of a commercial vehicle inspection certificate, decal and record of inspection by a technician and the issuing of the certificate and decal by a licensee for a vehicle referred to in subsection (1) as a result of the inspection required under that subsection.

Production of certificate on request

21(1) On the request of the Registrar, an investigator or a peace officer, the driver of a commercial vehicle shall forthwith produce for inspection by the Registrar, the investigator or the peace officer, as the case may be, the original certificate issued for that vehicle.

(2) Notwithstanding subsection (1) and section 19 or 20, a person may operate a commercial vehicle on a highway without a subsisting certificate or decal for the sole purpose of taking the commercial vehicle directly to a facility in order to have it inspected and a certificate issued for it.

(3) Where the commercial vehicle referred to under subsection (1) is a converter dolly and the original of the certificate is not located in the vehicle that is towing the converter dolly, the driver of the commercial vehicle shall produce the original certificate for inspection by the Registrar, the investigator or the peace officer as soon as practicable.

Division 2 Vehicle Inspection Requirements

Adoption of manuals

22(1) The Vehicle Inspection Program Manuals of Vehicle Inspection Methods and Standards established and amended from time to time by the Registrar are adopted and apply to the conducting of inspections and the completing and issuing of certificates under this Regulation.

(2) The Facility Operating Manuals established and amended from time to time by the Registrar are adopted and apply to the operation of a facility and the issuing of certificates by a facility under this Regulation.

Compliance with vehicle inspection manuals

23(1) A technician shall conduct the appropriate inspections set out in the applicable Vehicle Inspection Manual for the type of vehicle before completing a certificate for and, if applicable, affixing a decal to the vehicle.

(2) A vehicle shall pass the appropriate inspections set out in the applicable Vehicle Inspection Manual for the type of vehicle before a technician may complete a certificate for and, if applicable, affix a decal to the vehicle.

Prohibition

24 A person shall not conceal damage to or inadequate repair of the parts of a vehicle that are required to be inspected under this Regulation.

Supplying certificates

25(1) The Registrar may provide one or more types of sequentially numbered certificates and decals to the licensee of a facility.

(2) The Registrar may direct a licensee to purchase printed materials specified by the Registrar from a person authorized by the Registrar to provide those materials.

(3) A person shall not issue a certificate or a decal at a facility that has not been provided to the facility by the Registrar under subsection (1) or purchased from a person authorized by the Registrar in accordance with subsection (2).

(4) Any payment made under subsection (2) is not refundable.

Unissued certificate

26(1) A person shall not have an unissued certificate or decal in the person's possession unless the person is the licensee of the facility to which the certificate or decal has been provided by the Registrar or supplied by a person authorized by the Registrar.

(2) Notwithstanding subsection (1), a licensee may provide a technician with an unissued certificate or decal for the purpose of completing the certificate or affixing the decal.

Issuing a certificate

27(1) A licensee shall not issue a certificate or decal for a vehicle unless the vehicle has passed an inspection conducted in accordance with the applicable Vehicle Inspection Manual and this Regulation.

(2) A licensee shall ensure that a technician completes a certificate or affixes a decal only in accordance with the procedures set out in the Facility Operating Manual, the applicable Vehicle Inspection Manual and this Regulation.

(3) A technician shall conduct an inspection of a vehicle in accordance with the applicable Vehicle Inspection Manual and must be satisfied that the items required to be inspected are safe to operate on a highway before the technician completes a certificate for or affixes a decal to the vehicle.

(4) If, on completion of a vehicle inspection, the technician is not satisfied that the vehicle complies with the requirements of the applicable Vehicle Inspection Program Manual, the technician shall refuse to complete a certificate for or affix a decal to the vehicle.

(5) A technician shall not complete a certificate for a vehicle if

- (a) the person submitting the vehicle for inspection does not provide the technician with the information required by the technician,
- (b) the technician is not authorized under the technician's licence to inspect that type of vehicle,
- (c) the technician does not have the proper tools needed to conduct the inspection on that type of vehicle, or
- (d) the facility at which the inspection was conducted is not licensed to inspect that type of vehicle.

(6) Without limiting the generality of subsection (5)(a), a licensee shall not allow a technician to complete, and a technician shall not complete, a salvage motor vehicle or an out of province motor vehicle inspection certificate for a motor vehicle if the person submitting the motor vehicle for inspection does not provide the technician with a Request for Inspection Form issued by an Alberta registry agent.

(7) A technician shall not

- (a) sign a blank certificate, or
- (b) complete or sign a certificate for a vehicle before concluding the inspection of the vehicle.

(8) Where a vehicle is inspected or re-inspected under this Regulation, a technician may conduct tests in respect of the vehicle or any component of the vehicle.

Completing a certificate

28(1) A technician who completes a certificate pursuant to section 27 shall

- (a) legibly complete the information required on the certificate according to the procedures set out in the applicable Vehicle Inspection Manual,
- (b) state the date on which the certificate comes into effect,
- (c) sign the original certificate,

- (d) give the original certificate to the licensee to issue to the person who submitted the vehicle for inspection, and
- (e) in the case where the certificate is being issued for a commercial vehicle, affix a decal bearing the date on which the certificate expires to the vehicle in the manner set out in the applicable Vehicle Inspection Manual.

(2) The licensee shall retain a copy of the certificate issued pursuant to section 27 on file in the facility and send a copy of the certificate to the Registrar not more than 7 days after the date of inspection, in the manner provided by the Registrar.

Issuing record of inspection

29(1) On completing the inspection of a vehicle, whether or not the vehicle has passed the inspection, the technician shall

- (a) complete a record of inspection for the vehicle in accordance with the applicable Vehicle Inspection Manual,
- (b) sign the original record of inspection, and
- (c) give the original of the record of inspection to the licensee to give to the person who submitted the vehicle for inspection.

(2) The licensee shall

- (a) give to the person who submitted the vehicle for inspection the original of the record of inspection, and
- (b) retain a copy of each issued record of inspection in the facility.

Expiry of certificate

30(1) A certificate and the decal associated with it, if applicable, come into effect on the date that the certificate is issued and expire at the conclusion of

- (a) 14 days in the case of a salvage motor vehicle or an out of province motor vehicle,
- (b) in the case of a commercial vehicle other than a bus, the 12th month from the month in which the certificate and decal were issued, or
- (c) in the case of a bus, the 6th month from the month in which the certificate and decal were issued.

(2) A decal is not subsisting during the period that the certificate in respect of which it was issued is not subsisting.

Re-inspection

31(1) A technician may complete a certificate for and affix a decal, if applicable, to a vehicle that failed an inspection under section 27(4), 33 or 34 if

- (a) the vehicle and the record of inspection are submitted for re-inspection to the technician not more than 10 days after the failed inspection or the revocation of the certificate, as the case may be,
- (b) the items that failed inspection as noted on the record of inspection have been repaired, replaced or otherwise rectified, and
- (c) the technician has re-inspected the items that failed inspection and is satisfied that they meet the requirements of the relevant Vehicle Inspection Manual and that the vehicle is safe to operate on a highway.

(2) A technician is not required to re-inspect any item that did not fail inspection according to the record of inspection for the purpose of completing a certificate for and affixing a decal, if applicable, to a vehicle under subsection (1).

(3) Sections 27 to 29 apply to a re-inspection of a vehicle under this section.

Direction to be inspected

32(1) The Registrar may direct the owner or driver of a vehicle to have the vehicle inspected by a technician or an investigator if

- (a) a certificate has been issued for the vehicle, and
- (b) the Registrar is of the opinion that the vehicle is not safe to operate on a highway or the certificate should not have been issued for any reason.

(2) The Registrar may direct a technician or an investigator to inspect a vehicle if

- (a) a certificate has been issued for the vehicle, and
- (b) the Registrar is of the opinion that the vehicle is not safe to operate on a highway or the certificate should not have been issued for any reason.

(3) An owner or driver of a vehicle shall have the vehicle inspected by a technician or an investigator, as directed by the Registrar, not more than 5 days after the Registrar gives a direction under subsection (2).

Revocation of salvage or out of province motor vehicle inspection certificate

33(1) Where a vehicle for which a salvage motor vehicle or an out of province motor vehicle inspection certificate has been issued is inspected by an investigator pursuant to a direction given under section 32(1) or (2) and the vehicle does not pass the inspection, or if an investigator concludes that the certificate should not have been issued, the investigator may revoke the certificate, if the certificate is subsisting, or if the certificate is no longer subsisting, may deem the certificate never to have been issued, and shall advise the owner or driver of the vehicle of the decision.

(2) Where a vehicle for which a salvage motor vehicle or an out of province motor vehicle inspection certificate has been issued is inspected by a technician pursuant to a direction given under section 32(1) or (2) and the vehicle does not pass the inspection, the technician shall

- (a) report the result of the inspection to an investigator immediately, and
- (b) complete a record of inspection in accordance with section 29.

(3) On receipt of a report from a technician under subsection (2), an investigator may, if the certificate is subsisting, revoke the certificate issued in respect of the vehicle, or if the certificate is no longer subsisting, deem the certificate never to have been issued, and shall notify the technician of the decision.

(4) On receipt of a notice from the investigator under subsection (3) that the certificate issued in respect of a vehicle is revoked, or deemed never to have been issued, the technician shall advise the owner or driver of the vehicle of the decision of the investigator.

(5) Where a direction has been given under section 32(2) in respect of a vehicle for which a salvage motor vehicle or an out of province motor vehicle inspection certificate has been issued and the Registrar is satisfied that the vehicle has not been submitted to a technician or an investigator within the 5-day period, the Registrar may, if the certificate is subsisting, revoke the certificate issued in respect of the vehicle, and if the certificate is no longer subsisting, deem the certificate never to have been issued, and shall advise the owner or driver of the vehicle of the decision.

- (6) If a certificate is revoked or deemed never to have been issued under this section, the owner or driver must return the certificate to the Registrar immediately.
- (7) If a certificate is revoked or deemed never to have been issued under this section, or is revoked or declared invalid under section 35, the Registrar may change the status of the motor vehicle that appears on its registration
- (a) to the status assigned to it prior to the issuing of the certificate, or
 - (b) to a status in another category listed in section 8 that in the opinion of the Registrar is appropriate in the circumstances.

Revocation of commercial vehicle inspection certificate

- 34(1)** Where a vehicle for which a commercial vehicle inspection certificate has been issued is inspected by an investigator pursuant to a direction given under section 32(1) or (2) and the vehicle does not pass the inspection, or if an investigator concludes that the certificate should not have been issued, the investigator may revoke the commercial vehicle inspection certificate issued in respect of the vehicle and, if the certificate is revoked, shall advise the owner or driver that the certificate for the vehicle has been revoked.
- (2) Where a vehicle for which a commercial vehicle inspection certificate has been issued is inspected by a technician pursuant to a direction given under section 32(1) or (2) and the vehicle does not pass the inspection, the technician shall
- (a) report the result of the inspection to an investigator immediately, and
 - (b) complete a record of inspection in accordance with section 29.
- (3) On receipt of a report from a technician under subsection (2), an investigator may revoke the commercial vehicle inspection certificate issued in respect of the vehicle and, if the certificate is revoked, shall notify the technician of the revocation.
- (4) On receipt of a notice from the investigator under subsection (3) that the certificate issued in respect of a vehicle is revoked, the technician shall advise the owner or driver of the vehicle of the revocation of the certificate.
- (5) Where a direction has been given under section 32(2) in respect of a vehicle for which a commercial vehicle inspection certificate has been issued and the Registrar is satisfied that the

vehicle has not been submitted to a technician or an investigator for inspection within 5 days from the day on which the direction was given, the Registrar may revoke the certificate issued in respect of that vehicle and, if the certificate is revoked, shall advise the owner or driver of the vehicle of the revocation.

(6) Where a certificate is revoked, an investigator, or a technician at the request of an investigator, shall

- (a) take possession of the certificate and send it to the Registrar within 25 days of the date of revocation, and
- (b) remove from the vehicle and destroy the decal affixed to the vehicle in respect of the certificate.

(7) Notwithstanding subsection (6), where a certificate is revoked and an investigator or a technician, as the case may be, is unable to take possession of it or to remove and destroy the decal, the owner or operator of the vehicle in respect of which the revocation is made shall, at the request of the Registrar, the investigator or the technician,

- (a) deliver the certificate to the person making the request, and
- (b) remove from the vehicle and destroy the decal affixed to the vehicle in respect of the certificate.

(8) The revocation of a certificate is not affected by any failure of an investigator or a technician, as the case may be, to take possession of the certificate or to remove and destroy the decal.

Revocation of a certificate

35 The Registrar may revoke or declare invalid a certificate if

- (a) it was issued contrary to this Regulation, the applicable Vehicle Inspection Manual or the Facility Operating Manual,
- (b) it was issued under fraudulent or false pretences, or
- (c) it is reported missing or stolen.

Recognition of other certificates

36(1) If the Registrar is satisfied that a jurisdiction outside Alberta operates a vehicle inspection program for salvage motor vehicles or out of province motor vehicles that is substantially similar to the vehicle inspection program established under this Regulation and the applicable Vehicle Inspection Manual for the type of motor

vehicle being inspected, a subsisting document issued in the other jurisdiction that is substantially similar to a salvage motor vehicle inspection certificate or an out of province motor vehicle inspection certificate is deemed to be a certificate issued under this Regulation for the same type of vehicle, subject to any terms and conditions that the Registrar considers appropriate.

(2) Subsection (1) does not apply to a document issued by another jurisdiction if that jurisdiction is not the jurisdiction in which the vehicle is registered.

(3) The Registrar may deem a subsisting certificate issued under this Regulation, subject to any terms and conditions that the Registrar considers appropriate, to be an out of province motor vehicle inspection certificate issued under this Regulation for the same type of vehicle.

(4) For the purposes of this Regulation, a document that is deemed to be a certificate under subsection (1) or (3) expires on the earlier of

- (a) 90 days from the date on which the document was originally issued, and
- (b) the date on which the document is scheduled to expire.

Recognition of other certificates for commercial vehicles

37(1) If the Registrar is satisfied that a jurisdiction outside Alberta operates an inspection program for commercial vehicles that is substantially similar to the vehicle inspection program established under this Regulation and the applicable Vehicle Inspection Manual for the type of vehicle being inspected, a subsisting certificate and decal issued in the other jurisdiction that is substantially similar to a commercial vehicle inspection certificate and decal is deemed to be a commercial vehicle inspection certificate and decal issued under this Regulation for the same type of vehicle, subject to any terms and conditions that the Registrar considers appropriate.

(2) Where a commercial vehicle is operated in Alberta pursuant to subsection (1), this Regulation, subject to any necessary modifications, applies in respect of the certificate and decal, or either of them, in the same manner as if they were a certificate or decal, as the case may be, that was issued under this Regulation.

Part 3 Licences

Division 1 Background Check

Background check

38(1) In this Part, “background check” means an inquiry or investigation, including a criminal record check, to enable the Registrar to determine the eligibility of an applicant to be approved for, or a licensee or technician to hold, a facility licence or technician licence under this Regulation and includes but is not limited to an inquiry or investigation relating to the honesty and integrity and competence of any of the following:

- (a) the applicant for a facility licence or the licensee, or a director, officer, partner, manager or employee of the applicant or licensee, or any person who may exercise direction, control or management of the facility;
- (b) the applicant for or the holder of a technician licence.

(2) The Registrar may require or conduct any background check that the Registrar considers necessary or appropriate and may collect relevant information about the person subject to the background check from any person or organization.

(3) A person fails to pass a criminal record check component of a background check if the person has at any time been charged or convicted of

- (a) an offence under the *Criminal Code* (Canada) or the *Excise Act* (Canada), or
- (b) an offence under a foreign Act or regulation that, in the Registrar’s opinion, is substantially similar to an offence referred to in clause (a),

and in the Registrar’s opinion the offence is sufficiently serious that it may detract from the integrity with which vehicle inspections are to be conducted in Alberta or may be detrimental to the orderly or lawful conduct of activities authorized by a licence issued under this Regulation.

(4) A person fails to pass a background check if

- (a) the person fails to pass a criminal record check under subsection (3),

- (b) the person has at any time been charged with or convicted of an offence under the Act or any other enactment and in the Registrar's opinion the offence is sufficiently serious that it may detract from the integrity with which vehicle inspections are to be conducted in Alberta or may be detrimental to the orderly or lawful conduct of activities authorized by a licence issued under this Regulation, or
- (c) the Registrar, based on the results of the background check, is of the opinion that the person does not have the honesty, integrity or competence to perform vehicle inspections in accordance with this Regulation.

Division 2 Vehicle Inspection Facilities

Facility licences

39(1) A person shall not operate a facility as a vehicle inspection facility unless

- (a) the Registrar has issued a licence in respect of the facility for one or more types of vehicle,
- (b) the facility licence is subsisting, and
- (c) the facility meets the requirements set out in the Schedule.

(2) A facility licence authorizes the licensee to operate a facility in accordance with this Regulation and the terms and conditions of the licence.

Application

40(1) On receiving an application for a facility licence from an applicant in the form and manner provided for by the Registrar, the Registrar may issue a facility licence to the applicant if the Registrar is satisfied that

- (a) the proposed facility is suitable and inspections of the type of vehicle specified in the application can be properly conducted in the proposed facility,
- (b) the proposed facility meets the requirements set out in the Schedule,
- (c) the persons referred to in subsection (2) have passed the background check referred to in section 38,

- (d) the proposed facility has been granted the relevant automotive business licence under the *Automotive Business Regulation* (AR 192/99),
- (e) the applicant has acquired the applicable Facility Operating Manual and registered the Manual with the Registrar, and
- (f) the applicant will operate the facility in accordance with the Facility Operating Manual and this Regulation.

(2) The Registrar may require a person who applies for a facility licence, or a director, officer, partner, manager or employee of the person making the application, to submit a copy of a criminal record check to the Registrar.

(3) The Registrar may issue a facility licence under subsection (1) that authorizes the licensee to conduct inspections of the type or types of vehicle specified in the facility licence.

(4) The Registrar may issue a facility licence under subsection (1) subject to the terms and conditions the Registrar considers appropriate.

(5) Subsection (1)(d) does not apply to a carrier that is applying for a facility licence for the sole purpose of inspecting vehicles operated by the carrier.

(6) The Registrar may refuse to issue a facility licence to an applicant or to allow a licensee to continue to hold a facility licence if the applicant or the licensee, or a director, officer, partner, manager or employee of the applicant or licensee, or any person who may exercise direction, control or management of the facility, fails to pass a background check.

(7) The Registrar may suspend or cancel a facility licence if the facility fails to meet the requirements set out in the Schedule.

Renewal, addition or deletion

41(1) A licensee whose facility licence is subsisting may apply in the form provided by the Registrar

- (a) to renew the facility licence, or
- (b) to add to, or delete from, the facility licence a type of vehicle.

(2) If the Registrar is satisfied that the licensee and the facility meet the requirements under section 40, the Registrar may

- (a) renew a facility licence, or
- (b) add a type of vehicle to the facility licence.

(3) The Registrar may delete a type of vehicle from a facility licence if requested to do so under subsection (1) by a licensee whose licence is subsisting.

(4) Section 40 applies to the renewal of a facility licence or to the addition of a type of vehicle to a facility licence by the Registrar under this section.

Expiry

42(1) A facility licence expires on a date that is determined by the Registrar, whether the licence is issued for the first time or is renewed.

(2) The expiry date of a facility licence does not change only because a type of vehicle is added to or deleted from the licence by the Registrar under section 41.

Facility requirements

43(1) The Registrar may direct an applicant under section 40 or 41 to allow a person approved by the Registrar to enter and determine whether the facility that is the subject of the application meets the requirements of this Regulation.

(2) The Registrar may direct the applicant to pay the cost of work carried out under subsection (1).

Posted licence

44(1) The licensee shall post the facility licence in a conspicuous place to which the public has access.

(2) The licensee shall make the terms and conditions under which the facility licence is issued available to the public on request.

(3) The licensee shall remove a posted facility licence if it is not subsisting.

Posted shop rate

45(1) The licensee of a salvage motor vehicle inspection facility or an out of province motor vehicle inspection facility shall post a schedule of rates charged by a licensee for an inspection or re-inspection of a salvage motor vehicle or an out of province motor vehicle.

(2) The schedule of rates shall be posted in the facility in a conspicuous place to which the public has access.

(3) The licensee shall not charge more than the posted rate for an inspection or re-inspection of a salvage motor vehicle or an out of province motor vehicle.

Division 3 Vehicle Inspection Technicians

Technician licences

46(1) A person shall not

- (a) inspect a vehicle for the purpose of completing a certificate for or affixing a decal to the vehicle, or
- (b) sign or complete a certificate for or affix a decal to a vehicle,

unless the person

- (c) holds a subsisting technician licence issued by the Registrar as a vehicle inspection technician for that type of vehicle, and
- (d) has inspected the vehicle in accordance with section 27.

(2) A technician licence authorizes the licence holder to inspect a vehicle in accordance with this Regulation and the terms and conditions of the licence.

Application

47(1) On receiving an application for a technician licence from a person in the form provided for by the Registrar, the Registrar may issue a technician licence to the person if the Registrar is satisfied that the person

- (a) has complied with any requirements of the Registrar under subsection (2) regarding training and competency,
- (b) holds a subsisting trade certificate that in the opinion of the Registrar qualifies the person to conduct inspections of the type of vehicle specified in the application for the technician licence,
- (c) has passed the background check referred to in section 38,

- (d) has acquired the Vehicle Inspection Manual for the type of vehicle specified in the application for the licence, and registered the Manual with the Registrar, and
- (e) will inspect vehicles in accordance with the Vehicle Inspection Manual referred to in clause (d) and this Regulation.

(2) Before issuing a technician licence under subsection (1), the Registrar may require the applicant for the technician licence to provide proof acceptable to the Registrar of the applicant's ability to inspect the type of vehicle specified in the application in one or more of the following ways:

- (a) successful completion of a vehicle inspection training program that has been approved by the Registrar in respect of the type of vehicle specified in the application;
- (b) achievement of at least a minimum score set by the Registrar in an examination that has been approved by the Registrar to determine competency to inspect the type of vehicle specified in the application;
- (c) demonstration of continuing competency according to criteria that may be established by the Registrar under section 74 in respect of the type of vehicle specified in the application.

(3) The Registrar may require an applicant for a technician licence under subsection (1) to submit a copy of a criminal record check to the Registrar.

(4) The Registrar may issue a technician licence under subsection (1) authorizing a person to conduct inspections and complete certificates and affix decals in respect of the type of vehicle specified in the licence.

(5) The Registrar may issue a technician licence under subsection (1) subject to the terms and conditions the Registrar considers appropriate.

Background check

48 The Registrar may refuse to issue a technician licence to an applicant under section 47, or to allow a technician to continue to hold a licence under that section, if the applicant or technician fails to pass a background check.

Renewal, addition and deletion

49(1) A technician who holds a subsisting technician licence under this Regulation may apply in the form provided by the Registrar

- (a) to renew the technician licence, or
- (b) to add to, or delete from, the technician licence a type of vehicle.

(2) If the Registrar is satisfied that the applicant meets the requirements under section 47 and can demonstrate continuing competency under section 74, the Registrar may

- (a) renew the applicant's technician licence, or
- (b) add a type of vehicle to the applicant's technician licence.

(3) The Registrar may delete a type of vehicle from a technician licence as requested by an applicant under subsection (1).

(4) Section 47 applies to the renewal of a technician licence or to the addition of a type of vehicle to a technician licence by the Registrar under this section.

Expiry

50 A technician licence expires,

- (a) if the licence is the technician's first licence and the technician's next birthday is 6 months or less after the effective date specified in the licence, 5 years from the technician's next birthday,
- (b) if the licence is the technician's first licence and the technician's next birthday is more than 6 months after the effective date specified in the licence, 4 years from the technician's next birthday, and
- (c) if the technician licence is renewed, 5 years after the expiry date of the original licence.

Training and examination

51(1) The Registrar may require an applicant under section 47 or 49 to

- (a) successfully complete a vehicle inspection training program approved by the Registrar in respect of a type of vehicle, or

- (b) pass an examination approved by the Registrar to determine competency in respect of a type of vehicle.

(2) The Registrar may require an applicant to pay the cost of a training program or examination under subsection (1).

Production of licence

52 A technician shall carry his or her technician licence and produce it immediately for inspection when requested to do so by

- (a) the Registrar,
- (b) an investigator,
- (c) a person approved by the Registrar to conduct an audit of a facility under section 43,
- (d) a person who submits a vehicle to be inspected under this Regulation, or
- (e) a licensee who engages or proposes to engage the services of the technician.

Division 4

Facility and Technician Application Fees

Fees

53(1) The Minister may by order set the application fee for a facility licence or a technician licence under this Regulation.

(2) Any application fee paid under this Regulation is not refundable.

Exemption from fee

54 The following are exempt from paying an application fee under this Regulation if the licence that would otherwise be subject to the fee is used solely for the purpose of inspecting vehicles operated by the organization:

- (a) the Crown in right of Canada;
- (b) the Crown in right of Alberta;
- (c) a municipal authority as defined in the *Municipal Government Act*;
- (d) a board as defined in the *School Act*;

- (e) a band as defined in the *Indian Act* (Canada);
- (f) the General Council or a settlement as defined in the *Metis Settlements Act*.

Part 4 Administration and Enforcement

Division 1 Licence Suspension and Cancellation

Automatic suspension and reinstatement

55(1) A technician licence is automatically

- (a) suspended, or
- (b) restricted with respect to the inspection of a type of vehicle,

on the date that the trade certificate the technician is required to hold to inspect that type of vehicle is suspended or cancelled under the *Apprenticeship and Industry Training Act*.

(2) A technician licence suspended under subsection (1) is reinstated, and a technician licence that has been restricted under subsection (1) has its restriction removed, on the date that the trade certificate the technician is required to hold under the *Apprenticeship and Industry Training Act* is reinstated, unless the licence expires before that date.

(3) A technician shall notify the Registrar in writing immediately if the technician's trade certificate is suspended, cancelled or reinstated.

Criminal offences

56(1) The Registrar may suspend a facility licence or a technician licence for one or more specified periods or pending the final disposition of an appeal by the courts if

- (a) the licensee of the facility or a director, officer, partner, manager or employee of the licensee, or the technician, is charged with
 - (i) an offence under the *Criminal Code* (Canada) or the *Excise Act* (Canada), or

- (ii) an offence under a foreign Act or regulation that, in the Registrar's opinion, is substantially similar to an offence referred to in subclause (i),

and

- (b) the Registrar is of the opinion that the licence should be suspended.

(2) The Registrar may suspend or cancel a facility licence or a technician licence, or prohibit a person from holding a facility licence or technician licence, if

- (a) the licensee of the facility or a director, officer, partner, manager or employee of the licensee, or the technician, is convicted of
 - (i) an offence under the *Criminal Code* (Canada) or the *Excise Act* (Canada), or
 - (ii) an offence under a foreign Act or regulation that, in the Registrar's opinion, is substantially similar to an offence referred to in subclause (i),

and

- (b) the conviction is final by reason of the expiry of the time for appeal without an appeal's having been made or the final disposition of the appeal by the courts.

(3) The Registrar may suspend or cancel a facility licence or a technician licence, or prohibit a person from holding a facility licence or technician licence, if

- (a) the licensee or the technician made a false statement in the application for the licence or an application for an addition to or renewal of the licence,
- (b) the licensee or the technician provides false information to the Registrar,
- (c) the licensee or the technician refuses to provide information to the Registrar as required under this Regulation, or
- (d) the licensee or the technician contravenes
 - (i) this Regulation, the Act or any other enactment,
 - (ii) a direction of the Registrar made under this Regulation,

- (iii) a term or condition of the licence,
- (iv) the Facility Operating Manual in the case of a licensee or an employee of the licensee, or
- (v) the Vehicle Inspection Manual in the case of a technician.

(4) The Registrar may at any time require or conduct a background check on a person referred to in subsection (1), (2) or (3) in any manner determined to be appropriate by the Registrar, including the collection of relevant information about the person subject to the background check from any person or organization.

Investigation of facility or technician

57(1) The Registrar may authorize one or more persons to carry out the functions of an investigator under this Regulation.

(2) The Registrar may direct an investigator to investigate a facility and the work carried out in the facility and to report the results of the investigation to the Registrar if, in the opinion of the Registrar,

- (a) the facility is no longer suitable or equipped to perform inspections for the types of motor vehicles specified in the licence,
- (b) the licensee is not operating the facility in accordance with the licence or the Facility Operating Manual,
- (c) the facility's licensee profile, or carrier profile if the facility is a carrier, shows evidence of unacceptable safety risk,
- (d) a technician at the facility is failing to carry out inspections in accordance with the applicable Vehicle Inspection Manual or this Regulation,
- (e) the licensee of the facility is failing to comply with this Regulation, or
- (f) an investigation should be performed for any reason relating to motor vehicle safety that appears to the Registrar to be sufficient.

(3) The Registrar may direct that an investigator investigate the work done by a technician and report the results of the investigation to the Registrar if, in the opinion of the Registrar,

- (a) the technician has not carried out or is not carrying out inspections of motor vehicles in accordance with the terms of the technician's licence, the applicable Vehicle Inspection Manual and this Regulation,
- (b) the technician does not hold a subsisting trade certificate that is required for the inspections the technician is carrying out,
- (c) there is evidence of potential safety risk shown in the technician's profile,
- (d) the technician is not complying with this Regulation, or
- (e) an investigation should be performed for any reason relating to motor vehicle safety that appears to the Registrar to be sufficient.

(4) An investigator may, without prior notice, during a facility's business hours, enter and investigate the facility or a technician in accordance with the direction of the Registrar under subsection (2) or (3).

Audit

58(1) The Registrar or an investigator at the direction of the Registrar may without prior notice, during a facility's business hours, enter and audit the facility or a technician to determine whether the facility or the technician is complying with this Regulation.

(2) An investigator who enters and audits a facility or audits a technician under subsection (1) shall report the results of the audit to the Registrar.

Submission of information

59(1) The Registrar may by written notice direct the licensee of a facility to submit any relevant information to a person authorized by the Registrar for the purpose of reviewing and reporting the licensee's and the facility's compliance with the terms and conditions of the licence or this Regulation.

(2) The Registrar may by written notice direct a technician to submit any relevant information to a person authorized by the Registrar for the purpose of reviewing and reporting the technician's continuing competency to hold a licence or compliance with the terms and conditions of the licence or this Regulation.

Cooperation with directions

60 A licensee or a technician shall comply with a direction given by the Registrar, an investigator or a person authorized by the Registrar who is conducting an investigation, an audit or a review under this Regulation.

Suspension, cancellation or prohibition

61(1) The Registrar may suspend or cancel a licence or prohibit a person from holding a licence under this Regulation

- (a) on receiving a report under section 57, 58 or 59, and
- (b) after considering the representations, if any, that may be made by the holder of the licence or the person under section 62.

(2) The Registrar may include any terms and conditions that the Registrar considers appropriate in the licence suspension, cancellation or prohibition.

Show cause

62(1) On receiving

- (a) information pertaining to circumstances set out in section 56(1), (2) or (3), or
- (b) a report under section 57, 58, 59 or 68(2),

and if the Registrar is of the opinion that a facility licence or technician licence should be suspended or cancelled, or a person should be prohibited from holding a licence under this Regulation, the Registrar shall give notice in writing to the licence holder or the person of the opportunity for the licence holder or person to show cause why the licence should not be suspended or cancelled, or the person should not be prohibited from holding a licence, at the time and place specified in the notice.

(2) Subsection (1) does not apply if, in the opinion of the Registrar, the time required to effect the written notice and the opportunity to show cause may result in danger to the health or safety of the public.

Notice to licence holder

63(1) If the Registrar under section 62 suspends or cancels a facility licence or technician licence or prohibits a person from holding a licence, the Registrar shall give 15 days' notice in writing to the licensee or technician or the person of the Registrar's decision.

(2) The Registrar shall include in the notice the reasons for the suspension, cancellation or prohibition and shall advise the licensee or technician or the person to whom the notice is given of the right to appeal to the Board under section 42.1 of the Act.

(3) Despite subsection (1), the Registrar may order that the suspension or cancellation of the licence takes effect immediately or sooner than 15 days if in the opinion of the Registrar the requirement for 15 days' notice of the decision may result in danger to the health or safety of the public.

Return of documents

64(1) A licensee whose facility licence has been suspended or cancelled shall return the following items to the Registrar or a person authorized by the Registrar not more than 7 days after being notified of the suspension or cancellation:

- (a) the facility licence;
- (b) all unissued certificates and decals issued to and in the possession of the licensee;
- (c) all issued certificates revoked under this Regulation in the possession of the licensee;
- (d) copies of other records maintained by the licensee under this Regulation, the Facility Operating Manual or Vehicle Inspection Manual as directed by the Registrar.

(2) A technician whose technician licence has been suspended or cancelled shall return the following items to the Registrar or a person authorized by the Registrar not more than 7 days after being notified of the suspension or cancellation:

- (a) the technician licence;
- (b) all blank certificates in the possession of the technician;
- (c) all completed certificates in the possession of the technician;
- (d) all decals in the possession of the technician;
- (e) copies of other records maintained by the technician under this Regulation, the Facility Operating Manual or Vehicle Inspection Manual as directed by the Registrar.

(3) This section applies notwithstanding the right of a technician or a licensee to appeal the decision of the Registrar to the Board.

Removal of suspension, cancellation or prohibition

65(1) The Registrar may remove the suspension or cancellation of a licence or the prohibition against holding a licence if the Registrar is satisfied that

- (a) the reason for which the licence was suspended or cancelled or the prohibition was imposed no longer exists,
- (b) in the case of a facility licence, the facility is suitable to conduct inspections for the types of vehicles specified in the facility licence,
- (c) in the case of a technician licence, the technician is competent to conduct inspections for the types of vehicles specified in the technician licence, and
- (d) the period of suspension or prohibition has expired.

(2) For the purpose of satisfying the Registrar that the conditions set out in subsection (1)(b) and (c) have been met, the Registrar may require a licensee or technician to comply with

- (a) sections 40(2) and 43 in the case of a facility licence, or
- (b) sections 47(3) and 51 in the case of a technician licence.

Division 2

Vehicle Safety Investigator Directive

Issuance of directive by investigator

66(1) An investigator may issue a directive to a licensee of a facility or to a technician if the investigator has reason to believe the licensee or an employee of the licensee or the technician has contravened this Regulation.

(2) A directive issued by an investigator shall be in writing and shall specify

- (a) the nature of the contravention,
- (b) the action that the licensee or technician shall take or cease, and the time period for doing so,
- (c) whether or not the licensee or technician may continue to inspect vehicles under this Regulation while the directive is in effect,
- (d) any other terms and conditions imposed by the investigator, and

(e) the right of the licensee or technician to whom the directive is issued to request a review of the directive by the Registrar.

(3) An investigator shall specify a time limit up to a maximum of 14 days in a directive under subsection (2)(b) requiring a licensee or technician to take or cease an action.

(4) An investigator shall ensure that a copy of the directive is served on the licensee or the technician, or on the agent of the licensee, and shall provide a copy to the Registrar.

Compliance with directive

67(1) Subject to subsection (2), a person who is served with a directive under section 66 shall comply with the directive.

(2) The Registrar may confirm, vary or cancel a directive issued by an investigator.

Disposition of a directive

68(1) If an investigator is satisfied that a directive issued under section 66 has been complied with, the investigator may, by notice in writing to the licensee or technician to whom the directive was issued, cancel the directive.

(2) If an investigator finds that a licensee or technician to whom a directive was issued under section 66 has failed to comply with the directive, the investigator shall provide a report of this finding to the Registrar, and if the investigator does so, the investigator shall forward a copy of the report to the licensee or technician immediately.

(3) On receiving a report of an investigator's findings under subsection (2), the Registrar may cancel or suspend a licence or prohibit a person from holding a licence under this Regulation, subject to any terms and conditions the Registrar considers appropriate, in accordance with sections 62 and 63.

Division 3 Administrative Penalties

Contents of notice

69(1) A notice of an administrative penalty imposed under section 143 of the Act shall contain at least the following information:

(a) the name of the person on whom the administrative penalty is imposed;

- (b) the section of this Regulation 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 to be 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 on which the notice is issued;
- (g) the date by which the penalty must be paid, unless the penalty is an accumulating penalty;
- (h) a statement explaining the right of the person on whom the administrative penalty is imposed to appeal the administrative penalty to the Board, including the addresses to which the appeal is to be sent, how the appeal is to be made and the deadline for making the appeal.

(2) The form of the notice of the administrative penalty referred to in subsection (1) shall be approved by the Registrar.

Determination of penalty amount

70(1) The Registrar shall determine the amount of the administrative penalty to be imposed on a person after considering the following specific factors and the general considerations set out in subsection (2):

- (a) the seriousness of the contravention;
- (b) the nature of the facility or technician operation;
- (c) whether a collision occurred or the danger that a collision could have occurred as a result of the contravention;
- (d) the history of contraventions of this Regulation by the person on whom the administrative penalty is imposed;
- (e) any other factor considered relevant by the Registrar.

(2) The Registrar shall be guided by the following general considerations:

- (a) the amount of the administrative penalty imposed should reflect the seriousness of the contravention;

- (b) the greater the danger that a collision could have occurred, or the greater the degree of risk to people or property that did occur, or the fact that a collision did occur, as a result of the contravention, 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;
- (e) any other consideration determined relevant by the Registrar.

Limitation period

71 An administrative penalty may be imposed only within 6 months of the date the Registrar first becomes aware of the contravention of this Regulation in respect of which the administrative penalty is to be imposed.

Part 5 Licensee and Technician Profiles

Definitions

72 In this Part,

- (a) “automotive business” means an automotive business as defined in section 1 of the *Designation of Trades and Businesses Regulation* (AR 178/99) under the *Fair Trading Act*;
- (b) “jurisdiction outside Alberta” means any jurisdiction of Canada, the United States of America and Mexico.

Establishing and maintaining profiles

73 For the purpose of monitoring the activities and history of compliance of licensees and technicians with respect to the inspection of vehicles, the Registrar may establish a program under which profiles are created and maintained for each licensee and technician relating to the licensee’s or technician’s compliance with

- (a) the Act, this Regulation and other regulations under the Act, and
- (b) other enactments of Alberta or laws of a jurisdiction outside Alberta with respect to

- (i) inspection of vehicles and the operation of an automotive business, or
- (ii) activities that are, in the opinion of the Registrar, substantially equivalent to those set out in subclause (i).

Contents of profiles

74(1) The Registrar may include the following information in the profile of a licensee or a technician:

- (a) information relating to the applicable licence under this Regulation, including the status of the licence, terms and conditions attached to the licence, expiry, prohibitions, renewals, suspensions and cancellations of the licence;
- (b) information relating to licences, permits or certificates required to be held by the licensee or technician under another enactment, including the status of the licence, permit or certificate, terms and conditions attached to the licence, permit or certificate, expiry, prohibitions, renewals, suspensions and cancellations of the licence, permit or certificate;
- (c) information relating to vehicle inspections;
- (d) copies of any directive issued by an investigator with respect to the actions of the licensee or technician and information regarding the disposition of the directive;
- (e) information regarding any administrative penalty imposed by the Registrar for a contravention of this Regulation;
- (f) rejections or revocations of certificates issued by a licensee or completed by a technician;
- (g) information regarding warnings, notices or directives given by the Registrar, investigators or other persons authorized by the Registrar;
- (h) information regarding audits performed by an investigator or another person authorized by the Registrar;
- (i) the results of an inspection conducted by a peace officer or the Registrar under the Act, or by a governmental authority in a jurisdiction outside Alberta;
- (j) written reports regarding contraventions by the licensee or technician of other enactments of Alberta or laws or a jurisdiction outside Alberta by the governmental authority

responsible for the enforcement or administration of the enactment or law;

- (k) any other information that the Registrar considers appropriate and relevant.

(2) For the purposes of this Part, the Registrar may

- (a) provide information regarding a licensee or technician that is in the possession of the Registrar, and
- (b) request, collect or otherwise obtain information from the licensee or technician, as the case may be, or from any other person or organization that has such information in the person's or organization's possession.

(3) In addition to subsection (1), the profile of a licensee may contain information regarding

- (a) the dates on which inspections were conducted and the technicians who conducted them,
- (b) the names and licence numbers of technicians employed by the licensee to conduct inspections at the facility,
- (c) information regarding registration of the licensee's Facility Operating Manual,
- (d) a record of vehicle inspection certificates submitted late, and
- (e) where the licensee is a carrier, information relating to the carrier's performance and compliance with the Act and regulations.

(4) In addition to subsection (1), a technician profile may include

- (a) the results of any background check of the technician,
- (b) proof of the technician's ability or continuing competency under section 47(2) to conduct inspections as authorized by the technician licence, and
- (c) information regarding registration of the Vehicle Inspection Manual.

(5) A profile for a licensee or a technician may be maintained in electronic or paper form, or both.

(6) Subject to the payment of a fee as set by the Registrar, a licensee or a technician may obtain a copy of the profile pertaining

to that licensee or technician, as the case may be, in a form provided by the Registrar.

(7) This Part applies to a licensee or a technician whether or not the facility licence or technician licence is subsisting.

(8) The authority to create and maintain records in licensee and technician profiles includes the authority to update, add, correct and delete information in the profiles.

Part 6 General

Terms and conditions

75(1) The Registrar may at any time make a licence under this Regulation subject to the terms and conditions that the Registrar considers appropriate.

(2) The terms and conditions referred to under subsection (1) may be imposed on a specific facility or technician or on a class or group of facilities or technicians.

Registrar's exemption

76(1) The Registrar may at any time exempt a facility or a technician from any of the requirements under this Regulation, subject to any terms and conditions that the Registrar considers appropriate.

(2) The Registrar may at any time exempt a vehicle from the vehicle inspection certificate and decal requirements under this Regulation, subject to any terms and conditions that the Registrar considers appropriate.

(3) An exemption under subsection (1) or (2) may apply to a specific vehicle, facility or technician or to a class or group of vehicles, facilities or technicians.

Continuing competency

77(1) The Registrar may establish requirements for continuing competency to hold a technician licence under this Regulation and may at any time require a technician to demonstrate that the technician has met those requirements.

(2) Without limiting the generality of subsection (1), the Registrar may include one or more of the following in the criteria for determining the continuing competency of a technician:

- (a) successful completion of an approved training program;

- (b) achievement of at least a minimum score set by the Registrar in an examination approved by the Registrar;
- (c) inspection of at least a minimum number of vehicles of a specified type in a given time period specified by the Registrar;
- (d) have no more than the maximum number or percentage of issued certificates revoked in a given time period set by the Registrar;
- (e) any other requirement established by the Registrar.

Crown property

78(1) A facility licence, technician licence, certificate or decal is the property of the Crown in right of Alberta.

(2) A person in possession of a facility licence, technician licence, certificate or decal shall return it to the Registrar or a person authorized by the Registrar when the Registrar requests its return.

Accuracy of records

79(1) A person shall not mutilate, deface, alter, falsify or destroy a record required to be maintained under this Regulation.

(2) A person shall not

- (a) make or participate in or acquiesce in the making of a false or deceptive statement in a record made or required by or under this Regulation, or
- (b) omit or assent to or acquiesce in the omission of an entry in a record made or required by or under this Regulation.

Examination of records

80(1) The Registrar or an investigator may, during the business hours of a facility, enter the facility and direct the licensee of the facility to produce for examination:

- (a) all unissued certificates and decals held by the licensee;
- (b) copies of all certificates issued by the facility within the current calendar year and the 4 calendar years immediately preceding;
- (c) copies of all records of inspection issued by the facility within the current calendar year and the 4 calendar years immediately preceding;

- (d) a list of the technicians who completed the certificates and affixed the decals during the time period set out in clause (b).

(2) The licensee of a facility shall produce the documents and information as directed by the Registrar or the investigator.

Records and information

81(1) The Registrar may direct a licensee to provide any information and records in the possession or control of the licensee that, in the opinion of the Registrar, are pertinent to the administration of this Regulation.

(2) A licensee of a facility shall keep copies of all certificates, decals and records of inspections issued by each technician at that facility within the current calendar year and the 4 calendar years immediately preceding.

(3) The Registrar or an investigator may examine or copy the records or documents kept by a licensee of a facility under this Regulation.

Vehicle safety investigator

82(1) The Registrar may in writing authorize a person who is not a vehicle safety investigator to carry out any of the functions of an investigator under this Regulation.

(2) An authorization made under subsection (1) may be:

- (a) general or applicable to a specific case;
- (b) subject to any terms and conditions that the Registrar considers appropriate.

(3) An authorization made under subsection (1) terminates on the date specified in the authorization, unless terminated earlier by the Registrar in writing.

(4) A person who is authorized under subsection (1) may exercise the functions and perform the duties of an investigator, subject to any terms and conditions specified in the authorization.

(5) A person who is required under this Regulation to forward a licence, certificate, decal, record of inspection or other document or record to the Registrar shall, at the request of an investigator, deliver that item to the investigator instead of forwarding it to the Registrar.

Missing certificate

83(1) If an unissued certificate or decal that should be in the possession of the licensee of a facility is missing or destroyed, the licensee shall immediately report in writing that fact, the surrounding circumstances and the identification number of the certificate or decal to the Registrar.

(2) If a subsisting certificate or decal issued to the owner of a vehicle is missing or destroyed, the owner or driver of the vehicle for which the certificate or decal was issued shall immediately report in writing that fact, the surrounding circumstances and the identification number of the certificate or decal to the Registrar.

(3) A person who finds a certificate or decal reported lost under this section shall immediately send the certificate or decal to the Registrar.

(4) Where a report is made to the Registrar under subsection (1) or (2) and the missing certificate or decal once again comes into that person's possession, the person shall forward to the Registrar the certificate or decal that had been missing.

Missing licence

84(1) If a facility licence or a technician licence is lost or destroyed, the licensee or technician shall immediately report in writing that fact and the surrounding circumstances to the Registrar.

(2) The licensee of a facility may apply to the Registrar, in a form and manner approved by the Registrar, for a duplicate of the facility licence if the licence is lost or destroyed or becomes unreadable.

(3) A technician may apply to the Registrar, in a form and manner approved by the Registrar, for a duplicate of the technician licence if the licence is lost or destroyed or becomes unreadable.

(4) If a licensee or technician obtains a duplicate licence and later finds the original licence, the licensee or technician, as the case may be, shall destroy the original licence.

Non-transferability

85(1) A certificate or decal is not valid if it is transferred from the vehicle in respect of which it was issued to another vehicle.

(2) A facility licence is not valid if it

- (a) is transferred from the person who is the licensee of the facility in respect of which it was issued to another person, or
- (b) purports to apply to a facility other than the facility in respect of which it was issued.

(3) A technician licence is not valid if it is transferred from the person to whom it was issued to another person.

Offences

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

section 7(1)(a) and (b), (2)
section 9
section 12(1)
section 13(a) and (b)
section 14(a) and (b)
section 15(1)(a), (b), (c), (d), (e), (f) and (g)
section 19(1)(a), (b), (c) and (d), (2)(a) and (b)
section 20(1)(a), (b), (c) and (d)
section 21(1) and (3)
section 24
section 25(3)
section 26(1)
section 27(1), (2), (3), (4), (5)(a), (b), (c) and (d), (6), (7)(a) and (b)
section 28(1)(a), (b), (c), (d) and (e), (2)
section 29(1)(a), (b) and (c), (2)(a) and (b)
section 32(3)
section 33(6)
section 34(7)
section 39(1)
section 44(1), (2) and (3)
section 45(1) and (2)
section 46(1)(a), (b), (c) and (d)
section 52(a), (b), (c) and (d)
section 55(3)
section 60
section 64(1)(a), (b), (c) and (d), (2)(a), (b), (c), (d) and (e)
section 78(2)
section 79(1), (2)(a) and (b)
section 81(2)
section 82(5)
section 83(1) and (2)
section 84(1) and (4)

Part 7
Transitional Provisions,
Consequential Amendments,
Repeals, Expiry and
Coming into Force

Transitional provisions

87(1) In this section, “previous regulation” means

- (a) *Bus Safety Regulation* (AR 235/82),
- (b) *Commercial Vehicle Inspection Regulation* (AR 414/91),
- (c) *Commercial Bus Inspection, Equipment and Safety Regulation* (AR 428/91), and
- (d) *Motor Vehicle Inspection Regulation* (AR 318/2002).

(2) A vehicle inspection facility licence, an inspection mechanic’s licence, a vehicle inspection certificate or a commercial vehicle inspection decal issued under a previous regulation that is subsisting immediately before the coming into force of this Regulation is a facility licence, technician licence, certificate or decal, as the case may be, for the same type of vehicle under this Regulation and subject to the same terms and conditions, if any, for the remainder of its term.

(3) A person who is authorized as or who discharges the functions of a vehicle safety inspector, vehicle safety auditor or vehicle examiner under a previous regulation immediately before the coming into force of this Regulation is a vehicle safety investigator under this Regulation.

(4) An authorization granted under section 3.1 of the *Commercial Vehicle Inspection Regulation* (AR 414/91) and that is subsisting immediately before the coming into force of this Regulation remains in effect for the remainder of its term, subject to any terms and conditions attached to it, unless revoked earlier by the Registrar.

(5) An extension granted under section 4.1 of the *Commercial Bus Inspection, Equipment and Safety Regulation* (AR 428/91) and that is subsisting immediately before the coming into force of this Regulation remains in effect for the remainder of its term, subject to any terms and conditions attached to it, unless revoked earlier by the Registrar.

(6) A vehicle inspection program manual adopted by the Registrar under a previous regulation is a Vehicle Inspection Manual under

this Regulation, until it is rescinded by the Registrar or replaced by a new manual adopted by the Registrar under this Regulation.

(7) A record or other information established and maintained, in whatever form, under a previous regulation for the purpose of monitoring the activities of a licensee or a technician with respect to compliance with the Act and that previous regulation constitutes the profile of a licensee or a technician in accordance with Part 5 of this Regulation.

Consequential Amendments

Commercial Vehicle Certificate and Insurance Regulation

88(1) This section amends the *Commercial Vehicle Certificate and Insurance Regulation (AR 314/2002)*.

(2) Section 43(1) is amended by striking out “*Commercial Bus Inspection, Equipment and Safety Regulation (AR 428/91)*” and substituting “*Vehicle Inspection Regulation*”.

Operator Licensing and Vehicle Control Regulation

89(1) This section amends the *Operator Licensing and Vehicle Control Regulation (AR 320/2002)*.

(2) Section 1 is amended by adding the following after clause (z):

(aa) “unsafe vehicle” means an unsafe vehicle as defined in the *Vehicle Inspection Regulation*.

(3) Section 56(1) is repealed and the following is substituted:

Vehicle not registrable

56(1) If the Registrar has reason to believe that a vehicle is an out of province motor vehicle, a salvage motor vehicle or an unsafe vehicle under the *Vehicle Inspection Regulation*, the Registrar shall not issue a certificate of registration in respect of the vehicle unless the applicant provides to the Registrar a subsisting vehicle inspection certificate issued for the vehicle under the *Vehicle Inspection Regulation* as follows:

- (a) in the case of an out of province motor vehicle, an out of province motor vehicle inspection certificate;
- (b) in the case of a salvage motor vehicle or an unsafe vehicle, a salvage motor vehicle inspection certificate.

(4) Section 75(1) is amended by striking out “or” at the end of clause (c), adding “or” at the end of clause (d) and adding the following after clause (d):

- (e) is an unsafe vehicle.

Procedures Regulation

90(1) This section amends the *Procedures Regulation* (AR 233/89).

(2) Part 30 and Part 31 in Schedule 2 are repealed.

Repeals, Expiry and Coming into Force

Repeals

91 The following regulations are repealed:

- (a) *Commercial Vehicle Inspection Regulation* (AR 414/91);
- (b) *Motor Vehicle Inspection Regulation* (AR 318/2002).

Expiry

92 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 1, 2017.

AR 211/2006 s92;64/2012

Coming into force

93 This Regulation comes into force on January 1, 2007.

Schedule

Premises and Equipment Requirements for Vehicle Inspection Facilities

Responsibility of licensee

1 The licensee of a facility shall ensure that the facility is equipped, and that the premises and equipment are maintained, in accordance with this Schedule.

Requirements regarding premises

2 The premises of a licensed vehicle inspection facility shall

- (a) have sufficient interior space to accommodate the type of vehicles the facility is licensed to inspect,

- (b) have hard surface flooring that conforms to the standards set out in the Facility Operating Manual and that is capable of supporting the heaviest type of vehicle that the facility is licensed to inspect,
- (c) have adequate lighting for the purpose of conducting vehicle inspections,
- (d) have adequate and appropriate space to display vehicle inspection program signage in a conspicuous manner and as required in the Facility Operating Manual,
- (e) be in a clean and safe condition, and
- (f) comply with applicable federal and provincial requirements relating to workplace safety.

Requirements regarding equipment

3 A facility that is licensed as a vehicle inspection facility shall have the following equipment available:

- (a) standard mechanical service equipment and tools for the inspection, repair and maintenance of the types of vehicles the facility is licensed to inspect;
- (b) lift equipment capable of safely raising the heaviest type of vehicle the facility is licensed to inspect;
- (c) safety stands capable of supporting the heaviest type of vehicle the facility is licensed to inspect;
- (d) a brake drum diameter gauge accurate to within 0.25 millimetres and capable of measuring the largest brake drum used on the types of vehicles the facility is licensed to inspect;
- (e) micrometers or rotor gauges that are accurate to within 0.010 millimetres and that are capable of measuring rotors on the types of vehicles the facility is licensed to inspect;
- (f) a dial indicator that is accurate to 0.010 millimetres;
- (g) headlight aiming equipment maintained and calibrated to the manufacturer's specifications or a headlight aiming screen in a level stall large enough to allow a distance of 7.62 metres between the vehicle's headlights and the screen;
- (h) a torque wrench capable of measuring the torque requirements of the types of vehicles the facility is licensed to inspect;

- (i) a tire tread gauge capable of measuring in 0.80 millimetre increments;
- (j) a tire pressure gauge capable of measuring tire pressures in the ranges required for the types of vehicles the facility is licensed to inspect.

Requirements for out of province and salvage motor vehicles

4(1) In addition to the equipment listed in section 3, a facility in which out of province or salvage motor vehicles are inspected shall have

- (a) computerized 4-wheel alignment equipment that is capable of printing the results of alignment procedures, and
- (b) on-board diagnostic equipment and software for testing supplemental restraint systems and antilock braking systems for the types of vehicles the facility is licensed to inspect.

(2) Subsection (1)(a) does not apply if the licensee of the facility has an arrangement that has been approved by the Registrar with the licensee of another facility to perform computerized 4-wheel alignment procedures at that facility.

Requirements for salvage motor vehicles

5 In addition to the equipment listed in sections 3 and 4, a facility in which salvage motor vehicles are inspected shall have

- (a) standard autobody equipment and tools for the inspection, repair and maintenance of the types of vehicles the facility is licensed to inspect,
- (b) frame straightening equipment with a 4-point anchoring system designed to hold a vehicle in a stationary position that is suitable for the types of vehicles the facility is licensed to inspect,
- (c) measuring devices that are suitable for symmetrical and asymmetrical bodies and frames for the types of vehicles the facility is licensed to inspect, and
- (d) frame specification manuals or software for the type of vehicles the facility is licensed to inspect.

Mechanical equipment

6 Without limiting the generality of section 3(a), a facility in which commercial vehicles are inspected shall have

- (a) wheel and hub removal and installation tools,

- (b) a wheel dolly,
- (c) wheel seal installation tools,
- (d) a magnetic based dial indicator,
- (e) a feeler gauge,
- (f) a depth gauge,
- (g) fifth wheel locking test tools,
- (h) a flat surface square,
- (i) a brake cam rotation protractor,
- (j) a pry bar,
- (k) air system timing equipment,
- (l) a vacuum gauge, and
- (m) an electrical test light.

School buses

7 In addition to the equipment listed in sections 3 and 6, a facility in which school buses are inspected shall have

- (a) a voltmeter,
- (b) an ammeter, or
- (c) a battery load tester.

Condition of equipment

8(1) All gauges and measuring devices required to be used in a facility under this Schedule shall be properly calibrated at all times.

(2) All equipment and tools required to be used in a facility under this Schedule shall be kept clean and in good working order.



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