



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

---

Vol. 80	ST. JOHN'S, FRIDAY, NOVEMBER 25, 2005	No. 47
---------	---------------------------------------	--------

---

#### MINERAL ACT

##### NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM-12, RSNL 1990 as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral License	007732M
Held by	Buchans River Ltd
Situate near	Dawes Pond, Central NL
On map sheet	12H/01

Mineral License	009033M
Held by	Baldwin, Stephen
Situate near	Hunts Pond, Central NL
On map sheet	02D/15

Mineral License	009037M
Held by	South Coast Ventures Inc
Situate near	Mings Bight, Baie Verte Area
On map sheet	12H/16

Mineral License	009630M
Held by	Moydow Mines International Inc.
Situate near	Twillick Brook, Southern NL
On map sheet	02D/04

Mineral License	009636M 009637M
Held by	Cornerstone Resources Inc.
Situate near	Doctors Harbour, Southern NL
On map sheet	01M/11

Mineral License	009639M 009640M
Held by	Cornerstone Resources Inc.
Situate near	Long Harbour, Southern NL
On map sheet	01M/11

Mineral License	009638M
Held by	Cornerstone Resources Inc.
Situate near	Mal Bay, Southern NL
On map sheet	01M/11

Mineral License	010257M
Held by	Lush, Tom
Situate near	Couteau Lake, Southern NL
On map sheet	11P/13

Mineral License	010258M
Held by	Candente Resource Corp.
Situate near	Peter Strides, Central NL
On map sheet	12A/04

Mineral License	010265M
Held by	Hester, Brian W.
Situate near	Kanairiktok River
On map sheet	13K/11

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in Consolidated Newfoundland and Labrador Regulations 1143/96 and Newfoundland and Labrador Regulation 71/98, 104/98, 97/2000, 36/2001 and 31/2004 and outlined on 1:50 000 scale maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32<sup>nd</sup> clear day after the date of this publication.

JIM HINCHEY, P.Geo  
Manager - Mineral Rights  
File # 774: 4079, 4910, 4914, 5290, 5293,  
5700, 5701, 5706

Nov 25

---

**TRUSTEE ACT**  
**ESTATE NOTICE**

**IN THE MATTER OF the Estate of Wing Soon Oue, aka Oue Wing Soon, Au Wing Soon and Wing Soon, late of the City of Corner Brook, in the Province of Newfoundland and Labrador, Retired Restaurateur, Deceased.**

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Wing Soon Oue, aka Oue Wing Soon, Au Wing Soon and Wing Soon, late of the City of Corner Brook, in the Province of Newfoundland and Labrador, Retired Restaurateur, deceased, are hereby requested to send particulars thereof in writing duly attested to the undersigned Solicitors for the Executrix of the Estate of the said deceased on or before the 14<sup>th</sup> day of December, 2005, after which date the said Executrix will proceed to distribute the said Estate having regard only to the claims of which she then shall have notice.

MONAGHAN, MURPHY AND WATTON  
Solicitors for the Executrix  
PER: Derrick G. M. Watton

ADDRESS FOR SERVICE:  
P. O. Box 815  
17 West Street  
Corner Brook, NL  
A2H 6H9

Nov 25

---

**CHANGE OF NAME ACT**

-----  
**C-8 RSN 1990**  
-----

**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CHRISTINE CENTONZE

of P. O. Box 8002, Stn A, Happy Valley-Goose Bay, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

RAIN THOMAS HOULAHAN  
to  
RAIN THOMAS CENTONZE

DATED this 8<sup>th</sup> day of November, 2005

CHRISTINE CENTONZE  
(Signature of Applicant)

Nov 25

---

**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CARLA JEAN ROSE

of 21 Dunbar Avenue, Corner Brook, A2H 3T1, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

CARI MARTINE NOSEWORTHY  
to  
CARI MARTINE ROSE

DATED this 28<sup>th</sup> day of October, 2005.

CARLA ROSE  
(Signature of Applicant)

Nov 25

---

**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act, by me:-*

DAWNE HELEN FITZPATRICK

of P. O. Box 856, RR # 1, Jean de Baie, A0E 2M0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

AMBER DAWN BAKER  
to  
AMBER DAWN FITZPATRICK

DATED this 16<sup>th</sup> day of November, 2005

DAWNE FITZPATRICK  
(Signature of Applicant)

Nov 25

---



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

### SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

---

Vol. 80

ST. JOHN'S, FRIDAY, NOVEMBER 25, 2005

No. 47

---

## NEWFOUNDLAND AND LABRADOR

### REGULATIONS

NLR 105/05

NLR 106/05

NLR 107/05

NLR 108/05

NLR 109/05



**NEWFOUNDLAND AND LABRADOR  
REGULATION 105/05**

*Small Claims Rules (Amendment)*  
under the  
*Small Claims Act*

*(Filed November 24, 2005)*

Under the authority of section 7 of the *Small Claims Act*, the Rules Committee makes the following Rules.

Dated at St. John's, November 22, 2005.

M. Reginald Reid  
Chief Provincial Court Judge

David Orr  
Provincial Court Judge

Irene Muzychka  
Law Society Representative

Mary J. (McCarthy) Mandville  
Attorney General Designate

## **RULES**

### *Analysis*

1. Rules 3 & 6 Amdt.  
Rule 3 Making a claim  
Rule 6 Making a claim  
against a plaintiff

NLR 52/97  
as amended

**1. The *Small Claims Rules* are amended by deleting the amount "\$3,000" wherever it occurs and substituting the amount "\$5,000".**

©Earl G. Tucker, Queen's Printer



## NEWFOUNDLAND AND LABRADOR REGULATION 106/05

*Carrier Safety Regulations (Amendment)*  
under the  
*Highway Traffic Act*

*(Filed November 24, 2005)*

Under the authority of section 197 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, November 23, 2005.

Dianne Whalen  
Minister of Government Services

### REGULATIONS

#### *Analysis*

- |  |  |
|--|--|
| 1. S.2 Amdt.<br>Definitions                    | 5. S.8 R&S<br>Out of province carriers |
| 2. S.4 R&S<br>Registration                     | 6. Ss. 9, 10 & 11 R&S                  |
| 3. S.5 Amdt.<br>Duties and powers of registrar | 9. Maximum compliance indicators       |
| 4. S.7 R&S<br>Carrier rating                   | 10. Safety rating                      |
|  | 11. Interventions                      |
|  | 11.1 Interventions                     |
|  | 11.2 Interventions                     |

11.3 Interventions	11. Ss. 20, 21, 22, 23 & 24
11.4 Registrar discretion	Added
7. S.12 Amdt.	20. Facility audit score
Compliance indicators	21. Facility audit of vehicles
8. S.14 Amdt.	22. Facility audit of drivers
Records	23. Transitional
9. S.16 Amdt.	24. Offence
Hearing	12. Sch. R&S
10. S.17 Amdt.	13. Commencement
Fleet suspension	

CNLR 1160/96  
as amended

**1. (1) Paragraph 2(f) of the *Carrier Safety Regulations* is repealed and the following substituted:**

(f) "compliance indicator" means the numerical value specified in these regulations for an inspection defect, accident or conviction;

**(2) Section 2 of the regulations is amended by adding immediately after paragraph (s) the word "and".**

**(3) Paragraphs (t), (u) and (v) of the regulations are repealed and the following substituted:**

(t) "total compliance indicator" means the numerical total of a carrier's accumulated inspection compliance indicators, conviction compliance indicators and accident compliance indicators.

**2. Section 4 of the regulations is repealed and the following substituted:**

Registration

**4. (1)** A carrier or person shall not operate, allow or cause to be operated a commercial vehicle upon a highway unless the carrier responsible for that vehicle

(a) has applied to be registered under these regulations and 90 days have not passed since that application was made; or

(b) is registered and has a safety rating of "satisfactory-audited", "satisfactory-unaudited" or "conditional".

**(2)** A carrier shall apply to the registrar to be registered as a carrier under these regulations.



(3) An application made under subsection (2) shall be in the form, and shall contain the information required by the registrar.

(4) An application for registration under subsection (2) shall be submitted to the registrar not more than 60 days after the applicant commences operation as a carrier.

(5) Where a carrier fails to submit an application in the form required by the registrar or within the time required under subsection (4), the registrar shall notify that carrier, in writing, that the form has not been submitted and shall extend the time by which the form is to be provided by 30 days.

(6) Notwithstanding subsection (1), a carrier to whom subsections (4) and (5) apply may operate or allow the operation of a commercial vehicle for not more than 90 days after that carrier commences operations as a carrier provided that all other requirements of the Act and these regulations are complied with.

(7) A carrier shall not register under this Act unless that carrier is in compliance with the Act, these regulations and all other regulations made under the Act.

(8) The registrar may

(a) refuse to register;

(b) register; or

(c) register with conditions that he or she may establish,

a carrier who applies for registration under subsection (2).

(9) The registrar shall issue a code number to a carrier registered under this section.

(10) A carrier shall not hold more than one registration, safety rating or code number.

(11) A carrier or person who does not comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than \$200 and not more than \$1,000 for each day or part of a day in which the offence continues and each continuance for a day or a

part of a day of an offence referred to in this subsection constitutes a separate offence.

(12) A carrier who contravenes the provisions of subsection (7) is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,000.

(13) In addition to the penalties provided under subsection (11), the registrar may issue a partial or full fleet suspension to a carrier that does not comply with subsection (1), (3), (4) or (5).

**3. Paragraph 5(1)(c) of the regulations is repealed.**

**4. Section 7 of the regulations is repealed and the following substituted:**

Carrier rating

7. (1) Where the registrar registers a carrier, with or without conditions, the registrar shall assign to that carrier

- (a) a code number;
- (b) a safety rating in accordance with section 10; and
- (c) compliance indicators in accordance with section 9.

(2) The registrar may, where

- (a) an error has been made, correct the compliance indicators of a carrier; and
- (b) he or she considers it appropriate, modify the compliance indicators of a carrier.

**5. Section 8 of the regulations is repealed and the following substituted:**

Out of province  
carriers

8. A carrier whose principle place of business is outside the province may, upon registration in this province, be assigned compliance indicators and a safety rating under sections 9 and 10 commensurate with those assigned by the jurisdiction of that carrier's principle place of business, where that jurisdiction has made assignments of carrier safety ratings under legislation that is similar to these regulations.

**6. Sections 9, 10 and 11 of the regulations are repealed and the following substituted:**

Maximum compliance indicator

**9.** (1) A carrier's maximum available total compliance indicator shall be calculated as follows

(a) for an AFS size of 31 and fewer vehicles

$$\text{MATCI} = \text{AFS} \times 20 \times (1.7812 - 0.1579 \times \ln(\text{AFS})); \text{ and}$$

(b) for an AFS size of more than 31 vehicles, 789

where

MATCI is the maximum available total compliance indicator

ln is the natural logarithm, and

AFS is the average fleet size.

(2) A carrier's maximum available accumulated inspection compliance indicator shall be calculated as follows

(a) for an AFS of 31 and fewer vehicles

$$\text{MAICI} = \text{AFS} \times 40 \times (\exp(-0.5971 - 0.0067 \times \text{AFS})); \text{ and}$$

(b) for all fleet sizes with more than 31 vehicles, 568,

where

MAICI is the maximum available inspection compliance indicator,

exp is the exponential function, and

AFS is the average fleet size.

(3) A carrier's maximum available accumulated accident compliance indicator shall be calculated as follows

(a) for an AFS of 31 or fewer vehicles,

$$\text{MAACI} = \text{AFS} \times 40 \times 0.249; \text{ and}$$

(b) for an AFS of more than 31 vehicles, 309

where

MAACI is the maximum available accident compliance indicator, and

AFS is the average fleet size.

(4) A carrier's maximum available accumulated conviction compliance indicator shall be calculated as follows

(a) for an AFS size of 31 or fewer vehicles,

$$\text{MACCI} = \text{AFS} \times 40 \times (0.7502 - 0.1168 \times \ln(\text{AFS})); \text{ and}$$

(b) for an AFS size of more than 31 vehicles, 432,

where

MACCI is the maximum available conviction compliance indicator,

AFS is the average fleet size, and

ln is the natural logarithm.

(5) In this section "average fleet size" and "AFS" means

(a) the total number of power units in a carrier's fleet for the previous 24 months divided by 24, or

(b) if the total number of power units in a carrier's fleet for the previous 24 months is not available, the total number of power units in a carrier's fleet for the previous months for which the information is available, divided by the number equivalent to the total number of months for which the information is available,

as calculated monthly.

Safety rating

**10.** (1) The registrar shall assign to a carrier a safety rating of "satisfactory-unaudited" where

- (a) the carrier's accumulated total compliance indicators do not exceed 70% of its maximum available total compliance indicator; and
- (b) a facility audit of the carrier has not been conducted,

and the registrar shall change that rating to "satisfactory-audited" when a facility audit has been carried out and has been passed by that carrier.

(2) The registrar may assign to a carrier a safety rating of conditional where

- (a) the carrier's accumulated total compliance indicators exceed 70% but do not exceed 100% of its maximum available total compliance indicator;
- (b) the carrier does not pass a facility audit; or
- (c) the carrier is reapplying to operate after being previously considered to be rated as "unsatisfactory".

(3) The registrar may assign to a carrier a safety rating of "unsatisfactory" where

- (a) the carrier's accumulated total compliance indicators exceed 100% of the carrier's maximum available total compliance indicator;
- (b) the carrier's accumulated total compliance indicators are less than 70% of the carrier's maximum available total compliance indicator and the carrier has failed to reach the required facility audit pass mark for 3 consecutive facility audits provided that one of those audits was conducted after the carrier had participated in a hearing referred to in section 16;
- (c) the carrier's accumulated total compliance indicators are more than 70% of the carrier's maximum available total compliance indicator and the carrier has failed to reach the required facility audit pass mark for 2 consecutive facility audits, one of which was conducted after the carrier had participated in a hearing referred to in section 16; and

- (d) the carrier has failed to maintain on its fleet the minimum insurance requirements required under the laws of Canada and of the province.

(4) Notwithstanding subsections (1), (2) and (3), the registrar may, at any time, where he or she reasonably believes that it is necessary, assign to a carrier a safety rating of

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

(5) Where the registrar has assigned a safety rating of unsatisfactory to a carrier and one or more vehicles in that carrier's fleet are acquired, directly or indirectly, by another carrier having a partner, principal shareholder or an officer who is also a partner, principal shareholder or officer of the carrier that was assigned the unsatisfactory rating, the carrier which acquired the vehicles shall be assigned a safety rating of unsatisfactory by the registrar.

**Interventions**

**11.** (1) The registrar shall, in writing, notify a carrier when its accumulated total compliance indicators

- (a) exceed 15% ;
- (b) exceed 50%;
- (c) exceed 70%; and
- (d) exceed 100%

of its maximum available total compliance indicator.

(2) Where the registrar notifies a carrier of its accumulated total compliance indicators, he or she shall also notify that carrier that where the carrier's accumulated total compliance indicators

- (a) exceed 15%, a compliance review or a facility audit or both a compliance review and a facility audit may be conducted;

- (b) exceed 50%, a facility audit will be conducted;
- (c) exceed 70%, a facility audit will be conducted and the carrier is required to attend a hearing before the registrar; and
- (d) exceed 100%, the carrier is required to attend a hearing before the registrar.

Notification

**11.1** The registrar shall notify a carrier when a carrier's accumulated

- (a) inspection compliance indicators exceed 100% of that carrier's maximum available inspection compliance indicator; or
- (b) conviction compliance indicators exceed 100% of that carrier's maximum available conviction compliance indicator; or
- (c) accident compliance indicators exceed 100% of that carrier's maximum available accident compliance indicator.

Interventions where less than 70% of MATCI

**11.2** The registrar shall notify a carrier when it has failed a

- (a) first facility audit and that carrier's accumulated total compliance indicators are less than 70% of its maximum available total compliance indicator;
- (b) second consecutive facility audit and that carrier's accumulated total compliance indicators are less than 70% of its maximum available total compliance indicator;
- (c) third consecutive facility audit and that carrier's accumulated total compliance indicators are less than 70% of its maximum available total compliance indicator.

Interventions where more than 70% of MATCI

**11.3** The registrar shall notify a carrier when it has failed a

- (a) first facility audit and that carrier's accumulated total compliance indicators are more than 70% of that carrier's maximum available total compliance indicator; and

- (b) second consecutive facility audit and that carrier's accumulated total compliance indicators are more than 70% of that carrier's maximum available total compliance indicator.

Notification, audit  
and hearing

**11.4** (1) A registrar's notification under sections 11, 11.1, 11.2, 11.3 and this section shall be in writing.

(2) A notification referred to in

(a) section 11.1 shall include a statement that a facility audit will be conducted;

(b) paragraph 11.2(a) shall include a statement that a second facility audit will be conducted and that until further notice, the carrier's safety rating is conditional;

(c) paragraph 11.2(b) shall include a statement that the carrier's safety rating is conditional, the carrier must attend a hearing with the registrar and that a third facility audit may be carried out;

(d) paragraph 11.2(c) shall include a statement that the carrier must attend a hearing with the registrar;

(e) paragraph 11.3(a) shall include a statement that

(i) the carrier's safety rating is conditional, and

(ii) the carrier must attend a hearing with the registrar, and

(iii) another facility audit will be carried out; and

(f) paragraph 11.3(b) shall include a statement that the carrier must attend a hearing with the registrar.

(3) The registrar may, at any time, conduct

(a) a compliance review of;

(b) a facility audit of;

(c) both a compliance review and a facility audit of; and



(d) a hearing with,

a carrier in order to determine compliance with the Act and these regulations.

(4) Where the registrar requires a hearing under these regulations

(a) the registrar shall notify the carrier of the time and place of the hearing;

(b) the carrier must attend the hearing; and

(c) if the carrier fails to attend the hearing, the registrar may conduct the hearing and make a determination in the absence of that carrier.

**7. (1) Subsection 12(1) of the regulations is amended by adding immediately after the word "carrier", the word "conviction".**

**(2) Subsections 12(3) and (4) of the regulations are repealed and the following substituted:**

(3) The registrar shall assign to a carrier accident compliance indicators for each accident involving a commercial vehicle operated by the carrier where the accident involves:

(a) property damage, 2 compliance indicators;

(b) personal injury, 4 compliance indicators; and

(c) a fatality, 6 compliance indicators.

(4) The registrar shall assign 3 inspection compliance indicators for every vehicle that is placed out of service as a result of a commercial vehicle inspection.

(5) Compliance indicators assigned to a carrier shall expire 2 years after the date of the

(a) conviction for conviction compliance indicators;

(b) accident for accident compliance indicators; and

- (c) commercial vehicle inspection for inspection compliance indicators.

**8. Subsection 14(4) of the regulations is repealed and the following substituted:**

- (4) A carrier shall have in place
  - (a) a system to alert the carrier that a driver abstract required under this section is due;
  - (b) a system that will alert the carrier, in advance, that a driver's licence is due for renewal;
  - (c) a system which will alert the carrier, in advance, when a vehicle is due for a commercial motor vehicle inspection; and
  - (d) a method of monitoring compliance with the *Highway Traffic Hours of Service Regulations* and the *Highway Traffic Trip Inspection Report Regulations*.
- (4.1) A carrier shall
  - (a) have a rules and regulations document that lists the regulatory requirements that a driver is required to know in order to operate a commercial vehicle; and
  - (b) require a driver to review the document referred to in paragraph (a) and confirm, in writing, that he or she has reviewed and understood that document.

**9. Paragraph 16(5)(b) of the regulations is repealed and the following substituted:**

- (b) vary the number of compliance indicators or a safety rating;

**10. Subsection 17(1) of the regulations is amended by deleting the reference "subsection 16(7)" and substituting the references "subsections 4(13) and 16(7)".**

**11. The regulations are amended by adding immediately after section 19 the following:**

Facility audit score

**20.** (1) The registrar may, at any time, conduct a facility audit which shall consist of a regulatory compliance section as well as a scoring section to evaluate a carrier's overall safety rating

(2) A carrier shall obtain a combined score of 78% or higher on the driver and vehicle segments of the facility audit report.

(3) A carrier that does not achieve 78% on its facility audit report shall have its safety rating changed to conditional.

Facility audit of vehicles

**21.** (1) The scoring of the vehicle section of a facility audit report under section 20 for commercial vehicle safety inspections shall be 35 points for compliance and 0 points for non compliance.

(2) A carrier's vehicle may receive points for compliance under subsection (1) only where that vehicle has

(a) not undergone a commercial vehicle safety alliance inspection within the previous 12 months; or

(b) undergone a commercial vehicle safety alliance inspection within the previous 12 months and has not been taken out of service.

(3) The scoring of the vehicle section of a facility audit report under section 20 for preventive maintenance shall be 30 points for compliance and 0 points for non compliance.

(4) A carrier's vehicle may receive points for compliance under subsection (3) only where the carrier for that vehicle demonstrates that each vehicle selected for a facility audit has undergone an acceptable preventative maintenance schedule over the previous 2 years.

(5) The scoring of the vehicle section of a facility audit report under section 20 for maintenance shall be 15 points for compliance and 0 points for non compliance.

(6) A carrier's vehicle may receive points for compliance under subsection (5) only where the carrier for that vehicle demonstrates that each vehicle selected for a facility audit has had all

(a) required repairs noted on pre-trip inspections corrected in a timely manner; and

- (b) serious defects corrected before the vehicle was dispatched;  
and
- (c) records for the previous 2 years available for the facility audit.

(7) The scoring of the vehicle section of a facility audit report under section 20 for trip inspections shall be 10 points for compliance and 0 points for non compliance.

(8) A carrier shall receive points under subsection (7) only where it is able to demonstrate that each vehicle selected for a facility audit has undergone a daily trip inspection in accordance with the *Highway Traffic Trip Inspection Regulations* for each day that the vehicle was dispatched by the carrier.

(9) The scoring of the vehicle section of a facility audit report under section 20 for identification markers shall be 10 points for compliance and 0 points for non compliance.

(10) A carrier shall receive points under subsection (9) only where it is able to demonstrate that each vehicle selected for a facility audit

- (a) was licensed every time that the vehicle was dispatched; and
- (b) has had a commercial motor vehicle inspection within the previous 12 months.

Facility audit of  
drivers

**22.** (1) The scoring of the driver section of a facility audit report under section 20 for driver qualifications shall be 20 points for compliance and 0 points for non compliance.

(2) A carrier shall receive points under subsection (1) only where it is able to demonstrate that

- (a) a driver selected for a facility audit has all the required classifications and endorsements to operate the vehicle that he or she has operated for the carrier; and
- (b) the driver's licence has not expired or been suspended, cancelled or reclassified down due to an overdue medical.

(3) The scoring of the driver section of a facility audit report under section 20 for log book records shall be 35 points for compliance and 0 points for non compliance.

(4) A carrier shall receive points under subsection (3) only where, in accordance with the *Highway Traffic Hours of Service Regulation*, it is able to provide accurate logbook records or, if exempt from keeping a logbook, accurate time records, for all drivers selected for the facility audit.

(5) The scoring of the driver section of a facility audit report under section 20 for duty cycles shall be 40 points for compliance and 0 points for non compliance.

(6) A carrier shall receive points under subsection (5) only where, in accordance with the *Highway Traffic Hours of Service Regulations*, it is able to demonstrate that all drivers selected for a facility audit have not exceeded their duty cycles or rest requirements.

(7) The scoring of the driver section of a facility audit report under section 20 for data items shall be 5 points for compliance and 0 points for non compliance.

(8) A carrier shall receive points under subsection (7) only where, in accordance with the *Highway Traffic Hours of Service Regulations*, it is able to demonstrate that all drivers selected for a facility audit have all items on their log books or duty records completed.

Transitional

**23.** (1) Compliance indicators acquired by a carrier under the regulations in force before the coming into force of this section shall no longer be considered to have accrued to a carrier immediately after the coming into force of this section.

(2) Notwithstanding subsection (1), a carrier safety rating under subsection 11 in force immediately before the coming into force of this section shall apply to that carrier as if that rating had been imposed under section 10 of these regulations after the coming into force of this section.

(3) An inspection, compliance review, facility audit, hearing, long profile, short profile or other review of a carrier under these regulations may consider all accidents, convictions, inspection defects and

other infractions of a carrier occurring before and after the coming into force of this section.

Offence

**24.** A person who contravenes these regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$1000 and in default of payment of the fine, to imprisonment for not more than 30 days.

**12. The Schedule to the regulations is repealed and the following substituted:**

<b>Schedule</b>		
<b>Criminal Code Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
220	5	Criminal negligence causing death
221	5	Criminal negligence causing bodily harm
236	5	Manslaughter committed in a vehicle
249(01)(A)	5	Dangerous operation of a motor vehicle
249.1(1)	5	Failure to stop while pursued by officer
249.1(3)	5	Failure to stop while pursued by officer causing bodily harm or death
249(03)	5	Dangerous operation causing bodily harm
249(04)	5	Dangerous operation causing death
252(01)	5	Failing to stop at scene of accident
252(02)	5	Failing to stop at scene of accident and offering assistance or give name

253(a)	5	Impaired by alcohol or drugs
253(b)	5	Care and control of vehicle with more than 80 milligrams of alcohol in 100 millilitres of blood
254(05)	5	Refusing to provide blood or breath sample
255(02)	5	Impaired driving causing bodily harm
255(03)	5	Impaired driving causing death
259(04)	5	Driving while disqualified
334	5	Theft of a motor vehicle
335(1)	5	Taking a motor vehicle without the consent of the owner

Highway Traffic Act Provision	Compliance Indicators	Description of Offences
13(1)	3	Non resident failure to register commercial motor vehicle
21	1	Operating service vehicle with dealer's plates attached
22	1	Using or hiring dealer's vehicle without registration
27	1	Using vehicle without dealer's plates attached
28(2)	1	Failure to return an identification plate
29	1	Failure to produce vehicle licence
30	1	Identification plates not securely fastened in proper position
31	1	Failure to keep identification

		plates clean
37	1	Failure to notify registrar of transfer of ownership
38	1	Failure to file change of address with registrar
39	1	Failure to notify registrar of change of name
42(a)(i)(A)	3	Operate unregistered/unlicensed vehicle not exceeding 4500kgs.
42(a)(i)(B)	3	Operate unregistered/unlicensed vehicle 4500 to 10900 kgs.
42(a)(i)(C)	3	Operate unregistered/unlicensed vehicle exceeding 10900 kgs.
42(a)(ii)(A)	3	Operate unregistered trailer not exceeding 4500 kgs.
42(a)(ii)(B)	3	Operate unregistered trailer 4500 to 10900 kgs.
42(a)(ii)(C)	3	Operate unregistered trailer exceeding 10900 kgs.
42(a)(iii)	2	Operate vehicle without valid identification plates or stickers
42(b)	2	Defacing or altering identification plate or marker
42(c)	2	Using vehicle with defaced, mutilated or altered identification plate or marker
42(d)	2	Removing identification plate or marker without authority
42(e)	2	Using false identification plate or marker
42(f)	2	Using marker or number plate capable of being confused with identification plate or marker



42(g)	3	Failure to surrender identification plates
42(h)	2	Giving false name or address in application for registration of a vehicle
42(j)	3	Using or permitting the use of fictitious identification plates
43(3)	3	Invalid or no driver's licence
49(2)	3	Licensee failing to produce licence upon request
50(1)	3	Failure to return licence to registrar upon request
50(2)	3	Failure to return or deliver licence
51	3	Driving other than class of vehicles specified in licence
52	3	Using licence issued to another person
53(1)	3	Unlawful operation under licence issued elsewhere
54	3	Allowing unlicensed driver to drive
55(2)	2	Having person in addition to learner and instructor in vehicle
56(1)	2	Renting vehicle to person not licensed to drive
56(4)	2	Failure to keep record regarding vehicles rented
57	1	Failure to notify registrar of lost driver's licence, etc.
59(1)(a)	3	Defacing or altering driver's licence

59(1)(b)	3	Lending driver's licence
59(1)(c)	3	Person misrepresenting driver's licence as his or her own
59(1)(d)	3	Failure to surrender suspended or cancelled driver's licence
59(1)(e)	2	Giving false name or address in application for driver's licence
73(1)	2	Applying for driver's licence while disqualified
73(2)	3	Driving while disqualified
75(5)(a)	3	Obtaining the registration of a motor vehicle when that motor vehicle is not insured by a policy
75(5)(b)	3	Operating or permitting the operation of a motor vehicle without a policy
75(5)(c)	1	Failure to produce proof that a policy is in force
80(a)(i)	3	Producing financial responsibility card where policy of insurance not in force
95(1)	3	Failure to drive to the right
95(2)	3	Failure to give one half the roadway
96(1)	3	Improper passing
96(2)	3	Failure to give way to passing vehicle
97(1)	3	Passing on the right of another vehicle
97(2)	3	Passing on the right when unsafe to do so
98	3	Passing where width or weight

		of vehicles makes it difficult
99(1)	3	Passing on left when unsafe to do so
99(2)	3	Overtaking and passing near crest of grade, curve, bridge or intersection
99(3)	3	Overtaking and passing when driver cannot see far enough ahead
100(1)	3	Driving to left of centre line of roadway
100(2)	1	Vehicle proceeding at less than normal speed not driving in right hand lane
100(3)	3	Failure to drive to right of rotary traffic island
101(b)	3	Crossing solid line
101(e)	2	Failing to signal driving from one lane to another
101(f)	2	Making improper left turn at intersection or into private road or driveway
101(g)	2	Making improper right turn at intersection
101(h)	2	Driving in centre lane of 3 lane roadway
101(i)	3	Improper passing on roadway with 2 or more lanes available to traffic heading in same direction
101(j)	2	Driving in wrong lane contrary to direction of traffic control device
101(k)	3	Failure to allow overtaking vehi-

		cle to pass
102	3	Passing in no passing zone or failing to drive to right of zone
103(1)	3	Following vehicle too closely
103(2)	3	Failing to leave proper distance between vehicles
103(3)	3	Failing to leave sufficient space between vehicles in caravan or motorcade
104	2	Driving over intervening space dividing highway into 2 roadways
105(1)	1	Failure to enter controlled access highway at proper location
105(2)	1	Failure to leave controlled access highway at proper location
106(1)	3	Failure to obey traffic control signal or device
106(2)	3	Failure to yield right of way while turning to other traffic in intersection when green or "go" signal shown
106(4)	3	Failure to yield right of way to pedestrian in roadway or crosswalk
106(6)	3	Entering intersection on yellow or amber light
106(8)	3	Passing yellow or amber light at place other than intersection
106(10)	3	Passing red light or stop" signal at intersection
106(12)	3	Passing red light or stop" signal at place other than intersection

106(14)(a)	3	Failing to obey green arrow at intersection
106(14)(b)	3	Entering intersection when green arrow shown and failing to yield right of way
106(16)(a)	3	Fail to stop when flashing red light on at intersection
106(16)(b)	3	Failure to yield right-of-way at intersection when flashing red light on
106(18)(b)	3	Failure to yield right-of-way to traffic in intersection when yellow or amber traffic light on
106(22)	3	Entering intersection against flag signal or other device
106(24)	3	Failure to stop at stop sign
106(25)	3	Failure to obey signs reading "Turn Right" or "Right Turn Only"
106(26)	3	Failure to obey signs reading "Turn Left" or "Left Turn Only"
106(30)	3	Bus picking up or letting down passengers at place other than "Bus Stop"
106(38)	3	Failure to obey "No Entry" sign
106(40)	3	Failure to obey signs reading "No Left Turn", "No Right Turn", "No Turns" or "No Right Turn on Yellow or Amber or Red Light"
106(42)	2	Proceeding wrong way on one-way highway
106(44)	2	Failure to observe half load limit

106(50)	3	Failure to obey sign restricting use of highway to certain classes of vehicles
106(52)	3	Failure to obey sign restricting use of highway to vehicles of certain maximum gross mass
110(1)(a)	2	Driving imprudently
110(1)(b)	3	Driving without due care and attention
110(1)(c)	3	Driving without reasonable consideration for other persons
110(1)(d)	3	Driving while suffering from disease or disability
110(3)(a)	1	Exceeding the speed limit by between 1 and 10 kilometres an hour
110(3)(b)	1	Exceeding the speed limit by between 11 and 20 kilometres per hour
110(3)(c)	2	Exceeding the speed limit by between 21 and 30 kilometres per hour
110(3)(d)	3	Exceeding the speed limit by 31 kilometres and over
111(1)	1	Slow driving
111(3)	2	Failing to obey order to increase speed, pull in to curb or remove vehicle from highway
112	2	Failing to signal change of direction, etc.
113(1)	2	Moving a vehicle when unsafe to do so or without signalling
113(2)	2	Failure to give sufficient signal

113(3)	2	Entering traffic with improper movement or signal
114(3)(a)	2	Right-hand drive vehicle not equipped with a mechanical or electrical device
114(3)(b)	2	Failure to display notice of "Right-Hand Drive Vehicle"
115(1)	2	Making improper right turn at intersection
115(2)	2	Making improper left turn at intersection
115(3)	2	Changing lanes while turning
115(4)	2	Making improper left turn at intersection from one-way roadway
115(5)	2	Making improper left turn at intersection into one-way roadway
115(6)	2	Making improper left turn at intersection from one-way roadway into another one-way roadway
115(7)	3	Failure to obey traffic-control device at intersection indicating course to be travelled
116	2	Turning on highway to proceed in opposite direction
117(1)	2	Improper turning at intersection
117(2)	2	Turning or changing course when unsafe to do so
117(3)	2	Improper signal of intention to turn
117(4)	2	Stopping or decreasing speed

		without signalling
118	2	Failing to yield right-of-way at intersection
119	2	Failing to yield right-of-way at intersection while making left turn
120	2	Failing to yield right-of-way when entering highway
121	3	Failing to yield right-of-way to emergency vehicle
123(6)	2	Unlawfully showing flashing red light
125(1)	2	Failing to yield right-of-way to pedestrian in crosswalk
125(3)	3	Overtaking and passing vehicle stopped at crosswalk
127(a)	3	Failing to exercise due care to avoid colliding with pedestrian
127(b)	3	Failing to give warning by sounding horn
127(c)	3	Failing to observe precaution where child or incapacitated person on highway
131	3	Driving through a safety zone
132(1)	3	Failing to stop at railway crossing
132(2)	3	Driving vehicle through barrier, etc. at railway crossing
133	3	Failing to stop at stop sign at railway crossing
134(1)(b)	3	School bus carrying a child failing to stop at railway crossing



134(1)(c)	3	Vehicle carrying explosive substance, etc. failing to stop at railway crossing
135	3	Failing to approach railway track with caution
136	3	Failing to observe yield sign at intersection
137(1)	3	Passing school bus
137(2)(a)	2	Stopping school bus in improper place
137(3)	2	Failing to have school bus properly marked
137(4)	3	School bus not equipped with visual signals or not activated
137(5)	1	Operating school bus with markings not concealed
138(1)	2	Failing to yield right-of-way to vehicle drawn by animal
140(1)	1	Parking on roadway
140(2)	1	Parking so as to obstruct traffic
144(d)	1	Parking too close to fire hydrant
144(k)	1	Parking too near fire station
144(l)	1	Parking too near street excavation or obstruction and obstructing traffic
144(m)	1	Parking on the roadway side of a stopped or parked vehicle
144(n)	2	Parking on a bridge or in a highway tunnel
144(o)	3	Failure to observe traffic-control device prohibiting parking or stopping

146	3	Parking so as to cause danger to persons using highway
147	3	Parking on highway where vehicle not visible to approaching traffic
149(2)	2	Failing or refusing to remove vehicle from highway
149(12)	1	Failing or refusing to surrender vehicle licence
150	1	Parking unattended vehicle on a highway without stopping engine and locking ignition etc.
151	2	Backing vehicle when unsafe to do so
155(a)	1	Driving motor vehicle with unauthorized non-transparent materials on window
155(b)	1	Driving motor vehicle with ornaments which obstruct vision
155(c)	1	Driving motor vehicle with snow or other precipitation which obstructs vision
155(d)	1	Driving motor vehicle with broken or damaged windows or mirrors
156(1)	1	Driving vehicle with vision obscured or control obstructed by passengers in front seat
156(2)	1	Passenger occupying position in vehicle interfering with driver's vision and control
156(3)	1	Driver permitting passenger to occupy position interfering with vision and control

157	3	Driving vehicle with load projecting out of the vehicle without a permit
159	2	Coasting down grade in neutral or with clutch disengaged
160(1)	3	Following emergency vehicle too closely or parking too close to fire apparatus
161	3	Failing to obey person with flag or sign
162	3	Failing to obey directions of a traffic officer
163(1)	1	Littering on a highway
163(2)	1	Failing to remove glass from a highway
163(3)	1	Depositing or throwing snow or ice upon a highway
164	2	Driving on sidewalk
166(1)	2	Failure to carry warning devices in vehicle
166(2)	3	Failure to place warning devices on highway in case of emergency breakdown
167	1	Driving vehicle without chains or winter tires
168	3	Racing vehicles or bicycles on a highway
169(1)(a)	3	Failing to stop at accident scene
169(1)(b)	3	Failing to give name and address
169(1)(c)	2	Failure to provide proof of insurance at scene of accident
169(1)(d)	3	Failing to render assistance to

		injured person
169(2) & (3)	3	Failure to notify owner, driver or peace officer after collision with unattended vehicle
169(4)	3	Failure to notify owner where other property damaged
170(1)	3	Driver of vehicle failing to make report
170(2)	3	Occupant of vehicle failing to make report
170(3)	3	Owner of vehicle failing to make report
170(4)	3	Person being owner and driver failing to make report when capable
174(2)	3	Making false statement in report
175(5)(a)	3	Failing to stop at weigh scales
175(5)(b)	3	Failing to drive to nearest scales when ordered to do so
175(5)(c)	3	Refusing to have vehicle weighed
175(5)(d)	3	Refusing to remove excess weight
176(1)	3	Care and control of motor vehicle equipped with radar detector
176(4)	3	Unlawful sale of radar detectors
176.1	3	Operating motor vehicle while using hand held cellular phone
177	3	Knowingly causing another to drive unlawfully
178(2)	2	Driving motor vehicle with seat belt removed or inoperative

178(3)	2	Driver not wearing seat belts
178(4)	2	Passenger not wearing seat belt
178(6)	2	Operating a vehicle with an underage passenger unbelted
178(8)	2	Driver operating vehicle with child not in car seat
187(5)	1	Operating a vehicle which does not comply with regulations
196(2)	3	Failure to comply with vehicle inspection requirements
205(1)	1	Driver refusing to give name or address or giving false name or address
205(2)(a)	1	Owner of vehicle failing to identify driver

<b>Bus Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
4	3	School bus not properly equipped with flashing red lights or signs
5	3	School bus not yellow or bus other than school bus painted yellow
6	3	Bus not properly equipped with safety accessories
7	1	Bus not clean or ventilated
8	2	Driver of bus collecting fares, allow passengers embark or disembark, while bus in motion
9(1)	3	Bus carrying person or article obstructing driver

9(2)	3	Interior of bus not free of projections
10(1)	3	Entrance or exit of bus not free of obstructions
10(2)	2	Operating bus while passenger is not seated
11(4)	3	Bus carrying passengers in excess of limit
11(5)	2	Bus not equipped with hand holds
11(6)	3	School bus carrying passengers not permitted
13	3	Entrance of bus improper construction
14(2)	1	Defective exhaust
14(3)	1	Floor of bus allowing exhaust fumes to enter bus
15	2	Gas tank intake of improper construction or not located on exterior of bus
16	3	Fuelling bus in closed building
18(2)	3	Driver of bus following too closely

<b>Licensing and Equipment Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
7(1)	2	Driving without headlights on when required
7(2)	3	Driving with fog lamps illuminated when not required
7(3)	3	Fog lamps improperly mounted

7(4)	3	Fog lamps improperly aimed
7(5)	3	Parking on highway with lamps illuminated
7(6)	3	Vehicle not equipped with required head lamps
7(10)(a)	3	Headlamp emitting any but white light
7(10)(b)	3	Operating vehicle with headlamp equipped with cover or shield
7(10)(c)	3	Vehicle equipped with headlamp other than that specified
8(1)	3	Vehicle not equipped with high beam and low beam or not able to select beam
8(2)	3	Driver failing to dim head lamps
10(1) or (2)	3	Vehicle not equipped with tail lamp(s)
10(3)	3	Tail lamp improperly positioned on vehicle
10(4)	3	Licence plate not properly illuminated
10(5)	2	Fail to place red flag or lamp on projecting load
11(1) (b)	3	Vehicle not equipped with two stop lamps
11(3)(b)	3	Brake light emitting other than red light
12(1)	3	Vehicle not equipped with sufficient turn signals
12(3)	3	Turn signal system improper construction
13(1)	3	Vehicle not equipped with suffi-

		cient clearance lamps
13(2)	3	Clearance lamps not visible or not properly located
14(1)	3	Motor vehicle not equipped with identification lamps
14(2)	3	Identification lamps not properly located
14(3)	3	Trailer not equipped with rear identification lamps
14(6)	3	Identification lamps not visible
15(1)	3	Vehicle not equipped with side reflex reflectors
15(2)	2	Vehicle not equipped with sufficient red rear reflex reflectors
15(3)	2	Reflex reflectors not visible or not properly located
16(1) or (2)	3	Vehicle not equipped with side marker lamps
17(1)	3	Vehicle not equipped with hazard warning lamps
17(3)	3	Trailer not equipped with hazard warning lamps
18(1)	3	Vehicle equipped with improper backup lamps
18(2)	3	Backup lamp illuminated while vehicle in forward motion
19	3	Vehicle equipped with improper parking lamps
20(1)	3	Operation of vehicle between dusk and dawn not equipped with sufficient park lamps
21(1)	3	Motor vehicle equipped with



		forward facing red lamp or rear facing white lamp
21(2)	3	Motor vehicle equipped with flashing or revolving coloured lamp
24(1) or (3)	3	Motor vehicle improperly equipped with spot lamps
24(2)	3	Spot lamps not aimed or operated properly
25(1)(a)	3	Inadequate service brake
25(1)(b)	3	Inadequate emergency or parking brake
25(3)	3	Refusing to allow inspector to inspect brakes or refusing to operate vehicle for test of brakes
25(7)	3	Brakes not properly maintained or adjusted
25(8)	3	Axle configuration not equipped with brakes on all wheels of configuration
25(9)	3	Brake hose or tubing defective or improperly installed
25(10)	3	Brake linings worn, or not properly installed or maintained
26(2)(a)	3	Operate vehicle with tires of different construction types
26(2)(b)	3	Operate vehicle having a gross mass in excess of 4,500 kilograms with tires of different construction type on the same axle
26(4)	3	Operate motor vehicle with defective tire
26(5)	1	Operate motor vehicle with de-

		fective wheel or rim
27	3	Operate vehicle in snow or ice conditions without proper tires or chains
28(1)	3	Operate motor vehicle with stud-ded tires between May 1 and Oc-tober 31
29(1)	1	Not equipped with exhaust sys-tem or system emitting excessive noise
29(2)	1	Defective muffler
30	1	Vehicle not equipped with horn
31	1	Excessive smoke emitted from vehicle
32(1)	1	Vehicle not equipped with a windshield wiper or washer
32(2)	1	Vehicle not equipped with a windshield defogging system
32(4)	1	Inadequate or no rear view mirror
32(5)	1	No side rear view mirror when required
32(6)	1	Towing vehicle not equipped with 2 side rear view mirrors
32(7)	1	Inadequate mud guards
33	1	Windshield not of proper material
34(1)(b)	1	Vehicle equipped with television visible to driver
36	1	Front opening type hood not equipped with primary and sec-ondary latch mechanism
37	1	Vehicle door not equipped with latch having full and secondary

			latched positions
38	1		Vehicle equipped with tinted windshield or tinted driver seat side windows
39	2		Operate vehicle towing trailer with defective, inadequate or improper connecting devices
41(1)	1		Vehicle not equipped with speedometer
41(2)	1		Driver's view of speedometer obstructed
41(3)	1		Vehicle odometer not functioning
43	1		Required equipment not maintained in good working order
45	2		Slow moving vehicle failing to display warning device
46	3		Head lamps do not conform with <i>Motor Vehicle Safety Act</i> (Canada)
47	3		Vehicle equipped with in-cab control for varying mass distribution on one or more axle

Highway Traffic Driver Regulations Provision	Compliance Indicators	Description of Offences
21	3	Operating air brake equipped vehicle without proper endorsement
26	3	Operating a vehicle as a learner in a higher class without endorsement

<b>Official Inspection Station Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
8.1(1)	3	Operation of a "salvage vehicle" which has not been declared as a "rebuilt vehicle"
8.1(2)	3	Operation of a vehicle declared as a non repairable vehicle
10(1)	3	Failure to obtain a vehicle inspection certificate where required
10(4)	3	Operate vehicle without valid inspection certificate
10(9)	1	Owner of bus failing to submit inspection certificate to registrar
11(3)	3	Bus failing to display inspection sticker
19(4)	3	Issuing or using a false inspection sticker
19(5)	3	Displaying false inspection sticker
19(6)	3	Displaying false vehicle inspection certificate
19(7)	3	Defacing or altering inspection sticker
19(8)	3	Using defaced or altered inspection sticker
19(10)	3	Operating a vehicle which has failed an inspection

**Vehicles Regulations****Compliance****Description of Offences**

<b>Provision</b>	<b>Indicators</b>	
3(1)(a)	3	Operate vehicle or combination of vehicles with mixture of tire size or capacity on any axle
3(1)(b)	3	Operate vehicle or combination of vehicles with any axle not equipped with brakes
3(2)(a)	1	Exceeding registered mass on registration permit
3(2)(b)	1	Exceeding registered steering axle weight
3(2)(d)	1	Operating vehicle exceeding permitted axle weight
3(2)(e)	1	Adjacent axle load variance greater than 1000 kgs.
6(6)	1	Failure to carry or produce special permit
6(8)	1	Failure to display exceeding prescribed dimensions by signs
6(12)	3	Exceeding mass authorized by special permit on the gross weight of the axle weight or gross vehicle weight authorized by special permit
6(13)	3	Operating a vehicle or combination of vehicles that exceeds the axle weight or gross vehicle weight authorized by a special permit
9(a)	1	Operating a vehicle or combination of vehicles not specified in Schedule or combination of vehicles in Schedules A and B
9(h)	1	Exceeding length on train combination

9(i)	3	Operating a vehicle with width greater than 2.6 metres
9(j)	3	Operating a vehicle with height greater than 4.15 metres
9(k)	2	Operating a trailer with a width greater than 2.05 metres without required conspicuity system
13(1)	3	Operating an overmass or over-size vehicle without special permit

<b>Cargo Securement Regulations</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
Violation of any provision	3	

<b>Motor Carrier Act Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
4(1)(a)	3	Operating a public service vehicle without a certificate
4(2)	3	Making use of a public service vehicle where the operator does not have a certificate
12(1)	3	Selling, assigning, leasing or transferring a certificate
15(2)	2	Failing to designate and maintain a person as an agent
15(3)	2	Failing to notify the board and the registrar of change of name or address
19	3	Operating a public service vehicle

		under an expired, cancelled or suspended certificate
21(1)	2	Operating a public service vehicle contrary to the terms and conditions of a certificate
22	2	Operating a public service passenger vehicle at rates in excess of the rates approved or set by the board
23(1)	2	Suspending, abandoning or discontinuing public passenger service without approval of the board
23(6)	1	Failure to remove distinctive plates, stickers or signs from vehicle
24(1)	1	Failure to inform of regulations or to post a copy in workplace
25	2	Refusing to carry passenger(s) in a public service passenger vehicle
30	3	Failing to furnish safe and adequate service or facilities
31	2	Failing to furnish information to the registrar or the board

<b>Motor Carrier Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offences</b>
32(b)	2	Failing to furnish service throughout the whole area authorized
33(1)	2	Operator of a regular public passenger service failing to provide service in accordance with time schedule fixed

33(2)	2	Operator of a regular public passenger service failing to provide equipment and facilities equal to requirements
34	2	Operator of an irregular public passenger service failing to transport passengers, baggage and parcel express to the extent of available equipment
35	2	Operating type of vehicle other than that described in certificate
36(1)	1	Failure to affix the name of certificate holder and certificate number to both sides of vehicle
37(2)	2	Operating a public service vehicle without a copy of certificate and proof of insurance

Hours of Service Regulations Provisions	Compliance Indicators	Description of Offences
5	3	Drive without 8 consecutive hours off-duty
8(1)(a)	3	Commercial vehicle driver driving more than 13 hours following at least 8 consecutive hours off duty
8(1)(b)	3	Commercial vehicle driver driving after being on duty 15 hours following at least 8 consecutive hours off duty
8(1)(c)	3	Commercial vehicle driver driving after completing 60 hours on duty during a period of 7 con-



		secutive days
8(1)(d)	3	Commercial vehicle driver driving after completing 70 hours on duty during a period of 8 consecutive days
8(1)(e)	3	Commercial vehicle driver driving after completing 120 hours on duty during a period of 14 consecutive days
8(2)	3	Commercial vehicle driver failing to have a minimum of 24 consecutive hours of off-duty time before completing 75 hours on duty
15(2)	2	Commercial vehicle driver failing to properly complete a daily log
15(5)	3	Commercial vehicle driver failing to retain and produce required receipts/documents
15(7)	2	Commercial vehicle driver failing to maintain a log in a timely fashion
17(1)(a)	2	Failing to maintain copies of log as required
17(1)(b)	2	Failing to have log current to last change in duty status
17(2)	2	Commercial vehicle driver failing to produce daily log upon request
19(1)	3	Commercial vehicle driver making more than one log for a calendar day or falsifying daily log
20	3	Commercial vehicle driver failing to forward copy of daily log to each carrier for whom the driver worked that day

21	3	Commercial vehicle driver failing to forward within 30 days the original of each daily log for that week to the home terminal or to the principal place of business of each carrier by whom the driver was employed
22(1)	3	Carrier failing to retain daily logs and have readily available for inspection by an inspector for a period of 6 months
22(2)	3	Carrier failing to retain daily logs at the location where the carrier keeps the commercial vehicle driver records or at a location approved by an authorized person
23(2)	3	Carrier failing to have records or documents available for inspection by director or an inspector at all times during business hours
23(3)	3	Carrier or person in possession of records or documents failing to provide reasonable assistance or furnish documents to director or an inspector

<b>Trip Inspection Report Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offence</b>
3(1)	2	Driver of commercial vehicle failing to inspect or cause to be inspected a commercial vehicle which he or she drives before its first trip of the day
4	2	Driver of commercial vehicle or person inspecting commercial

		vehicle failing to perform complete inspection
5	3	Driver of commercial vehicle or person inspecting commercial vehicle failing to note safety related defects found during inspection
6	1	Commercial vehicle driver failing to report any defects observed while in charge of the vehicle
7(1)	1	Person completing inspection report failing to provide information required by the regulations
7(2)	1	Commercial vehicle driver or designated person failing to sign inspection report upon completion
8(1)	3	Carrier or agent failing to repair defect likely to affect safe operation of vehicle prior to vehicle use
8(4)(a)&(b)	2	Carrier failing to retain for specified period original copy of each vehicle inspection report or copy bearing certification of repairs
8(5)	1	Commercial vehicle driver failing to carry reports in vehicle
12	1	Commercial vehicle driver failing to produce required vehicle inspection reports

**Dangerous  
Goods Ticket  
Offences Regu-  
lations Provi-  
sion**

**Compliance  
Indicator**

**Description of Offence**

1.7(c)	3	Handle, offer for transport or transport dangerous goods without proper safety marks
1.7(c)	3	Handle, offer for transport or transport dangerous goods not complying with safety standards
3.2	3	Handle, offer for transport or transport dangerous good improperly documented as prescribed under carrier responsibility
5.4	3	Failure to securely stow dangerous goods for transport
6.1(1)(a)	3	Handle, offer for transport or transport dangerous goods while untrained
4.5(1)	3	Failure to ensure proper safety marks remain displayed
6.8	3	Failure to produce a training certificate upon request of an inspector

**Commercial  
Vehicle Main-  
tenance Stan-  
dards Regula-  
tions**

**Compliance  
Indicator**

**Description of Offence**

47(1)	2	Operate or cause to be operated commercial vehicle not in compliance with regulations
47(2)	2	Operate or cause to be operated commercial vehicle not subject to systematic inspection, repair and maintenance program
47(3)	3	Carrier failing to maintain re-

		cords, destroy records or falsifying records required by regulations
47(4)	3	Obstructing or hindering inspector in the performance of his or her duties in relation to regulations

Carrier Safety Regulations	Compliance Indicator	Description of Offence
All provisions	3	A violation of any provision of the <i>Carrier Safety Regulations</i>

Commencement

**13. These regulations come into force on December 19, 2005.**

©Earl G. Tucker, Queen's Printer



## NEWFOUNDLAND AND LABRADOR REGULATION 107/05

*Income and Employment Support Regulations*  
(Amendment)  
under the  
*Income and Employment Support Act*  
(O.C. 2005-256)

(Filed November 24, 2005)

Under the authority of section 52 of the *Income and Employment Support Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, November 23, 2005.

Sandra Barnes  
Deputy Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |                                       |                 |
|---------------------------------------|-----------------|
| 1. S.19 Amdt.<br>Other income support | 2. Commencement |
|---------------------------------------|-----------------|

NLR 144/04  
as amended

**1. Paragraphs 19(1)(a) and (b) of the *Income and Employment Support Regulations* are repealed and the following substituted:**

- (a) a fuel supplement for an applicant or recipient maintaining a residence in Labrador, up to a maximum of \$90, where the cost of heat is not included in the amount of rent;
- (b) a fuel supplement for an applicant or recipient maintaining a residence on the island portion of the province, up to a maximum of \$50, where the cost of heat is not included in the amount of rent;

Commencement

**2. These regulations come into force on December 1, 2005.**

**©Earl G. Tucker, Queen's Printer**



**NEWFOUNDLAND AND LABRADOR  
REGULATION 108/05**

Proclamation bringing section 5 of the Act into force  
(SNL2000 c24 s5) (Jan 1/06)  
under the  
*Tobacco Control (Amendment) Act*  
(O.C. 2005-601)

*(Filed November 24, 2005)*

*ELIZABETH THE SECOND, by the Grace of God of the  
United Kingdom, Canada and Her Other Realms and Territories  
QUEEN, Head of the Commonwealth, Defender of the Faith.*

EDWARD ROBERTS  
Lieutenant Governor

THOMAS W. MARSHALL, QC  
Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 5 of “*An Act to Amend the Tobacco Control Act*” SNL2000 c24, (the “Act”) it is provided that this section shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that this section shall come into force on the date set out below.

NOW KNOW YE THAT WE, by and with the advise of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that section 5 of “*An Act to Amend the Tobacco Control Act*, SNL2000 c24, shall come into force on January 1, 2006.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS  
whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.



WITNESS: Our trusty and well-beloved the  
Honourable Edward Roberts, one of Her Majesty's Counsel  
learned in the law, Lieutenant Governor  
in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's  
this 22<sup>nd</sup> day of November, in the year of Our Lord two  
thousand and five and in the fifty-  
fourth year of Our Reign.

BY COMMAND,

JACK BYRNE  
Registrar General



**NEWFOUNDLAND AND LABRADOR  
REGULATION 109/05**

Proclamation bringing the Act into force  
(SNL2004 cL-3.1) (Dec 1/05)  
under the  
*Labrador Inuit Land Claims Agreement Act*  
(O.C. 2005-624)

*(Filed November 24, 2005)*

*ELIZABETH THE SECOND, by the Grace of God of the  
United Kingdom, Canada and Her Other Realms and Territories  
QUEEN, Head of the Commonwealth, Defender of the Faith.*

EDWARD ROBERTS  
Lieutenant Governor

THOMAS W. MARSHALL, QC  
Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 70 of "*An Act to Ratify and Give the Force of Law to the Labrador Inuit Land Claims Agreement*," SNL2004 cL-3.1, (the "Act") it is provided that this Act shall come into force on a date to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that this Act shall come into force on the date set out below.

NOW KNOW YE THAT WE, by and with the advise of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that "*An Act to Ratify and Give the Force of Law to the Labrador Inuit Land Claims Agreement*," SNL2004 cL-3.1, shall come into force on December 1, 2005.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the  
Honourable Edward Roberts, one of Her Majesty's Counsel  
learned in the law, Lieutenant Governor  
in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's  
this 23<sup>rd</sup> day of November, in the year of Our Lord two  
thousand and five and in the fifty-  
fourth year of Our Reign.

BY COMMAND,

JACK BYRNE  
Registrar General

## Index

### PART I

Change of Name Act – Applications .....	682
Mineral Act – Notice .....	681
Trustee Act – Notice .....	682

### PART II

#### CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
<b>Highway Traffic Act</b>			
Carrier Safety Regulations (Amdt)	NLR 106/05	CNLR1160/96 S.2 Amdt. S.4 R & S. S.5 Amdt. Ss. 7, 8, 9, 10 & 11 R & S. Ss. 11.1 to 11.4 Added Ss. 12, 14, 16 & 17 Amdt. Ss. 21 to 24 Added Sch. R & S.	Nov. 25/05 p.689
<b>Income and Employment Support Act</b>			
Income and Employment Support Regulations (Amdt)	NLR 107/05	NLR 144/04 S.19 Amdt.	Nov. 25/05 p.737
<b>Labrador Inuit Land Claims Agreement Act</b>			
Proclamation bringing the Act into force (SNL2004 cL-3.1) (Dec 1/05)	NLR 109/05	New	Nov. 25/05 p.741
<b>Small Claims Act</b>			
Small Claims Rules (Amdt)	NLR 105/05	NLR 52/97 Rules 3 & 6 Amdt.	Nov. 25/05 p.687
<b>Tobacco Control (Amendment) Act</b>			
Proclamation bringing section 5 of the Act into force (SNL2000 c24 s5) (Jan 1/06)	NLR 108/05	New	Nov. 25/05 p.739

*The Newfoundland and Labrador Gazette* is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

Advertising rates are available upon request. Subscription rate for *The Newfoundland and Labrador Gazette* is \$125.00 for 52 weeks plus applicable tax (\$133.75). Weekly issues of \$3.00 per copy, plus tax payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Ground Floor, East Block, Confederation Building, St. John's, NL A1B 4J6. Telephone (709) 729-3649. Fax: (709) 729-1900.

**Web Site:** [www.gov.nl.ca/queensprinter](http://www.gov.nl.ca/queensprinter)

**Legislative History of the Judicature Act, 1791-1988**

**Price \$25.00 plus G.S.T.**

**(Plus \$2.00 postage and handling)**

**Place your order by contacting:**

**Office of The Queen's Printer**

**Confederation Building, East Block**

**St. John's, NL A1B 4J6**

**Telephone: (709) 729-3649 Fax: (709) 729-1900**

**Government Information Product**

**Publication Rate Mail**

**G.S.T. # R107442683**

**All requests for Subscription and Legislation MUST be prepaid.**