

ITEM	15
MANAGER'S REPORT NO.	77
COUNCIL MEETING	90/12/17

TO: MUNICIPAL MANAGER
FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

1990 December 12

Our File: 02.240

SUBJECT: AUTOMOBILE REPAIR SERVICES AND MOTOR VEHICLE INSPECTION

PURPOSE: To propose text amendments to the Burnaby Zoning Bylaw to permit automobile repair services and motor vehicle inspections in certain commercial and industrial zoning districts.

RECOMMENDATIONS:

1. THAT Council authorize the Municipal Solicitor to prepare a bylaw amending the Burnaby Zoning Bylaw to:
 - a. add a definition for "automobile repair services" to indicate the types of services and the weight of vehicles, as outlined in the report of 1990 February 12;
 - b. add a definition for "motor vehicle inspections" that specifically excludes motor vehicle emission testing as a principal use;
 - c. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with self-serve and conventional gasoline service stations that are located in the Neighbourhood Commercial (C1), Community Commercial (C2), General Commercial (C3), Service Commercial (C4), and Gasoline Service Station (C6, C6a, C6b) Districts;
 - d. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with automobile showrooms in the General Commercial (C3) and Service Commercial (C4) Districts;
 - e. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with the retail sale of new and remanufactured automobile parts and accessories in a Comprehensive Development District using General Commercial guidelines (CD(C3));
 - f. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with the retail sale of new or used automobile parts and accessories in the Service Commercial (C4) District;
 - g. permit motor vehicle inspections as a principal use in the Service Commercial (C4) District;
 - h. amend the definition of "automotive repair shop" (which pertains to the M1, M2, M3, M4 and M6 industrial districts) to include motor vehicle inspections.
2. THAT Council authorize the bylaw be forwarded to First Reading on 1991 January 08 and to a Public Hearing on 1991 January 29.

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1.0 BACKGROUND

At its meeting on 1990 November 19, Council considered a tabled report (dated 1990 February 12 - attached) on proposed text amendments to the Burnaby Zoning Bylaw to permit automobile repair services and motor vehicle inspections in certain commercial and industrial zoning districts. The report was referred back to staff with a request for additional information on the provincial vehicle inspection program.

If adopted, the proposed amendments would enable more automotive businesses which currently perform repairs (e.g., gas stations, auto retail/repair shops, and car dealerships) to obtain an inspection licence. This licence enables the facility to conduct compulsory inspections on commercial vehicles and compulsory or voluntary inspections on private vehicles. The facilities are monitored by the Motor Vehicle Department. As of September 1990, there were 67 designated facilities in Burnaby.

2.0 VEHICLE INSPECTION PROGRAMS

There are two vehicle inspection programs that fall under the authority of the Motor Vehicle Department: the Commercial Vehicle Inspection Program and the Private Vehicle Inspection Program.

As well, there are private auto businesses that undertake vehicle inspection work outside of these two provincial programs.

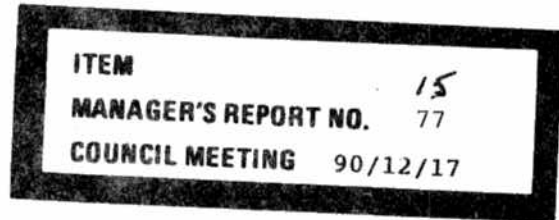
2.1 Commercial Vehicle Inspection Program

The Commercial Vehicle Inspection Program has been in effect since April 1986 for certain types of commercial vehicles (see Attachment A). The program was expanded in April 1989 to include all commercial vehicles over 8,200 kg and all vehicles licensed under the Motor Carrier Act.

Depending on the type of commercial vehicle, inspections are mandatory on an annual or semi-annual basis. An inspection can be performed at any of the estimated 1,300 automotive shops licensed by the Motor Vehicle Department within the province. There are gas stations and auto repair shops, for example, that are licensed to conduct inspections.

An automotive facility must meet the following provincial requirements to obtain an inspection licence:

- certified mechanics authorized by the Superintendent of Motor Vehicles. These mechanics must hold a certificate of qualification issued by the Ministry of Labour in automotive mechanical repair and must have successfully completed a college course for authorization to be a vehicle inspector.



- . a weather-tight building properly equipped for the purpose of inspecting vehicles
- . compliance with all municipal requirements for buildings used in the repair and inspection of vehicles (e.g., a municipal business licence stating that automobile repair or inspection is a permitted use).

All government-authorized inspection facilities must follow a detailed (350-page) Commercial Vehicle Inspection Manual in which there is a standard for each mechanical device of the vehicle. Proper records of every inspection must be kept for a period of not less than 18 months. As well, the facilities are audited regularly by Motor Vehicle Branch mechanical inspectors, and their licences are renewed on an annual basis.

For a fleet of five or more commercial vehicles, an application can be made for a Preventative Maintenance Program which exempts these vehicles from the semi-annual or annual inspection program. A business must make an application for the Preventative Maintenance Program, which includes the number of vehicles, a schedule of interval inspections, the method used for scheduling inspections, an itemized check sheet for mechanics, and a check sheet for the driver's pre-trip examination. In February 1990, 780 companies with a total of 21,000 vehicles were involved in this program.

Commercial vehicles cannot be driven or parked on a highway without a valid inspection decal. Approximately 108,000 commercial vehicles will be inspected by year-end.

2.2 Private Vehicle Inspection Program

The government-operated compulsory inspection program for private vehicles in the Greater Vancouver and Victoria area was discontinued in 1983.

A new province-wide Private Vehicle Inspection Program involving passenger cars and light trucks was implemented in January 1990. Under this program, motorists may voluntarily undergo a vehicle inspection at any of the 1,300 government-authorized facilities.

In addition, random roadside inspections are conducted by the Motor Vehicle Branch inspectors and law enforcement officers on all classes of vehicles (private and commercial). The aim is to target unsafe, poorly equipped, inadequately maintained vehicles and to remove them from the road until such time as they are repaired and pass inspection. The inspection must take place at a government-authorized facility within 30 days. A vehicle that is found to be manifestly unsafe could be ordered off the street immediately and towed away.

Failure to comply with an inspection order may result in a fine of \$500. Also, owners will not be able to re-licence their vehicles without passing an inspection.

A staff person at the Motor Vehicle Department estimated that approximately 60,000 to 70,000 private vehicles in the province are expected to be stopped for a roadside inspection in 1990. Information on the number of vehicles issued an inspection order is not available.

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There are no plans to provide a government-operated compulsory inspection program for all vehicles, such as the one that was discontinued in 1983.

2.3 Other Vehicle Inspection Facilities

In some commercial zoning districts in Burnaby, there are automotive businesses such as retail/repair shops and car dealerships that are currently doing vehicle inspections outside of the two provincial programs described above. However, these businesses are not authorized to inspect vehicles that must undergo mandatory testing (e.g., commercial vehicles as required under the Motor Vehicle Act and private vehicles targeted through a roadside inspection).

3.0 VEHICLE EMISSION TESTING FACILITIES

The Motor Vehicle Department is currently waiting for government approval to amend the Motor Vehicle Act in order to establish a vehicle emission testing program. The proposal involves about 10 to 12 testing facilities operated by one private sector company under the authority of the Department. If approved, the program would begin operation in mid-1992 and would require mandatory emission testing of light passenger and commercial vehicles (with exemptions) in the Lower Mainland. It is estimated that approximately 1.2 million inspections may be conducted in the first year of the program. One or more facilities may be proposed for Burnaby.

This emission testing program has no relationship to the commercial and private vehicle inspection programs described above. As well, the land use considerations (e.g., size of facility, access) and the operation of these emission testing facilities would be quite different from those of the inspection facilities. For example, there would likely be many cars going through an emission testing centre on a daily basis if it becomes mandatory to take the test. Therefore, the proposed text amendments to the Burnaby Zoning Bylaw, as outlined in the 1990 February 12 report, should exclude specialized vehicle emission testing facilities.

4.0 CONCLUSION

An amendment to the Burnaby Zoning Bylaw to permit motor vehicle inspection facilities in certain commercial and industrial districts would enable some automotive businesses to receive a licence from the Motor Vehicle Department to conduct compulsory testing of commercial vehicles and testing of private vehicles according to the regulations of the Motor Vehicle Act.

This zoning amendment would also apply to businesses which conduct vehicle inspections outside of the government programs, usually as a component of a gas station, an auto retail store or car dealership. Therefore, recommendation 1(b) in the report of 1990 February 12 has been amended to reflect this provision.

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re: Automobile Repair Service
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In absence of a government-operated compulsory inspection program for all vehicles, the current programs delivered through the private sector have merit in working towards the removal of unsafe, poor equipped or inadequately maintained vehicles off the road.


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION


SL/mm

Attachs:

cc: Chief Licence Inspector
Municipal Solicitor
Chief Public Health Inspector

~~ITEM 5
MANAGER'S REPORT NO. 11
COUNCIL MEETING 90/02/19~~

ITEM 15
MANAGER'S REPORT NO. 77
COUNCIL MEETING 90/12/17

RE: AUTOMOBILE REPAIR SERVICES AND MOTOR VEHICLE

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

* * * * *

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TO: MUNICIPAL MANAGER 1990 FEBRUARY 07

FROM: DIRECTOR PLANNING & BUILDING INSPECTION OUR FILE: 02.240

SUBJECT: AUTOMOBILE REPAIR SERVICES AND MOTOR VEHICLE INSPECTIONS

PURPOSE: To propose text amendments to the Burnaby Zoning Bylaw to permit automobile repair services and motor vehicle inspections in certain commercial and industrial zoning districts.

RECOMMENDATIONS:

1. THAT Council authorize the Municipal Solicitor to prepare a bylaw amending the Burnaby Zoning Bylaw to:
 - a. add a definition for "automobile repair services" to indicate the types of services and the weight of vehicles, as outlined in this report;
 - b. add a definition for "motor vehicle inspections" pursuant to the Motor Vehicle Act and to the weight restriction outlined in this report;
 - c. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with self-serve and conventional gasoline service stations that are located in the Neighbourhood Commercial (C1), Community Commercial (C2), General Commercial (C3), Service Commercial (C4), and Gasoline Service Station (C6, C6a, C6b) Districts;
 - d. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with automobile showrooms in the General Commercial (C3) and Service Commercial (C4) Districts;
 - e. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with the retail sale of new and remanufactured automobile parts and accessories in a Comprehensive Development District using General Commercial guidelines (CD, (C3));
 - f. permit automobile repair services and motor vehicle inspections as uses to be provided in conjunction with the retail sale of new or used automobile parts and accessories in the Service Commercial (C4) District;

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- g. permit motor vehicle inspections as a principle use in the Service Commercial (C4) District;
 - h. amend the Bylaw definition of "automotive repair shop" (which pertains to the M1, M2, M3, M4 and M6 Industrial districts) to include motor vehicle inspections for any weight of vehicle.
2. THAT Council authorize the bylaw be forwarded to First Reading on 1990 February 26 and to a Public Hearing on 1990 March 20 at 7:30 p.m.

REPORT

1.0 INTRODUCTION

The purpose of this report is to propose text amendments to the Zoning Bylaw regarding automobile repair services and motor vehicle inspections. The facilities include self-serve and conventional gasoline stations, automobile showrooms, retail stores for automobile parts, and automotive repair shops.

The current regulations in the Bylaw do not accurately reflect the nature of automobile repair services being provided in the commercial districts since the approach to automotive services has changed considerably in recent years. In some commercial zoning districts, minor repairs may be performed in conjunction with a principle use. However, certain automotive businesses in commercial districts have also been doing repairs which are considered to be major. The Bylaw does not specifically define major or minor repairs.

Secondly, some automotive businesses (e.g., retailers of parts, such as Goodyear Auto Service Centre) are performing automobile repairs as an accessory use and want to operate an inspection facility designated by the Superintendent of Motor Vehicles. While they are able to satisfy the requirements of the Motor Vehicle Department in terms of certified mechanics and proper equipment and facility, they have not been able to obtain an inspection licence because their municipal business licence does not show automobile repairs or inspections as a permitted use. These two problems are examined and amendments to the Zoning Bylaw are proposed.

2.0 ZONING REGULATIONS

Self-serve and conventional gasoline stations are permitted in the C1, C2, C3, C4, C6, C6a, and C6b Districts and are subject to the regulations of the C6 Gasoline Service Station District. They may include the servicing and minor repairing of motor vehicles and the sale of automobile accessories.

Automobile showrooms (which may include related minor repair shops) and the retail sale of automobile parts and accessories (with related minor repairs considered as an accessory use) are permitted in the C3 and C4 Districts.

Repairs that are considered to be major are permitted only in automotive repair shops in the Industrial M1, M2, M3, M4 and M6 Districts. Although the Zoning Bylaw does not specifically define major repairs, activities such as engine overhauling/rebuilding, body repair/painting, and radiator repair have generally been considered to be major repairs. Motor vehicle manufacture, assembly or body building are specifically excluded in automotive repair shops.

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While minor repairs have been permitted in conjunction with the retail sale of automobile parts, gasoline stations and automobile showrooms, it is apparent that the distinction between minor and major repairs is difficult. Therefore, there is a need to address the relationship between present practices, the zoning regulations and community impact.

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One of the requirements of the Motor Vehicle Department for issuing an inspection licence to a private company is a current business licence specifically stating that automobile repairs or inspections are permitted uses. Under the existing zoning, only automotive repair shops within the M1, M2, M3, M4 and M6 industrial districts can qualify for an inspection licence. Gasoline service stations, retail automotive shops and automobile showrooms in the commercial districts would be unable to obtain an inspection licence from the Motor Vehicle Department, even though repairs are permitted in conjunction with the principal use.

3.0 MOTOR VEHICLE INSPECTIONS

Since there have been requests in connection with automobile-related facilities in the commercial districts for permission to conduct inspections, the Motor Vehicle Department was contacted to obtain information about the scope of the inspection program and the requirements for licencing.

Prior to 1989 April 01, certain types of commercial vehicles were required to undergo inspection on a semi-annual basis (see Attachment A). However, effective 1989 April 01, new regulations have expanded the Commercial Vehicle Inspection Program to include annual inspections for the following:

- . commercial vehicles between 8,200 and 17,300 kg. (with exceptions)
- . "A" plated vehicles over 17,300 kg.
- . all driving school vehicles
- . all motor carriers of 17,300 kg. or less (except buses or taxis)
- . farm trailers (as defined).

Beginning in January 1990, the Motor Vehicle Department will be stepping up roadside checks of all types of vehicles and will be promoting voluntary annual inspections for all light vehicles. An inspection can be performed at any automotive shop licenced by that department. No decision has been made to reinstate mandatory testing of all motor vehicles.

Besides a municipal business licence stating that automobile repair or inspection is a permitted use, an automotive facility must also meet the following provincial requirements to obtain an inspection licence:

- . certified mechanics authorized by the Superintendent of Motor Vehicles;
- . a weather-tight building suitable for the purpose of repairing and inspection of vehicles;
- . compliance with all municipal requirements for buildings used in the repair and inspection of vehicles.

Inspection work normally does not require the removal of parts. As well, the Motor Vehicle Department has indicated that vehicles are not lined up outside of the inspection facility since appointments are normally made. The activities and equipment of an inspection facility are monitored, and its licence is reviewed on an annual basis.

With an expansion of the motor vehicle inspection program as outlined above, it is anticipated that there will be more requests from various types of automotive businesses for permission to operate an inspection facility designated by the Superintendent of Motor Vehicles.

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4.0 PROPOSED TEXT AMENDMENTS TO THE ZONING BYLAW

4.1 Automobile Repair Services

Given that existing zoning regulations in the commercial districts pertaining to "minor repairs" are not specific in terms of what services are permissible, it is proposed that a text amendment be made to the Zoning Bylaw to eliminate the references to minor repairs and to permit "automobile repair services" under the following regulations:

- . to be provided in conjunction (i.e., operated by one legal entity) with gasoline service stations (conventional and self-serve) or with automobile showrooms in districts where each use is currently permitted.
- . to be provided in conjunction (i.e., operated by one legal entity) with the retail sale of automobile parts and accessories in a CD (C3) District and in the C4 District. (For example, there are two Canadian Tire stores located in a CD (C3) District.)
- . to be limited to light vehicles, trucks and vans less than 10,000 lbs. G.V.W. (4,600 kg.). Repairs of larger trucks and trailers should continue to occur in the Industrial M1, M2, M3, M4 and M6 Districts.
- . to exclude motor vehicle manufacture, assembly, body building, manufacturing of parts, body repairs and modifications, painting, engine remanufacturing, engine rebuilding as a principal use, radiator repairs as a principal use, transmission repairs as a principal use, and upholstery repairs as a principal use. These activities are not considered to be appropriate uses in commercial districts.

In the zoning districts identified above, general automobile repair services would be permitted in conjunction with gasoline service stations, automobile showrooms, and the retail sale of parts and accessories. Examples include:

- . engine tune-ups and repairs (not rebuilding as a principal use or remanufacturing)
- . oil changes and lubrications
- . wheel alignments
- . tire installations
- . brake service and part replacement
- . muffler installations
- . electrical servicing
- . window replacements
- . carburetor servicing and replacement

The Licence Department and Environmental Health Department has indicated that there has been very few complaints or problems with automotive businesses offering these repair services. This can be attributed to various Municipal bylaws which regulate operational noise and the discharging of materials. These proposed amendments to the Zoning Bylaw would reflect existing practice and, therefore, would not likely have a negative impact on the adjacent community.

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4.2 Motor Vehicle Inspections

Vehicle inspections can be viewed as an activity that is comparable in nature to automobile repairs and may be cleaner than some types of repairs. Therefore, it is proposed that motor vehicle inspections be permitted, subject to the following zoning regulations:

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- . to be pursuant to the provisions of the Motor Vehicle Act.
- . to be provided in conjunction (i.e., operated by one legal entity) with gasoline service stations (conventional and self-serve) or with automobile showrooms, provided that inspections are restricted to light vehicles, trucks and vans less than 10,000 lbs. G.V.W. (4,600 kg.).
- . to be provided in conjunction (i.e., operated by one legal entity) with the retail sale of automobile parts and accessories in a CD (C3) District and in the C4 District, provided that inspections are restricted to light vehicles, trucks and vans less than 10,000 lbs. G.V.W. (4,600 kg.).
- . to be a principal use in the Service Commercial (C4) District, subject to the same weight restriction above. This district provides for the accommodation of vehicular oriented commercial uses of low intensity and for commercial uses requiring large areas for storage and handling of materials, goods and equipment.
- . to be provided in conjunction (i.e., operated by one legal entity) with automotive repair shops in the M1, M2, M3, M4 and M6 Industrial districts, without any weight restriction. Large trucks and trailers would not be permitted to have an inspection in the commercial districts.

5.0 CONCLUSION

Based on the current situation that zoning regulations are not specific in terms of the types of automobile repairs which are permissible in the commercial districts, and that the scope of the motor vehicle inspection program has expanded, this department recommends that the proposed text amendments be approved by Council. The amendments will update the Zoning Bylaw in order to more accurately reflect what is happening in the automotive industry.


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

SL/jp

Attachment

cc: Chief Licence Inspector
Municipal Solicitor
Chief Public Health Inspector

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ATTACHMENT A: COMMERCIAL VEHICLE INSPECTION PROGRAM

May 24, 1989

GENERAL INFORMATION

Vehicles Included in the Commercial Vehicle Inspection Program
All Weights Quoted are Gross Vehicle Weight

TYPE	SEMI ANNUAL	ANNUAL
Taxi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bus, Crummy, Crew, Bus Freighter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial Vehicle over 17 300 kg.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Log truck 17 300 kg or less (except licenced AGR exempt)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Limousine	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial trailer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial trailer bearing a floater plate not registered in another jurisdiction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quarter permit (depending on type of vehicle)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial Machine over 17 300 kg with a body style of:		
Compressor		
Derrick		
Pumper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drill		
Conveyor		
Drill Rig		
Crane		
Seismograph		
Farm bus	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emergency Vehicle greater than 8 200 kg.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial vehicle equal to or less than 17 300 kg. and greater than 8 200 kg. (except buses and light log trucks)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
"A" plated vehicle over 17 300 kg.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All Driving School Vehicles	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All Motor Carriers 17 300 kg. or less except bus or taxi	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Farm trailer (rate class 570) towed by a farm vehicle having a GVW greater than 17 300 kg. and equipped with air brakes	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Effective April
1/89 as vehicle
comes up for
licencing

As of April
1/89

Source: Motor Vehicle Department

Commercial Vehicle Inspection Program

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GENERAL INFORMATION

Vehicles Included in the Commercial Vehicle Inspection Program
All Weights Quoted are Gross Vehicle Weight

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TYPE	SEMI ANNUAL	ANNUAL
Taxi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bus, Crummy, Crew, Bus Freighter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial Vehicle over 17 300 kg.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Log truck 17 300 kg or less (except licenced AGR exempt)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Limousine	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial trailer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial trailer bearing a floater plate not registered in another jurisdiction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quarter permit (depending on type of vehicle)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial Machine over 17 300 kg with a body style of:		
Compressor		
Derrick		
Pumper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drill	<input type="checkbox"/>	
Conveyor		
Drill Rig		
Crane		
Seismograph		
Farm bus	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emergency Vehicle greater than 8 200 kg.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial vehicle equal to or less than 17 300 kg. and greater than 8 200 kg. (except buses and light log trucks)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
"A" plated vehicle over 17 300 kg.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All Driving School Vehicles	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All Motor Carriers 17 300 kg. or less except bus or taxi	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Farm trailer (rate class 570) towed by a farm vehicle having a GVW greater than 17 300 kg. and equipped with air brakes	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Effective April 1/89 as vehicle comes up for licencing

As of April 1/89