

**Nova Scotia Motor Vehicle Act Updates:**

**Status Report:**

**February 17, 2012:**

**Conrad LeLièvre P.Eng. CRSP:**

A meeting was held on Wednesday, February 8, 2012 with the Registrar of Motor Vehicles, Province of Nova Scotia. Paul Arsenault, Registrar, as well as William Lownds of the Registry and the undersigned attended. The purpose of the meeting was to get an update on behalf of Engineers Nova Scotia of any progress on the amendments to the MVA and also get some feedback on the submission made in late 2011 regarding the issue of modified vehicles.

The requested agenda for the meeting contained the following points for discussion.

- update on excessively raised vehicles discussion paper
- update on antique vehicle discussion paper
- feedback on modified vehicles submission from 2011
- possible topic of antique motorcycles

Engineers Nova Scotia is the licensing body for professional engineers in the province of Nova Scotia. As professional engineers are mentioned in legislation as being responsible for some certifications regarding motor vehicles, Engineers Nova Scotia felt that its member should be involved in such discussions.

**General Status of the MVA Updates:**

Currently, the Registry of Motor Vehicles is working on the changes to the Motor Vehicle Act itself and has not as yet touched anything with regards to any proposed Regulations changes. In order for changes to be made to the Regulations, the Motor Vehicle Act must give that power.

It should be stated at this point that it is the Regulations made under the Motor Vehicle Act that affect us most as car enthusiasts, not the actual Motor Vehicle Act.

There is a realization that the current Motor Vehicle Act does not cover all of the classifications of motor vehicles that are operating on the highways of Nova Scotia. Unless these vehicles are properly defined in the Motor Vehicle Act, no Regulations can be created to handle the registration issues associated with such vehicles.

Some additional information on these classifications is given in the sections of this status report documented below.

As can be appreciated, changes to the Motor Vehicle Act are a time-consuming exercise. Based on the current situation, it is expected that the proposed changes to the Act should be ready for public commentary late in 2012 and receive final legislative approval in early 2013.

### Excessively-Raised Motor Vehicles:

There was limited discussion on this topic other than the confirmation that the discussion paper feedback had been received and that a stakeholder meeting had been held back in the late spring of 2011.

As had been reported in a previous message, the decision has been made to follow the document entitled "CCMTA Best Practice for Regulating Excessively-Raised Vehicles" dated December 2010, as far as a go/no-go frame height dimension as concerned.

The proposed allowable vehicle heights were as follows:

-28" for vehicles with a GVW of 7501-10,000 lbs.

-26" for vehicles with a GVW of 4501-7500 lbs.

-24" for vehicles with a GVW < 4500 lbs.

-22" for passenger vehicles

Body lift off of the frame will be limited to 3" over stock height.

There was a realization that further regulations were required to handle vehicles that were over these guidelines; meaning engineering certifications.

No additional discussion was held on this topic at this meeting.

There has been a concern expressed by certification engineers that the CCMTA document does not go far enough, especially in the area of vehicle dynamics and stability. There was no additional discussion on this topic at this particular meeting.

### Antique Auto Classification:

There was comment from the Registrar that feedback had been received from car enthusiasts on the antique auto discussion paper submitted in the spring of 2011. It was mentioned that many good points from that discussion paper were raised, but no statistical analysis of the feedback was presented at this meeting.

Based on the work being done on the Motor Vehicle Act wording itself, the Registrar stated that the current definition of Antique Auto will most likely go forward into the new Act. In other words, the originality assessment section will stay as-is.

There may be some changes as to who can perform the originality assessment and what that assessment will encompass, but those changes will be in the Regulations, not in the Act. The main points of that assessment will likely remain as they are officially are today. As an example, if a vehicle came only with a flathead engine in its year of manufacture, it will need a flathead engine under the hood to retain its antique classification.

But this has not yet been finalized as to the details and such items will be handled over the next year as the Regulations evolve.

The issue of driving restrictions will also be handled in the Regulations, and no detail discussion was held on this subject at this meeting.

### Modified Vehicles:

The issue of modified vehicles took up the majority of the meeting.

Feedback was requested regarding the position paper on modified vehicles that was submitted by Engineers Nova Scotia in the fall of 2011.

The Registrar agreed that the current Motor Vehicle Act does not handle the issue of modified vehicles very well. Even Class 56-Reconstructed Vehicles is too general to enable a good set of guidelines or regulations to be formulated. Clarification is certainly required.

As such, the registry is looking at some new classifications of modified vehicles. It is expected that the revised Motor Vehicle Act will have more than one "modified vehicle" classification listed. The Registry realizes that the issue of modified vehicles encompasses many types, with "Reconstructed Vehicles" being only one of them. There are fiberglass replica "street rods", kit cars, rebuilt "written-off" vehicles as well as full-blown one off custom-built vehicles. Currently, none of them are covered in the Motor Vehicle Act. Until these various types of modified vehicles are defined in the Act, Regulations cannot be created for their construction and/or registration.

The exact number and titles of these new classifications have not been determined at this point and will evolve over the coming months. But the undersigned knows that similar classifications exist in British Columbia and in the State of Maine, so it might be expected that similar wording might end up in the revised Nova Scotia legislation.

As an example, the State of Maine has a "Street Rod" classification which is a modified vehicle manufactured in 1948 or earlier. They also have a "Custom" designation which is a modified vehicle manufactured after 1948 but meeting the age requirement of an Antique Auto. Another example is that British Columbia has a U-Bilt classification that covers fiberglass replicas.

This is an area where we hope car enthusiasts will be asked for input later in 2012. This point was made to the Registrar during the meeting. However, at this time, no commitment was given by the Registrar that such a discussion paper would be created and released to gather such feedback.

Since those modified vehicles over 30 years old do not fit the definition of Antique Auto, they will most likely no longer be exempt from periodic motor vehicle inspection programs. But the current MVI Manual does not adequately address the characteristics of these older vehicles. That fact was accepted by the Registrar. It was suggested to the Registrar that either changes have to be made to or exemptions have to be added to the MVI Manual (as is done in Maine) or that possibly they be inspected to the specifications of their year of manufacture. At this time, no commitment was made

that such changes would be made to the MVI Manual. But it may be a little premature to talk about such changes, when the definitions of modified vehicles have yet to be finalized.

A question was posed to the Registrar regarding the possibility that an additional license plate for modified vehicles over 30 years old might be created. As an example, such a plate might be entitled "Vintage" or "Collector". His response was that such an additional plate was unlikely due to the costs of implementation.

However, for car enthusiasts, it should be noted that only recently a plate honouring French Acadians was created and there is a move afoot to create a First Nations license plate. We already have Volunteer Firefighter plates and Veterans plates. So why not a modified classic vehicle plate?

#### Antique Motorcycles:

Currently in the Motor Vehicle Act, there is no classification for antique motorcycles. That point was recognized by the Registrar in the meeting.

Due to the lack of an antique classification, motorcycles with rigid frames are technically illegal in Nova Scotia. The issue of suspensions for motor cycles is currently addressed in the Act & Regulations.

Although the lack of an antique motorcycle classification was acknowledged by the Registrar, there was no commitment that one would be included in the revised Act.

We can only hope that it would be fair to include such a classification.

As an aside, the issue of motorcycle trikes was touched on. But no detailed discussion was held on that subject at this meeting.

#### Conclusion:

Over the next few months, classic car enthusiasts need to assemble their thoughts on the above topics and provide some feedback to the Registry of Motor Vehicles. It is hoped that a discussion paper will be released on the topic of Modified Vehicles and that will provide the mechanism for such feedback. However, if such a discussion paper is not forthcoming, that feedback still needs to be submitted.

Please get back to me with any comments that you might have.

Conrad LeLièvre P.Eng. CRSP  
232 Milne Avenue  
New Minas, N.S.  
B4N 4C8  
Phone: 902-681-0310  
E-Mail: [lelievreeng@ns.sympatico.ca](mailto:lelievreeng@ns.sympatico.ca)