

John Sutherland

From: John Sutherland
Sent: Friday, October 5, 2018 4:03 PM
To: John Sutherland
Subject: NS - Bill 94 - Traffic Safety Act - Comments from CAMVAP

From: Steve Moody [mailto:smoody@camvap.ca]
Sent: Friday, October 5, 2018 3:24 PM
To: John Sutherland <jsutherland@pathfinder-group.com>
Cc: 'Mark Nantais ' <mnantais@cvma.ca>
Subject: NS - Bill 94 - Traffic Safety Act - Comments from CAMVAP

Hi John,

As we discussed, here are CAMVAP's concerns set out succinctly,

1. CAMVAP would prefer the term 'Lemon' removed from the legislation. The principal reason is that it will be a disclosure that is unique to NS and not a classification of vehicle that will be assigned in any other Canadian Province or Territory. It will be 'lost' when the vehicle is moved to another province and not assigned should a vehicle that qualifies for the designation moves into the province. The US term for this happening is 'title-washing' – moving lemon or water damage branded vehicles from a State that has branding to one that does not. i.e., Ohio brands – New York does not brand. Implementation of this section in NS only will be confusing to consumers and to dealers.

Our alternative choice is to,

2. Ensure at the time the Regulations are prepared that the definition does not include CAMVAP bought back vehicles.
 - a. Recommend that a definition such as that in Manitoba's Consumer Protection Act be the basis of vehicles designated as Lemons in the VRS. That definition of Lemon is,

lemon" means a motor vehicle that was returned to the manufacturer under the laws of another jurisdiction because

 - (a) it did not conform to the manufacturer's warranty; and
 - (b) it had defects or conditions that substantially impaired its use, value or safety and that were not repaired within a reasonable time period or after a reasonable number of attempts.

Quick Stats

1. 61 Vehicles have been bought back in NS since 1994 for a total value of \$1,389,914.
2. 4,223 vehicles have been bought back across Canada since 1994 for a total value of \$39,665,551.
3. CAMVAP buybacks since 2002 are all fully searchable on the www.camvap.ca website.
4. CAMVAP buybacks since 2002 are also identified as CAMVAP Buybacks in the www.carproof.ca reports used by consumers and dealers. Buyback disclosure is fully made. These vehicles are noted as 'bought back through CAMVAP, not as lemons.
5. Organizations like CarProof, Carfax, Experian, VinAudit and others all buy the lemon law buyback or repurchase data in the United States from the government and other suppliers. U.S. buybacks are in these company's reports and are reported as 'Lemon Law Vehicles'.

I can be reached by email on the weekend or on my cell at 416-903-8057 should you have any questions.

Happy Thanksgiving.

Regards,

Steve.

Stephen Moody
General Manager
Canadian Motor Vehicle Arbitration Plan
Phone: 416-490-0615 Ext. 201
Toll Free: 1-800-806-3285 Ext 201
Fax: 416-490-1680
Email: smoody@camvap.ca





October 5, 2018

The Hon. Mark Furey
Chair, Standing Committee on Law Amendments
Office of the Legislative Counsel
CIBC Building
802-1809 Barrington Street
PO Box 1116
Halifax, NS B3J 2X1

Canadian Vehicle
Manufacturers' Association
Association canadienne
des constructeurs de véhicules

170 Attwell Drive
Suite 400
Toronto, Ontario
M9W 5Z5
Tel: 416-364-9333
1-800-758-7122
Fax: 416-367-3221
info@cvma.ca
www.cvma.ca

Subject: Bill 80, Traffic Safety Act – CVMA Comments

Dear Minister Furey:

The Canadian Vehicle Manufacturers' Association (CVMA), representing FCA Canada Inc., Ford Motor Company of Canada, Limited, and General Motors of Canada Company is writing you and the Standing Committee on Law Amendments to share our comments with respect to Bill 80, Traffic Safety Act introduced on October 3, 2018. CVMA is the industry association representing Canada's leading manufacturers of light and heavy duty motor vehicles for more than 90 years. Collectively the CVMA members account for approximately 60% of vehicles produced in Canada, operate 5 vehicle assembly plants as well as engine and components plants, and have over 1,300 dealerships.

We recognize that the Traffic Safety Act would replace the existing Motor Vehicle Act and that Nova Scotia will be consulting on the supporting regulations needed to implement the enabling provisions set out in the Bill. Following our initial review, we have identified a number areas of concern regarding the legislative language in the Bill and the provisions pertaining to automated vehicles, distracted driving and vehicle status.

We are concerned that as proposed, Bill 80 would prevent the future introduction of automated technologies. CVMA members are committed to the development and manufacture of safe vehicles, proactively introducing advanced technologies to enhance occupant protection in the event of a crash. This includes the development of new and innovative advanced driver assistance technologies that help the driver avoid a crash in the first place. Vehicle manufacturers are undertaking extensive research and development efforts towards the introduction of automated vehicles which have significant potential to improve road safety. However, the proposed amendments, requiring a driver in the driver seat and the capability for the driver to take control of the vehicle at any time, would eliminate the possibility of introducing SAE Level 4 and 5 vehicles that may not or do not have driver controls.

Flexibilities are needed in the Bill to support the testing and eventual deployment of these new technologies when market-ready. For instance, separate definitions may be needed for a conventional human driver versus a driverless-capable vehicle. Language should ensure that that no motor vehicle laws of the Province can be construed as requiring a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system of such a vehicle, when engaged, should be deemed to fulfill any physical acts required of a conventional human driver to perform the Dynamic Driving Task.

We also note that the Bill refers to "autonomous" vehicles and modes, which is inconsistent with the industry-accepted terminology set out in SAE Standard J3016. These technologies should be referred to as "automated" technologies.

With regard to the updated distracted driving provisions, vehicle manufacturers perform extensive testing, including the use of industry guidelines and best practices, to minimize the potential for driver distraction from original equipment telematics systems. We recommend the following update to the proposed language to improve clarity and ensure consistency with the existing language in Section 265.04(2)(d) of the Motor Vehicle Act, as well as language used in other provinces.

184 (1) No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the person is using a global positioning system navigation device unless the device is being used in a hands-free mode or was installed by the vehicle manufacturer or according to the vehicle manufacturer's instructions.

We are also very concerned that the Bill proposes a new vehicle status of "lemon". While we recognize that this terminology was included in previous amendments to the Motor Vehicle Act, the Bill at the time was not proclaimed. This term is not a factual status for a vehicle in Canada. As commonly available vehicle history reports, such as CarFax or CarProof, provide owners/buyers with access to complete vehicle information, the designation "lemon" is not needed and should be removed.

Lastly, we also offer the following suggestions:

- There is an opportunity to align vehicle weights with federal requirements. We recommend that the definition of "carrier", which as proposed sets a GVWR threshold at 4500 kg, should set out a threshold of 4536 kg or 10,000 lbs to align both with Canadian federal thresholds and those in the United States.
- As proposed "imported vehicle" means a motor vehicle assembled outside of Canada. We suggest that an imported vehicle should be with respect to vehicles first sold outside of Canada. The majority of new vehicles sold in Canada are not assembled in Canada.
- With regard to vehicle related noise requirements, we strongly recommend that Nova Scotia exempt unmodified vehicles certified by the manufacturer to comply with Canada Motor Vehicle Safety Standard 1106, Noise emissions. This would provide increased clarity and ensure a consistent national approach.

We appreciate the opportunity to share our input with the Standing Committee on Law Amendments. Should you have any questions or wish to discuss our specific input, please do not hesitate to contact me directly at 416-364-9333 or mnantais@cvma.ca.

Yours sincerely,



Mark A. Nantais
President

cc: legc.office@novascotia.ca
Gordon Wilson, Vice Chair
Suzanne Lohnes-Croft
Keith Irving
Brendan Maguire
Hon. Chris d'Entrement
Brad Johns
Lenore Zann
Claudia Chender
Kory Harrington