



October 5, 2018

The Hon. Mark Furey  
 Chair, Standing Committee on Law Amendments  
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**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](mailto:mnantais@cvma.ca).

Yours sincerely,



Mark A. Nantais  
President

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