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Attention Honourable Andrew Swan, Ms. Marilyn Brick, Ms. Marilyn McLaren and
Mr. Ted Hlynsky

Regarding Grey Imports and Safety in Manitoba

There has been a noticeable increase in the number of grey imports Manitoba and Canada as a whole. Manitoba laws require that compliance items are completed to allow the vehicle to be on the road. These laws are in place to make the vehicle more safe, but the laws regarding compliance items for these vehicles is outdated. **The requirements that MPI and Manitoba has in place for Grey imports does not make the vehicles safer, but in fact makes them less safe.**

Attached you will find a detailed report of the current situation, and some suggestions for making requirements simpler for these vehicles, which will also make the vehicle safer. It details how other provinces that have larger numbers of grey imports has dealt with the situation, and suggests that Manitoba take the same approach as British Columbia has taken, which is to **simplify and clarify requirements** - focusing on important and relevant safety items.

One of the problems with the current compliance requirements, is that the **requirements are confusing and are often unknown** to or misunderstood by safety inspection stations, law enforcement officers and the owners of the vehicles. Adopting a simple set of requirements would ensure important safety items are addressed and easily enforced. Accepting a simple set of easy to understand requirements would ensure that grey import vehicles meet these requirements, making the vehicles suitable for Manitoba roads, thereby making roads safer.

If there is any questions about anything in the attached documents, I would be happy to discuss it with you.

Regards,

Robert Guderian

encl: Grey Imports in Manitoba - Clarifying Requirements to Make Manitoba Roads Safer

Grey Imports in Manitoba

Clarifying Requirements to Make Manitoba Roads Safer

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Abstract

Due to the increasing number of grey imports entering Manitoba, MPI should reassess the list of compliance items for grey imports that are exempt from CMVSS standards. The current state of MPI's compliance items for these grey imports is confusing and inconsistent. By removing the confusion surrounding the requirements for these grey imports, MPI can ensure that these vehicles are safe for Manitoba roads.

1 Introduction

Canada allows vehicles that are older than 15 years to be imported into Canada, exempt from CMVSS regulations. These vehicles are called 'grey imports', and are designed for the country they were originally sold in. The originating country could be a right-hand drive or left-hand drive country, with the vehicles being allowed into Canada equally. In this paper, 'grey imports' are assumed to be older than 15 years, and exempt from CMVSS standards [1].

Since these vehicles are designed for another market, which could be quite different than that of Manitoba, some compliance items to make the vehicle appropriate for use on Manitoba roads need to be done. Currently, the requirements for grey import compliance in Manitoba is lengthy, largely undocumented and confusing. This barrier to entry usually means that often little or no compliance items are addressed on many grey import vehicles. Having a simple-to-understand list of requirements that is strongly enforced for grey import vehicles would increase the likeliness that a grey import vehicle would comply with Manitoba standards.

There are reports of people being refused service while trying to get a Manitoba Safety solely based on the fact it is a right-hand drive vehicle. Though this may or may not be the right of the safety inspection

place, it is a sign of a larger problem. These refusals are a result of safety inspection personnel that are unknowledgeable and therefore uncomfortable with the confusing laws revolving around grey import (especially right-hand drive) vehicles. If the list of requirements confuses safety certification personnel, compliance items will be, and are being, missed.

Manitoba is not the first province to have to address the issue of grey imports. Many grey import vehicles are being brought in through the port of Vancouver, and being driven in BC. Because of this, ICBC has done studies on the safety of grey imports, and has made a short, simple to understand list of compliance items that must be followed to allow the vehicle to be on the road.

In this paper, we address some problems we have had or heard reported in Manitoba. We then provide some suggestions to solve the problems surrounding grey imports in Manitoba, which largely follows the example set out by ICBC.

2 E-code and JIS Lighting

2.1 Allowance of other-National Standards for non-headlight lighting

Under current regulations, all lighting on vehicles in Manitoba must have DOT/SAE equivalent markings on them. It is difficult or impossible to find properly fitting replacements with the proper markings for some grey imports. This is especially true if the vehicle was never sold to the North American market. Some replacements that have DOT/SAE markings are more unsafe, as they do not fit the vehicle properly. These replacements tend to be aimed incorrectly, and often not as bright as the original lights. Allowing other-National markings on grey imports for non-headlights would make the vehicles safer for Manitoba roads since they are designed for the vehicle, aimed properly for the vehicle, and fit the vehicle properly.

Japanese Industrial Standards (JIS) markings, in particular, have been benchmarked as equivalent or better than DOT/SAE lenses. Daniel Stern, an engineer that specializes in automotive lighting, has released a report that shows that JIS lighting meets or exceeds DOT/SAE standards. This publication was the report that ICBC considered while studying whether or not to accept JIS as an equivalent standard. Daniel Stern's report can be purchased through his website, <http://www.danielsternlighting.com/>.

E-coded marked lighting for or right or left-side driving countries should also be accepted as compliant on grey import. E-coded lights are already readily accepted for many vehicles sold by dealership in Manitoba and on Manitoba roads today. These vehicles are given a CMVSS sticker to show CMVSS compliance. Since grey imports are exempt from CMVSS standards, they are implicitly whitelisted. Therefore, E-code lighting

should be accepted as compliant for lighting on grey imports in Manitoba.

2.2 Allowance of ‘E-coded’ Headlights

Federal regulations in the Motor Vehicle Safety Act [2] state in the section titled ‘Alternative Requirements for Headlamps’, section 108.1 that passenger cars, multi-purpose passenger vehicles, buses and trucks may be equipped with headlamps that emit white light and that comply with ECE Regulation (e-coding). It explicitly states ‘except that the “DOT” symbol referred to in paragraphs S7.7(a) and (e)(7) is not required’. The act goes on to state, in paragraph 108.1 b, that right-hand side section applies to lights that are designed for driving on the right side of the road. This means that all e-coded lights that are designed for right-side driving countries should be deemed legal for road use.

Manitoba’s Highway Traffic Act [3], under Part III (Minimum lighting equipment required), sections 35(1) to 40(3) makes no mention of DOT, SAE, or e-code lighting. This presumably means that the act follows the rules outlined in the federal act, as discussed previously.

Vehicles imported from Japan, which is a left-side driving country should require new, right-side driving, headlights to comply with Canadian law. By Canadian road standards, valid markings on the headlights include proper e-coded markings or DOT/SAE markings. JIS markings are implicitly only for right-side driving countries, and therefore would not comply with Canadian standards due to the aiming of the headlights (biased to the left to illuminate signs in left-side driving countries, therefore at oncoming traffic in right-side driving countries), though they meet the minimum brightness of e-code and DOT standards [4].

It is also important to note that many new cars on Manitoba roads already have e-coded headlights. European imports such as all Mercedes-Benz vehicles, all Smart cars, Volkswagen City Golf and City Jetta are currently sold in Manitoba with e-coded headlights. They are required to have a CMVSS stamp on the vehicle, which ‘whitelists’ the vehicle to have e-coded headlights (though e-coded headlights are permissible as per the Motor Vehicle Safety Act). But this sets a precedent that e-coded headlights from left-hand drive countries are equivalent to DOT/SAE marked headlights. Since grey imports are exempt from CMVSS regulations, they too should be permitted to have e-coded headlights.

3 Suggestions

BC has adopted a simple-to-understand list of requirements. Removing the ambiguity allowed peace-of-mind to the drivers of grey imports, and allows enforcement officers a short checklist of items to check. We believe

this is the most sensible direction to go, and our suggestions are largely in line with the compliance items grey imports undergo in BC.

This short list should be comprised of the most important safety items to ensure that we believe should be completed as compliance items.

3.1 Suggestion for Compliance items

It is our suggestion that Manitoba require the following items:

1. DOT or SAE stamped tires.
2. DOT, SAE or proper E-code Left-Hand Drive headlights.
3. Front and rear side markers.
4. 3rd brake light (if applicable for the year of the vehicle).
5. Daytime running lights (if applicable for the year of the vehicle).

Items such as brake lines, seat belts, signal lights, tail lights and reverse light should have a standards stamp on them, but should not have the requirement of being DOT/SAE. Standards such as JIS from Japan, European standards or major vehicle manufacturer (Nissan, Toyota, etc.) should be considered equivalent for these items.

4 Conclusion

Adopting an easy-to-understand list of requirements for grey import vehicles that are exempt from CMVSS would make grey imports safer on Manitoba roads. By adopting a short list of easy to understand requirements it would ensure that enforcement officers, safety personnel and owners of grey imports are aware of and understand Manitoba compliance rules. By strongly enforcing the items that matter for the safety of the vehicle, grey imports in Manitoba will be more likely to meet the compliance law. We feel that making these changes will make the vehicles, drivers, and Manitoba roads safer.

References

- [1] Motor Vehicle Safety Regulations. <http://laws-lois.justice.gc.ca/PDF/C.R.C.,c.1038.pdf>, Accessed on April 16, 2011.

- [2] Motor Vehicle Safety Act. <http://www.tc.gc.ca/eng/acts-regulations/regulations-crc-c1038-sch-iv-108.1.htm>, Accessed on April 11, 2011.
- [3] Highway Traffic Act - Manitoba. <http://web2.gov.mb.ca/laws/statutes/ccsm/h060e.php>, Accessed on April 12, 2011.
- [4] Daniel Stern Lighting. Lens markings decoded. <http://www.danielsternlighting.com/tech/lights/codes/codes.html>, Accessed on April 13,2011.