ONTARIO REGULATION 363/04

made under the

HIGHWAY TRAFFIC ACT

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SECURITY OF LOADS

PART 1
GENERAL

Interpretation

1. (1) In this Regulation,

"commercial motor vehicle" includes a combination of a commercial motor vehicle and a trailer or trailers;

"gross combination weight rating", in respect of a combination of a commercial motor vehicle and a trailer or trailers means the greatest of,

(a) the total of the gross vehicle weight of the commercial motor vehicle and the greater of the manufacturer's gross vehicle weight rating and the gross vehicle weight of each trailer and trailer converter dolly in the combination,

(b) the total of the manufacturer's gross vehicle weight rating of the commercial motor vehicle and the greater of the manufacturer's gross vehicle weight rating and the gross vehicle weight of each trailer and trailer converter dolly in the combination, and

(c) the total of the registered gross weight of the commercial motor vehicle and the greater of the manufacturer's gross vehicle weight rating and the gross vehicle weight of each trailer and trailer converter dolly included in the combination;

"gross vehicle weight" means the total weight in kilograms transmitted to the highway by a vehicle, or combination of vehicles, and load;

"National Standard" means the National Safety Code Standard 10 entitled "Cargo Securement", dated September 23, 2004, published by the Canadian Council of Motor Transport Administrators, assigned ISBN number 0-921795-71-8 and available on the Ministry's web site.

(2) For the purposes of this Regulation,

(a) terms used in this Regulation and defined in the National Standard have the same meaning as in the National Standard;

(b) except in the term "working load limit", the term "load" has the same meaning as "cargo" in the National Standard.

Compliance with National Standard

2. (1) Every commercial motor vehicle carrying a load on a highway must be in compliance with Division 3 (Requirements for Cargo Securement System) and Division 4 (Tiedowns) of Part 1 of the National Standard.

(2) The working load limit of a tiedown or securing device that is marked by its manufacturer in accordance with a standard referred to in Part 4 of the National Standard shall be deemed to have the working load limit for that standard as set out in the Table to Part 4.

(3) The working load limit of a tiedown or securing device that is not marked by its manufacturer shall be deemed to be the working load limit as set out in Part 3 of the National Standard.

Permit load securement conditions prevail

3. A vehicle carrying a load on a highway under the authority of a permit issued under section 110 of the Act that contains load securement requirements that conflict with any requirements of this Regulation must be in compliance with the permit requirements and not with the conflicting requirements of this Regulation.

PART 2
COMMERCIAL MOTOR VEHICLES OF 4,500 KILOGRAMS OR LESS

Application of Part

4. This Part applies to commercial motor vehicles for which each of the gross vehicle weight, registered gross weight, manufacturer's gross vehicle weight rating and gross combination weight rating is 4,500 kilograms or less.

Securement of load

5. (1) A load carried on a commercial motor vehicle on a highway must be secured by means of,

(a) sides, sideboards or stakes and rear stakes, endgate or endboard that,

(i) are securely attached to the vehicle,

(ii) are strong enough and high enough to ensure that the load will not shift on or fall from the vehicle, and

(iii) have no opening large enough to permit any of the load to pass through;

(b) at least one tiedown that meets the requirements of subsection 2 (1) for each 3.04 linear metres of lading or fraction thereof, and as many additional tiedowns that meet the requirements of subsection 2 (1) as are necessary to secure each part of the load, either by direct contact between the load and the tiedown or by contact between the load and dunnage; or

(c) any other means that prevents a load from shifting or falling that is similar to and at least as effective as the means specified in clause (a) or (b).

(2) A tiedown or dunnage in contact with exterior, topmost items of a load and securely holding each interior and lower item shall be deemed to comply with the requirements for contact in clause (1) (b).

(3) If the load may shift in transit, the load must be blocked, restrained or contained in such a manner that it will not shift in a forward direction when the vehicle decelerates at a rate of six metres per second per second or more and must be,

(a) securely blocked or braced against the sides, sideboards or stakes of the vehicle; or

(b) secured by devices that conform to the requirements set out in clause (1) (b) or (c).

(4) This section does not apply to,

(a) a vehicle carrying a load that, because of its size, shape or weight, must be carried on a special-purpose vehicle or must be fastened by special methods, if the load is securely and adequately fastened to the vehicle; or

(b) a motor vehicle or road-building machine operated by or on behalf of an authority having jurisdiction and control of a highway while the vehicle or machine is engaged in construction, maintenance or marking activities.

Tiedowns

6. (1) The working load limit of a tiedown shall be deemed to be the working load limit of its weakest component.

(2) Where a tiedown or component of a tiedown is not permanently identified with its grade or working load limit, the working load limit shall be deemed to be that of the lowest grade or classification for that type and size of tiedown or component.

(3) The strength of anchor points must be at least as strong as the tiedown when the connector is loaded in any direction in which the tiedown may load it.

(4) A tiedown shall not be used if,

(a) the active portion has knots in it;

(b) any component of it exhibits stretch, deformation, wear or damage beyond the limits specified by the manufacturer; or

(c) it has been repaired or shortened other than in accordance with the manufacturer's specifications.

(5) Where an "over-the-centre" type of tiedown tensioner is used, the handle must be locked in place and secured by an adequate secondary means to prevent its inadvertent release.

(6) Except in the case of steel, fibre or synthetic strapping that is permanently crimped, tiedowns used on a commercial motor vehicle to secure the load against movement in any direction must be designed, constructed and maintained in such a manner that the driver of the vehicle can tighten the tiedown in transit.

Timber

7. Timber used on or in a vehicle as dunnage, chocks or cradles or for blocking or bracing must be strong enough that it will not be split or crushed by the load or the tiedowns.

PART 3
COMMERCIAL MOTOR VEHICLES OVER 4,500 KILOGRAMS

Application of Part

8. This Part applies to commercial motor vehicles having a gross vehicle weight, registered gross weight, manufacturer's gross vehicle weight rating or gross combination weight rating exceeding 4,500 kilograms.

Compliance with National Standard

9. (1) Every commercial motor vehicle carrying a load on a highway must be in compliance with Part 1 of the National Standard.

(2) Every commercial motor vehicle on a highway carrying a load that is described in Division 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Part 2 of the National Standard must be in compliance with that Part.

Inspection

10. Every driver of a commercial motor vehicle operating on a highway shall inspect the vehicle as prescribed by Part 1 of the National Standard.

Exemption

11. Subsections 5 (1) and (2) and section 9 of the National Standard do not apply to,

(a) a vehicle carrying a load that, because of its size, shape or weight, must be carried on a special-purpose vehicle or must be fastened by special methods, if the load is securely and adequately fastened to the vehicle; or

(b) a motor vehicle or road-building machine operated by or on behalf of an authority having jurisdiction and control of a highway while the vehicle or machine is engaged in construction, maintenance or marking activities.

PART 4
REVOCATION, COMMENCEMENT

Revocation

12. Regulation 614 of the Revised Regulations of Ontario, 1990 is revoked.

Commencement

13. This Regulation comes into force on the day section 26 of Schedule P to the *Government Efficiency Act, 2002* is proclaimed in force.