



## MEMBER BULLETIN

January 18, 2017

# What You Need to Know – Road-building Machine Reclassification

## What's New?

**Effective July 1, 2017**, the definition 'road-building machine' means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways that,

- Belongs to a class of vehicle prescribed in the regulations,
- Has the features or equipment prescribed in the regulations, or
- Is being used as prescribed in the regulations;

### **Ontario Regulation 398/16 (Road-Building Machines):**

- Prescribes vehicles, features and equipment that are included in the road-building machine classification, and
- Identifies the classes of vehicles that are not road-building machines.

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## What Changed?

### **Former Road-Building Machines – Commercial Motor Vehicles**

**As of July 1, 2017**, the following vehicles will no longer be considered road-building machines and will be defined as commercial motor vehicles:

1. Mobile equipment vehicles, which means:
  - a. A mobile crane that is not built on a truck chassis, but not an off-road mobile crane.
  - b. An excavator that is not built on a truck chassis, but not an off-road excavator.
  - c. A street sweeper that is not built on a truck chassis, but not a low-speed street sweeper.
2. Vehicles constructed on a truck chassis.
3. Vehicles that comply with or are intended to comply with Canadian federal safety manufacturing standards for highway vehicles or comparable standards from another jurisdiction.

**Effective July 1, 2017**, former road-building machines that no longer meet the updated definition of a road-building machine are considered commercial motor vehicles and subject to requirements including, but not limited to:

- Vehicle registration



- Motor vehicle insurance
- Licenced driver/ appropriate class of driver's licence
- Commercial Vehicle Operator's Registration (CVOR)
- Hours of Service
- Inspections

In addition, these same vehicles may be subject to Fuel Tax, Gasoline Tax and Ontario Sales Tax

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## Commercial Vehicle Operator's Registration (CVOR)

Operators of former road-building machines with a registered gross weight or gross weight greater than 4,500 kg require a valid **CVOR certificate**.

- The operator is the person or legal entity responsible for all drivers and vehicles in their operation.
- One CVOR certificate is required for all commercial vehicles within an operator's fleet.

**Note:** A valid CVOR certificate is required prior to vehicle registration.

**Effective July 1, 2017**, operators and drivers of former road-building machines are subject to a variety of requirements including, but not limited to safety inspections, daily inspections, hours of service and associated recordkeeping, load security and speed limiters.

Details about these requirements and the responsibilities are found in the **Commercial Vehicle Operator's Safety Manual**.

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## Vehicle Registration

**Effective July 1, 2017**, a vehicle that is no longer considered a road-building machine requires vehicle registration, a licence plate with valid sticker and motor vehicle insurance.

**Note:** The use of coloured fuel in a licenced motor vehicle is prohibited.

To register and plate your vehicle, you must bring the following information to **ServiceOntario**:

- Vehicle Identification Number (VIN), the manufacturer's identification number or the manufacturer's serial number.
- Proof of purchase.
  - Bill of sale indicating the purchase date, vehicle information, purchaser's information, seller's name and the province/state where the vehicle was purchased. Vehicle owners who are unable to provide a bill of sale may submit a sworn affidavit instead (see requirements below).
- Proof of motor vehicle insurance from an insurance provider licensed in Ontario.
- **Safety Standards Certificate**.



- Proof of successful **Drive Clean emissions test**.
- Valid CVOR certificate.
  - If the vehicle is operated under the authority of another operator's CVOR, a letter of authorization and signed declaration must be provided before the transaction can be completed.

## **Sworn Affidavit for Vehicle Registration**

Vehicle owners who are unable to provide a bill of sale, proof of registration, Certificate of Title or Certificate of Origin documentation may submit an affidavit. An affidavit is required when these supporting documents are impossible to obtain, to provide missing information, or to support information contained in the documents submitted.

A sworn affidavit must contain the following information:

- That the vehicle was operated in Ontario under the road-building machine exemption from the *Highway Traffic Act* registration requirements prior to July 1, 2017.
- Whether the vehicle was previously registered in another jurisdiction prior to July 1, 2017.
- The current configuration and function of the commercial motor vehicle being registered.
- Purchase date.
- Province or state where the vehicle was purchased.
- Seller's name (if known).
- Why documents are not available.
- Vehicle information (year/make/model), Vehicle Identification Number (VIN) and/or a statement that a Ministry approved/assigned VIN will be used.
- The Registered Gross Weight (RGW) of the vehicle.
- Signatures of the customer and commissioner.

Affidavits are taken by an authorized commissioner (Lawyer, Notary Public; Member of the Legislative Assembly, Judge, Justice of the Peace; Court Registrars and Court Clerks; Municipal Clerk/Deputy Clerk/Treasurer/Head of Municipal Council/Alderman; Head of Municipal Department/Deputy Head/Medical Officer (municipal business only) or any person appointed under s. 4 of the *Commissioners for Taking Affidavits Act*.)

## **Required Registration Documentation (vehicles purchased prior to July 1, 2017)**

**Scenario 1 – Registering a former road-building machine – new vehicle**

**Scenario 2 – Registering a former road-building machine – used vehicle bought in Canada**

**Scenario 3 – Registering a former road-building machine – used vehicle bought in the United States**

**Scenario 4 – Registering a former road-building machine – used vehicle bought outside North America**



## **Scenario 5 – Registering a former road-building machine – used vehicle with bill of sale but no registration document**

### **Validation Fees**

Effective July 1, 2017:

- A commercial motor vehicle used exclusively to transport road-building machines is subject to full price vehicle validation fees.
- The declaration known as 'PAR' which permits a commercial motor vehicle to pay half price vehicle validation fees is limited to those that:
  - Have a machine or apparatus permanently mounted on the chassis that is not designed to transport a load;
  - Are not carrying a load, other than parts for, or equipment used to, operate the machine or apparatus; and
  - Are only incidentally operated or moved over the highway.

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### **Fuel Tax, Gasoline Tax, and Sales Taxes**

Please see the Ministry of Finance publication entitled **Road-Building Machines Reclassified as Commercial Motor Vehicles** for important information about Ontario tax application, exemptions, refunds and supporting documentation required at the time of registration.

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### **Hours of Service (HOS)**

#### HOS Temporary Exemption

To allow time for industry to adjust to the new requirements of operating as a commercial motor vehicle, operators of former road-building machines can apply for a temporary exemption from hours of service.

The exemption is granted to eligible vehicles by a certificate issued by the Ministry of Transportation for a period of up to five years, ending June 30, 2022. One certificate is issued per vehicle. To claim the exemption, the driver must surrender the certificate or a copy of the certificate to an officer for inspection.

#### **Eligible vehicles are those that:**

- Were manufactured before January 1, 2017;
- Functioned as road-building machines prior to November 29, 2016; and
- Did not have a valid motor vehicle permit at any time in 2014.



## Sworn Affidavit for HOS Temporary Exemption

Operators of eligible vehicles can apply for an exemption certificate by submitting a sworn affidavit that contains the following information to the Ministry of Transportation.

- Applicant's (Operator's) information (full legal name, address and signature).
- CVOR number.
- An explanation of the exemption requested (e.g. temporary exemption from hours of service for former-road building machines).
- Explanation of how/why the vehicle qualifies for the exemption (e.g. operating as a road-building machine prior to November 29, 2016).
- Vehicle type and description, including VIN, licence plate number, date of manufacture.
  - If one affidavit is used for multiple vehicles, the information for each vehicle must be laid out in a clear manner.
- Description of the function the vehicle performed as a road-building machine (e.g. street sweeping).
- If the vehicles or licence plates are owned by someone other than the operator (CVOR holder), an explanation of the relationship is required (e.g. contract, lease agreement).
- Vehicles with a model year 2016, 2017 or 2018 must submit an image of the manufacturer's compliance label (photo, digital photo or copy etc.) clearly displaying the VIN and date of manufacture.
- Note: False information may lead to revocation of the certificate.

**NOTE:** To request a document template to assist in gathering and organizing the necessary information for the affidavit, please contact [cvor@ontario.ca](mailto:cvor@ontario.ca)

Vehicles must be registered with valid licence plate stickers and the operator must have a valid CVOR certificate prior to requesting an hours of service exemption certificate(s).

One affidavit may be submitted for multiple vehicles.

If the vehicle is sold, the certificate may be given to the new owner – no changes to the certificate are required.

Sworn affidavits requesting the temporary exemption must be submitted to:

Carrier Safety Investigations Office  
Ministry of Transportation  
301 St. Paul Street  
3rd Floor  
St Catharines, Ontario L2R 7R4

### HOS On-Going Exemptions

The following on-going exemptions have been granted for certain vehicles:

- The operator and driver are exempt from the requirement to take 10 hours off-duty in a day while the driver is operating a mobile crane or concrete pumper.



- The operator and driver are exempt from the hours of service regulation while operating a large crane.
    - A large crane means a crane that is capable of raising, lowering or moving any material that weighs more than 13, 607 kg.
    - Large crane operator: a person who holds a Hoisting Engineer-Mobile Crane Operator 1 certificate of qualification issued under the *Ontario College of Trades and Apprenticeship Act 2009* or an apprentice in the trade of Hoisting Engineer – Mobile Crane Operator 1.
    - To claim the exemption, the driver must surrender a valid certificate of qualification or proof of apprenticeship to an officer for inspection.
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## Vehicle Weights and Dimensions

Hydrovacs, sewer cleaners and street sweepers **manufactured before January 1, 2017** are eligible for a Special Vehicle Configuration Permit allowing them to operate outside the vehicle weight and dimension limits of the Highway Traffic Act, but within manufacturers' gross and axle weight ratings.

Permit Cost: \$440 per vehicle.

A link to the Special Vehicle Configuration Permit will be available here starting February 1, 2017.

Vehicles with a model year 2016, 2017 or 2018 are required to submit an image of the manufacturer's compliance label (photo, digital photo etc.) clearly displaying the VIN and date of manufacture with their application.

Vehicles must be registered with valid licence plate stickers and the operator must have a valid CVOR certificate prior to applying for the Special Vehicle Configuration Permit.

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## Driver's Licensing

**Effective July 1, 2017**, the proper class of driver's licence is required to operate a former road-building machine.

Class G

- For any motor vehicle with a gross (actual) weight or registered gross weight of 11,000 kg or less; and
- any combination of motor vehicle with a gross (actual) weight or registered gross weight of 11,000 kg or less provided the towed vehicles do not exceed a total gross weight of 4,600 kg.

Class D



- For any motor vehicle that has a gross (actual) weight or registered gross weight greater than 11,000 kg; and
  - Any combination of motor vehicle with a gross (actual) weight or registered gross weight greater than 11,000 kg provided the towed vehicles do not exceed a total gross weight of 4,600 kg.
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## Road Building Machines

The following vehicles are prescribed and remain as road-building machines:

- Pavement spreaders, pavers, profilers and finishing machines
- Graders
- Rollers and compactors
- Bulldozers
- Scrapers
- Loaders
- Tracked and wheeled tractors, other than truck tractors, while equipped with any of the following attachments:
  - Mowers
  - Augers or drills
  - Compactors
  - Spraying equipment
  - Snow blowers or snow plows
  - Buckets or shovels
- Rock trucks
- Off-road mobile cranes
- Off-road excavators
- Low-speed street sweepers

## Tax application changes as of July 1, 2017

Effective July 1, 2017 certain Road-Building Machines will be reclassified as Commercial Motor Vehicles and will require licensing and registration under the Highway Traffic Act. Please visit the [MTO website](#) for more information, including details about the types of vehicles that will be reclassified.



## Application of Retail Sales Tax (RST) and Harmonized Sales Tax (HST)

### Vehicles acquired before July 1, 2017

If a vehicle is acquired before July 1, 2017, tax (RST or 8% Ontario portion of the HST) will not be collected by ServiceOntario if the purchaser provides:

- a copy of the bill of sale containing all of the following information:
  - a purchase date before July 1, 2017
  - the vehicle information
  - purchaser's name
  - seller's name
  - the province or state where the vehicle was purchased, and/or
- **an affidavit** containing any missing information outlined above or, if the purchaser no longer has the bill of sale, all of the above stated information.

It is the purchaser's responsibility to ensure that any applicable tax (i.e., RST or 8% Ontario portion of the HST) is paid or self-assessed. Please contact the Canada Revenue Agency (CRA) at 1-800-959-8287 for questions regarding GST/HST.

### Vehicles acquired on or after July 1, 2017

If a vehicle is purchased on or after July 1, 2017, the 13% RST or the 8% Ontario portion of the HST may be collected by ServiceOntario, if applicable, under the same conditions as other Commercial Motor Vehicles that require registration.

The following table outlines how the tax will be collected at the time of the vehicle registration.

Location of purchase	Seller is a GST/HST registrant	Seller is not a GST/HST registrant
Ontario New Brunswick Nova Scotia Newfoundland and Labrador Prince Edward Island	Tax will not be collected by ServiceOntario at the time of the vehicle registration if the vehicle owner provides a bill of sale with the seller's GST/HST number.	13% RST will be collected by ServiceOntario at the time of the vehicle registration unless an exemption applies.
British Columbia Alberta Saskatchewan Manitoba Quebec	The 8% Ontario portion of the HST will be collected by ServiceOntario at the time of the vehicle registration unless an exemption applies.	





Location of purchase	Seller is a GST/HST registrant	Seller is not a GST/HST registrant
Outside Canada	*The 8% Ontario portion of the HST will be collected by ServiceOntario at the time of the vehicle registration unless an exemption applies.	

\*If the Canada Border Services Agency collects 13% HST, no tax will be collected at the time of the vehicle registration.

Please refer to [Specified Vehicles](#) or the Canada Revenue Agency webpage [GST/HST and motor vehicles](#) for more information.

## Fuel Tax and Gasoline Tax

On or after July 1, 2017, owners of vehicles reclassified as Commercial Motor Vehicles will not be permitted to use (tax free) coloured fuel or be eligible for a refund of tax paid on gasoline used on or after that date.

## Effective July 1, 2017:

Road-building machines are designated as slow-moving vehicles and subject to **Section 76 of the Highway Traffic Act** and **Regulation 616 (Slow Moving Vehicle Sign)**.

- Must display a slow-moving vehicle sign while operating on the highway.
- Shall not operate on the highway at a speed greater than 40 km/h.

Road-building machines are prohibited from carrying a load, unless:

- The load is essential to the road-building machine’s primary highway construction or maintenance function, and the vehicle is being used for highway construction or maintenance.

### Scenario 1 – Registering a former road-building machine – new vehicle

- Bill of Sale
- Sworn Affidavit, if there is no Bill of Sale
- New Vehicle Information Statement (NVIS)
- Proof of empty weight if not on NVIS or Certificate of Sale
- Plate portion of permit if existing Ontario plates are to be attached
- Valid Commercial Vehicle Operator’s Registration (CVOR)
- Valid motor vehicle insurance

### Scenario 2 – Registering a former road-building machine – used vehicle bought in Canada

- Bill of Sale
- Proof of registration if previously registered in another province from which purchased
- Sworn Affidavit, if there is no Bill of Sale or the above information is not available
- Plate portion of permit if existing Ontario plates are to be attached
- Proof of empty weight



- Drive Clean Emissions Certificate or Vehicle Emissions Inspection Report with test result "Pass"
- Valid Commercial Vehicle Operator's Registration (CVOR)
- Valid motor vehicle insurance
- Valid Safety Standards Certificate (SSC)

### **Scenario 3 – Registering a former road-building machine – used vehicle bought in the United States**

- Proof of registration, Certificate of Title or Certificate of Origin
- Bill of Sale
- Sworn Affidavit, if there is no Bill of Sale or certificate of title or the above information is not available
- Plate portion of permit if existing Ontario plates are to be attached
- Vehicle Import Form with all required stamps
- Proof of empty weight
- Drive Clean Emissions Certificate or Vehicle Emissions Inspection Report with test result "Pass"
- Valid Commercial Vehicle Operator's Registration (CVOR)
- Valid motor vehicle insurance
- Valid Safety Standards Certificate (SSC)

### **Scenario 4 – Registering a former road-building machine – used vehicle bought outside North America**

- Proof of registration, if required to be registered, Certificate of Title or Certificate of Origin
- Bill of Sale
- Sworn Affidavit, if there is no Bill of Sale or certificate of title or the above information is not available
- Plate portion of permit if existing Ontario plates are to be attached
- Vehicle Import Form with all required stamps
- Proof of empty weight
- Drive Clean Emissions Certificate or Vehicle Emissions Inspection Report with test result "Pass"
- Valid Commercial Vehicle Operator's Registration (CVOR)
- Valid motor vehicle insurance
- Valid Safety Standards Certificate (SSC)

### **Scenario 5 – Registering a former road-building machine – used vehicle with bill of sale but no registration document**

- Bill of Sale



- Sworn Affidavit
  - Plate portion of permit if existing Ontario plates are to be attached
  - Proof of empty weight
  - Drive Clean Emissions Certificate or Vehicle Emissions Inspection Report with test result "Pass"
  - Valid Commercial Vehicle Operator's Registration (CVOR)
  - Valid motor vehicle insurance
  - Valid Safety Standards Certificate (SSC)
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## **Recommended for you**

- **Get or renew CVOR certificate**
- **Commercial vehicle operator's registration (CVOR)**
- **Commercial vehicle safety requirements**
- **Commercial Vehicle Operators Safety Manual**
- **Oversized/overweight permits**
- **Commercial vehicles - frequently asked questions**