



Français	Contact us	Help	Search	Canada Site
Home	About us	History	FAQ	Site Map

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Quick Search

Vol. 140, No. 48 — December 2, 2006

[News and announcements](#)[Mandate](#)[Consultation](#)[Recent Canada Gazette publications](#)

Regulations Amending the Motor Vehicle Safety Regulations (Door Locks and Door Retention Components)

*Statutory authority**Motor Vehicle Safety Act**Sponsoring department*

Department of Transport

[Part I: Notices and proposed regulations](#)[Part II: Official regulations](#)[Part III: Acts of Parliament](#)[Learn more about the Canada Gazette](#)

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

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Description

Section 206 of the *Motor Vehicle Safety Regulations* (MVS), [\(see footnote 1\)](#) "Door Locks and Door Retention Components," specifies the requirements governing door latches, locks and hinges of passenger cars, multipurpose passenger vehicles (MPV), enclosed motorcycles, three-wheeled vehicles, trucks and buses. Currently, section 206 mirrors the content of the U.S. National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standard (FMVSS) 206 by means of a technical standards document (TSD). As defined in the *Motor Vehicle Safety Act*, a TSD reproduces in the official languages of Canada an enactment of a foreign government with such adaptations of form and reference as will facilitate its incorporation by reference.

The amendment to section 206 proposed by the Department of Transport (the Department) has two purposes. The first is to incorporate by reference the requirements of the new global technical regulation (gtr) on door locks and door retention

[Publishing requirements](#)[Deadline schedule](#)[Insertion rates](#)[Request for insertion forms](#)[Subscription information](#)[Useful links](#)[Archives \(1998-2005\)](#)

components—ECE/TRANS/180/Add.1 (gtr 1)—as an alternative set of requirements to those of TSD 206. The second is to amend TSD 206 to align it with future regulations of NHTSA's Notice of Proposed Rulemaking (NPRM) of December 15, 2004, which will come into effect when the Final Rule for FMVSS 206 is published. Hence, until August 31, 2008, vehicles could conform to the requirements of gtr 1, or to the requirements of the current or revised version of TSD 206. Once the current version of TSD 206 expires on August 31, 2008, manufacturers would be provided the option of complying with the provisions of the revised version of TSD 206 or the provisions of gtr 1.

This proposed amendment to section 206 would reduce the risk of a potential inadvertent door opening and subsequent occupant ejection by improving the requirements for sliding, cargo and rear-hinged side doors. In addition, the proposal would extend the application of section 206 to buses with a gross vehicle weight rating (GVWR) of 4 536 kg or less, including 12 and 15 passenger vans. Finally, gtr 1 would offer an alternative dynamic inertial test procedure to the current inertial calculation, which would be more representative of real-world conditions.

The Department has been an important player in the development of the gtr regarding door locks and door retention components. The contribution of the Department consisted of a technical review of existing international regulations and voluntary standards, as well as an assessment of the technical feasibility of alternative requirements and test methods by which compliance would be demonstrated. Specifically, the Department conducted testing to support the development of inertial test procedures. This included both full vehicle and door component dynamic tests. Moreover, the Department contributed to the improvement of the sliding side door test procedures. Finally, the Department conducted a new series of tests based on new procedures for hinged side door systems and evaluated the need for their inclusion in the gtr. It was decided not to include them in the gtr because the proposed tests were impractical and unduly design restrictive to hinged side door systems.

Background

As part of its efforts toward international harmonization of vehicle safety regulations, the Department supports and participates in the development of gtr. These regulations are developed in accordance with the Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted and/or Be Used on Wheeled Vehicles, also known as the 1998 Agreement or Global Agreement. ([see footnote 2](#))

The 1998 Agreement is administered by the World Forum for Harmonization of Vehicle Regulations (WP.29), which was established in 1952 within the Inland Transport Committee of the United Nations Economic Commission for Europe (UNECE). The 1998 Agreement establishes a process by which countries can jointly harmonize and develop gtr addressing the safety of wheeled vehicles, equipment and parts. The 1998 Agreement also addresses environmental protection systems, energy sources and theft prevention. Canada became the first contracting party to ratify the 1998 Agreement on June 22, 1999. The 1998 Agreement came into force on August 25, 2000, and currently has 27 contracting parties. ([see footnote 3](#))

WP.29 is divided into six subsidiary working parties responsible for

- Lighting and Light-Signalling (GRE);
- Brakes and Running Gear (GRRF);
- Passive Safety (GRSP);
- Pollution and Energy (GRPE);
- Noise (GRB); and
- General Safety Provisions (GRSG).

Each working party is made up of technical experts from the contracting parties, industry, and road consumers and users. The public, vehicle manufacturers and suppliers are represented by non-governmental organizations accredited with UNECE in order to avoid the influence of individual interests. Each working party meets twice per year to develop harmonized motor vehicle safety regulations. If necessary, the working parties may be further divided into informal groups, which may meet several times per year to discuss specifics of the regulations being drafted, such as test methodologies, limit values, vehicle and component performance standards, and approval or certification markings.

During the 126th session of WP.29 in March 2002, the Executive Committee of the 1998 Agreement (AC.3) adopted a program of work that included development of a gtr to address inadvertent door opening in crashes. AC.3 also allowed the GRSP to form an informal working group to discuss and evaluate relevant issues concerning requirements for door locks and door retention components and to make recommendations regarding the development of a gtr entitled "Door Locks and Door Retention Components."

An informal working group was established in September 2002. The formal proposal was presented to AC.3 and adopted in June 2003. ([see footnote 4](#)) The GRSP concluded its work and agreed to recommend establishment of this gtr to AC.3 at its May 2004 session.

In accordance with the Notice of Intent published in the October 2, 2004 issue of the *Canada Gazette*, the Department voted in approval of this gtr on November 18, 2004, at the 134th session of WP.29. During this vote, AC.3 reached a consensus, and the gtr on "Door Locks and Door Retention Components" became the first to be established in the Global Registry of the 1998 Agreement.

At this time, the Department proposes to amend section 206 to incorporate by reference, as alternative requirements to those of TSD 206, the requirements of gtr 1 (ECE/TRANS/180/Add.1) as registered in the United Nations Global Registry of Technical Regulations. On December 15, 2004, NHTSA issued an NPRM to amend FMVSS 206 to align it with the requirements of gtr 1. The Final Rule has not yet been released; however, it is the Department's intention to also adopt the requirements of the updated version of FMVSS 206 through amendments to TSD 206 and to establish that version of TSD 206 as an alternative to gtr 1. The Department intends to publish a notice in the *Canada Gazette*, Part I, in respect of the revised TSD, in accordance with section 17 of the MVSR, before the proposed Regulations come into force. By proceeding in this manner, the Department wishes to ensure that the TSD 206 referred to in proposed paragraph 206(1)(a) would be the revised TSD once the proposed Regulations would come into

force. It is anticipated that the updated version of FMVSS 206 will substantially reflect the NPRM, and thus the Department has pre-published on its Web site a proposed TSD 206 Revision 1, based on the NPRM. By pre-publishing these changes to the TSD at this stage, the Department seeks to present a clear overall picture of the proposed changes to section 206. Also, proceeding in this manner will shorten the delay between the date that amendments are adopted in the United States and the date that the corresponding amendments take effect in Canada.

In section 5.3.2.1 of gtr 1, two options are offered to the Department as an additional locking feature for rear side doors: (a) a child safety lock; or (b) a lock release/engagement device located inside the vehicle and readily accessible to the driver of the vehicle or an occupant seated adjacent to the door. As stated in the gtr preamble, "the philosophical difference in opinion on how to best address the need for egress from a rear seat, while respecting the need to prevent children from opening a locked door, precluded a single solution to rear door lock requirements. Instead, it was agreed to recommend that the interior door locking mechanism on a rear door, when engaged, be releasable by an action other than the simple, single pull on the interior door handle."

At the present time, the child safety lock of option (a) is not regulated in North American standards. The child safety lock, when activated, eliminates any possibility of a door opening unintentionally while the vehicle is in motion, whether or not the door lock is engaged. On the other hand, option (b) is already standard practice in Canada since section 206 requires that when the door lock is engaged, both the inside and outside release controls be inoperative. Consequently, there would be no additional cost associated with this design option.

While NHTSA's NPRM is proposing to adopt option (b), Transport Canada is of the opinion that the level of vehicle safety would be maintained with either of the two options; hence, the Department is proposing to allow both options. The Department is inviting all interested parties to comment on its intention to allow vehicle manufacturers to choose their desired option. Based on the comments received, the Department will decide on a course of action.

This amendment also proposes to repeal subsection 206(2) ([see footnote 5](#)) since it refers to a vehicle phase-in period that is no longer effective. The phase-in period was adopted when section 206 was amended in December 1996 because some vehicles could not have conformed to the new requirements by the initially proposed date of September 1, 1997. Complete compliance by September 1, 1997, would have resulted in certain vehicle models not being available in Canada from September 1, 1997, until September 1, 1998.

The Department also proposes to repeal subsection 206(3). ([see footnote 6](#)) Currently, section 206 has a provision that manufacturers may certify to the inertial test using any equivalent test procedures as an alternative to the inertial calculation. However, in addition to the inertial calculation, gtr 1 provides an optional alternative consisting of a dynamic inertial test procedure. Similarly, NHTSA's NPRM is proposing to replace the current "agency-approved" provision of FMVSS 206 with the specified test procedure from the gtr. To facilitate global harmony, the Department is consequently proposing to repeal subsection 206(3) and allow manufacturers to choose between the two test methods (the inertial calculation or the dynamic test) specified in both gtr 1 and the NPRM.

As per NHTSA's NPRM, the Department is proposing to extend the application of section 206 to buses with a GVWR of 4 536 kg or less. Currently, large vans, such as 12- and 15-passenger vans, do not fall within the application of section 206 since they have a designated seating capacity of more than 10 and therefore meet the definition of a bus. However, these vehicles currently have the same door locks and door retention components as smaller vans that already meet the requirements of section 206. This addition is also reflected in the proposed amendment to Schedule III to the MVSR, which specifies the standards that apply to each class of vehicle.

Finally, the proposed Regulations would add a definition for the term "back door" to subsection 2(1) of the MVSR. The definition is currently in existing TSD 206 but would be struck out from that TSD when it is revised. Given that the term is used in the MVSR, it would be more appropriate if the term was defined in the MVSR rather than in TSD 206.

Effective date

The proposed amendment to introduce gtr 1 as an optional alternative requirement to TSD 206 will come into force on the day on which it is published in the *Canada Gazette*, Part II. Transport Canada is not aware of any reason why it would require any lead time for manufacturers to accommodate the introduction of gtr 1 as an alternative to the current requirements.

This amendment also proposes to maintain harmony with the requirements of FMVSS 206 by amending TSD 206 according to NHTSA's forthcoming Final Rule amendment publication. It is the Department's intention to adopt these requirements with the same implementation date as proposed by NHTSA. Therefore, it is proposed that, effective September 1, 2008, the revised version of TSD 206 will be the only version of TSD 206 with which a manufacturer can comply. Prior to September 1, 2008, at the choice of the manufacturer, vehicles may conform to the requirements of TSD 206 as it read on August 23, 1996, or the revised version.

Transport Canada will consider comments as to the appropriateness of the proposed effective dates.

Alternatives

With respect to gtr 1, the Department considered the following options:

- maintain the status quo and do not adopt the gtr into the Canadian regulation; and
- incorporate the requirements of the gtr into the text of section 206.

The Department rejected the idea of maintaining the status quo since Canada supports the 1998 Agreement and voted for registration of gtr 1. Failure to adopt gtr 1 would jeopardize Canada's status in WP.29 as a champion of the international harmonization of motor vehicle safety regulations.

The Department contemplated adding the requirements of the gtr into section 206. However, this option was not accepted because it would have invoked an unnecessary,

time-consuming and cumbersome requirement. Also, any further amendments to the gtr would have to be incorporated into section 206. The associated delays would have served neither the public nor the vehicle manufacturers.

With respect to the amendment to TSD 206 to reflect the updated version of FMVSS 206, the main reason for proposing this amendment is to streamline the Department's regulatory process, which can best be achieved through the use of TSDs. Given that the TSD permits Canada to align its motor vehicle safety requirements with those of the United States in a timely manner and that the automotive industry fully supports their use, there were no other logical alternatives.

Benefits and costs

This amendment will ensure that manufacturers provide vehicles to the Canadian market that meet the same minimum requirements as those sold in the United States and other countries that are contracting parties to the 1998 Agreement. The safety standard will be in complete harmony with NHTSA and UNECE requirements, removing any potential impediment to trade between the countries involved. By completing this amendment, the Department will be able to maintain regulatory harmony with the NHTSA and UNECE.

Therefore, the changes are not expected to affect market efficiency and competition, regional balance, technological change, inflation, employment or the environment, and will not hinder harmonization with other countries. There will be no additional costs to the automotive industry, the public or the government arising from implementation and enforcement of the proposed requirements.

Consultation

The Department has instituted a systematic and extensive consultation process that is intended to keep the automotive industry, public safety organizations, and the general public informed of projected and recent changes to the regulatory requirements governing motor vehicle safety in Canada and that provides a mechanism to comment on these initiatives. Three times a year, departmental representatives meet with the Canadian Vehicle Manufacturers' Association (CVMA), ([see footnote 7](#)) which represents Canada's leading motor vehicle manufacturers. In addition, the Department meets three times a year with the Association of International Automobile Manufacturers of Canada (AIAMC), which represents international motor vehicle manufacturers and importers. ([see footnote 8](#)) The Department also consults with the federal authorities of other countries. In particular, semi-annual meetings are held with the U.S. Department of Transportation that provide a valuable opportunity to discuss future regulatory initiatives and problems of mutual interest. In addition, the Department is committed to the development of global regulations, which is being carried out under the auspices of the United Nations World Forum for the Harmonization of Vehicle Regulations. Along with members of other world regulatory bodies and public interest groups, departmental representatives participate in 11 or more meetings a year as part of the initiative to develop Global Technical Regulations in order to simplify the regulatory process for automotive manufacturers who market their products internationally. Consultation with the provinces and territories takes place on a regular basis mainly through the Department's membership in the Canadian Council of Motor Transport Administrators (CCMTA). The Department also holds meetings twice a year with national public safety organizations.

Motor vehicle manufacturers have been informed of this amendment through meetings with the Department and are in agreement with the proposed amendments. To date, no objections have been received on this proposal from public safety organizations or other government agencies.

A consultation period of 75 days will follow publication of this proposal in the *Canada Gazette*, Part I. Comments may be made by writing to the address given below or at any government-industry meeting. All responses will be taken into consideration in the development of the final amendment.

Compliance and enforcement

Motor vehicle manufacturers and importers are responsible for ensuring that their products comply with the requirements of the MVSR. Transport Canada monitors the self-certification programs of manufacturers and importers by reviewing their test documentation, inspecting vehicles, and testing vehicles obtained in the open market. When a defect is found, the manufacturer or importer must issue a notice of defect to owners and to the Minister of Transport, Infrastructure and Communities. If a vehicle does not comply with a safety standard, the manufacturer or importer is subject to prosecution and, if found guilty, may be fined as prescribed in the MVSA.

Contact

For further information, please contact Éric Bergevin, Regulatory Development Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, 330 Sparks Street, Ottawa, Ontario K1A 0N5, 613-998-2670 (telephone), 613-990-2913 (fax), bergeve@tc.gc.ca (email).

Copies of the proposed Technical Standards Document No. 206, "Door Locks and Door Retention Components", Revision 1, may be obtained on the Internet at www.tc.gc.ca/roadsafety/mvstm_tsd/index_e.htm. Copies may also be obtained by contacting the Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, 330 Sparks Street, Ottawa, Ontario K1A 0N5, 613-998-8616 or 1-800-333-0371 (telephone), 613-990-2913 (fax), Regsclerkcommis@tc.gc.ca (email).

PROPOSED REGULATORY TEXT

Notice is hereby given, pursuant to subsection 11(3) of the *Motor Vehicle Safety Act* ([see footnote a](#)), that the Governor in Council, pursuant to section 5 ([see footnote b](#)) and subsection 11(1) of that Act, proposes to make the annexed *Regulations Amending the Motor Vehicle Safety Regulations (Door Locks and Door Retention Components)*.

Interested persons may make representations with respect to the proposed Regulations to the Minister of Transport, Infrastructure and Communities within 75 days after the date of publication of this notice. All such representations must be in writing and cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Éric Bergevin, Regulatory Development Engineer, Road Safety and Motor Vehicle Regulation

Directorate, Department of Transport, Place de Ville, Tower C, 8th Floor, 330 Sparks Street, Ottawa, Ontario K1A 0N5 (tel: 613-998-2670; fax: 613-990-2913; e-mail: bergeve@tc.gc.ca).

Persons making representations should identify any of those representations the disclosure of which should be refused under the *Access to Information Act*, in particular under sections 19 and 20 of that Act, and should indicate the reasons why and the period during which the representations should not be disclosed. They should also identify any representations for which there is consent to disclosure for the purposes of that Act.

Ottawa, November 23, 2006

MARY O'NEILL
Assistant Clerk of the Privy Council

REGULATIONS AMENDING THE MOTOR VEHICLE SAFETY REGULATIONS (DOOR LOCKS AND DOOR RETENTION COMPONENTS)

AMENDMENTS

1. Subsection 2(1) of the *Motor Vehicle Safety Regulations* ([see footnote 9](#)) is amended by adding the following in alphabetical order:

"back door" means a door or door system on the back of a motor vehicle through which passengers can enter or leave the vehicle or cargo can be loaded or unloaded. It does not include

(a) a trunk lid; or

(b) a door or window that is composed entirely of glazing material and whose latches or hinge systems are attached directly to the glazing material. (*porte arrière*)

2. Item 206 of Schedule III to the Regulations is replaced by the following:

Column I	Column II	Column III Classes of Vehicles				
Item (CMVSS)	Description	Bus	Motorcycle			
			Enclosed Motor- cycle	Open Motor- cycle	Limited- speed- Motor-cycle	Motor Tricycle
206	Door Locks and Door Retention Components	X	X			
Column I	Column II	Column III Classes of Vehicles				

Item (CMVSS)	Description	Restricted-use Motorcycle	Multi-purpose Passenger Vehicle	Passenger Car	Snow-mobile	Snow-mobile Cutter	Trailer
206	Door Locks and Door Retention Components		X	X			

Column I	Column II	Column III Classes of Vehicles				
Item (CMVSS)	Description	Trailer Converter Dolly	Truck	Vehicle Imported Temporarily for Special Purposes	Low-speed Vehicle	Three-wheeled Vehicle
206	Door Locks and Door Retention Components		X			X

3. Section 206 of Schedule IV to the Regulations is replaced by the following:

206. (1) Subject to subsection (2), every enclosed motorcycle, multi-purpose passenger vehicle, three-wheeled vehicle, passenger car and truck that is equipped with side doors or back doors shall be so equipped in accordance with

(a) *Technical Standards Document No. 206, Door Locks and Door Retention Components*, as amended from time to time (hereinafter referred to as TSD 206); or

(b) any version of ECE Global Technical Regulation No. 1, *Door Locks and Door Retention Components* (ECE/TRANS/ 180/Add.1) that was in effect at any time within the 24 months before the date of manufacture of the completed vehicle shown on the compliance label (hereinafter referred to as gtr 1).

(2) Until August 31, 2008, every enclosed motorcycle, multi-purpose passenger vehicle, three-wheeled vehicle, passenger car and truck that is equipped with side doors or back doors may be so equipped in accordance with TSD 206 as it read on August 23, 1996 instead of in accordance with a document referred to in subsection (1).

(3) Beginning on September 1, 2008, every bus with a GVWR of 4 536 kg or less that is equipped with side doors or back doors shall be so equipped in accordance with subsection (1).

(4) For the purposes of paragraph 5.3.2 of gtr 1, the locking device shall be the device referred to in paragraph 5.3.2.1(a) or (b).

(5) For the purposes of complying with TSD 206 as it read on August 23, 1996, and despite section S5.1.1.2 of that document, compliance with section S4.1.1.3 shall be

demonstrated in accordance with paragraph 6 of SAE Recommended Practice J839, *Passenger Car Side Door Latch Systems* (June 1991), or any equivalent tests.

(6) This section expires on January 1, 2010.

COMING INTO FORCE

4. These Regulations come into force on the day on which they are registered.

[48-1-o]

[Footnote 1](#)

C.R.C., c. 1038

[Footnote 2](#)

Available at www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29glob/tran132.pdf.

[Footnote 3](#)

Contracting parties to the 1998 Global Agreement: Canada, United States of America, Japan, France, United Kingdom, European Community, Germany, Russian Federation, People's Republic of China, Republic of Korea, Italy, South Africa, Finland, Hungary, Turkey, Slovakia, New Zealand, Netherlands and Antilles, Azerbaijan, Spain, Romania, Sweden, Norway, Cyprus, Luxembourg, Malaysia, India.

[Footnote 4](#)

(TRANS/WP.29/2003/49)

[Footnote 5](#)

SOR/97-14

[Footnote 6](#)

SOR/97-14

[Footnote 7](#)

The CVMA represents DaimlerChrysler Canada Inc.; Ford Motor Company of Canada, Limited; General Motors of Canada Limited; and International Truck and Engine Corporation Canada.

[Footnote 8](#)

The AIAMC represents the following automotive manufacturers and importers as voting members: BMW Canada Inc.; Honda Canada Inc.; Hyundai Auto Canada; Kia Canada Inc.; Mazda Canada Inc.; Mercedes-Benz Canada Inc.; Mitsubishi Motor Sales of Canada, Inc.; Nissan Canada Inc.; Porsche Cars Canada Ltd.; Subaru Canada Inc.; Suzuki Canada, Inc.; Toyota Canada Inc.; and Volkswagen Canada Inc.

[Footnote a](#)

S.C. 1993, c. 16

[Footnote b](#)

S.C. 1999, c. 33, s. 351

[Footnote 9](#)

C.R.C., c. 1038

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

 [Top of page](#)

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