



Q&A: *MOTOR VEHICLE ACT* SECTION 34 EXEMPTIONS FOR VISITING SEASONAL AGRICULTURAL WORKERS

On July 30, 2010, the *Motor Vehicle Act (MVA)* and the *MVA Regulations* were amended to allow visitors participating in the Seasonal Agricultural Workers Program (SAWP) who hold a valid licence in their home jurisdiction to remain exempt from the requirement to obtain a British Columbia Driver's Licence (BCDL) for the duration of his or her contract.

Q: Who is eligible for the exemption? How can a driver obtain the exemption?

A: In order to be eligible, a driver must:

- Hold a Mexico- or Commonwealth Caribbean-issued driver's licence that is valid for the class of vehicle being driven;
- Not be a Canadian Citizen or Permanent Resident of Canada;
- Be participating in the Seasonal Agricultural Workers Program; and,
- Be employed in the agricultural sector.

A driver who meets the above criteria is exempt from the requirement to hold a BCDL, and does not need to take any additional actions, except to carry documentation while driving. The exemption is valid until the date shown on his or her work permit.

Q: What documentation should a driver carry? What will happen if a driver does not have the documentation?

A: A driver claiming a SAWP exemption should carry the following documentation while driving, and should present it to a police officer upon request:

- A **driver's licence from the driver's home jurisdiction** that is valid for the class of vehicle being driven;
- An **International Driving Permit** in one of Canada's official languages;
- A **valid work permit issued by Citizenship and Immigration Canada under SAWP**.

The driver must be able to satisfy the police officer that he or she meets the requirements in Division 30 of the *MVA Regulations*, and the above documents should suffice. If a driver claiming a SAWP exemption does not have the above documentation, the peace officer may issue to driver of the vehicle a violation ticket for "No Driver's Licence." If the driver has previously been issued such a ticket, the driver may be a candidate for impoundment, and the vehicle may be impounded under the Vehicle Impoundment Program.

Q: Does the driver need to carry documentation for the first 6 months?

A: At minimum, the driver must still carry his or her valid home driver's licence, and will be exempt under subsection 34 (1.1) (a). However, it is *strongly advised* that the driver also carry an International Driving Permit.

Q: Does the exemption apply to drivers in other programs (e.g. the Low Skilled Worker Program)?

A: No. At this time, the exemption only applies to drivers in SAWP.

Q: Why should a driver carry his or her work permit?

A: A driver's work permit indicates to police that a visitor is participating in SAWP. Police officers will check the "EMPLOYER" line for the phrase "CC/MEXSAWP" (see left side of Figure 1). Police will also be checking the "VALID UNTIL" box to ensure that the permit is current (see right side of Figure 1).



Figure 1 – Sample work permit issued by Citizenship and Immigration Canada.

Q: What are the relevant sections of legislation and regulations?

A: Motor Vehicle Act, Section 34 (1.1) (d)
Motor Vehicle Regulations, Division 30C