

AUTO INDUSTRY ALERT – ALL SEASON TIRES

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TO OUR AUTOMOTIVE CLIENTS AND OTHER INTERESTED PARTIES:

A Quebec coroner has recommended that the Province make winter tires mandatory for winter driving. In a report into the death of 21 year-old Benoit Plamondon in a winter accident, the coroner identified a lack of winter tires as a contributing factor. Mr. Plamondon's car was riding on worn summer tires when he lost control on black ice and crashed into another vehicle. Alcohol was also identified as a contributing factor.

The Quebec Government is considering legislation that would make winter tires mandatory during the coldest months. Attention is being focused on whether all-season tires are suitable for the extreme cold typical of Canadian winters. According to a recent article in the Globe & Mail, the concern is that all-season tires harden at temperatures between -8°C and -15°C , while winter tires are able to maintain their flexibility and grip when the temperatures drop as low as -40°C . The Globe quotes David Lamb, Rubber Association of Canada, "Four-season tires have become less of a four-season tire and more of a three-season tire in Canada".

Because so many new vehicles sold in Canada are equipped with all-season tires, concern about their suitability for winter driving is an issue for automobile and tire manufacturers, distributors and dealers. All should be prepared for the following:

- This issue has the attention of the authorities in Quebec, and other regulators in Canada and elsewhere may be watching what is done and may also take regulatory action.
- Auto and tire manufacturers especially will want to continue to pay careful attention to statements in manuals, brochures, advertising and the like related to the performance and suitability of all-season tires for winter driving.
- Auto and tire manufacturers and distributors may receive inquiries from customers and dealers who are concerned about tire suitability.
- Enterprising class action lawyers will no doubt be analysing the prospect of class action suits based on the alleged unsuitability of all-season tires.

For more information about automotive and tire regulation, and this issue in particular, please contact either:

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The foregoing provides only an overview. Readers are cautioned against making any decisions based on this material alone. Rather, a qualified lawyer should be consulted.

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