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BILL 40

**PASSENGER TRANSPORTATION
AMENDMENT ACT (No. 2), 2022**

Honourable Rob Fleming
Minister of Transportation and Infrastructure

Explanatory Notes

- CLAUSE 1: *[Passenger Transportation Act, section 4]* establishes the registrar's responsibility for supporting accessibility in the passenger directed vehicle industry and enables the registrar to make payments for that purpose.
- CLAUSE 2: *[Passenger Transportation Act, section 11]* clarifies that the definition of "proceeding" includes a reconsideration hearing.
- CLAUSE 3: *[Passenger Transportation Act, section 12]* clarifies what information the Passenger Transportation Board may consider during a proceeding.

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**PASSENGER TRANSPORTATION
AMENDMENT ACT (No. 2), 2022**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 *Section 4 of the Passenger Transportation Act, S.B.C. 2004, c. 39, is amended by adding the following subsections:*

- (0.1) The registrar is responsible for supporting accessibility in the passenger directed vehicle industry.
- (0.2) For the purposes of subsection (0.1), the registrar may make payments to the following:
 - (a) licensees;
 - (b) the drivers of passenger directed vehicles;
 - (c) prescribed persons or organizations.
- (0.3) The responsibility described in subsection (0.1) must be discharged in accordance with the regulations, if any.

2 *Section 11 is amended by striking out “any hearing conducted by the board or any appeal heard by the board” and substituting “any reconsideration, appeal or other hearing conducted by the board”.*

3 *Section 12 is amended by adding the following subsections:*

- (4.1) The board may, on its own initiative, consider any records, information and reports that the board considers relevant to a proceeding.
- (4.2) The records, information and reports referred to in subsection (4.1) include records, information and reports obtained or produced by or for the board.

CLAUSE 4: *[Passenger Transportation Act, section 27]* simplifies a provision.

CLAUSE 5: *[Passenger Transportation Act, section 28]* amends the test the board must apply in determining whether to approve an application for a licence by requiring the board to consider, as the first part of the test, whether the applicant is a fit and proper person to provide the service and is capable to provide the service, and to consider the other parts of the test only if the first part is met.

CLAUSE 6: *[Passenger Transportation Act, section 31]*

- clarifies that the board’s authority to issue a direction under the provision does not apply in the context of the renewal of a licence;
- simplifies the provision by removing unnecessary subparagraphs.

4 Section 27 (3) is repealed and the following substituted:

- (3) At any time after the expiry of the 7-day period referred to in subsection (1), the board may do one or more of the following:
 - (a) convene and conduct a hearing of the application;
 - (b) conduct an investigation in respect of any matter related to the application;
 - (c) direct the registrar to conduct an audit or investigation in respect of any matter, related to the application, that the board may specify.

5 Section 28 (1) is repealed and the following substituted:

- (1) The board may approve, in whole or in part, an application forwarded to the board under section 26 (1) [*other licence applications*] after considering the following:
 - (a) whether the applicant
 - (i) is a fit and proper person to provide the service the applicant proposes to provide under the special authorization, and
 - (ii) is capable of providing the service;
 - (b) if the board considers that the applicant is a fit and proper person to provide the service and is capable of providing the service,
 - (i) whether there is a public need for the service, and
 - (ii) whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in British Columbia.

6 Section 31 is amended

(a) in subsection (2) by adding “and in circumstances other than the renewal of a licence under section 34 [*expiry and renewal of licences*]” after “on its own initiative”, and

(b) by repealing subsection (3) and substituting the following:

- (3) The board may issue a direction under subsection (2) for the following purposes only:
 - (a) to correct an error in a licence;
 - (b) to standardize terms and conditions of
 - (i) all licences, or
 - (ii) all licences in a specified class of licences;

CLAUSE 6: *[Passenger Transportation Act, section 31 – continued]*

CLAUSE 7: *[Passenger Transportation Act, section 34]*

- allows the board, on renewal of a licence, to direct the registrar to amend or rescind the terms and conditions of a licence that includes a special authorization or a general authorization or to impose new terms and conditions on the licence;
- requires the registrar, when renewing a licence, to provide a new copy of the licence that includes the terms and conditions established by the board or the registrar;
- adds cross-references to new provisions.

CLAUSE 8: *[Passenger Transportation Act, section 36]* repeals a provision.

CLAUSE 9: *[Passenger Transportation Act, section 36.1]* clarifies a provision.

- (c) to make licences comply with amendments made to this Act or the regulations;
- (d) to reflect changes to licences required by the results of an appeal under this Act.

7 Section 34 is amended

(a) by adding the following subsections:

- (6.3) In the case of the renewal of a licence that includes a special authorization, the board may, by exercising the board’s powers under section 28 (3) to (6) [*determination by board*], direct the registrar to amend the terms and conditions of the licence.
- (6.4) In the case of the renewal of a licence that includes a general authorization, the registrar may, by exercising the registrar’s powers under section 25 (2.1) or (2.2) [*application and issue of licence that includes only general authorization*], amend the terms and conditions of the licence. ,

(b) by repealing subsection (7) (a) and substituting the following:

- (a) a new copy of the licence setting out
 - (i) the expiry date applicable to the renewed licence, and
 - (ii) the terms and conditions established by the board, and ,

(c) by repealing subsection (7.1) and substituting the following:

- (7.1) If under this section the registrar renews a licence in which a general authorization is included, the registrar must provide to the applicant a new copy of the licence setting out
 - (a) the expiry date applicable to the renewed licence, and
 - (b) the terms and conditions established by the registrar. , **and**

(d) by repealing subsection (8) and substituting the following:

- (8) Subject to subsections (6.3) and (6.4), a licence renewed under subsection (6) is subject to the terms and conditions that applied to the licence before its renewal.

8 Section 36 (1.1) is repealed.

9 Section 36.1 (1) (c) is amended by adding “, as if the additional motor vehicles were being operated under the licensee’s licence” after “section 23 (1) (c) and (d)”.

CLAUSE 10: *[Passenger Transportation Act, section 39]* specifies which documents a person must carry if the person operates a motor vehicle authorized by a temporary operating permit to be operated as a passenger directed vehicle, depending on whether the permit is issued by the registrar or by the board.

CLAUSE 11: *[Passenger Transportation Act, section 43]* amends the requirement for a person to carry specific documents if the person operates a motor vehicle authorized by a licence to be operated as a passenger directed vehicle from a requirement to carry either of the listed documents to a requirement to carry both of the listed documents.

CLAUSE 12: *[Passenger Transportation Act, section 46]*

- allows the registrar to order a licensee whose licence includes a passenger directed vehicle authorization or transportation network services authorization to take specific actions if the licensee has failed to comply with the Act, the regulations or the terms and conditions of the licence;
- repeals a provision that allows the registrar to reduce or rescind a penalty.

CLAUSE 13: *[Passenger Transportation Act, section 46.1]* allows the registrar to vary or rescind a penalty.

10 Section 39 (c) is repealed and the following substituted:

- (c) a person must, when operating a motor vehicle to which the temporary operating permit applies,
 - (i) in the case of a temporary operating permit issued under section 37 [applications considered by registrar], carry in the motor vehicle a copy of the temporary operating permit, or
 - (ii) in the case of a temporary operating permit issued under section 38 [applications considered by board], carry in the motor vehicle
 - (A) a copy of the temporary operating permit, and
 - (B) evidence of authority to operate the motor vehicle under the temporary operating permit and, for this purpose, the evidence must be capable of being produced in the prescribed form and manner, .

11 Section 43 (2) (a) is amended by striking out “, or” and substituting “, and”.

12 Section 46 is amended

(a) in subsection (1) by adding the following paragraph:

- (c.1) in relation to a licence that includes a passenger directed vehicle authorization or transportation network services authorization, order the licensee to do one or more of the following:
 - (i) cause a person to cease displaying a record check certificate required to be displayed in a motor vehicle;
 - (ii) collect a record check certificate or notify the registrar if the licensee fails to collect a record check certificate;
 - (iii) ensure that a person has no access, in the person’s capacity as driver, to the licensee’s online platform for the purposes of driving under the licensee’s licence;
 - (iv) remove a person’s record check certificate from the licensee’s online platform; , **and**

(b) by repealing subsection (7).

13 The following section is added:

Registrar may vary or rescind penalty

- 46.1** On application or on the registrar’s own initiative, the registrar may, at any time after imposing a penalty under section 46, vary or rescind the penalty.

CLAUSE 14: *[Passenger Transportation Act, section 47]*

- amends cross-references;
- simplifies a provision.

CLAUSE 15: *[Passenger Transportation Act, section 59.01]* allows the Lieutenant Governor in Council to make regulations for the purposes of the registrar's responsibility for supporting accessibility in the passenger directed vehicle industry.

14 Section 47 is amended

(a) in subsections (1) and (2) by striking out “section 46 (1) (a), (c) or (d)” and substituting “section 46 (1) (a), (c), (c.1) or (d)”, and

(b) by repealing subsection (4) and substituting the following:

(4) Promptly after an order referred to in section 46 (1) (a), (c), (c.1) or (d) is made, the licensee must comply with the order.

15 The following section is added:

Regulations respecting accessibility program

59.01 The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting matters relating to the registrar’s responsibility under section 4 (0.1) [*powers, functions and duties of registrar*];
- (b) prescribing persons and organizations for the purposes of section 4 (0.2) (c).

Commencement

16 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 12	By regulation of the Lieutenant Governor in Council
3	Section 14	By regulation of the Lieutenant Governor in Council