
Third Session, Forty-second Parliament
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Legislative Assembly of British Columbia

BILL 13

**PASSENGER TRANSPORTATION
AMENDMENT ACT, 2022**

Honourable Rob Fleming
Minister of Transportation and Infrastructure

Explanatory Notes

CLAUSE 1: *[Passenger Transportation Act, section 36]* provides that

- (a) the holder of a temporary operating permit and any person who drives a motor vehicle as a passenger directed vehicle under a temporary operating permit must undergo the prescribed record checks, and
- (b) any person who drives a motor vehicle as a passenger directed vehicle under a temporary operating permit may make a request to the registrar to review an acquired record or the results of one or more record checks.

CLAUSE 2: *[Passenger Transportation Act, section 42.2]* replaces the reference to section 42.2 (3) in section 42.2 (4) (b) with a reference to “this Part”.

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**PASSENGER TRANSPORTATION
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 *Section 36 of the Passenger Transportation Act, S.B.C. 2004, c. 39, is amended by adding the following subsection:*

(1.1) Despite the reference to Part 5 in subsection (1) (c) (ii)

(a) the holder of a temporary operating permit and a person who drives a motor vehicle as a passenger directed vehicle under a temporary operating permit must comply with section 42.2 *[prescribed record checks required for drivers of passenger directed vehicles]*, and any regulations made for the purposes of that section, as if

(i) the temporary operating permit were a licence, and

(ii) the permit holder were a licensee, and

(b) section 42.21 *[review of acquired record or results of prescribed record checks]*, and any regulations made for the purposes of that section, applies in relation to a person who drives a motor vehicle as a passenger directed vehicle under a temporary operating permit, as if

(i) the temporary operating permit were a licence, and

(ii) the permit holder were a licensee.

2 *Section 42.2 (4) (b) is amended by striking out “under subsection (3)” and substituting “under this Part”.*

CLAUSE 3: *[Passenger Transportation Act, section 42.21]* adds a provision to allow a person who has undergone the prescribed record checks, or who acquires a record that appears to include a prescribed matter, to request that the registrar review the acquired record or the results of one or more prescribed record checks.

CLAUSE 4: *[Passenger Transportation Act, section 42.3]* replaces the reference to section 42.2 (3) in section 42.3 (a) with a reference to “this Part”.

3 *The following section is added:*

Review of acquired record or results of prescribed record checks

- 42.21** (1) A person who has undergone the prescribed record checks under section 42.2 (1) (a) [*prescribed record checks required for drivers of passenger directed vehicles*], or who acquires a record that appears to include a prescribed matter, may request that the registrar review the acquired record or the results of one or more of the record checks if
- (a) it is uncertain whether the person has a record that includes a prescribed matter, or
 - (b) the person has a record that includes a prescribed matter and the person believes that the matter is unrelated to the person's work or intended work as a driver of a passenger directed vehicle.
- (2) A request under subsection (1) must include any information that the registrar may require.
- (3) After reviewing a request made under subsection (1), the registrar must determine the following:
- (a) if subsection (1) (a) applies, whether the person has a record that includes a prescribed matter;
 - (b) if subsection (1) (b) applies or the registrar determines under paragraph (a) of this subsection that the person has a record that includes a prescribed matter, whether the matter is unrelated to the person's work or intended work as a driver of a passenger directed vehicle and, for this purpose, the registrar must take into account public safety.
- (4) A licensee may issue to a person a record check certificate that sets out the prescribed information if the registrar determines under subsection (3) that
- (a) the person does not have a record that includes a prescribed matter, or
 - (b) the person has a record that includes a prescribed matter but the prescribed matter is unrelated to the person's work or intended work as a driver of a passenger directed vehicle.

4 *Section 42.3 (a) is amended by striking out "under section 42.2 (3)" and substituting "under this Part".*

CLAUSE 5: *[Passenger Transportation Act, section 59.4]* provides the Lieutenant Governor in Council with additional regulation-making powers in respect of the registrar's review of an acquired record or the results of prescribed record checks.

5 *Section 59.4 is amended*

(a) *by striking out* “The Lieutenant Governor in Council may make regulations for the purposes of section 42.2 *[prescribed record checks required for drivers of passenger directed vehicles]* as follows” **and substituting** “The Lieutenant Governor in Council may make regulations as follows respecting record checks for drivers of passenger directed vehicles”, **and**

(b) *by adding the following paragraphs:*

- (d) prescribing timelines and other procedural requirements applicable to a request made under section 42.21 (1) *[review of acquired record or results of prescribed record checks]*;
- (e) prescribing notification requirements in respect of a determination made under section 42.21 (3) *[determination by registrar]*.

Commencement

6 This Act comes into force by regulation of the Lieutenant Governor in Council.