

BILL 40 – 2022

**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.

4 Section 27 (3) is repealed and the following substituted: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5 Section 28 (1) is repealed and the following substituted: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 30 (1) (b) is amended by striking out “section 28 (1) (a) and (c)” and substituting “section 28 (1) (b)”.

7 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;

- (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.

8 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.

9 Section 36 (1.1) is repealed.

10 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)”.

11 Section 38 (2) is amended by striking out “Sections 28 (1) (b)” and substituting “Sections 28 (1) (a)”.

12 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, .

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

14 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).

15 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.

16 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.

17 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

18 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	Sections 14 to 16	By regulation of the Lieutenant Governor in Council
