

Passenger Transportation Act

PASSENGER TRANSPORTATION REGULATION

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Part 1 — Interpretation and Application

Definitions

(1) **"Act"** means the *Passenger Transportation Act*;

"ambulance" has the same meaning as in the *Health Emergency Act*;

"assisted living residence" means an assisted living facility as defined in the *Community Care and Assisted Living Act*;

"auxiliary passenger vehicle" means a commercial passenger vehicle when it is being operated for the transportation of persons if

- (a) the operator of the commercial passenger vehicle is a business enterprise,
- (b) the arrangement or provision of that transportation is not a primary business of that enterprise, and
- (c) no compensation is directly charged or collected for the provision of the transportation;

"car pool vehicle" means a car pool vehicle within the meaning of subsection (2);

"charitable association" means an entity registered as a charity with the Canada Customs and Revenue Agency;

"community care facility" has the same meaning as in the *Community Care and Assisted Living Act*;

"connector bus" means a commercial passenger vehicle when it is operated exclusively between one **fixed** terminating point (the "base") and another fixed terminating point (the "facility") that is a port, as that word is defined in section 5 of the *Canada Marine Act*, an airport or a terminal operated by a ferry operator, as that term is defined in the *Coastal Ferry Act*, if

- (a) in travelling from the base to the facility, all passengers picked up at or after the base are dropped off only at the facility,
- (b) in travelling from the facility to the base, the commercial passenger vehicle carries as passengers only those passengers who were picked up at the facility and drops off those passengers at or before the base, and
- (c) the licensee operating the commercial passenger vehicle has written authorization from the operator of the facility to pick up passengers at that facility;

"operating costs" means the costs for

- (a) gasoline,
- (b) tolls,
- (c) ferry fares,

(d) insurance, and

(e) maintenance,

but does not include depreciation;

"passenger transportation pool vehicle" means a passenger transportation pool vehicle within the meaning of subsection (3);

"person in care" has the same meaning as in the *Community Care and Assisted Living Act*;

"resident" has the same meaning as in the *Community Care and Assisted Living Act*;

"school" means

(a) a public school as defined in the *School Act*,

(b) a Provincial school as defined in that Act, or

(c) an independent school as defined in the *Independent School Act*;

"school bus" means a commercial passenger vehicle used by, on behalf of, at the request of or under a contract with the authority in charge of a school to convey students

(a) to or from the school, or

(b) to or from a school sponsored event;

"society" has the same meaning as in the *Society Act*;

"volunteer driver" means a person who

(a) drives a commercial passenger vehicle for a charitable association, and

(b) receives no compensation for the services described in paragraph (a) other than reimbursement for the operating costs attributable to the provision of that service.

(2) A motor vehicle that can accommodate a driver and not more than 11 passengers is a car pool vehicle on any day if

(a) on that day, the motor vehicle is used for no purpose other than to transport passengers on one return trip between

(i) the residences of any or all of the driver and the passengers, and

(ii) the respective places of employment of the driver and passengers, or a common destination, and

(b) neither the driver nor the operator receives any compensation for that transportation other than contributions for operating costs, which contributions do not, in the aggregate, exceed the operating costs that are attributable to the return trip referred to in paragraph (a).

- (3) A motor vehicle is a passenger transportation pool vehicle on any day if
- (a) on that day, the motor vehicle is operated on a highway to transport passengers and
 - (i) the transportation of passengers is from the residences of any or all of the driver and the passengers to a place of employment or to a common destination, or
 - (ii) the passengers are the employees of the owner or operator of the motor vehicle and the transportation is to and from a place of employment,
 - (b) on that day, the motor vehicle is operated under a transportation pooling arrangement sponsored and coordinated by an organization working with the government of Canada, the government of British Columbia, a local government body or any combination of these government bodies, and
 - (c) the fees charged to the passengers do not, in the aggregate, exceed the amount that the driver or operator requires for the operating costs attributable to the transportation referred to in paragraph (a) and for the capital costs of the motor vehicle.
- (4) In the Act and this regulation, "motor vehicle liability policy" means a certificate of insurance issued by the Insurance Corporation of British Columbia in the form, and providing insurance against perils and for amounts, prescribed by the *Insurance (Motor Vehicle) Act* and the regulations under that Act.

[am. B.C. Reg. 414/2004.]

Inter-city buses

- 2 (1) A commercial passenger vehicle is excluded from the definition of "inter-city bus" when it is operated in accordance with the following:
- (a) the commercial passenger vehicle
 - (i) picks up passengers from one or more locations in a municipality,
 - (ii) transports those passengers to a location outside of the originating municipality, and
 - (iii) returns those passengers to the originating municipality;
 - (b) no passengers board the bus other than those passengers referred to in paragraph (a) (i);
 - (c) none of the passengers referred to in paragraph (a) (i) disembark in the originating municipality without having first gone to the location referred to in paragraph (a) (ii).
- (2) A connector bus is excluded from the definition of "inter-city bus".
- (3) The municipalities prescribed for the purposes of paragraph (a) of the definition of "inter-city bus" in the Act are the municipalities incorporated under the *Local*

Government Act other than the municipalities located in the Greater Vancouver Regional District or in the Capital Regional District.

- (4) The regional districts prescribed for the purposes of paragraph (a) of the definition of "inter-city bus" in the Act are the regional districts incorporated under the *Local Government Act*.

Passenger directed vehicles

- 3 (1) The number of passengers prescribed for the purposes of paragraph (a) of the definition of "passenger directed vehicle" is 11.
- (2) The following commercial passenger vehicles are excluded from the definition of "passenger directed vehicle":
- (a) an auxiliary passenger vehicle;
 - (b) a commercial passenger vehicle that is used only to transfer
 - (i) persons who have a disability, either permanent or temporary, confirmed by a medical practitioner, that is sufficiently severe that the person is physically unable without assistance to use conventional transit service, and
 - (ii) any person accompanying a person referred to in subparagraph (i);
 - (c) a commercial passenger vehicle when it is being operated for the transportation of passengers if the transportation is arranged or brokered on behalf of all of the passengers by a travel agent or travel wholesaler, as those terms are defined in the *Travel Agents Act*, as part of a tour package that includes at least one night's accommodation for all of the passengers at a place other than their respective residences;
 - (d) a commercial passenger vehicle when it is being operated for the transportation of passengers in the following circumstances:
 - (i) the transportation begins outside British Columbia and the passengers that are transported by the commercial passenger vehicle board the commercial passenger vehicle outside British Columbia;
 - (ii) a portion of the transportation is within British Columbia, whether or not the passengers leave the commercial passenger vehicle during that time;
 - (iii) no passengers, other than those referred to in subparagraph (i), are picked up or transported by the commercial passenger vehicle in British Columbia.

Peace officers

- 4 Persons employed by the Ministry of Transportation as motor carrier inspectors or as passenger transportation inspectors are authorized to exercise the powers conferred on, and perform the duties of, peace officers for the purposes of enforcing the Act and this regulation.

Exemptions

5 The provisions of the Act and this regulation do not apply to the following:

- (a) a commercial passenger vehicle operated by
 - (i) the government,
 - (ii) the government of any other province or territory of Canada,
 - (iii) the federal government, or
 - (iv) the government of the United States of America or of any state of that country;
- (b) a commercial passenger vehicle operated solely by a municipality or regional district, when that vehicle is being operated within the boundaries of the municipality or regional district;
- (c) a commercial passenger vehicle when it is being operated by or on behalf of British Columbia Transit, continued under the *British Columbia Transit Act*, or the Greater Vancouver Transportation Authority, established under the *Greater Vancouver Transportation Authority Act*;
- (d) an ambulance;
- (e) a hearse or funeral coach or other commercial passenger vehicle when it is being operated for the purpose of a funeral;
- (f) a commercial passenger vehicle when it is being operated in Yoho National Park or Kootenay National Park;
- (g) a car pool vehicle;
- (h) a passenger transportation pool vehicle;
- (i) a commercial passenger vehicle when it is operated by a society for a primary purpose of the society, or by a charitable association for a primary purpose of the charitable association, if passenger transportation is not a primary purpose of the society or charitable association;
- (j) a commercial passenger vehicle when it is being operated by a volunteer driver for the transportation of a passenger to and from a place at which the passenger seeks health care treatment;
- (k) a school bus;
- (l) a commercial passenger vehicle when it is being operated
 - (i) by or on behalf of a community care facility to transport persons in care in the facility to or from the facility, or
 - (ii) by or on behalf of an assisted living residence to transport residents of the residence to or from the residence.

- (m) a commercial passenger vehicle when it is being operated by a motor dealer within the meaning of the *Motor Dealer Act*;
- (n) a commercial passenger vehicle when it is being operated by a real estate agent within the meaning of the *Real Estate Act*;
- (o) a commercial passenger vehicle when
 - (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to client who require personal assistance with activities of daily living,
 - (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
 - (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;.

Part 2 — Operation of Commercial Passenger Vehicles

Licensee must retain care and control of commercial passenger vehicles

- 6 (1) A licensee must retain the care and control of every commercial passenger vehicle that is operated under the licence and must do all things necessary to
 - (a) ensure that the Act and this regulation are complied with, including, without limitation, to ensure that each commercial passenger vehicle that is operated under a licence is operated in compliance with the terms and conditions of the licence and in compliance with any rates approved or set by the board under section 7 (1) (f) of the Act and any rules made in relation to those rates under section 7 (1) (g) of the Act, and
 - (b) secure observance of the Act and of this regulation by
 - (i) every driver of each commercial passenger vehicle that is operated under the licence,
 - (ii) every operator of each commercial passenger vehicle that is operated under the licence, and
 - (iii) every other officer, agent and employee of the licensee.
- (2) Nothing in subsection (1) requires the licensee to be the driver of a commercial passenger vehicle operated under the licence.

Drivers

- 7 A licensee must ensure that the driver of a commercial passenger vehicle operated under the licence
- (a) is licensed to drive a motor vehicle of that type,
 - (b) is not, at any time while operating the commercial passenger vehicle, under the influence of any intoxicating liquor or drugs, and
 - (c) does not, at any time while operating the commercial passenger vehicle, smoke any substance.

Limitation on number of passengers

- 8 At no time during its operation may a commercial passenger vehicle contain more persons than the carrying capacity of the commercial passenger vehicle.

When passengers may stand

- 9 (1) Passengers in a commercial passenger vehicle must not stand while that commercial passenger vehicle is in motion unless
- (a) the number of passengers standing does not exceed the lesser of
 - (i) the number determined in accordance with the calculations set out in section 10.03 (2) and (3) of the Motor Vehicle Act Regulations, and
 - (ii) the number of handholds, straps, rails or other pieces of equipment available in the commercial passenger vehicle to provide support for standing passengers.
 - (b) the vision or movement of the driver is not impaired in any way by the person standing, and
 - (c) one of the following applies:
 - (i) the commercial passenger vehicle is a general passenger vehicle and the commercial passenger vehicle is being operated
 - (a) during the months of May to October in any year,
 - (b) within a park under contract with the parks board having responsibility for that park, and
 - (c) at a speed that does not exceed 30 kilometres per hour;
 - (ii) the commercial passenger vehicle is an inter-city bus and the license that authorizes the commercial passenger vehicle to be operated as an inter-city bus expressly authorizes passengers to stand while the commercial passenger vehicle is in motion.
- (2) While a commercial passenger vehicle is in motion, passengers, other than those who are standing in accordance with subsection (1), must be seated in the seats provided for passengers in the commercial passenger vehicle.

Restrictions on entering or leaving a commercial passenger vehicle

- 10** (1) Passengers must not enter or leave a commercial passenger vehicle unless
- (a) a clear and unobstructed segment of the traveled portion of the highway is left free for the passage of other motor vehicles, or
 - (b) the commercial passenger vehicle may be seen clearly from a distance of 85 metres in either direction on the highway on which the commercial passenger vehicle is traveling.
- (2) Passengers must not enter or leave a commercial passenger vehicle while the commercial passenger vehicle is in motion.

Restriction on collecting fares while commercial passenger vehicle is in motion

- 11** Fares must not be collected while the commercial passenger vehicle is in motion.

Driver or operator may refuse to transport passengers

- 12** (1) The driver of a commercial passenger vehicle may refuse transportation to persons who are smoking, conducting themselves in a disorderly manner, using profane or offensive language or are acting in such a manner as to be offensive to other passengers.
- (2) If a driver requires a person to disembark for the reasons described in subsection (1), the driver must ensure that the person is not discharged from the commercial passenger vehicle unless the person can disembark safely and in a location where the person can reasonably be expected to find alternative transportation.

Part 3 — Condition of Commercial Passenger Vehicle

Commercial passenger vehicles must be in safe operating condition

- 13** Commercial passenger vehicles must not be operated under a licence unless they are in a safe operating condition.

Defective vehicle must not proceed

- 14** (1) If any part of a commercial passenger vehicle is or becomes defective so that continuing the operation of the commercial passenger vehicle would endanger the safety of any passenger, the commercial passenger vehicle must be brought to a stop and must not proceed to carry passengers until the defect is remedied or the danger is removed.
- (2) If a defect referred to in subsection (1) occurs to or is discovered in a commercial passenger vehicle that is carrying passengers, the licensee must promptly

- (a) transport those passengers, or arrange for those passengers to be transported, to the intended destination in a commercial passenger vehicle for which the appropriate licence or temporary operating permit has been obtained, or
 - (b) transport those passengers to a place where they can obtain accommodation or alternative transportation.
- (3) If a licensee intends to transport passengers under subsection (2) (b), the licensee must promptly provide, or arrange, the transportation referred to in that subsection (2) (b)
- (a) by means of a commercial passenger vehicle for which an identifier and a vehicle identification certificate have been issued, or
 - (b) if it is not possible to promptly provide or arrange such transportation, by means of any motor vehicle or other form of transportation that can safely transport those passengers.

Obligation to report safety concerns

- 15** (1) A licensee must require persons who drive a commercial passenger vehicle operated under the licence to provide promptly to the licensee, or to any person designated by the licensee for that purpose, a written report of any defect or deficiency in the commercial passenger vehicle that could affect the safe operation of the commercial passenger vehicle.
- (2) A licensee who receives a report referred to in subsection (1) must
- (a) inspect the commercial passenger vehicle, or have the commercial passenger vehicle inspected, to determine if there is a safety concern, and prepare or obtain a written report of the inspection, and
 - (b) if the inspection reveals a defect or deficiency in the commercial passenger vehicle that could affect the safe operation of the commercial passenger vehicle,
 - (i) have the commercial passenger vehicle repaired before it is used to transport passengers, and
 - (ii) prepare or obtain a written report of the repairs.
- (3) A licensee must keep each report referred to in subsection (1), each report referred to in subsection (2) (a) and each report referred to in subsection (2) (b) for at least 2 years from date the report is prepared or received by the licensee, as the case may be.

Commercial passenger vehicle must have curbside exit

- 16** There must be, on or in a commercial passenger vehicle, at least one door or other opening by which passengers may enter or leave the commercial passenger vehicle on the curb side of the commercial passenger vehicle.

Inspection required

- 17 A commercial passenger vehicle for which a motor vehicle liability policy has been issued must be inspected in accordance with the requirements of Division 25 of the Motor Vehicle Act Regulations before
- (a) any identifier, vehicle identification certificate or licence is issued, amended or renewed for or in relation to the commercial passenger vehicle, or
 - (b) the transfer of any licence that is, after the transfer, to apply to the commercial passenger vehicle.

Part 4 — Identifiers and Vehicle Identification Certificates

Attachment of identifiers

- 18 (1) When the registrar issues a licence, the registrar must issue to the licensee, for each of the commercial passenger vehicles in respect of which the licence is issued, an identifier plate.
- (2) An identifier plate must be of a material and design determined by the registrar, and is and remains the property of the government.
- (3) For the purposes of section 44 of the Act, a licensee must
- (a) securely fasten the identifier plate issued for a commercial passenger vehicle under subsection (1)
 - (i) in a conspicuous place at the front of the commercial passenger vehicle, and
 - (ii) in a horizontal position,
 - (b) affix each identifier issued for the commercial passenger vehicle to the designated place on the identifier plate, and
 - (c) ensure that during the term of a licence or a renewal licence, the identifier attached to the identifier plate is the identifier issued with the licence or the renewal licence, as the case may be.
- (4) An identifier plate must be kept entirely unobstructed and free from dirt or foreign material, so that the numbers, letters and identifier on it may be plainly seen and read at all times.

How vehicle identification certificates, identifiers and identifier plates are to be returned

- 19 For the purposes of sections 30 and 45 of the Act, vehicle identification certificates and identifiers must be returned to the registrar, with the identifier plates provided under section 18 (1), by personal delivery or by registered mail.

Part 5 — Temporary Operating Permits

Maximum period for temporary operating permits

- 20** (1) The maximum period for which a temporary operating permit may be issued to a licensee is 92 days.
- (2) The maximum period for which a temporary operating permit may be issued to a person who is not a licensee is 7 consecutive days.

Restriction on temporary operating permits

- 21** It is a term and condition of a temporary operating permit issued to persons who are not licensees that the holder of the temporary operating permit must not pick up passengers in British Columbia.

Part 6 — Administration

Index

- 22** The following information must be maintained, in the index referred to in section 4 (1) (a) of the Act, for each licensee:
- (a) the name and, if different, the business name, if any, of the licensee;
 - (b) the licensee's business address and business telephone number;
 - (c) the authorizations provided by the licensee's licence;
 - (d) the status of the licensee's licence;
 - (e) if the licence contains an authorization to operate one or more commercial passenger vehicles as passenger directed vehicles, the number of commercial passenger vehicles so authorized under the licence;
 - (f) the terms and conditions of the licensee's licence;
 - (g) any orders made under Part 6 of the Act in relation to the licensee or the licensee's licence.

Licence consolidation

- 23** If a licence is required under the *Motor Vehicle Transport Act* (Canada) and the registrar, pursuant to powers granted to the registrar in that Act, has decided to issue such a licence, the registrar may consolidate with it a licence issued under the *Passenger Transportation Act*.

Part 7 — Fees

Fees payable to the registrar

24 (1) Subject to subsections (2) to (4), there must be paid to the registrar the following fees:

(a)	for an application for the issue, amendment or transfer of a licence	an application fee equal to the total of	
		(i)	\$200, and
		(ii)	\$100 for each motor vehicle for which an identifier and a vehicle identification certificate are, or are to be, issued as a result of the application
(b)	for an application for the addition of motor vehicles to a licence or for the renewal of a licence	\$100 for each motor vehicle for which an identifier and a vehicle identification certificate are, or are to be, issued as a result of the application	
(c)	for an application to change rates applicable to a passenger directed vehicle	\$200	
(d)	for an application for a temporary operating permit		
	(i)	for 1 to 14 days	\$25
	(ii)	for 15 to 30 days	\$50
	(iii)	for 31 to 60 days	\$75
	(iv)	for 61 to 92 days	\$100
(e)	for an application for a duplicate or replacement licence, vehicle identification certificate, identifier plate or identifier	\$50	

- (2) The registrar must not charge a fee if a licence is altered by the registrar or the board on the registrar's or board's own motion.
- (3) If an application for the issue of a licence is made under section 63 (3) of the Act, the portion of the application fee referred to in subparagraph (ii) of subsection (1) (a) that is to be paid for each motor vehicle for which an identifier and a vehicle identification certificate are, or are to be, issued as a result of the application is,
- (a) if the application is made after June 27, 2004 and before October 1, 2004 and the registrar, in the case of an application in which the only authorization sought is a general authorization, or the board, in the case of any other application, considers that

the licence being applied for is substantially the same as the applicant's MCC licence, \$25,

(b) if the application is made after September 30, 2004 and before January 1, 2005 and the registrar, in the case of an application in which the only authorization sought is a general authorization, or the board, in the case of any other application, considers that the licence being applied for is substantially the same as the applicant's MCC licence, \$50, or

(c) in the case of any other application, \$100.

(4) An application fee required under this section for the issue of a licence must be paid as follows:

(a) subject to paragraphs (b) and (c) of this subsection, the whole of the application fee referred to in subsection (1) (a) must be paid when the application is submitted;

(b) if, at the time the application is submitted, the number of vehicles referred to in subparagraph (ii) of subsection (1) (a) is not known or has not been approved by the board,

(i) the portion of the application fee referred to in subparagraph (i) of subsection (1) (a) must be paid when the application is submitted, and

(ii) the portion of the application fee referred to in subparagraph (ii) of subsection (1) (a) must be paid when the identifiers and vehicle identification certificates are issued;

(c) if the application is made under section 63 (3),

(i) the portion of the application fee referred to in subparagraph (i) of subsection (1) (a)

(A) is waived if the registrar, in the case of an application in which the only authorization sought is a general authorization, or the board, in the case of any other application, considers that the licence being applied for is substantially the same as the applicant's MCC licence, or

(B) in any other case, must be paid when the application is submitted, and

(ii) the portion of the application fee referred to in subsection (3) must be paid when the application is submitted.

Fees payable to the board

25 There must be paid to the board the following fees:

(a)	for each submission made to the board under section 27 (2) or (4) of the Act	\$50
(b)	for the filing of a notice of appeal	\$150

Part 8 — Transition

Continuance of MCC licence

- 26 (1) In this section, "MCC licence" has the same meaning as in section 63 of the Act.
- (2) Despite sections 23 and section 63 (2) of the Act, if the holder of an MCC licence makes an application for a licence under section 63 of the Act on or before February 11, 2005, that person may operate a motor vehicle to which the MCC licence applies as a type of commercial passenger vehicle
- (a) if and for so long as the person is in compliance with the terms and conditions of the MCC licence, the applicable orders of the Motor Carrier Commission and the applicable provisions of the former Act and the regulations under that Act, and
- (b) until whichever of the following is the first to occur:
- (i) the application is accepted and a licence is issued to the applicant in respect of the motor vehicle under the Act;
- (ii) the application is rejected and notice of that rejection is received by the applicant in accordance with section 55 of the Act.
- (3) For the purposes of subsection (2), each of the following that were issued to the holder of an MCC licence to which that subsection (2) applies are deemed to be valid and current for so long as that person may operate a motor vehicle as a type of commercial passenger vehicle under subsection (2):
- (a) the licence plate and licence plate decal issued under the *Motor Carrier Act*, if that licence plate and decal are
- (i) valid and current at the date on which the application for a licence is made under section 63 of the Act, and
- (ii) displayed on the motor vehicle;
- (b) the certificate issued under the *Motor Carrier Act* if that certificate
- (i) is valid and current at the date on which the application for a licence is made under section 63 of the Act, and
- (ii) corresponds to the licence plate and licence plate decal displayed on the motor vehicle.

[en. B.C. Reg. 67/2005.]

[Provisions of the *Passenger Transportation Act*, S.B.C. 2004, c. 39, relevant to the enactment of this regulation: sections 59 and 60]