



*Motor Dealer Act*

# SALESPERSON LICENSING REGULATION

**B.C. Reg. 202/2017**

Deposited November 8, 2017 and effective April 1, 2018

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 202/2017 (O.C. 430/2017), deposited November 8, 2017 and effective April 1, 2018, is made under the *Motor Dealer Act*, R.S.B.C. 1996, c. 316, s. 39 (1).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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**Definitions**

- 1 In this regulation:

“**Act**” means the *Motor Dealer Act*;

“**salesperson licence**” means a licence issued or renewed under section 4.

**Prohibition on acting without salesperson licence**

- 2 A person must not act as a salesperson unless the person holds a valid salesperson licence.

**Application for salesperson licence**

- 3 (1) An individual may apply for a salesperson licence or to renew a salesperson licence by submitting to the authority
  - (a) an application in a form and manner approved by the authority, and
  - (b) the applicable fee set by the authority.
- (2) An initial application under subsection (1) must include the following information, records, declarations and authorizations:
  - (a) the usual name of the applicant and any other name used by the applicant;
  - (b) contact information for the applicant, including a mailing address, residential address and telephone number and, if any, electronic mail address;
  - (c) proof of the applicant’s age, citizenship and, if relevant, authority to work in Canada;
  - (d) the name of any person who employs or engages the applicant and, if the person is a registered motor dealer, the person’s registration number;
  - (e) a copy of government-issued photo identification and a wallet-sized picture of the applicant endorsed by any motor dealer who will employ or engage the applicant;
  - (f) declarations of the applicant respecting the applicant’s

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- (i) past conduct in the motor vehicle industry in this or any other jurisdiction, including previous dealings, if any, with the authority,
  - (ii) past conduct in another regulated industry in this or any other jurisdiction,
  - (iii) convictions, if any, for an offence under an enactment of this or any other jurisdiction in relation to consumer protection, the motor vehicle industry or another regulated industry, and
  - (iv) convictions, if any, for a crime outside Canada;
- (g) authorizations necessary for the authority to
- (i) obtain a criminal record check for the applicant, and
  - (ii) verify any other information provided in the application.
- (3) An application to renew a salesperson licence under subsection (1) must include
- (a) a statement confirming that the information, the records and the facts described in a declaration or authorization, provided under subsection (2) at the time of the initial application for a licence, or under this subsection at the time of the last licence renewal, continue to be accurate, or
  - (b) if there has been a change in the information, the records or the facts referred to in paragraph (a), a statement setting out the change and, as applicable, an updated record, declaration or authorization described in subsection (2).
- (4) An application to renew a salesperson licence must be made at least 14 days before the salesperson licence expires.

**Issue or renewal of salesperson licence for a term**

- 4** On application in accordance with section 3, the authority may issue or renew a salesperson licence for a term not exceeding one year.

**Refusal to issue or renew salesperson licence**

- 5** (1) The authority may refuse to issue or renew a salesperson licence if the authority considers, having regard to the conduct of the applicant, that it would not be in the public interest for the applicant to be licensed.
- (2) The authority may not refuse to issue or renew a salesperson licence under subsection (1) unless the authority gives the applicant
- (a) notice in accordance with section 8 and an opportunity to be heard, and
  - (b) written reasons for its decision.

**Conditions on salesperson licence**

- 6** (1) On issuing or renewing a salesperson licence, the authority may impose on the licencee one or more of the following conditions respecting obligations of the licensee:

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- (a) the licensee must, within 14 days after the change, notify the authority, in writing, of any change in the information provided in the licensee's application for a salesperson licence;
  - (b) the licensee must, if the licensee ceases to act as a salesperson, immediately notify the authority in writing and surrender the licensee's salesperson licence to the authority;
  - (c) the licensee must notify any motor dealer who employs or engages the licensee of a condition on or suspension of the licensee's salesperson licence or if the licensee's salesperson licence is revoked;
  - (d) the licensee must, on request, provide the authority with the authorization necessary for the authority to obtain a criminal record check for the licensee;
  - (e) the licensee must complete, to the authority's satisfaction, educational courses specified by the authority;
  - (f) the licensee must keep and maintain, for a period of at least 2 years after the last dealing or transaction to which the record relates, notes, correspondence and other records relating to a consumer with whom the licensee dealt or a motor vehicle being considered for acquisition by a consumer;
  - (g) the licensee must, on written request of the authority, produce for the authority's inspection the records described in paragraph (f) that the authority requires to determine whether the licensee's salesperson licence should be renewed, suspended or revoked;
  - (h) the licensee must, if the authority receives a complaint respecting the licensee, provide the authority with the information and records that the authority requires to investigate the complaint if the authority
    - (i) requests the information and records in writing, and
    - (ii) indicates in the request the nature of the complaint;
  - (i) any other condition necessary for the authority to ensure that it is not contrary to the public interest for the licensee to be licensed as a salesperson.
- (2) Without limiting subsection (1), on issuing or renewing a salesperson licence, the authority may impose on the licence one or more of the following conditions respecting prohibitions on the licensee:
- (a) the licensee must not act as a salesperson for a motor dealer unless the motor dealer is registered and named in the licensee's salesperson licence;
  - (b) the licensee must not receive or otherwise handle a consumer's money;
  - (c) the licensee must not hold a management position in a motor dealer business;
  - (d) the licensee must not be unsupervised while acting as a salesperson in a motor dealer business;

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- (e) the licensee must not act as a salesperson for a motor dealer other than a motor dealer who operates under a franchise agreement with a motor vehicle manufacturer;
  - (f) any other condition necessary for the authority to ensure that it is not contrary to the public interest for the licensee to be licensed as a salesperson.
- (3) The authority may, on written notice to a licensed salesperson, do either of the following:
- (a) remove a condition imposed on the licensee's salesperson licence under subsection (1) or (2);
  - (b) impose on the licensee's salesperson licence a condition described in subsection (1) or (2).

**Revocation or suspension of salesperson licence**

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- (1) The authority may revoke a salesperson licence if the licensee notifies the authority that the licensee has ceased to act as a salesperson.
  - (2) The authority may revoke or suspend a salesperson licence if the authority considers, having regard to the conduct of the licensee, that it would not be in the public interest for the licensee to continue to be licensed.
  - (3) The authority may not revoke or suspend a salesperson licence under subsection (2) unless the authority gives the licensee
    - (a) notice in accordance with section 8 and an opportunity to be heard, and
    - (b) written reasons for its decision.
  - (4) In the case of a suspension, the written reasons must specify the period of the suspension, which may end on a fixed date or the date the licensee meets all of the conditions specified in the written reasons.
  - (5) For the purposes of subsection (4), the written reasons may specify one or more of the following conditions:
    - (a) the licensee must comply with a specified condition on the licence;
    - (b) the licensee must pay a specified administrative penalty imposed under section 26.04 of the Act.

**Notice of hearing**

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- A notice referred to in section 5 (2) (a) or 7 (3) (a) must advise the applicant or licensee, as the case may be, that the applicant or licensee has the right to be heard in writing, electronically or orally or by any combination of written, electronic or oral hearings, as determined by the authority.