PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 419, Approved and Ordered July 8, 2019

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 16, 2019, the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended as set out in the attached Schedule.

Minister of Transportation and Infrastructure

Presiding Member of the Executive Council

Authority under which Order is made:

Act and section: Motor Vehicle Act, R.S.B.C. 1996, c. 318, ss. 210, 212, 216 and 220
Other: OIC 1004/58
SCHEDULE

1 Sections 10.01 and 35.03 (1) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended in the definition of “carrier” by striking out “as in section 237 of the Act” and substituting “as in section 37.01 of this regulation”.

2 The following section is added to Division 10:

Liability insurance for passenger directed vehicles operated under transportation network services authorization

10.26 (1) In this section:

“taxi” has the same meaning as in section 1 (1) of the Insurance (Vehicle) Regulation;

“TNS blanket certificate” has the same meaning as in section 154.1 of the Insurance (Vehicle) Regulation;

“TNS vehicle” has the same meaning as in section 1 (1) of the Insurance (Vehicle) Regulation.

(2) For the purposes of section 3 (4.1) of the Act,

(a) the prescribed motor vehicle liability policy for a TNS vehicle is a TNS blanket certificate, and

(b) the prescribed motor vehicle liability policy for a taxi is the certificate required, if any, under section 3 of the Act.

3 Section 25.14 is amended

(a) in subsection (3) by adding the following paragraph:

(i) a taxi that has been driven less than 40 000 km during the 12 months before the issue of the certificate, and

(b) by adding the following subsections:

(3.1) For the purposes of subsection (3) (i), the number of kilometres a taxi has been driven is to be determined by referring to the previous inspection report for the taxi.

(3.2) If there is no previous inspection report for a taxi, an inspection certificate of approval expires, subject to subsection (3.3), on the last day of the sixth month following the issue of the certificate for the taxi.

(3.3) If a taxi referred to in subsection (3.2) is operated as a passenger directed vehicle under a transportation network services authorization only, an inspection certificate of approval expires on the last day of the twelfth month following the issue of the certificate for the taxi.

4 Section 32.02 is repealed.

5 Section 32.03 is amended by striking out “in a taxi.” and substituting “in a taxi unless the taxi is operated as a passenger directed vehicle under a transportation network services authorization only.”
6  
Section 36.09 (b) is amended by striking out “a taxi as defined in section 32.01,” and substituting “a taxi, as defined in section 32.01, unless the taxi is operated as a passenger directed vehicle under a transportation network services authorization only,”.

7  
Section 37.01 is amended
(a) by repealing the definition of “carrier” and substituting the following:
“carrier”, in relation to a commercial motor vehicle, means
(a) the owner of the commercial motor vehicle,
(b) a person, other than the owner, who manages the commercial motor vehicle or determines the uses to which the commercial motor vehicle may be put,
(c) the lessee of the commercial motor vehicle, if the lease has a term of one month or more, or
(d) a person who holds a licence under the Passenger Transportation Act that authorizes the commercial motor vehicle to be operated as a passenger directed vehicle under a transportation network services authorization, but a person is not a carrier only because the person is the driver of the commercial motor vehicle;,
(b) by repealing the definition of “commercial motor vehicle” and substituting the following:
“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that is one or more of the following:
(a) a truck or truck tractor, including a trailer, if any, attached to the truck or truck tractor, having a licensed gross vehicle weight of more than 5 000 kg;
(b) a bus;
(c) a commercial passenger vehicle operated under a licence or temporary operating permit issued under the Passenger Transportation Act;
(d) a business vehicle within the meaning of section 237 of the Act having a licensed gross vehicle weight of more than 5 000 kg;,
(c) by adding the following definition:
“licensed gross vehicle weight” means the gross vehicle weight for which a commercial motor vehicle is licensed under the Commercial Transport Act.;

8  
The following sections are added to Part 1:

Definition of “carrier” for sections 118.94, 212 (1) and 237 of Act
37.011 For the purposes of sections 118.94, 212 (1) and 237 of the Act, “carrier” has the same meaning as in section 37.01 of this regulation.

Definition of “commercial motor vehicle” for section 118.94 of Act
37.012 For the purposes of section 118.94 of the Act, “commercial motor vehicle” has the same meaning as in section 37.01 of this regulation.
9 Section 37.03 (1) (b) is repealed and the following substituted:

(b) a non-refundable application fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91,

10 Section 44.1 is amended

(a) by repealing the definitions of “CSA standard D409-92” and “CSA standard Z605-95”, and

(b) by adding the following definition:

“CSA standard Z605” means the Canadian Standards Association standard Z605, Mobility Aid Securement and Occupant Restraint (MASOR) Systems for Motor Vehicles, as amended from time to time by the Canadian Standards Association;

11 Section 44.2 is amended

(a) in subsection (1) by striking out “division” and substituting “Division”, and

(b) by repealing subsection (3).

12 The following heading is added after section 44.2:

Part 1 – Accessible Taxis Manufactured or Converted Before September 16, 2019.

13 The following sections are added before section 44.3:

Interpretation

44.21 In this Part, “CSA standard D409-92” means the Canadian Standards Association standard D409-92, Motor Vehicles for the Transportation of Persons with Physical Disabilities, as adopted and modified by section 44.3.

Application

44.22 This Part applies to accessible taxis that are manufactured or converted before September 16, 2019.

14 Section 44.3 is amended

(a) in subsection (1) by striking out “Motor Vehicle” and substituting “Motor Vehicles”, and

(b) in subsection (2) by striking out “division” wherever it appears and substituting “Part”.

15 Sections 44.7 (2) and 44.8 (1) and (2) are amended by striking out “CSA standard Z605-95” and substituting “CSA standard Z605”.

16 The following Part is added after section 44.9:
Part 2 – Accessible Taxis Manufactured or Converted on or After September 16, 2019

Interpretation

44.91 In this Part, “CSA standard D409” means the Canadian Standards Association standard D409, Motor Vehicles for the Transportation of Persons with Physical Disabilities, as amended from time to time.

Application

44.92 This Part applies to accessible taxis that are manufactured or converted on or after September 16, 2019.

CSA standard D409

44.93 A person must not drive or operate on a highway an accessible taxi unless the vehicle and its equipment comply with the CSA standard D409 in effect at the time of manufacture or conversion.

Mobility aid securement and occupant restraint

44.94 (1) Every accessible taxi must be equipped with mobility aid securement devices that conform with the CSA standard Z605 in effect at the time of manufacture or conversion.

(2) An operator of an accessible taxi must, before the vehicle is put in motion, secure every occupant of a mobility aid in a forward or rearward facing orientation by a securement system and procedure that meets the requirements of CSA standard Z605.