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Ministry of Transportation
& Infrastructure



Passenger Transportation Act and Regulation

Provincial Requirements





Bill 55: New Rules for Commercial Ride-Hail and Taxis

- Bill 55, the *Passenger Transportation Amendment Act*, received royal assent November 28, 2018
- Regulations supporting Bill 55 were deposited July 8, 2019
- **New rules take effect September 16, 2019**



Ride-Hail & Taxi Modernization Legislative Regime

Benefits

- Implementation of commercial ride-hail companies in BC
- Taxi modernization
- Reduces regulatory burden & overlap
- Ensures passenger and driver safety is a priority
- Creates an enhanced compliance and enforcement framework
- Protects accessibility



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ROLE OF BOARD

(PASSENGER TRANSPORTATION BOARD)



New Role of the Passenger Transportation Board

- Sole responsibility for determining supply, boundaries, and rates
 - Municipalities retain authority to determine business licenses and oversee curbside management

- 3-part test still applies, but has been modified (next slide)

- Data Warehouse: data-driven approach to facilitate evidence-based decision making in the future
 - Support Branch enforcement activities and fee collection for TNS vehicles



PT Board Considerations

3-part test under s. 28(1):

- **[CURRENT]** The board may approve an application forwarded to it under section 26 (1) if the board considers that
 - (a) there is a public need for the service the applicant proposes to provide,
 - (b) the applicant is a fit and proper person to provide the service and is capable of providing the service, and
 - (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in B.C.

- **[FUTURE]** The board may approve, *in whole or in part*, an application forwarded to it under section 26 (1) if ~~the board considers that~~ after considering whether
 - (a) there is a public need...
 - (b) the applicant is a fit and proper person...
 - (c) the application, if granted, would promote...



Definition of Fleet Size – Taxi & TNS

Taxi

- Fleet size is a discretionary term and condition of the Board
- Defined as maximum number of vehicles authorized to be “active”
 - Motor vehicle is available to be hailed
 - Motor vehicle is driving to or is at a location to pick up a passenger
 - Motor vehicle is transporting a passenger
 - Motor vehicle is at location to drop-off a passenger

TNS

- No initial limits on fleet size
- The Board has indicated that they will monitor TNS performance data and may install fleet size requirements in the future



Supply, Boundaries, Fares

	TAXI	TNS (ride hail)
Supply	No change	No limit
Boundaries	No change	Five regions established for province. One restriction: On <u>cruise ship days</u> , TNS vehicles cannot pick up passengers: <ul style="list-style-type: none">➤ on Canada Place Way between Howe St and Burrard St;➤ on Howe St. between Canada Place Way and Cordova St;➤ on Burrard St. between Canada Place Way and Cordova St.
Fares	No change	Base rate = taxi flag rate No coupons or discounts to lower rates below base rate.



Data Warehouse

- Mandated by Bill 55
 - Term and condition of licence
 - Detailing data submission requirements
 - Applicable to both TNS and taxis
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- **Trip data**
 - Including origin, destination, date, time, fares
 - Submitted at minimum on a weekly basis



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DRIVER SAFETY REQUIREMENTS



Driver Licence Requirements

- Minimum Class 4 licence - no change
 - Class 1, 2, and 4 are acceptable

- Must have a valid B.C. issued driver's licence
 - Licensee must ensure that drivers do not drive on an out-of-province driver's licence



Record Check Requirements

- Municipal chauffeur permits no longer issued
 - **Effective September 16, 2019**
 - Drivers with valid municipal chauffeur permits on September 16th do not need to meet new provincial record check requirements until the expiry of their municipal permits, or until September 2021 (whichever comes first)
 - However, we do require a new certificate to be issued by licensee in the new Record Check Certificate format. The expiry date cannot exceed 12 months.

- New annual record check requirements include:
 - Criminal record check
 - Driving record check

- Licensee must determine whether drivers meet provincial record check requirements and issue a certificate to eligible drivers



Criminal Record Check

Determining Driver Eligibility

- Prescribed type of criminal record check
 - Police information check with vulnerable sector (PIC-VS) from city where driver resides

- Drivers cannot have any of the following:
 - Any outstanding charges for offences under the *Criminal Code* or *Controlled Drugs and Substances Act*
 - Any convictions for offences under the *Criminal Code* listed under sections 12.64 and 12.65 of the *Passenger Transportation Regulation*
 - Any convictions for any other offences under the *Criminal Code* or *Controlled Drugs and Substances Act* within the last 10 years

- Requirement for driver to notify licensee if a conviction or charge occurs between annual checks



Prescribed Matters under the Regulation

Egregious Offences/ No Timeframe Applies

- Applies to convictions & charges e.g. homicide, sexual assault
- *Criminal Code, Controlled Drugs & Substances Act* see s. 12.64 (sexual offences list) & 12.65 (Criminal Code offences list) of the PTR

Less Egregious Offences/ 10 Year Review Period

- Applies to convictions & charges e.g. theft, fraud
- Applicable to offences under *Criminal Code, Controlled Drugs & Substances Act* see s. 12.63 (c), (d) and (e) of the PTR



Driving Record Check

Determining driver eligibility

- Prescribed type of driving record
 - Driver's abstract obtained from ICBC (N-Print abstract)
 - If driver held a driver's licence in another jurisdiction within the last 3 years, a driver's abstract from the other jurisdiction must also be obtained and produced to licensee

- Drivers cannot have any of the following:
 - Any of the matters listed under section 12.66 and 12.67 of the *Passenger Transportation Regulation*
 - 4 convictions or more for 'pointable' offences within the last 2 years renders a driver ineligible)
 - No administrative driving prohibitions within the last 3 years



SAMPLE TAXI/LIMO Record Check Certificate

RECORD CHECK CERTIFICATE



Issued by Licensee:

Driver's Full Legal Name:

This certificate verifies that the driver identified above has undergone a criminal record and driving record check, and meets all requirements under the *Passenger Transportation Act*.

Expiry Date of Record Check:

Information required on certificate (PTR s 12.68 – 12.72)



TNS Evidence of Authority to Operate

Required to be present on app for law enforcement:

- TNS Licensee name
- Driver full name and passport sized photograph
- Expiry date of record check
- Attestation that verifies requirements have been met
- Vehicle make/model/year and license plate number
- BC NSC number

Information required on certificate (PTR s. 12.68 – 12.72)



Appeal Process for Drivers

If a licensee deems a driver ineligible to drive based on the record check requirements:

- Licensee must advise driver, in writing, if driver is not eligible to drive due to criminal record check or driver record check requirements
- Drivers can appeal decisions to the Passenger Transportation Branch Registrar within 30 days of receiving notice from Licensee



Evidence of Authority to Operate

Following must be presented for enforcement purposes:

- Taxi/Limo:
 - Copy of PT licence that the driver is operating under
 - Physical copy of driver's valid record check certificate in a clearly visible place in the motor vehicle

- TNS:
 - Record check certificate must be available on the app and include all required information

- See following sections with requirements:
 - Section 43 of the *Passenger Transportation Act*
 - Section 12.5 of the *Passenger Transportation Regulation*



Municipal Chauffeur Permit – Transitional Provisions

Drivers in municipalities where no municipal chauffeur permit bylaw exists (i.e. no record check requirement):

- Those drivers (taxis & limos) have until Jan 2, 2020 to meet provincial requirements for prescribed record checks, record check certificates, evidence of authority to operate, and display of record check certificate

Licensees – if you have “exempted drivers” driving under your licence:

- Drivers must as of Sep 15, 2019 be driving under your licence AND
- The municipality in which the drivers operate did not have a municipal chauffeur permit
- As of January 2, 2020 these drivers will need to meet provincial requirements



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VEHICLE SAFETY REQUIREMENTS



Vehicle Inspection

Requirements:

- Inspection intervals for taxis/TNS
 - Currently set at 6 months
 - New Regulations will now be determined by usage
- Where a taxi/TNS has been driven less than 40,000 km in the previous 12 months, the next inspection is due in 12 months
- If the vehicle has been driven 40,000 km or more in the previous 12 months, the next inspection is due in 6 months
- Km reporting based off previous CVSE Designated Inspection Facility inspection reports
- Responsibility is with Licensee to determine and monitor compliance
- Default if no previous inspection reports available or if there are issues with odometer readings:
 - Taxi = 6 months
 - TNS = 12 months



Maximum Age of Vehicles Operating for TNS Licensees

- 10 year + 1 month maximum age of vehicles operating under TNS authorisations
- Ensures TNS vehicles are relatively new thereby incorporating most current vehicle safety and fuel efficiency measures



National Safety Code

Carrier's Responsibilities

- Maintaining vehicles preventatively
 - Ensure vehicles are mechanically sound & safe to operate
- Hiring and Monitoring Drivers
 - Ensure drivers are properly licenced and operating safely on the road
- Monitoring hours of service
 - Ensure drivers are not driving while fatigued and in compliance with hours of service requirements



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ROLE OF BRANCH

(PASSENGER TRANSPORTATION BRANCH)



New Role of the Passenger Transportation Branch

- Flexibility in vehicle identifiers
 - Small plate vs decals

- Collect new licence fees and new trip fees (next slide)

- Compliance, roadside education, and enforcement
 - Increased staffing
 - Expanded audit and investigation functions
 - Higher administrative penalties
 - New penalties for unlicensed operators



New Licensing Fees — TNS

Two new fees for TNS

- Fee to issue a new licence or annual renewal of an existing licence - \$5,000
- Fee per trip in each non-accessible vehicle (\$0.30 cents per trip)

Government to explore potential for the fee to support accessibility



Offences/Fines under PTA

New Offences (13)

- \$100,000 fine (per day)
- 7 new record check related offences

Administrative Penalty

- Registrar's discretion
- Max. changed from \$1,500 to \$50,000

Existing Offences

- 11 carried over/ same fine amounts
- 2 eliminated, 1 has 2 variations



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OTHER CHANGES & PROVISIONS



Other Regulatory Changes

- Seat belt exemption for taxi drivers operating less than 70 km/h is repealed effective September 16th
 - Child car seat exemption still applies, but only to passenger directed vehicles licensed as taxis

- Accessible taxis
 - Currently only allow rear entry
 - New Regulations will allow side entry in addition to rear entry



Insurance

- **TNS insurance will be available on September 16th**
 - Blanket rate plus per km
- **ICBC consulting with taxi industry**
 - Maintain current rate structure or move to usage based rates



Ongoing Discussions

- **Criminal Record Checks**
 - Eligibility requirements for PIC-VS

- **Driver Training Requirements**



Legislated Special Committee Review

- **Committee to be appointed on or before January 1, 2022 to review:**
 - Adequacy of supply of PDVs (including accessible PDVs)
 - Effectiveness of the test Board applies in section 28(1) in providing adequate supply of PDVs
 - Extent to which the Act promotes employment in the PDV and TNS sector
 - Impacts of PDVs on public transportation, traffic congestion, and the environment
 - Extent to which changes promote PDVs to operate in small, rural or remote communities.

- **Committee to consider records, information and reports of the Board and registrar, solicit and review written and oral submissions**



PT Branch Contact Information

Address: Ministry of Transportation and Infrastructure
Passenger Transportation Branch
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Coquitlam, BC V3K 0B8

Telephone: 1.604.527.2198

Email: passengertransportationbr@gov.bc.ca

Hours: Monday – Friday (except statutory holidays)
8:30am – 4:30pm



PT Branch Website

- <http://www.th.gov.bc.ca/rpt/>
- FAQs (updated regularly)
- Record Check Certificate Templates
- Licensee Guides (coming soon)



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Questions?