


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 162, Approved and Ordered FEB 24 2005



Lieutenant Governor

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 the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended as set out in the attached Schedule.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Motor Vehicle Act, R.S.B.C. 1996, c. 318, ss. 210 to 212

Other (specify):- oic 1004/58

February 2, 2005

106 /2005/7

SCHEDULE

- 1 *The title to Division 10 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is repealed and the following substituted:*

DIVISION 10 – COMMERCIAL PASSENGER VEHICLES

- 2 *Section 10.01 of the Motor Vehicle Act Regulations B.C. Reg. 26/58 is amended*
- (a) *by repealing the definition of “passenger vehicle” and substituting the following:*
“commercial passenger vehicle” has the same meaning as in the *Passenger Transportation Act*; , *and*
- (b) *by adding the following definitions:*
- “licensee”, when used in relation to a commercial passenger vehicle, means a person who holds a valid licence that has been issued or transferred to that person for that vehicle under the *Passenger Transportation Act*; , *and*
- “permit holder” means a person who holds a valid temporary operating permit that has been issued to that person under the *Passenger Transportation Act*; .
- 3 *Section 10.02 is amended by striking out “passenger vehicle for which a license under the Motor Carrier Act is required.” and substituting “commercial passenger vehicle for which a licence under the Motor Carrier Act, or a licence or temporary operating permit under the Passenger Transportation Act, is required.”.*
- 4 *Section 10.03 (1) is amended by striking out “, under the Motor Carrier Act,” and substituting “, under the Passenger Transportation Act or the Motor Carrier Act,”.*
- 5 *Sections 10.03 (1) and (4), 10.05, 10.06 (2) to (4), 10.07 (1) and (5) to (8), 10.08 (1) to (3), 10.09 (1) and (2), 10.10 (1) to (3), 10.11 (1), 10.12 (2) and (3), 10.13 (1) to (3), 10.14 to 10.19, 10.20 (1) and (2), 10.21 (1) and (2), 10.23 (1) and 10.25 (3) are amended by striking out “passenger vehicle” wherever it appears and substituting “commercial passenger vehicle”.*
- 6 *Section 10.06 (1) is repealed and the following substituted:*
- (1) Every bus, passenger car and multipurpose passenger vehicle, as those terms are defined in the Motor Vehicle Safety Regulations, (Canada), C.R.C. 1038, that was manufactured after January 1, 1971 must conform to the safety standards under that Act that applied to that vehicle on the date of its manufacture.

- 7 **Section 10.07 is amended**
- (a) **in subsection (5) (a) by striking out** “a licence or permit, under the *Motor Carrier Act*,” **and substituting** “licence or permit under the *Motor Carrier Act* or a licence or temporary operating permit under the *Passenger Transportation Act*”,
 - (b) **by repealing subsection (9), and**
 - (c) **in subsection (10) by adding** “or the *Passenger Transportation Act*” **after** “the *Motor Carrier Act*”.
- 8 **Section 10.08 (3) (b) is amended by adding** “or by a licence or temporary operating permit under the *Passenger Transportation Act*” **after** “*Motor Carrier Act*”.
- 9 **Section 10.12 (1) is amended by striking out** “Where a licence or permit, under the *Motor Carrier Act*, authorizes a passenger vehicle to be used” **and substituting** “If a commercial passenger vehicle is used”.
- 10 **Section 10.22 is amended**
- (a) **by repealing subsections (1) and (2) and substituting the following:**
 - (1) Every driver, licensee and permit holder of a commercial passenger vehicle that has a seating capacity of more than 10 including the driver must carry or cause to be carried on the vehicle the following:
 - (a) a Basic First Aid Kit or better as described in the Occupational First Aid Regulations of the Workers' Compensation Board;
 - (b) a spare tire;
 - (c) a dry powder type fire extinguisher that has, or 2 or more dry powder type fire extinguishers that collectively have, a UL Rating of at least 2A:10 BC, each of which fire extinguishers
 - (i) can be controlled so as to prevent the escape of the entire contents on single use,
 - (ii) is effective for reuse within not more than one hour after the first application,
 - (iii) is securely mounted in the forward end of the vehicle,
 - (iv) is in good working order, and
 - (v) is easily accessible to the driver. , **and**
 - (b) **in subsection (3) by striking out** “regulation and with B.C. Reg. 59/59.” **and substituting** “regulation.”.
- 11 **Section 10.23 (1) is amended by adding** “or a licence or a temporary operating permit under the *Passenger Transportation Act*” **after** “the *Motor Carrier Commission*”.
- 12 **Section 10.25 (2) is repealed and the following substituted:**

- (2) The driver of a business vehicle or a driver or licensee of a commercial passenger vehicle must not allow the business vehicle or commercial passenger vehicle to be fuelled while
 - (a) the engine of the vehicle is running,
 - (b) a radio on the vehicle is transmitting, or
 - (c) the vehicle is close to any open flame or ignition source, including, without limitation, a person who is smoking.

13 Section 11.01 is amended

(a) in subsection (1) by adding the following definition:

“commercial passenger vehicle” has the same meaning as in the *Passenger Transportation Act*;

(b) in subsection (1) by repealing the definition of “taxi cab” and substituting the following:

“taxi cab” means a motor vehicle that

- (a) is a commercial passenger vehicle,
- (b) is operated as a passenger directed vehicle as defined in the *Passenger Transportation Act* under the authority of
 - (i) a licence or permit issued by the Motor Carrier Commission, or
 - (ii) a licence or temporary operating permit issued under the *Passenger Transportation Act*, and
- (c) is designed to carry not more than 10 persons including its driver;

(c) in subsection (1) by repealing paragraph (c) of the definition of “intercity bus” and substituting the following:

- (c) is operated as a commercial passenger vehicle as defined in the *Passenger Transportation Act* under the authority of
 - (i) a licence or permit issued by the Motor Carrier Commission, or
 - (ii) a licence or temporary operating permit issued under the *Passenger Transportation Act*; , **and**

(d) by repealing subsection (3) and substituting the following:

- (3) This Division does not apply to an intercity bus while it is providing regularly scheduled public passenger transportation service under the authority of a licence or permit issued under the *Motor Carrier Act* or a licence or temporary operating permit issued under the *Passenger Transportation Act*.

14 Section 14.01 (3) is repealed.

15 Section 25.01 (2) (d) is amended by striking out “Motor Carrier Act,” and substituting “Motor Carrier Act or a licence or temporary operating permit under the *Passenger Transportation Act*.”

- 16** *Section 25.14 (3) (h) is amended by striking out “Motor Carrier Act.” and substituting “Motor Carrier Act or a licence or temporary operating permit under the Passenger Transportation Act.”.*
- 17** *Section 25.16 (a), (b) and (c) are repealed and the following substituted:*
- (a) for which a licence or permit under the *Motor Carrier Act* or the *Passenger Transportation Act* is held,
 - (b) described in section 25.01 (2) (a) to (f) whether or not a licence or permit is held for them under the *Motor Carrier Act* or the *Passenger Transportation Act*, and
 - (c) that are commercial vehicles whether or not a licence or permit is held for them under the *Motor Carrier Act* or the *Passenger Transportation Act*, .
- 18** *Section 37.01 is amended, in paragraph (c) of the definition of “commercial motor vehicle”, by striking out “or the” and substituting “or a licence or temporary operating permit under the”.*
- 19** *Section 39.01 is amended by striking out “A person” and substituting “Subject to section 9 of the Passenger Transportation Regulation, B.C. Reg. 266/2004, a person”.*
- 20** *Section 39.02 is amended by striking out “No person” and substituting “Subject to section 9 of the Passenger Transportation Regulation, B.C. Reg. 266/2004, no person”.*