

**SUBJECT: Passenger Transportation Act set to replace the Motor Carrier Act  
Interim Enforcement Procedures**

Managers, Victoria	Carrier Safety Inspectors	Driver Services Centres
Motor Vehicle Inspectors	Government Agents	MOT (Director, Chair, Transportation Policy)
Motor Carrier Commission	Appointed Agents	Trucking Industry
Deputy Director, CVSE	Motor Carrier Dept.	Supt of Motor Vehicles
Regional CVSE Managers	Law Enforcement Agencies	
Managers, Licensing	Commercial Transport Insp. (Weigh Scales)	
ADM (Compliance and Consumer Services)		

**PURPOSE OF CIRCULAR**

This circular is intended to provide you with updates on the *Motor Carrier Act* and licensees operating under this legislation, and the enactment of the *Passenger Transportation Act* (PTA) and its regulations.

**BACKGROUND**

On June 28, 2004, the Passenger Transportation Act comes into effect, replacing the *Motor Carrier Act* (MCA). Licensees authorized to provide passenger transportation services under MCA will have until February 28, 2005 to "convert" their licences to the *Passenger Transportation Act* regime. In order for licensees to convert their licences, they must apply through an expedited application process to the Passenger Transportation Branch (formerly the Motor Carrier Branch).

During the transition period between June 28, 2004 and February 28, 2005 any valid Motor Carrier Licence not yet converted to the PTA regime remains in full force and is applicable to the provisions of the former MCA and regulations until whichever of the following is the earliest:

- the licensee withdraws from service
- the licensee obtains a new licence under the PTA
- February 28, 2005.

During this interim period, Motor Carrier licensees will continue to display a Motor Carrier Licence plate and decal, and be required to carry an accompanying certificate (cab card) and its Conditions of Licence in the vehicle. Licensees' filed rates, time and route schedules (where applicable) will also remain in full force during the transition period.

## **Enforcement**

Enforcement actions (issuance of Violation Tickets & Notice & Orders) for operators operating under a Motor Carrier Licence remain in force under the *Offence Act* Regulations until February 28, 2005 (transitional information is detailed under Part 8 - Transitional Provisions and Consequential Amendments, of the PTA).

However, when the PTA comes into force on June 28, 2004, unlicensed carriers providing a passenger transportation service for compensation can no longer be charged for operating without a licence under Section 3 of the MCA. Until the PTA offences (Section 57) are added to the *Offence Act* Regulations, Violation Tickets cannot be issued to commence those charges. However, as a temporary measure until the *Offence Act* Regulations are amended, persons committing this type of offence can be charged by using Form 2 ("long form information") under the *Offence Act*. To initiate charges under Form 2, the Inspector would prepare a report to Crown Counsel outlining the investigation, and with a recommendation the specified charges proceed. Crown Counsel would then determine if a charge should be approved.

We will advise you when the *Offence Act* Regulations are amended to enable the issuance of Violation Tickets under the PTA. Once these regulations are in place, you will be required to check off "Other" in the referencing section when issuing a Violation Ticket and/or a Notice and Order.

When conducting a CVSA mechanical inspection report (MV3110) on a Passenger Transportation Licensee, please cross off the reference to the "*Motor Carrier Act* and Regulations" and manually insert a reference to the *Passenger Transportation Act* and Regulations. (Please note - mechanical inspections performed on Motor Carrier Licensees will continue to be referenced under the *Motor Carrier Act* and Regulations.)

Under the PTA, the Registrar, Passenger Transportation Branch is responsible for initiating enforcement and compliance actions to licenced carriers by imposing administrative penalties such as licence suspension or cancellation (Sections 46 and 47) and the issuance of administrative fines (Section 48). Please note that the Transitional Provisions of the Act authorize the Registrar to levy administrative penalties to a Motor Carrier Licensee in the event of a contravention of the terms and conditions of that licence.

## **Documentation**

An operator granted a Passenger Transportation Licence will be issued and provided with the following:

a) a Passenger Transportation Licence (Conditions of Licence)

A passenger transportation licence is renewed annually, and the licensee must apply to the Registrar, Passenger Transportation to "renew" its licence. A passenger transportation licence "reference number" will start with a number "7" digit. It will be similar in appearance to the "motor carrier conditions of licence", i.e. printed on an 8x10 sheet, specify the type of authorizations granted, and will be signed by the Registrar, Passenger Transportation Branch.

b) one identifier for each of the motor vehicle granted (a decal)

The identifier is a unique numbered decal that will be attached to a plate and affixed to the front of the vehicle. The identifier will also state the expiry month and year. A "day" decal will also be affixed to the identifier holder (plate), (eg. expiry date of July 12, 2005).

c) one identifier holder for each motor vehicle granted (a passenger carrier plate)

Passenger carrier plates will be issued and look similar in size to motor carrier plates. It will, however, have the BC provincial flag as a background. Passenger carrier plates will start with a number "8" digit.

d) one vehicle identification certificate for each motor vehicle granted (a cab card)

Vehicle Identification Certificates (VIC) will look similar to the motor carrier certificates but will now be vehicle-specific by showing the vehicle registration number for B.C.-based vehicles, or a portion of the VIN number for out-of-province vehicles. The year and make of the vehicle will also be shown on the certificate. Certificates will continue to be issued on heat sensitive "water marked" paper.

Operators must carry a copy of their licence and a Vehicle Identification Certificate (VIC) in their vehicles. The VIC will contain both the identifier decal number, plate number and the licence number to which the identifier was issued.

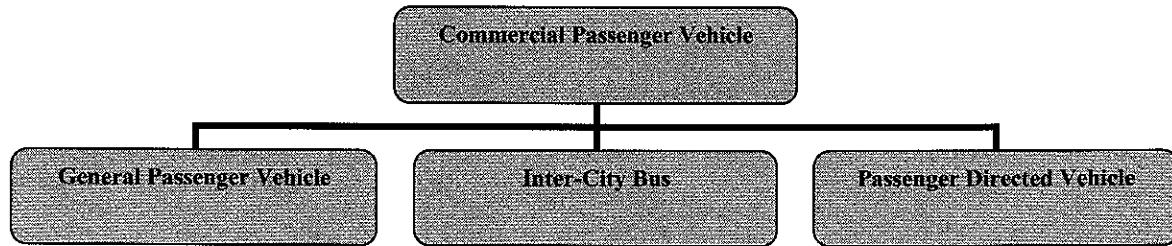
The information above has been provided by the Registrar, Passenger Transportation Branch. The new Passenger Transportation Act will begin to take effect June 28, 2004. However, certain provisions of the existing Motor Carrier Act will continue until 2005. This information is intended to provide advice and guidance to law enforcement officials in regard to the enforcement of the Acts during the transition period.

Inquiries should be directed to the Passenger Transportation Branch at (250) 953-3777.

Robert G. Kroeker  
Director, Commercial Vehicle Safety & Enforcement  
Ministry of Public Safety and Solicitor General

# PTA FACT SHEET

## TYPES OF VEHICLES UNDER PTA



### ***Definitions***

**Commercial Passenger Vehicle (CPV)** is a motor vehicle operated on a highway that transports passengers for direct or indirect compensation.

**General Passenger Vehicle** is a CPV that is not operated as an inter-city bus or passenger directed vehicle.

**Inter-City Bus** is a CPV operated

- On a set time schedule between any municipality other than those in the Capital Regional District (CRD) or the Greater Vancouver Regional District (GVRD) and any other location, or between the CRD and GVRD and any other location.
- For individual fares
- Over a regular route and
- Between fixed operating points, picking up and dropping off passengers at intermediate points, as necessary

**Passenger Directed Vehicle** is a CPV that

- Can accommodate not more than a driver and 11 passengers and
- Is operated to/from locations determined by or on behalf of the passengers

**Identifier** is a unique numbered decal that will be attached to a plate and affixed to front of a vehicle.

**Registrar** is the Registrar of Passenger Transportation appointed under the *Passenger Transportation Act*.

**Passenger Transportation Board** is the Passenger Transportation Board appointed under the *Passenger Transportation Act*.

***Exclusions to Inter-City Bus and Passenger Directed Vehicle Definitions***

If a vehicle is excluded from an inter-city bus or passenger directed vehicle definition, then it must be licensed and operate as a general passenger vehicle.

***A. Inter-City Bus Exclusions***

1. A commercial passenger vehicle that
  - (a) (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 is not an inter-city bus as long as;
  - (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).is excluded from the definition of an inter-city bus.
2. A commercial passenger vehicle that operates exclusively as a "connector bus" is excluded from the definition of inter-city bus.
  - A "connector bus" means a commercial passenger vehicle when it is being operated exclusively to pick up passengers at a port, as defined in section 5 of the *Canada Marine Act* (Canada), an airport or a terminal operated by a ferry operator, within the meaning of the *Coastal Ferry Act*, if the licensee of the commercial passenger vehicle has written authorization from the port authority for the port, the authority operating the airport or the ferry operator, as the case may be, to pick up passengers at that facility

***B. Passenger Directed Vehicle Exclusions***

3. "Auxiliary vehicles" are excluded from the definition of passenger directed vehicle.
  - An **"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;
  - All three criteria above must be met for this exclusion to apply.
4. A commercial passenger vehicle that is **only ever** used to transfer 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 any person accompanying such a person is excluded from the definition of passenger directed vehicle.

5. 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, within the meaning of 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 is excluded from the definition of passenger directed vehicle.
6. A commercial passenger vehicle is excluded from the definition of passenger directed vehicle when it is being operated for the transportation of passengers in the following circumstances:
  - (i) the transportation begins outside of British Columbia and the passengers that are transported by the commercial passenger vehicle board the commercial passenger vehicle outside of 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

### ***Operations & Rates***

Licensees operating vehicles licensed under a general authorization will be able to operate anywhere in the Province, charge whatever rates they choose and use as many vehicles as they need. Licensees operating vehicles licensed under a special authorization (inter-city bus) will be able to operate on routes at a frequency approved by the Passenger Transportation Board, charge whatever rates they choose and use as many vehicles as they need. Licensees operating vehicles licensed under a special authorization (passenger directed vehicle) will be able to operate in areas approved by the Board with the number of vehicles approved by the board and at rates set or approved by the Board.

### ***Safety Requirements***

Commercial passenger vehicles must not be operated under a licence unless they are in safe operating condition. All vehicles must meet safety standards and have proper insurance. All PTA licensees must have a valid safety certificate.

Licensees must require drivers to provide promptly to the licensee a written report of any defect or deficiency in the commercial passenger vehicle that could affect the safe operation of the vehicle, and the licensee must inspect the vehicle and have it repaired if there is such a defect.

### ***Vehicle Identification Certificates & Identifiers***

All vehicles operated under a licence must have a passenger carrier plate and an identifier decal affixed to the vehicle. Identifiers are specific to a particular vehicle. Identifiers will indicate to enforcement officers and the general public that the vehicle is a commercial passenger vehicle. Operators must also carry a copy of their licence and a Vehicle Identification Certificate (VIC) in their vehicles. The VIC will contain both the identifier decal number and the licence number to which the identifier was issued. This will allow enforcement officers to know that the identifier is valid and the operator is a licensee. Vehicles may only be operated under one licence and

may only be issued one VIC and identifier. If a person ceases operations, he or she must return VICs and identifiers to the Registrar.

### **Compliance**

All persons who transport passengers on provincial highways for indirect compensation must have a licence or permit issued under the *Passenger Transportation Act*. Anyone advertising or providing a commercial transportation service must either be licensed or ensure that the vehicles used for that service are licensed for such a service.

A licensee must retain care and control of every motor vehicle that is operated under a PTA licence and must do all things to ensure that the Act and regulations are complied with and that vehicles are operated according to the terms and conditions of a licence.

The Registrar has responsibility for a range of administrative enforcement actions against licensed operators. These include licence suspension/cancellation, refusal to issue a licence or administrative fines of up to \$1500.

### ***Registrar, Passenger Transportation Branch & Passenger Transportation Board***

The Registrar, Passenger Transportation Branch is responsible for accepting all applications, verifying safety requirements and issuing all licences. The Registrar is also responsible for initiating enforcement and compliance actions by imposing administrative penalties such as licence suspension and cancellation. The Registrar will work also coordinate enforcement with other agencies.

Tom Greene is the Registrar of Passenger Transportation and leads the Passenger Transportation Branch in the Ministry of Transportation. The Motor Carrier Branch will become the Passenger Transportation Branch.

The Passenger Transportation Board is responsible for determining whether applications for inter-city buses or passenger directed vehicles should be approved and for adjudicating appeals from penalties imposed by the Registrar.

Dennis Day will be the Chair of the Passenger Transportation Board and Motor Carrier Commission staff in Victoria will become Passenger Transportation Board staff.