
MOTOR CARRIER AMENDMENT ACT, 2000**CHAPTER 10***Assented to June 12, 2000*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Motor Carrier Act, R.S.B.C. 1996, c. 315, is amended

(a) by repealing the definition of "limited passenger vehicle" and substituting the following:

"commercial passenger vehicle" means a motor vehicle, other than a scheduled bus, whether available or not for use by the public, that is operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of passengers in or on the motor vehicle; ,

(b) in the definitions of "motor carrier" and "service" by striking out "a limited passenger vehicle" and substituting "a commercial passenger vehicle", and

(c) by repealing the definition of "taxi".

2 Sections 3, 5 (4), 15 (2), 20 (1), 21 (1) and 63 (1) and (2) are amended by striking out "limited passenger vehicle" wherever it appears and substituting "commercial passenger vehicle".

3 Section 33 (2) is repealed.

4 Section 34 is repealed.

5 Section 39 (4) is amended

(a) by adding the following paragraph:

(a.1) reconsiderations under sections 54 to 54.2; , and

(b) in paragraphs (c), (q), (r), (t), (v) and (y) by striking out "limited passenger vehicles" and substituting "commercial passenger vehicles".

6 The following section is added:

Taxi associations

39.1 (1) The commission may, by regulation, designate a class of commercial passenger vehicles as taxis and, in this section, "taxi" means a commercial passenger vehicle that is within that designated class.

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- (2) The commission may, by regulation, establish a Provincial taxi association and regional taxi associations
 - (a) to provide advice and make recommendations to the commission respecting the taxi industry and initiatives to enhance the quality of taxi service in British Columbia,
 - (b) to provide a forum through which carriers licensed to operate taxis and any other persons may bring to the commission questions or concerns relating to the taxi industry, and
 - (c) to facilitate communications between the commission and the persons involved in the taxi industry in British Columbia.
- (3) A taxi association established under subsection (2) has the structure and rules prescribed by the commission after consultation with such persons involved in the taxi industry in British Columbia as the commission considers appropriate.
- (4) If a Provincial taxi association is established under subsection (2), every carrier is, on being licensed under this Act to operate a taxi, a member of the taxi association.
- (5) If one or more regional taxi associations are established under subsection (2), every carrier is, on being licensed under this Act to operate a taxi to serve an area, district or territory in a region for which a regional taxi association is established, a member of that taxi association.
- (6) A regulation made by the commission under this section is not valid and does not have any force or effect until it has been approved by the Lieutenant Governor in Council.

7 Section 54 is repealed and the following substituted:

Reconsiderations of decisions and orders

- 54**
- (1) Any person may have a decision or order of the commission referred to in subsection (2) reconsidered if, at the reconsideration, the person satisfies the commission that the person is aggrieved by the decision or order and that
 - (a) evidence not available at the time of the original decision or order has become available, or
 - (b) the decision or order is inconsistent with the objects expressed in section 39 (1) of this Act or in the regulations.
 - (2) The following decisions and orders may be the subject of a reconsideration under subsection (1):
 - (a) the granting of all or part of a licence or the refusal to grant all or part of a licence;
 - (b) the attachment of terms or conditions to a licence;
 - (c) an approval or refusal to approve the assignment or transfer of a licence;

- (d) the amendment, suspension or cancellation of a licence;
 - (e) the determination of an application by or on behalf of any person complaining as set out in section 42;
 - (f) a decision of the commission under section 24 or 25.
- (3) Subject to this section, a reconsideration under subsection (1) must be applied for
- (a) in accordance with the regulations prescribed by the commission under section 39 (4) (a.1), and
 - (b) within 30 days after the date of the publication by the commission of the decision or order in respect of which the reconsideration is sought.
- (4) Subject to this section and any regulations prescribed by the commission under section 39 (4) (a.1), the commission must determine its own practice and procedure for reconsiderations and, for that purpose, may
- (a) make rules governing its practice and procedure and the exercise of its powers, and
 - (b) establish forms it considers advisable.
- (5) The commission may, before or after notice is provided under section 54.1 (1), dismiss an application for a reconsideration without a hearing if, after examining the request, the commission is satisfied that
- (a) the reconsideration has not been applied for in accordance with subsection (3),
 - (b) the reconsideration is not one to which subsection (2) applies, or
 - (c) the reconsideration is frivolous, vexatious or trivial or is not brought in good faith.

Procedures on reconsiderations

- 54.1** (1) After a reconsideration is applied for in accordance with section 54 (3), the commission must, unless the reconsideration has been dismissed under section 54 (5), provide to each person who is on record as having been the applicant or an objector at the time of the decision or order in respect of which the reconsideration is sought
- (a) notice of the reconsideration, and
 - (b) a copy of the application for the reconsideration.
- (2) A person to whom notice is given under subsection (1) of this section who intends to make submissions on the reconsideration and who wishes to receive notice under subsection (3) must deliver written notice of that intention to the commission, along with the required fee prescribed by the commission under section 39 (4) (a.1),
- (a) within 30 days after the date of the publication by the commission of the decision or order in respect of which the reconsideration is requested, or

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- (b) if notice under subsection (1) of this section is received by the person more than 16 days after the date of that publication, within 14 days after receipt of the notice.
- (3) The commission must
 - (a) determine whether oral submissions will be entertained at the reconsideration,
 - (b) if oral submissions are to be entertained, set a date for the reconsideration hearing, and
 - (c) publish, and provide to the applicant and to the persons who provided notice in accordance with subsection (2), notice as to whether oral submissions will be entertained at the reconsideration, and
 - (i) if oral submissions are to be entertained, notice of the date of the reconsideration hearing, and
 - (ii) if only written submissions are to be entertained, notice of the dates on which those submissions must be provided to the commission and to the other parties to the reconsideration.
- (4) If the commission determines under subsection (3) (a) that oral submissions are not to be entertained at the reconsideration but after receiving the written submissions provided under subsection (3) (c) (ii), the commission decides that oral submissions should be entertained, the commission must
 - (a) set a date for the reconsideration hearing, and
 - (b) publish, and provide to the applicant and to the persons who provided notice in accordance with subsection (2),
 - (i) notice that oral submissions will be entertained at the reconsideration, and
 - (ii) notice of the date of the reconsideration hearing.
- (5) The commission may provide notice under subsections (1), (3) and (4)
 - (a) by ordinary mail,
 - (b) by personal delivery, or
 - (c) by fax if the person to whom notice is provided included a fax number in the materials provided to the commission under section 54 (3) or under subsection (2) or (7) of this section.
- (6) Notice provided by ordinary mail under subsection (1), (3) or (4) is deemed to be received by the person to whom it was mailed on the fifth day, Saturdays and holidays excepted, following the date of mailing.
- (7) Any other person may make submissions respecting the reconsideration if that person delivers written notice of his or her intention to do so to the commission, along with the required fee prescribed by the commission under section 39 (4) (a.1), within 14 days after publication by the commission of the notice referred to in subsection (3) (c) of this section.

Powers of reconsideration panel

- 54.2 (1) On reconsideration, the panel of the commission undertaking that reconsideration may
- (a) confirm, revoke or vary the decision or order with or without conditions,
 - (b) refer the matter back to the panel that made the decision or order for a reconsideration, or
 - (c) make any other order the panel considers appropriate.
- (2) Subject to subsections (3) and (4), a reconsideration under this section is to be on the record.
- (3) If oral submissions are to be entertained at the reconsideration, the panel undertaking the reconsideration may, if evidence that was not known at the time of the original decision or order and could not, with reasonable diligence, have been known at that time, is available, entertain the submission of that new evidence.
- (4) If the panel entertains the submission of new evidence under subsection (3)
- (a) the panel may entertain the submission of any other evidence that it deems appropriate, and
 - (b) despite section 43, the panel is not bound by any finding or determination on a question of fact that was made by the panel that made the original decision or order.
- (5) A decision of a panel under this section may not be further reconsidered under this section.

Application of *Utilities Commission Act*

- 54.3 Except as provided in sections 54 to 54.2, the provisions of the *Utilities Commission Act* as to appeals on questions of jurisdiction and law apply to regulations, orders and decisions made by the commission under this Act.

Transitional – municipal taxis

- 8 (1) In this section:
- “**commercial passenger vehicle**”, “**commission**”, “**highway**” and “**licence**” have the same meaning as in the *Motor Carrier Act*;
 - “**municipal taxi**” means a motor vehicle, including a limousine, that
 - (a) is designed to carry not more than 10 persons, and
 - (b) in the period from June 15, 1998 to June 14, 1999, was, with a driver, operated for hire exclusively in one municipality, andincludes any motor vehicle obtained and used as a replacement for such motor vehicle.
- (2) Nothing in the *Motor Carrier Act* or this Act prohibits a person, during the 6 month period following the coming into force of this section, from operating a

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- municipal taxi as a commercial passenger vehicle on a highway without complying with section 3 of the *Motor Carrier Act*, but this subsection applies if and only for so long as that municipal taxi is being operated exclusively within the municipality in which the municipal taxi was being operated before June 15, 1999.
- (3) A person who wishes to continue to operate a municipal taxi as a commercial passenger vehicle on a highway after the expiry of the 6 month period referred to in subsection (2)
- (a) must obtain a safety certificate referred to in Division 37 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, within 6 months after the coming into force of this section,
 - (b) must obtain a licence under paragraph (c) or (d)
 - (i) within 6 months after the coming into force of this section, or
 - (ii) if a temporary permit is issued by the commission under subsection (7), before the end of the term of that temporary permit,
 - (c) must comply with the *Motor Carrier Act*, and
 - (d) may, for the purposes of paragraphs (b) and (c), obtain an expedited licence if the person is able to meet the requirements of subsection (5).
- (4) If an expedited licence is sought under subsection (3) (d),
- (a) the *Motor Carrier Act*, except sections 4 and 5 (2) (a) and (b) of that Act, applies, and
 - (b) the application for the licence must be made to the commission on a form approved by the commission for the purposes of this section, and must be accompanied by information the commission requires and by the fees prescribed under the *Motor Carrier Act*.
- (5) An applicant may apply for an expedited licence under subsection (3) (d) if the applicant complies with subsection (4) (b) and provides, with the application, proof satisfactory to the commission
- (a) that, while the motor vehicle was being operated as a municipal taxi in the period from June 15, 1998 to June 14, 1999, the applicant held, or was not required to hold, a municipal business licence to operate the municipal taxi within the municipality in which the municipal taxi was being operated,
 - (b) that, since June 15, 1999, the applicant has operated the municipal taxi exclusively within the municipality referred to in paragraph (a),
 - (c) that, at the time of the application, the applicant holds, or is not required to hold, a municipal business licence to operate the municipal taxi within the municipality referred to in paragraph (a), and
 - (d) that, at the time of the application for the licence, the person is not a person to whom section 8 of the *Motor Carrier Act* applies.

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- (6) For the purposes of section 5 (3) (a) of the *Motor Carrier Act*, the commission must attach, as a term and condition of any licence obtained as a result of an application under subsection (3) (d) of this section, a statement that the area that may be served is the municipality referred to in subsection (5) of this section.
 - (7) The commission may, at any time during the 6 month period referred to in subsection (2), issue a temporary permit to a person referred to in subsection (3) on any terms and conditions, and for any term, that the commission considers appropriate if the commission is satisfied that the person is not able to comply with subsection (3) (b) (i) wholly or substantially as a result of one or more acts or omissions of the commission.
 - (8) A person to whom a temporary permit is issued under subsection (7) must not operate on a highway a municipal taxi as a commercial passenger vehicle unless the person does so in accordance with the terms and conditions of that permit.
 - (9) No reconsideration under sections 54 to 54.2 of the *Motor Carrier Act* is available in relation to any decision or order of the commission made under this section.
 - (10) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

Transitional – reconsiderations

- 9 Despite its repeal, section 54 of the *Motor Carrier Act*, as that section read before the coming into force of section 7 of this Act, continues to apply to any application for a reconsideration that was received by the commission before the coming into force of section 7 of this Act as though section 54 of the *Motor Carrier Act* had not been repealed.

Commencement

- 10 This Act comes into force by regulation of the Lieutenant Governor in Council.