

N.S. Regulations 238/2026
FILED
Date October 6, 2026
RACHEL L. JONES
REGISTRAR OF REGULATIONS

**In the matter of Section 262 of Chapter 20 of the Acts of 2025,
the *Traffic Safety Act***

-and-

**In the matter of new regulations respecting licensing of regulated vehicle activities
made by the Minister of Public Works**

Order

I, Fred Tilley, Minister of Public Works for the Province of Nova Scotia, pursuant to Section 262 of Chapter 20 of the Acts of 2025, the *Traffic Safety Act*, hereby make new regulations respecting licensing of regulated vehicle activities in the form set forth in the attached Schedule "A".

This order is effective on and after the date that Chapter 20 of the Acts of 2025, the *Traffic Safety Act*, comes into force.

Dated and made September 8, 2026, at Halifax Regional Municipality, Province of Nova Scotia.


Honourable Fred Tilley
Minister of Public Works

Schedule “A”

Regulations Respecting the Licensing of Regulated Vehicle Activities made by the Minister of Public Works under Section 262 of Chapter 20 of the Acts of 2025, the *Traffic Safety Act*

Part 1: Interpretation

1 Citation

These regulations may be cited as the *Licensing of Regulated Vehicle Activities Regulations*.

2 Definitions

In these regulations,

“Act” means the *Traffic Safety Act*;

“*Driver’s Licence Regulations*” means the *Driver’s Licence Regulations* made under the Act;

“place of business” means a physical location where or from which a vehicle business is or will be carried out under a vehicle business licence;

“principal”, in relation to a body corporate, means any of the following:

- (i) a director,
- (ii) an officer,
- (iii) any person who holds more than 20% of the issued and outstanding voting shares of the body corporate;

“registered”, in relation to a business name or partnership name, means registered under the *Partnerships and Business Names Registration Act*.

3 Classes of licences

- (1) All of the following are the classes of regulated vehicle activity licences that are vehicle business licences:

- (a) dealer's licence;
 - (b) inspection station licence;
 - (c) driving school licence;
 - (d) fleet driver certification licence.
- (2) All of the following are the classes of regulated vehicle activity licences that are not vehicle business licences:
- (a) tester licence;
 - (b) instructor licence;
 - (c) fleet driver trainer licence.

Part 2: Vehicle Business Licences

Interpretation for Part 2

4 Application of Part 2

This Part applies to all vehicle business licences.

5 Applicant for vehicle business licence

The applicant in an application for issuance, renewal or amendment of a vehicle business licence must be 1 of the following:

- (a) for an individual intending to carry or carrying on business in the individual's name, the individual;
- (b) for an individual intending to carry or carrying on business using a registered business name, the individual;
- (c) for a person intending to carry or carrying on business in a partnership of 2 or more persons, each of the partners;
- (d) for a body corporate intending to carry or carrying on business in the body corporate's name, the body corporate;
- (e) for a body corporate intending to carry or carrying on business using a registered business name, the body corporate;
- (f) for a regional centre of education or a body corporate created by statute, the statutory name of the legal entity.

6 Eligibility for vehicle business licence

- (1) All of the following are the eligibility requirements under clauses 233(1)(c) and 232(1) of the Act to hold or be issued a vehicle business licence:

 - (a) except for a body corporate or other legal entity created by statute, to carry on business using a registered business or partnership name or as a body corporate, the business or partnership name or body corporate must be registered in good standing with the Registrar of Joint Stock Companies;
 - (b) the applicant must be able to satisfy the Registrar that all of the following are eligible and of suitable character and background to carry on the vehicle business:
 - (i) the applicant,
 - (ii) any individual involved in the management and control of the vehicle business,
 - (iii) for an applicant that is a body corporate, each principal of the applicant,
 - (iv) each individual employed by the applicant, as specified by these regulations for the class of vehicle business licence that the applicant is applying for or holds;
 - (c) for each location where the applicant has a place of business, the applicant must have permission from the municipality in which the applicant's place of business is located to use that place of business for the vehicle business;
 - (d) the premises of and facilities, tools and equipment at the applicant's place of business must meet the requirements of these regulations.
- (2) In reviewing an individual's character or background under clause (1)(b), the Registrar may consider any information the Registrar has about the person, including all of the following:

 - (a) unpardoned convictions;
 - (b) involvement in a vehicle business whose vehicle business licence has been suspended or cancelled or made subject to conditions;
 - (c) the individual's business conduct;
 - (d) complaints from the public about the individual.

7 Application for vehicle business licence

- (1) An application for a vehicle business licence must include all of the following information:

- (a) the applicant's name;
 - (b) for an applicant intending to carry on business using a registered business name,
 - (i) the registered business name, and
 - (ii) for a body corporate, the names of all of the principals;
 - (iii) for a partnership, the names of all the partners;
 - (c) the name and contact information of a contact person with authority to act on behalf of the business;
 - (d) for the applicant's proposed place of business,
 - (i) the civic and mailing addresses, and
 - (ii) whether the premises is owned or leased by the applicant.
- (2) Except as provided in these regulations for a specific class or type of vehicle business licence, and in addition to any proof of an agent's authority to Act on behalf of an applicant required by subsection 232(2) of the Act, an application for a vehicle business licence must be accompanied by all of the following:
- (a) if requested by the Registrar, a report of the results of a criminal record search by a police agency issued within the previous 6 months for all of the following individuals:
 - (i) the applicant,
 - (ii) any individual who will be involved in the management and control of the proposed vehicle business,
 - (iii) each principal of any applicant that is a body corporate,
 - (iv) each individual specified by these regulations for the class of vehicle business licence that the applicant is applying for;
 - (b) if applicable, proof that the applicant has made all required filings and registrations with the Registrar of Joint Stock Companies and is in good standing with the Registrar of Joint Stock Companies, and proof of any of the following that apply:
 - (i) the applicant's incorporation,
 - (ii) the applicant's registered business name registration;
 - (c) if requested by the Registrar, any of the following for the applicant's proposed place of business, for each location:
 - (i) proof of ownership of the premises,

- (ii) a copy of the lease or contract for the premises,
- (iii) a letter from each municipality where the applicant's proposed places of business are located confirming that the municipality permits the use of that place of business for the proposed vehicle business;
- (d) any information or documentation required by these regulations for issuing the class of vehicle business licence that the applicant is applying for;
- (e) any additional information or documentation about the applicant or the proposed vehicle business that the Registrar requests in order to determine eligibility for the licence.

8 Inspection of vehicle business premises and equipment

An applicant for a vehicle business licence must arrange for the Department to inspect their premises, facilities, tools and equipment to determine whether they meet the requirements of these regulations, as required by the eligibility requirement in clause 6(1)(d).

9 Application to renew vehicle business licence

- (1) An application to renew a vehicle business licence must include or be accompanied by all of the following:
 - (a) if requested by the Registrar, details of the lease for the premises, for a vehicle business located in leased premises;
 - (b) any information or documentation required by these regulations for renewing that class or type of vehicle business licence;
 - (c) any additional information or documentation required by the Registrar to determine continuing eligibility for the licence.
- (2) A vehicle business licence may not be renewed if the application for renewal is received longer than 1 year after the date the licence expired.
- (3) If an application to renew a vehicle business licence is received but not processed before its expiry date, unless the licence is sooner suspended or cancelled, the term of the licence is extended until the earlier of the following:
 - (a) 60 days after its expiry date;
 - (b) the date it is renewed.

10

Term of vehicle business licence

Except as provided in subsection 9(3) for a renewal that is not processed until after the expiry date, a vehicle business licence is effective from the date it is issued or renewed until the following applicable date:

- (a) for a licence that is issued or renewed before November 1, on December 31 in the year that it is issued or renewed;
- (b) for a licence that is issued or renewed after October 31, on December 31 of the following year;
- (c) if the licence is suspended or cancelled before the expiry date specified on the licence, the date that it is suspended or cancelled.

11

Amendment of vehicle business licence

- (1) An application to amend a vehicle business licence must be accompanied by all of the following:
 - (a) details of all of the proposed changes;
 - (b) any information or documentation the Registrar requires to determine the licence holder's continuing eligibility.
- (2) Except as provided in these regulations for a specific class or type of vehicle business licence, a holder of a vehicle business licence must apply for an amendment to their licence no later than 10 days after any of the following changes:
 - (a) for a licence holder carrying on business using a registered business or partnership name or as a body corporate, a change that affects any of the information registered with the Registrar of Joint Stock Companies with respect to the licence holder, including a change of a registered business or partnership name;
 - (b) for a licence holder that is a partner in a registered partnership, a change of any of the partners;
 - (c) for a licence holder that is a body corporate, a change of any of the principals;
 - (d) a change in the name or contact information of any of the following individuals:
 - (i) a contact person with authority to act on behalf of the business,
 - (ii) any individual involved in the management and control of the vehicle business.

- (3) A holder of a vehicle business licence must apply for an amendment to their licence before any of the following changes occur:
- (a) a change to the civic or mailing addresses of any of their permitted places of business;
 - (b) a change that would affect the information shown on their vehicle business licence;
 - (c) a change specified for the purpose of this subsection in a provision of these regulations that is specific to their class of vehicle business licence.
- (4) An applicant for an amendment to a vehicle business licence that involves a change in the location of the applicant's place of business must arrange for the Department to conduct an inspection as described in Section 8 for a new applicant.
- (5) The Registrar must replace a vehicle business licence that is amended as a result of a change that affects the information shown on the licence.
- (6) A vehicle business licence replaced in accordance with subsection (5) is valid until 1 of the following dates:
- (a) the expiry date of the licence being replaced;
 - (b) if the licence is suspended or cancelled before the expiry date specified on the licence, the date that it is suspended or cancelled.
- (7) The holder of a vehicle business licence that is replaced under subsection (5) must destroy the original licence and any copies of it.

12 Continued operation of vehicle business by trustee or receiver

A person who is authorized under the *Probate Act*, the *Bankruptcy and Insolvency Act (Canada)* or any other enactment to act as the trustee or receiver for the holder of a vehicle business licence may continue to operate the vehicle business under the licence for the period necessary to sell or close the vehicle business or otherwise resolve matters relating to the vehicle business, if all other requirements of the Act and these regulations for operating that vehicle business are complied with.

13 Records

- (1) A holder of a vehicle business licence must keep all records relating to the vehicle business at the places specified in these regulations for that class of vehicle business licence.
- (2) A vehicle business record kept under subsection (1) must be kept for the duration of the retention period specified in these regulations for that class of vehicle business licence.

- (3) Other than records required by these regulations to be kept in a non-electronic format, the vehicle business records under subsection (1) may be kept in an electronic format if
 - (a) the records are kept in compliance with the *Electronic Commerce Act*; and
 - (b) the licence holder is able to produce a copy of the records in a format accessible to the Registrar.

14 Period of suspension for vehicle business licence

- (1) A period of suspension determined by the Registrar under subsection 242(5) or 244(2) of the Act for a vehicle business licence or the privilege of obtaining a vehicle business licence may be no longer than 5 years.
- (2) In determining a period of suspension under subsection 242(5) or 244(2) of the Act, the Registrar must take all of the following factors into account:
 - (a) the seriousness of the reason for the suspension;
 - (b) the potential effect of the licence holder's conduct on public safety;
 - (c) the history of the licence holder's conduct;
 - (d) whether the licence holder takes responsibility for the reason for the suspension;
 - (e) whether the licence holder took any mitigating action before the suspension;
 - (f) whether the licence holder has previously been the subject of a complaint;
 - (g) whether the licence holder has previously had a vehicle business licence, or the privilege of obtaining one, suspended.

Part 3: Dealers

Interpretation for Part 3

15 Application of Part 3

This Part applies to dealers and dealerships.

16 Definitions for Part 3

In this Part,

“Canadian Motor Vehicle Arbitration Plan” means a federally incorporated not-for-profit organization that arbitrates disputes between manufacturers of vehicles and vehicle owners and lessees about allegations of defects in a vehicle’s assembly or materials, or how the manufacturer is applying or administering its new vehicle warranty;

“dealer title transfer form” means a dealer title transfer form as defined in the *Vehicle Document Regulations*;

“dealership” means a place of business where a dealer deals in motor vehicles or trailers;

“lemon” means a motor vehicle that is returned to the manufacturer under the laws of another jurisdiction because it meets both of the following:

- (i) it does not conform to the manufacturer’s warranty,
- (ii) it has defects or conditions that substantially impaired its use, value or safety that were not repaired within a reasonable time period or after a reasonable number of attempts;

“motorcycle dealer” means a dealer who deals in new and used motorcycles or 3-wheeled motor vehicles in the Province;

"new car dealer" means a dealer who holds a franchise from a manufacturer to sell that manufacturer's new motor vehicles in the Province;

“principal dealership” means a dealer’s primary or main place of business in the Province, for which a dealer is eligible to hold a principal dealership licence;

“principal dealership licence” means a dealer’s licence issued for a principal dealership;

"sub-dealer" means a dealer who has written permission from a new car dealer to sell new motor vehicles in the Province;

“supplemental dealership” means a dealership located in the Province that is in addition to the dealer’s principal dealership;

“supplemental dealership licence” means a dealer’s licence for a supplemental dealership;

"trailer dealer" means a dealer who deals in new and used trailers and semi-trailers;

“type of vehicle”, in relation to a dealer’s licence, means a type of vehicle specified in the category of licence in Section 17;

"used car dealer" means a dealer in used vehicles who does not have a franchise from a manufacturer or written permission from a new car dealer to sell new motor vehicles in the Province;

“*Vehicle Document Regulations*” means the *Vehicle Document Regulations* made under the Act.

Dealers’ Licences

17 Categories of dealer’s licence

- (1) All of the following are the categories of dealer’s licences that may be issued:
 - (a) new car dealer’s licence that authorizes a new car dealer to deal in new motor vehicles;
 - (b) used car dealer’s licence that authorizes a used car dealer to deal in used vehicles;
 - (c) sub-dealer’s licence that authorizes a sub-dealer to sell new motor vehicles;
 - (d) motorcycle dealer’s licence that authorizes a motorcycle dealer to deal in new and used motorcycles or 3-wheeled motor vehicles in the Province;
 - (e) trailer dealer’s licence that authorizes a trailer dealer to deal in new and used trailers and semi-trailers.
- (2) Except as provided in subsection (3), a dealer may deal only in a type of vehicle that the dealer is authorized by the category of their dealer’s licence to deal in.
- (3) A dealer may deal in any type of used vehicle accepted on trade regardless of whether they are authorized to deal in that type of vehicle and without meeting the requirements in these regulations for dealing in that type of vehicle.

18 Licences for principal or supplemental dealerships

- (1) A dealer’s licence must be either a principal dealership licence or a supplemental dealership licence.
- (2) A supplemental dealership may deal only in the same types of vehicles authorized by the dealer’s principal dealership licence.

19 Eligibility for dealer’s licence

- (1) In addition to the eligibility requirements for a vehicle business licence set out in Section 6, an applicant for a dealer’s licence must meet the following applicable eligibility requirements:
 - (a) for a principal dealership licence, the applicant must have a permanent place of business in the Province from which to operate the principal dealership;

- (b) except as provided in subsection (3), for a supplemental dealership licence, the applicant must
 - (i) have a valid principal dealership licence for a dealership in the Province that is located within the same county as the place of business from which the supplemental dealership will be operated;
 - (ii) with respect to the premises of the place of business from which the supplemental dealership will be operated, either
 - (A) own the premises, or
 - (B) have a lease or contract to use the premises for at least the period of time sought for the term of the supplemental dealership licence.
- (2) A dealer's licence is valid only in the county for which it is issued.
- (3) A dealer may be issued a county dealership licence to enable them to sell a vehicle to a buyer located in a county other than the county in which their principal dealership is located and are not required to have an established place of business in that county, provided that they have a principal dealership located in the Province authorizing them to sell that type of vehicle.

20 **Application for dealer's licence**

- (1) In addition to the information required for a vehicle business licence in Section 7, an application for a dealer's licence must include all of the following information:
 - (a) the civic address of the proposed place of business and whether it will be a principal dealership or supplemental dealership;
 - (b) the category of dealer's licence being applied for;
 - (c) for an application for a supplemental dealership licence, the civic and mailing addresses of both the applicant's
 - (i) principal dealership, and
 - (ii) place of business from which the supplemental dealership will be operated.
- (2) Despite clause 7(2)(b), an application for a supplemental dealership licence is not required to include the information and documentation required by that clause if it was included in their application for a principal dealership licence.

21 **Amendment of dealer's licence**

A licensed dealer is not required to apply for an amendment to their licence in the circumstances set out in subsection 11(2), except for clause 11(2)(d)(i), which

requires an amendment when there is a change of the name and contact information for a contact person with authority to act on behalf of the business.

22 Information on dealer's licence

A dealer's licence must state all of the following:

- (a) the name of the licence holder;
- (b) the name of any registered business or partnership name under which the licence holder is carrying on business;
- (c) the civic address of the dealership for which the licence is issued;
- (d) that it is a principal dealership licence or a supplemental dealership licence;
- (e) the types of vehicles that the licence holder is authorized to deal in;
- (f) the date the licence is issued;
- (g) the expiry date of the licence;
- (h) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

23 Investigating complaint

- (1) The Registrar must investigate a written complaint that alleges that a dealer or an employee, a principal or a person acting on behalf of the dealer has displayed conduct in carrying on the business of a dealer that is contrary to the Act and the regulations, including the professional conduct requirements in Section 25.
- (2) In investigating a complaint under this Section, the Registrar must do all of the following:
 - (a) make any further inquiries of the complainant necessary to understand the details and nature of the complaint;
 - (b) subject to subsection (3), if the Registrar is satisfied that the complaint alleges anything within the scope of subsection (1), provide a copy of the complaint and any additional information received from the complainant to the dealer;
 - (c) give the dealer an opportunity to respond to the complaint in writing.
- (3) On the request of a complainant and if the Registrar considers it necessary or advisable to do so to protect the safety or well-being of the complainant, the Registrar may redact the identity of the complainant and any information likely to identify the complainant from the copy of the complaint provided to the dealer.

Additional grounds for suspending dealer's licence

In addition to the grounds set out in subsection 242(1) of the Act, all of the following are grounds for suspending a dealer's licence or the privilege of obtaining a dealer's licence under Section 242 of the Act:

- (a) the Registrar is of the opinion that it would be in the public interest to do so because any of the following situations exist:
 - (i) the business conduct of the dealer or a principal of the dealer indicates a failure to honour sales contracts, fraud, bad faith or other unprofessional conduct,
 - (ii) the dealer or a principal of the dealer has demonstrated incompetence or untrustworthiness as a dealer,
 - (iii) the dealer or a principal of the dealer has demonstrated a lack of financial responsibility;
- (b) the Registrar is satisfied that the dealer or an employee, a principal or a person acting on behalf of the dealer has violated any of the following:
 - (i) any provision of the Act or regulations or the former Act or its regulations relating to dealers, dealer plates, transporter plates or vehicle identification numbers,
 - (ii) Section 27 of the *Weights and Measures Act* (Canada), which prohibits a person from altering, adjusting or replacing an odometer;
 - (iii) a provision of the *Criminal Code* (Canada) for an offence related to dishonesty or theft involving a motor vehicle;
- (c) the dealer closes a principal dealership or is no longer eligible to hold a principal dealership licence;
- (d) the Registrar is satisfied that the dealer or an employee, a principal or a person acting on behalf of the dealer has knowingly purchased, sold or otherwise acquired or disposed of a stolen vehicle;
- (e) the Registrar is satisfied that a complaint that was received and investigated in accordance with Section 23 is substantiated.

Dealers' Conduct and Responsibilities

Dealer professional conduct

In carrying on the business of a dealer,

- (a) a dealer and each principal of a dealer must act in a professional, trustworthy and responsible manner; and

- (b) a dealer must ensure that that each employee or person acting on behalf of the dealer acts in a professional, trustworthy and responsible manner when acting on behalf of the dealer.

Records

26 Required dealership records

- (1) A dealer is required to keep all of the following records relating to the dealership operated under their dealer's licence:
 - (a) a copy of the bill of sale for each vehicle sold by the dealership;
 - (b) for each used vehicle sold by the dealership,
 - (i) a copy of the certificate of registration or dealer title transfer form, or
 - (ii) for a vehicle that is registered outside of the Province, the equivalent of a registration certificate from the jurisdiction where the vehicle was last registered;
 - (c) for each new vehicle sold by the dealership, a copy of the NVIS or equivalent document;
 - (d) each temporary permit and in-transit permit issued by the Registrar to the dealer in accordance with the *Vehicle Document Regulations*, including voided permits and the dealer's copy of each permit issued to a purchaser;
 - (e) the vehicle records required by Section 27.
- (2) The records described in subsection (1) must be kept for at least 3 years from the later of the following dates:
 - (a) the date of the document;
 - (b) the date of sale for the vehicle that the document relates to.
- (3) The permits described in clause (1)(d) must be kept in paper format.
- (4) A dealer must keep the records required by subsection (1) at the principal dealership, except that
 - (a) the documents required by clauses (1)(a), (b) and (c) may be kept temporarily at the dealership where the vehicle was sold for 30 days; and
 - (b) the records required by clause 1(d) may be kept at the dealership where the vehicle was sold until the booklet of permits containing the records is completed.

- (5) For each vehicle offered for sale at their dealership, a dealer must have the original copy of the applicable document required under clause (1)(b) or (c).

27 Vehicle records

- (1) A dealer must maintain a vehicle record for each motor vehicle or trailer sold by the dealer or bought, received or accepted for sale by the dealer, including vehicles taken on consignment.
- (2) A dealer must keep the vehicle record for a vehicle
- (a) at the dealership where the vehicle is located; or
 - (b) at the principal dealership after the vehicle is sold.
- (3) A vehicle record must contain all of the following:
- (a) the name and address of the person from whom the vehicle was purchased or received;
 - (b) documentary evidence of the dealer's interest in the vehicle, as required by the *Vehicle Document Regulations*;
 - (c) for a vehicle taken on consignment, a copy of any consignment agreement;
 - (d) a description of the vehicle, including all of the following for the vehicle:
 - (i) the year, make, model and colour,
 - (ii) number of doors,
 - (iii) the options included,
 - (iv) the vehicle identification number,
 - (v) the odometer reading as of the following dates:
 - (A) date it is received,
 - (B) date it is transferred,
 - (vi) any distinguishing marks.
 - (e) any of the following information that has been provided to the dealer or is within the dealer's knowledge:
 - (i) that the vehicle's odometer is or appears to be broken, faulty, replaced, rolled back or in miles rather than kilometers,
 - (ii) that any of the vehicle's airbags are missing, not operational or have been rebuilt,

- (iii) that there are any liens on the vehicle,
 - (iv) that the vehicle has been branded as a lemon or listed as a lemon or as rebuilt, salvage or non-repairable or any comparable status by the Registrar or by another jurisdiction.
- (4) Before a vehicle sale is finalized, the person to whom the vehicle is being sold must be permitted to review the information required to be in the vehicle record under clauses (3)(d) and (e).

Dealership Facilities

28 Sign and premises

- (1) A dealer must display a sign that identifies the dealership by displaying the name of the holder of the dealer's licence for the dealership or the registered business or partnership name as shown on the licence.
- (2) The premises of a dealership must meet all of the following criteria:
 - (a) for a principal dealership,
 - (i) the premises is located in a building,
 - (ii) the premises are equipped with all of the following:
 - (A) heat,
 - (B) lights,
 - (C) on-site washroom facilities that are available for customers;
 - (iii) the premises are not shared with another dealership or business,
 - (iv) there are solid walls between the premises and the premises of any other dealership or other business,
 - (v) there is a dedicated entrance that can be used to access the dealership's premises only;
 - (b) the premises are equipped with an office or other appropriate location on the premises for meeting with clients and securing records.
- (3) Despite subsection (2), if the Registrar is satisfied that a dealer's responsibilities under the regulations are not compromised by sharing a premises, subclauses (2)(a)(iii) to (v) do not apply to a dealership that shares premises with another business that is not a dealership.

29

Outside space

A dealership must have enough outside space located at the same civic address as the premises that is

- (a) suitable for displaying at least 5 vehicles of the type that the dealer is licensed to deal in; and
- (b) not used for parking other vehicles.

30

Business hours

- (1) In this Section,

“regular business hours” means from 6 a.m. to 9 p.m.

- (2) Except as provided in subsection (4), a dealership must be open for business at least 6 hours a day during regular business hours, at least 5 days a week.
- (3) A dealership must have its business hours posted where they can be seen by the general public from outside the premises.
- (4) Subsection (1) does not apply to a dealership if all of the following apply:
 - (a) the dealer notifies the Registrar of their proposed business hours and the Registrar is satisfied that the hours are appropriate given the nature of the business carried on by the dealership;
 - (b) the dealer posts contact information where it can be seen by the general public from outside the premises to enable the dealer to be contacted outside of their business hours for the purpose of obtaining and inspecting records and investigating and responding to complaints.

Part 4: Inspection Stations and Testers

Interpretation for Part 4

31

Application of Part 4

This Part applies to all of the following:

- (a) a person required by Section 250 of the Act to hold a valid inspection station licence;
- (b) an inspection station operated under an inspection station licence;

- (c) an individual required by Section 251 of the Act to hold a valid tester licence.

32 Definitions for Part 4

(1) In this Part,

“certificate of qualification” for a tester means 1 of the following:

- (i) a valid certificate of qualification or certificate of proficiency issued under the *Apprenticeship and Trades Qualification Act*,
- (ii) a valid certificate of qualification with an interprovincial red seal endorsement issued in another Canadian jurisdiction;

“inspection” means a vehicle inspection for which an inspection certificate may be issued and provided for in the *Vehicle Equipment, Safety and Inspection Regulations*;

“new vehicle” means a new vehicle as defined in the *Vehicle Equipment, Safety and Inspection Regulations*;

“*Official Inspection Station Manual*” means the *Official Inspection Station Manual* published by the Registrar in accordance with Section 131 of the Act, as amended;

“registered weight”, with respect to a vehicle for which no weight is registered on a vehicle permit issued for the vehicle, means the weight that the owner of the vehicle intends to have as the registered weight on the vehicle permit issued for the vehicle;

“rejection sticker” means a sticker issued by a tester or a motor vehicle inspector under the *Vehicle Equipment, Safety and Inspection Regulations*;

“*Vehicle Equipment, Safety and Inspection Regulations*” means the *Vehicle Equipment, Safety and Inspection Regulations* made under the Act.

Inspection Station Licences

33 Types of vehicles for inspection station licences

An inspection station licence must specify which of the following types of vehicles may be inspected under the licence:

- (a) a motor vehicle with a registered weight of 4500 kg or less, other than a motorcycle;
- (b) motor vehicle with a registered weight of more than 4500 kg, equipped with air brakes;

- (c) motor vehicle with a registered weight of more than 4500 kg, equipped with hydraulic brakes;
- (d) a motorcycle;
- (e) a trailer with a registered weight of 4500 kg or less;
- (f) a trailer with a registered weight of more than 4500 kg.

34 Eligibility for inspection station licence

In addition to the eligibility requirements for a vehicle business licence set out in Section 6, an applicant for an inspection station licence must meet all of the following eligibility requirements:

- (a) they must employ at least 1 full-time tester with the qualifications set out in Section 45 for the types of vehicles to be inspected at the inspection station;
- (b) they must be able to satisfy the Registrar that they have a security plan that will be sufficient to safeguard inspection stickers and inspection certificates from loss or theft;
- (c) they must own or lease the premises where the inspection station is located;
- (d) for an applicant that leases their premises, they must have a lease that will be valid for at least 6 months from the issue date of the proposed licence;
- (e) their premises for the inspection station must meet all the facility and equipment requirements in Sections 40 to 44.

35 Application for inspection station licence

In addition to the information and documentation required by Section 7 for a vehicle business licence application, an application for an inspection station licence must be accompanied by all of the following:

- (a) proof satisfactory to the Registrar that the applicant employs at least 1 full-time tester;
- (b) a list of the testers employed by the applicant, and for each tester
 - (i) the types of vehicles that the tester is qualified to inspect;
 - (ii) a copy of their certificate of qualification or other required qualification;
- (c) a description of the applicant's security plan to safeguard inspection stickers and inspection certificates from loss or theft;

- (d) the name of each individual who will be authorized by the licence holder to buy inspection stickers and inspection certificates on their behalf;
- (e) the ordinary hours of business proposed for the inspection station;
- (f) a declaration, made by an individual who is familiar with the business operations of the applicant and who has authority to bind the applicant, that certifies all of the following:
 - (i) that the information included in or with the application is true,
 - (ii) that the premises where the inspection station is to be located meets the requirements of Sections 40 to 44;
 - (iii) that all inspections at the inspection station will be conducted in accordance with these regulations and the *Vehicle Equipment, Safety and Inspection Regulations*.

36 Information on inspection station licence

An inspection station licence must state all of the following:

- (a) the name of the licence holder;
- (b) the name of any registered business or partnership name under which the licence holder is carrying on business;
- (c) the civic address of the place of business for which the licence is issued;
- (d) the date the licence is issued;
- (e) the expiry date of the licence;
- (f) the types of vehicles that may be inspected at the inspection station;
- (g) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

37 Application to renew inspection station licence

In addition to the information and documentation required by Section 9 for an application to renew a vehicle business licence, an application to renew an inspection station licence must include all of the following:

- (a) all of the information about testers required by clause 35(b);
- (b) the name of each individual who will be authorized by the licence holder to buy inspection stickers and inspection certificates on their behalf;

- (c) a declaration, made by an individual who is familiar with the business operations of the licence holder and who has authority to bind the licence holder, that certifies all of the following:
 - (i) that the information in the application is true,
 - (ii) that the applicant has made all required filings and registrations with the Registrar of Joint Stock Companies and is in good standing with the Registrar of Joint Stock Companies,
 - (iii) that the premises where the inspection station is located continue to meet the requirements of Sections 40 to 44
 - (iv) if there are any conditions attached to their licence, that the applicant has complied and will continue to comply with the conditions,
 - (v) that the applicant continues to own or lease the premises where the inspection station is located,
 - (vi) for an applicant that leases their premises, that the applicant has a lease that will be valid for at least 6 months from the date the licence is renewed,
 - (vii) that all inspections at the inspection station have been, and will continue to be, conducted in accordance with these regulations and the *Vehicle Equipment, Safety and Inspection Regulations*.

38 Amendment of inspection station licence

- (1) A holder of an inspection station licence is not required to apply for an amendment to their licence in the circumstances set out in subsection 11(2).
- (2) The following changes are specified for the purposes of clause 11(3)(c) as requiring the holder of an inspection station licence to apply for an amendment to their licence in advance of the change:
 - (a) a change in the testers employed by the licence holder;
 - (b) a change in the facilities used for inspections.

39 Notification of Registrar of changes

In addition to any changes requiring amendments to their licence under the Act or these regulations, the holder of an inspection station licence must notify the Registrar in writing of the following changes affecting the operation of their inspection station within the specified time frames:

- (a) the termination of a tester's employment with them together with the reason for the termination, no later than 5 days after the termination;

- (b) a change in ownership of the inspection station, no later than 10 days after the change occurs;
- (c) suspension or termination of the operation of the inspection station, no later than 10 days after the change occurs.

Inspection Station Facilities

40 Signs

- (1) Except as provided in subsection (2), an inspection station licence holder must display a sign that identifies the inspection station by displaying the name of the holder of the inspection station licence or the registered business or partnership name as shown on the licence.
- (2) Subsection (1) does not apply to an inspection station licence holder that is a franchisee if there is a sign displaying the franchise name.

41 Business hours

- (1) An inspection station must be open during as many hours and with as much regularity as is reasonably necessary to provide service to its typical clients and to permit the Registrar to ensure that the station complies with these regulations.
- (2) An inspection station must have its ordinary hours of business posted where they can be seen by the general public from outside the place of business.
- (3) An inspection station must have its contact information posted where it can be seen by the general public from outside the place of business to enable the inspection station to be contacted outside of its ordinary hours of business.

42 Premises

- (1) Except as provided in subsection (2), an inspection station must be located in premises that meet all of the following criteria:
 - (a) they conform with all applicable municipal bylaws;
 - (b) they are not shared with another office or business;
 - (c) there are solid walls between the inspection station premises and the premises of any other office or business;
 - (d) there is an entrance for use only to access the inspection station premises.
- (2) If the Registrar is satisfied that the responsibilities of the licence holder under the regulations are not compromised by sharing the premises, clauses (1)(b), (c) and (d)

do not apply to an inspection station that shares premises-with another business that is not an inspection station.

- (3) An inspection station's premises must have an enclosed area that, in the Registrar's opinion, meets all of the following criteria:
 - (a) it is large enough to permit the proper inspection of any type of vehicle to be inspected there;
 - (b) it includes interior space that is level and of sufficient size to fully enclose any vehicle being inspected and to permit the tester to work and walk around the vehicle without obstructions;
 - (c) it must have the tools and equipment listed in Section 44 for the types of vehicles to be inspected.

43 Specifications and test procedures

- (1) An inspection station must have written specifications and test procedures, in electronic or paper form, for brake, steering and suspension components of the types of vehicles to be tested.
- (2) An inspection station must have a secure area for storing inspection stickers and inspection certificates in accordance with its security plan to safeguard inspection stickers and inspection certificates from loss or theft.

44 Equipment and tools required at inspection station

- (1) A holder of an inspection station licence must keep all of the equipment in accordance with the table in subsection (2) at their premises for the types of vehicles that may be inspected under their licence.
- (2) In the following table,
 - (a) abbreviations used for the types of vehicles that may be inspected are as follows:
 - (i) "P&LC" indicates a motor vehicle with a registered weight of 4500 kg or less, other than a motorcycle,
 - (ii) "HCA" indicates a commercial vehicle or recreational vehicle with a registered weight of more than 4500 kg, equipped with air brakes,
 - (iii) "HCB" indicates a commercial vehicle or recreational vehicle with a registered weight of more than 4500 kg, equipped with hydraulic brakes,
 - (iv) "MC" indicates a motorcycle,

- (v) “T1/T2” indicates a trailer with a registered weight of 4500 kg or less,
- (vi) “T3” indicates a trailer with a registered weight of greater than 4500 kg;
- (b) in any row,
 - (i) an “x” indicates that the tool or equipment described in that row is required for the type of vehicle indicated in the heading of the column where the “x” appears,
 - (ii) an empty space indicates that the tool or equipment described in that row is not required for the type of vehicle indicated in the heading of the column where the empty space appears.

Required Equipment and Tools for Inspection Stations						
Tool or Equipment	Vehicle Type					
	P&LC	HCA	HCB	MC	T1/T2	T3
floor jack capable of lifting type of vehicle	x	x	x	x	x	x
axle stands capable of supporting type of vehicle	x	x	x		x	x
dial indicator	x	x	x			
tire pressure gauge	x	x	x	x	x	x
tire tread depth gauge	x	x	x	x	x	x
pry bar	x	x	x		x	x
brake jack (means of applying brakes)	x	x	x			
air compressor	x	x	x			x
trouble light	x	x	x	x	x	x
torque wrench (calibrated annually)/ sockets for wheel replacement	x	x	x		x	x
hand tools	x	x	x	x	x	x
brake drum caliper	x	x	x		x	x
brake rotor caliper	x	x	x	x	x	x
wheel chocks		x	x		x	x
axle seal/sleeve installation tool		x	x			x
test panel for lights and electric brakes					x	x
wheel jack		x	x			x
fifth wheel dummy pin	x	x	x			
no-go gauge (king pin)					x	x
hoses and couplings adequate to conduct brake check						x

- (3) The equipment and tools required by this Section must be kept inside the inspection station and must be maintained in good working order at all times.

Testers

45 Eligibility for tester licence

- (1) All of the following are the eligibility requirements under clause 233(1)(c) of the Act for an individual to hold or be issued a tester licence:
- (a) they must be employed by the holder of an inspection station licence;
 - (b) they must obtain a result satisfactory to the Registrar in an examination prescribed by the Registrar that evaluates their knowledge of and proficiency in inspecting the types of vehicles that they intend to inspect under their tester licence;
 - (c) they must hold 1 of the qualifications set out in the following table for the type of vehicle that they intend to inspect:

Tester's Qualifications to Inspect Types of Vehicle	
Vehicle Type	Required Qualification
motor vehicle with registered weight of 4500 kg or less, other than motorcycle	certificate of qualification in any of the following trades: • automotive service technician • service centre technician • front end and brake mechanic
motor vehicle with a registered weight of more than 4500 kg, equipped with air brakes	certificate of qualification in the truck and transport mechanic trade
motor vehicle with a registered weight of more than 4500 kg, equipped with hydraulic brakes	certificate of qualification in the automotive service technician trade
motorcycle	certificate as a motorcycle mechanic issued in the Province or another jurisdiction in Canada or certificate of qualification in 1 of the following trades: • automotive service technician • service centre technician

	or certification by Department before August 1, 2000 as a tester of motorcycles
trailer with registered weight of 4500 kg or less	certificate of qualification in any of the following trades: • truck and transport mechanic • recreational vehicle service technician • automotive service technician • service centre technician • transport trailer technician or proof of satisfactory completion of trailer inspection training provided by original manufacturer or otherwise as recognized by the Registrar
trailer with registered weight of more than 4500 kg	certificate of qualification in either of the following trades: • truck and transport mechanic • transport trailer technician

Missed this last time – intended to remove after putting “valid” into definition.

- (2) An individual is required to hold a separate tester licence for each inspection station where they are employed.

46 Application for tester licence

An application for a tester licence must be accompanied by all of the following information and documentation:

- (a) the name of the inspection station licence holder who employs the applicant;
- (b) proof satisfactory to the Registrar that the applicant
 - (i) is employed as required by clause (a),
 - (ii) has obtained a satisfactory result in the eligibility examination as required by clause 45(1)(b);
 - (iii) holds the qualifications required by clause 45(1)(c);
- (c) any additional information or documentation about the applicant that the Registrar requests to determine eligibility for the licence.

47 Application to renew tester licence

- (1) An application to renew a tester licence must be accompanied by all of the following information and documentation:
- (a) the name of the inspection station licence holder who employs the applicant;
 - (b) proof satisfactory to the Registrar that the applicant is employed as described in clause (a);
 - (c) a statement that the applicant has conducted inspections as a tester during the previous 12 months;
 - (d) any additional information or documentation about the applicant that the Registrar requests to determine continued eligibility for the licence.
- (2) A tester licence cannot be renewed if the renewal application is received more than 1 year after the date the licence expired.

48 Information on tester licence

A tester licence must state all of the following:

- (a) the name of the tester;
- (b) the types of vehicles that the licence holder may perform inspections on;
- (c) the expiry date of the licence;
- (d) the name of the inspection station where they are employed as a tester;
- (e) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

49 Term of tester licence

- (1) A tester licence is effective from the date it is issued or renewed until the following applicable date:
- (a) the expiry date specified on the licence for the inspection station where the tester is employed as a tester;
 - (b) for a licence that is suspended or cancelled before the date specified in clause (a), the date that it is suspended or cancelled.
- (2) Despite subsection (1), if the Registrar receives an application for renewal of a tester licence before its expiry date, unless it is sooner suspended or cancelled, the licence remains valid until the earlier of the following:
- (a) 60 days after its expiry date;

- (b) the date it is renewed.

50 Notice of change of information submitted with application

- (1) A tester must inform the Registrar if any of the information included in or with their application for a tester licence, or the most recent renewal of their tester licence, has changed.
- (2) A tester must notify the Registrar in writing no later than 5 days after the date their employment with the holder of an inspection station licence is terminated.

51 Amendment to tester licence

- (1) A tester must apply for an amendment to their tester licence if the tester proposes to make any change that would affect the information shown on the licence.
- (2) An application to amend a tester licence must be accompanied by all of the following:
 - (a) details of the proposed change;
 - (b) any additional information or documentation required by the Registrar to determine the continuing eligibility of the licence holder.

Complaints Against Inspection Stations or Testers

52 Investigating complaint

- (1) The Registrar must investigate a written complaint from a person who had an inspection conducted at an inspection station that alleges any of the following:
 - (a) that the inspection did not meet the requirements of the *Vehicle Equipment, Safety and Inspection Regulations*;
 - (b) that the inspection station licence holder who employed the tester, the tester, an employee, a principal or a person acting on behalf of the licence holder has done any of the following:
 - (i) breached any of the conditions of the inspection station licence,
 - (ii) otherwise not complied with these regulations.
- (2) In investigating a complaint under this Section, the Registrar must do all of the following:
 - (a) make any further inquiries of the complainant that the Registrar considers necessary to understand the details and nature of the complaint;

- (b) subject to subsection (3), if the Registrar is satisfied that the complaint alleges anything within the scope of subsection (1), provide a copy of the complaint and any additional information received from the complainant to the inspection station licence holder and any tester named in the complaint;
 - (c) give the inspection station licence holder and any tester named in the complaint an opportunity to respond to the complaint in writing.
- (3) On the request of a complainant and if the Registrar considers it necessary or advisable to do so to protect the safety or well-being of the complainant, the Registrar may redact the identity of the complainant and any information likely to identify the complainant from the copy of the complaint provided to the inspection station licence holder and any tester named in the complaint.

Suspension or Cancellation of Inspection Station Licence or Tester Licence

53 Suspension as result of complaint

In addition to the grounds set out in subsection 242(1) of the Act, if the Registrar is satisfied that a complaint received and investigated in accordance with Section 52 is substantiated, then that is grounds for suspending an inspection station licence or a tester licence, or the privilege of obtaining an inspection station licence or tester licence, under Section 242 of the Act.

54 Tester licence suspension period

- (1) The period of suspension for the following, as determined by the Registrar, must not be longer than 5 years:
 - (a) for suspending a tester licence under subsection 242(5) of the Act;
 - (b) for suspending the privilege of obtaining a tester licence under subsection 244(2) of the Act.
- (2) In determining a period of suspension in accordance with subsection (1), the Registrar must take into account all of the following factors:
 - (a) the seriousness of the reason for the suspension;
 - (b) the potential effect on public safety of the tester's conduct;
 - (c) the history of the tester's conduct;
 - (d) whether the tester takes responsibility for the reason for suspension;
 - (e) whether the tester took any mitigating action before the suspension;
 - (f) whether the tester has previously been the subject of a complaint;

- (g) whether the tester has previously had their tester licence or the privilege of obtaining a tester licence suspended.

55 Examination for reinstatement

The examination required by clause 45(1)(b) is prescribed as an examination that may be required by the Registrar under clause 246(2)(b) of the Act for reinstatement of a tester licence or the privilege of obtaining a tester licence.

56 Return of documents upon suspension or cancellation of inspection station licence

In subsection 242(2) and clause 243(4)(b) of the Act for documents that are required to be returned to the Registrar by an inspection station licence holder,

“any vehicle documents and other materials issued by the Registrar in relation to the licence” includes all of the following:

- (i) all unused inspection stickers and inspection certificates;
- (ii) all voided inspection stickers and inspection certificates;
- (iii) all completed or partially completed books of inspection certificates and inspection stickers.

Licensees' Responsibilities

57 Duties of holder of inspection station licence

An inspection station licence holder must do all of the following:

- (a) comply with the Act, the regulations and the terms and conditions of their licence;
- (b) provide true, accurate and complete information to the Registrar;
- (c) ensure that all inspections conducted at the inspection station are conducted in accordance with the *Vehicle Equipment, Safety and Inspection Regulations* and the Official Inspection Station Manual;
- (d) ensure that all inspections conducted at the inspection station are conducted with honesty and integrity;
- (e) display the inspection station licence in view of the general public in the place of business for which it is issued and produce it for inspection on request.

58 Records

- (1) An inspection station licence holder must keep any records relating to the vehicle business for at least 3 years at their place of business.
- (2) An inspection station licence holder must keep a record of each inspection conducted at the inspection station for at least 3 years following the inspection date.

59 Duties of tester

A tester must do all of the following:

- (a) display a copy of their tester licence in view of the general public in the station where the tester is employed and produce it for inspection on request;
- (b) conduct inspections only as an employee of an inspection station licence holder;
- (c) ensure that the equipment they use for inspections meets any requirements of these regulations and the *Vehicle Equipment, Safety and Inspection Regulations* and is in accordance with the Official Inspection Station Manual;
- (d) conduct all inspections in accordance with the *Vehicle Equipment, Safety and Inspection Regulations* and the Official Inspection Station Manual;
- (e) issue inspection stickers and inspection certificates only in accordance with the *Vehicle Equipment, Safety and Inspection Regulations* and the Official Inspection Station Manual.

Inspection Stickers and Inspection Certificates

60 Sale of inspection stickers and inspection certificates to inspection station licence holders

- (1) Except as provided in subsection (2), the Registrar must sell inspection stickers and corresponding inspection certificates to inspection stations at the prescribed fee.
- (2) The Registrar may refuse to sell inspection stickers and certificates to an inspection station if the Registrar has reason to believe that the inspection station
 - (a) does not have adequate security for the inspection stickers and inspection certificates; or
 - (b) has not returned completed books of inspection certificates.
- (3) A person other than the Registrar must not sell an inspection sticker or an inspection certificate.

61 Voided inspection sticker and certificate

An inspection sticker and its corresponding inspection certificate are void if any of the following occur:

- (a) an incorrect date is punched on the inspection sticker;
- (b) an error is made in completing the inspection certificate;
- (c) either the inspection sticker or the corresponding inspection certificate is materially damaged or defaced.

62 Inspection station licence holder duties regarding inspection stickers and inspection certificates

(1) An inspection station licence holder must do all of the following with respect to any inspection stickers or inspection certificates that they have been issued by the Registrar:

- (a) take all necessary precautions to safeguard inspection stickers and inspection certificates from loss or theft in accordance with the licence holder's security plan;
- (b) forward all of the following to the Registrar in a timely manner:
 - (i) completed books of inspection certificates,
 - (ii) voided inspection stickers and voided inspection certificates,
 - (iii) any inspection stickers and inspection certificates that are expired or cannot be issued due to their expiry date;
- (c) report lost or stolen inspection stickers or inspection certificates to the Registrar, and stolen inspection stickers or inspection certificates to the local police authorities, no later than 2 business days after the date the licence holder becomes aware of the loss or theft;
- (d) if the licence holder becomes ineligible to conduct a type of vehicle inspection, return all of the following documents relating to that type of inspection to the Registrar:
 - (i) any unused inspection stickers and inspection certificates,
 - (ii) any voided inspection stickers and inspection certificates,
 - (iii) any completed or partially completed books of inspection certificates and inspection stickers.

(2) In clause (1)(c),

“business day” means any day other than Saturday, Sunday or a holiday.

Inspection Fees

63 Inspection fees

- (1) For each completed inspection, an inspection station licence holder may charge an inspection fee up to the applicable maximum fee set out in the following table, plus any additional fees provided for in subsection (2):

Type of Vehicle Inspected	Maximum Fee
motor vehicle with registered weight of 4500 kg or less, other than motorcycle	\$29.15
motorcycle	\$16.35
motor vehicle with a registered weight of more than 4500 kg, equipped with air brakes	\$98.00
motor vehicle with a registered weight of more than 4500 kg, equipped with hydraulic brakes	\$40.85
trailer with registered weight of 4500 kg or less not equipped with brakes	\$16.40
trailer with registered weight of 4500 kg or less equipped with brakes	\$22.35 for 1 axle plus \$11.45 for each additional axle
trailer with registered weight of more than 4500 kg	\$40.85

- (2) If a wheel has to be removed to measure brake components as part of an inspection on any of the following types of vehicles, additional fees may be charged at the hourly shop rate for the inspection station where the inspection is conducted:
- (a) a motor vehicle with a registered weight of more than 4500 kg, equipped with air brakes;
 - (b) a motor vehicle with a registered weight of more than 4500 kg, equipped with hydraulic brakes;
 - (c) a trailer with registered weight of more than 4500 kg.

64 No additional fee for inspection of rejected vehicle

An additional inspection fee must not be charged for a rejected vehicle that is returned to the inspection station where it was inspected if

- (a) the rejection sticker is still valid; or
- (b) any extension period granted by the Registrar under the *Vehicle Document Regulations* has not expired.

Part 5: Driving Schools and Instructors

Interpretation for Part 5

65 Application of Part 5

This Part applies to all of the following:

- (a) a person required by Section 252 of the Act to hold a valid driving school licence;
- (b) a driving school operated under a driving school licence;
- (c) an individual required by Section 253 of the Act to hold a valid instructor licence;
- (d) an individual who delivers a farm tractor safety course;
- (e) an organization that employs an individual to deliver a farm tractor safety course;
- (f) an LCV instructor;
- (g) an organization that certifies an LCV instructor.

66 Definitions for Part 5

In this Part,

“additional rear view mirror” means an additional rear view mirror as required by Section 99;

“branch office”, in relation to a driving school, means a supplementary place of business for the driving school;

“class”, with respect to a driver’s licence, means a class of driver’s licence prescribed in the *Driver’s Licence Regulations*;

“Class 5 driver education course” means a Class 5 driver education course as defined in the *Driver Licensing Requirements Regulations*;

“Class 6 driver education course” means a Class 6 driver education course as defined in the *Driver Licensing Requirements Regulations*;

“driver education course” means a driver education course that is

- (i) prescribed by the *Driver Licensing Requirements Regulations*, or

- (ii) provided by a licensed operator for a Class 1, Class 2, Class 3 or Class 4 driver's licence;

“driver improvement program” means a driver improvement program prescribed as a driver training program in the *Driver Licensing Requirements Regulations*;

“*Driver Licensing Requirements Regulations*” means the *Driver Licensing Requirements Regulations* made under the Act;

“dual-control brake” means an extra braking system as required by Section 99;

“farm tractor safety course” means a farm tractor safety course as defined in the *Driver Licensing Requirements Regulations*;

“farm tractor safety course instructor” means an individual who is authorized under Section 76 to deliver a farm tractor safety course;

“instructor” means an individual who provides driver training;

“LCV” means a long combination vehicle;

“LCV driver training course” means an LCV driver training course as defined in the *Driver Licensing Requirements Regulations*, made under the Act;

“LCV instructor” means an individual who is authorized under Section 77 to deliver an LCV driver training course;

“licensed instructor” means an individual who holds a valid instructor licence;

“licensed operator” means a person who holds a valid driving school licence;

“manager” means an individual who manages the day-to-day operation of a driving school;

“new driver theory course” means a new driver theory course prescribed as a driver education course in *Driver Licensing Requirements Regulations*;

“principal office”, in relation to a driving school, means the primary or main place of business in the Province for the driving school where the manager employed by the driving school carries out their duties as a manager;

“synchronous learning” means online education that happens in real time between an instructor and students, often with a set class schedule and required login times.

Driving School Licences

67

Licence required for branch office

A driving school must hold a separate driving school licence to operate from a branch office.

Eligibility for driving school licence

- (1) In addition to the eligibility requirements for a vehicle business licence set out in Section 6, an applicant for a driving school licence must meet all of the following eligibility requirements:
- (a) subject to subsection (4), they must apply using a registered business or partnership name or as a body corporate;
 - (b) they must have a principal office or for an applicant for a branch office, they meet the requirement in subsection (3);
 - (c) they must be able to satisfy the Registrar that they are able to do all of the following with respect to each of their proposed driver education courses and each driver training program they propose to run:
 - (i) deliver the driver education course or driver training program in accordance with these regulations and the *Driver Licensing Requirements Regulations*,
 - (ii) ensure that both the theory instruction and practical in-vehicle instruction components of the driver education course or driver training program are taught by licensed instructors,
 - (iii) except as provided in Section 93 for online theory instruction, deliver the theory instruction component of the driver education course or driver training program in a facility or facilities that are equipped as required by these regulations and suitable for that purpose,
 - (iv) for a driver education course, ensure that the in-vehicle instruction component of the course is provided using a motor vehicle that meets the requirements of these regulations;
 - (d) for an applicant who intends to deliver a driver education course for any of the following classes of driver's licence, they must be registered as a private career college under the *Private Career Colleges Act*:
 - (i) Class 1,
 - (ii) Class 2,
 - (iii) Class 3,
 - (iv) Class 4.
- (2) Each instructor that an applicant for a driving school licence intends to employ is specified as an individual employed by the applicant for the requirement in subclause 6(1)(b)(iv) for specified individuals to be eligible and of suitable character and background.

- (3) To be eligible to hold a driving school licence for a branch office, the applicant must hold a driving school licence for a principal office.
- (4) An applicant must use a registered business name on their application, signage and public communication that reflects that they are carrying on the business of a driving school.

69 Application for driving school licence

- (1) Except as provided in subsection (3), in addition to the information and documentation required by Section 7 for a vehicle business licence application, an application for a driving school licence must be accompanied by all of the following:
 - (a) the name of the applicant's proposed manager;
 - (b) the civic address of each facility to be used by the applicant for driver training;
 - (c) the civic address of the proposed place of business and whether it will be a principal office or a branch office;
 - (d) a list of the instructors to be employed by the applicant;
 - (e) a list of the motor vehicles, including number plate numbers, to be used by the driving school for driver training;
 - (f) proof of the insurance coverage required by Section 98;
 - (g) details of the driver education courses and any driver training programs to be provided, including the syllabus, texts and other materials to be used in the delivery of each course and program;
 - (h) details of the equipment, training aids and each facility to be used for theory instruction, including the details of any lease or rental agreement for the facility;
 - (i) if any portion of a driver education course or driving training program is to be provided online in accordance with Section 93, the details of any software, equipment and applications that a student is required to have.
- (2) An application for a driving school licence for a branch office is not required to include the information and documentation required by subsection (1) and clause 7(2)(b) if it was included in the applicant's application for a driving school for a principal office.

70 Inspection requirements for vehicles

For an applicant for a driving school licence, the requirement in Section 8 to arrange for inspections includes inspections of any motor vehicles to be used by the applicant for driver training.

71 Information on driving school licence

A driving school licence must state all of the following:

- (a) the name of the licence holder and the registered business name under which they are carrying on business;
- (b) the civic address of the office for which the licence is issued;
- (c) the type of driver training the licensed operator may provide;
- (d) the issue date of the licence;
- (e) the expiry date of the licence;
- (f) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

72 Amendment to driving school licence

The following changes are specified for the purposes of clause 11(3)(c) as requiring a licensed operator to apply for an amendment to their licence:

- (a) a proposed change any of the following:
 - (i) the licensed instructors employed by the licensed operator,
 - (ii) any driver education course or driver training program offered by the licensed operator,
 - (iii) materials used in any driver education course or driver training program offered by the licensed operator,
 - (iv) facilities used by the licensed operator in delivering driver education courses and if applicable, the driver training programs,
 - (v) the motor vehicles used by the licensed operator for driver training;
- (b) a change to the driver licence status of any licensed instructor employed by the licensed operator.

73 Application to renew driving school licence

In addition to the information and documentation required by Section 9 for an application to renew a vehicle business licence, an application to renew a driving school licence must include all of the following:

- (a) proof of the applicant's incorporation or partnership or business name registration and that the applicant has made all required filings and registrations with the Registry of Joint Stock Companies, and is in good standing with the Registry of Joint Stock Companies as required by clause 7(2)(b) for an initial application;
- (b) the information required by clauses 69(1)(d) to (f) for an initial application.

Instructor Licences

74 Eligibility for instructor licence

- (1) All of the following are the eligibility requirements under clause 233(1)(c) of the Act for an individual to be eligible to hold and be issued an instructor licence:
 - (a) they must be employed by a licensed operator;
 - (b) except as provided in subsection (2), they must hold a valid driver's licence for a fully licensed driver that meets all of the following criteria in relation to the motor vehicle for which the applicant intends to provide driver training:
 - (i) it is of the same class of driver's licence that is required to drive that class of motor vehicle,
 - (ii) it has any endorsements required to drive that class of motor vehicle,
 - (iii) it does not have any restrictions that would adversely affect the ability of the applicant to provide in-vehicle instruction;
 - (c) they must not have been convicted of any of the following offences:
 - (i) in the 5 years immediately before the date of their application, an offence under subsection 133(1) or Section 107, 184, 185, 186, 187 or 221 of the Act or subsection 97(1), 287(1) or 287(2) or Section 100, 101, 163 of the former Act,
 - (ii) in the 10 years immediately before the date of their application an unpardoned offence under the *Criminal Code* (Canada) for
 - (A) an offence involving the operation of a motor vehicle, for which a mandatory suspension was applied under the regulations,

- (B) an offence against a person, or
- (C) a sexual offence;
- (d) they must not have, in the 5 years immediately before the date of their application, had their driver's licence suspended under the Act or the former Act for exceeding a prescribed demerit point threshold;
- (e) they meet the educational requirements in Section 78, 79 or 80, as applicable, for the class of driver's licence for which the applicant intends to provide driver training;
- (f) they have passed any examinations prescribed by the Registrar that include both written and practical components to demonstrate that they have the knowledge required to teach the courses that they intend to provide.
- (2) An individual who is employed by a licensed operator and intends to provide theory instruction only is not required to possess a valid driver's licence to be eligible for an instructor licence.

75 Instructor licence—theory instruction only

An instructor licence issued to an individual who does not have a valid driver's licence authorizes that individual to provide theory instruction only.

76 Farm tractor safety course instructor

- (1) A farm tractor safety course instructor is not required to hold a regulated vehicle activity licence.
- (2) A farm tractor safety course may be delivered only by an individual who meets all of the following qualifications:
 - (a) they hold, and have held for at least 5 years, 1 of the following as required by the *Driver's Licence Regulations* as authorization to drive a Class 8 vehicle towing a heavy trailer:
 - (i) a Class 1 driver's licence,
 - (ii) a driver's licence of another class with a farm tractor heavy trailer endorsement;
 - (b) they have completed instruction in delivering an educational or instructional program or have at least 5 years' experience in teaching a farm tractor safety course;
 - (c) they are employed or engaged by a recognized educational or agricultural organization that has an agreement with the Minister to deliver the farm tractor safety course.

- (3) An organization described in clause (2)(c) must do all of the following:
- (a) keep a current list of farm tractor safety instructors that they employ or engage to deliver a farm tractor safety course;
 - (b) provide a copy of the list of instructors required by clause (a) to the Registrar as well as any updates to the list from time to time;
 - (c) issue certificates of completion to students in the farm tractor safety course, upon successful completion of the competency test;
 - (d) keep copies of all certificates of completion students in the farm tractor safety course and provide them or a record of certificates of completion to the Registrar upon request.

77 LCV instructor

- (1) An LCV instructor is not required to hold a regulated vehicle activity licence.
- (2) An LCV driver training course may be delivered only by an individual who meets all of the following qualifications:
- (a) they hold 1 of the following as required by the *Driver's Licence Regulations* authorizing them to drive a long combination vehicle:
 - (i) a Class 1 driver's licence with an LCV endorsement,
 - (ii) a driver's licence and endorsements or qualifications from another jurisdiction that, in the Registrar's opinion, are equivalent to the qualifications in sub-clause (i);
 - (b) they have accumulated experience of at least 10 000 km of highway driving of long combination vehicles;
 - (c) they have successfully completed a course in delivering an LCV driver training course within the previous 3 years from a recognized educational or industry organization that has an agreement with the Minister to deliver such training;
 - (d) they are employed by the carrier whose employees they are training in the LCV driver training course.
- (3) A carrier described in clause 76(2)(c) must do all of the following:
- (a) deliver training for LCV instructors to instruct an LCV driver training course and issue certificates of completion to them;
 - (b) issue certificates of completion to students in the LCV driver training course, upon successful completion of the written tests and the road test;

- (c) keep copies of all certificates of completion issued to LCV instructors and students in an LCV driver training course and provide them to the Registrar upon request;
- (d) keep a current list of LCV instructors that are qualified by their organization to instruct an LCV driver training course;
- (e) provide a copy of the list of instructors required by clause (d) to the Registrar as well as any updates to the list from time to time.

78 Educational requirements for instructors for Class 5 driver education course

- (1) Subject to any exemptions allowed by the Registrar under subsection (3), to be eligible to provide a Class 5 driver education course, an instructor must have completed an instructor training course approved by the Registrar that includes all of the following:
 - (a) at least 40 hours of in-vehicle instruction that includes all of the following topics:
 - (i) steering techniques,
 - (ii) starting and stopping,
 - (iii) right and left turns,
 - (iv) highway and urban driving,
 - (v) backing,
 - (vi) controlled and uncontrolled intersections,
 - (vii) right-of-way,
 - (viii) one-way streets,
 - (ix) changing lanes,
 - (x) passing,
 - (xi) parking,
 - (xii) 2- and 3-point turns;
 - (b) at least 40 hours of theory instruction that includes all of the following topics:
 - (i) the Act and regulations made under the Act,
 - (ii) driver licensing,
 - (iii) highway and urban driving,

- (iv) insurance,
 - (v) car care and familiarization,
 - (vi) crosswalk safety;
- (c) at least 1 of the following textbooks as part of the course material:
 - (i) *Sportsmanlike Driving*, published by McGraw-Hill,
 - (ii) *Road Worthy*, published by the Ministry of Transportation (Ontario),
 - (iii) *How to Drive*, published by the Canadian Automobile Association,
 - (iv) the *Today's Drivers* textbooks published by NTSA International,
 - (v) *Young Drivers of Canada*, published by Young Drivers of Canada Corporation.
- (2) The instructor training required by subsection (1) must be provided by an experienced licensed instructor who is employed by a licensed operator authorized by the terms of its licence to provide the instructor training;
- (3) The Registrar may exempt an instructor who has provided driver training within the previous 12 months while holding a licence to provide driver training issued by another province from some or all of the instructor training requirements in subsection (1).
- (4) The Registrar may require that an applicant for an instructor licence to provide a Class 5 driver education course pass examinations prescribed by the Registrar that include both written and practical components that evaluate the applicant's knowledge of the course before issuing the instructor licence.

79

Educational requirements for instructor of driver education for Class 1, Class 2, Class 3 or Class 4 licence

To be eligible to provide a driver education course for an individual who intends to apply for or holds a Class 1, Class 2, Class 3 or Class 4 driver's licence, an instructor must meet all of the following educational requirements:

- (a) the requirements in Section 78 for an instructor of a Class 5 driver education course;
- (b) the educational requirements used to certify instructors for that class of driver's licence under the *Private Career Colleges Act*.

80

Educational requirements for instructor of Class 6 driver education course

To be eligible to provide a Class 6 driver education course, an instructor must have completed an instructor training course approved by the Registrar that meets all of the following requirements:

- (a) it contains practical and theoretical training that is adequate to ensure that the instructor has the required knowledge and expertise to teach the Class 6 driver education course;
- (b) it is provided by an experienced licensed instructor employed by a licensed driving school authorized by the terms of its licence to provide the instructor training.

81

Application for issuing or renewing instructor licence

An application for issuing or renewing an instructor licence must be accompanied by all of the following information and documentation:

- (a) a report satisfactory to the Registrar on the results of a criminal record search on the applicant by a police agency that is issued within the 6-month period immediately before the date of the application;
- (b) a report satisfactory to the Registrar on the results of a child abuse record search or vulnerable sector record search on the applicant that is issued within the 6-month period immediately before the date of the application;
- (c) proof of that the applicant meets the eligibility requirements in Section 74;
- (d) proof of employment with a licensed operator;
- (e) proof that the applicant holds any specific driver's licence as required by clause 74(1)(b);
- (f) a driver abstract for the applicant dated within the 60-day period immediately before the date of the application;
- (g) proof of motor vehicle insurance coverage, as required by Section 98;
- (h) any additional information the Registrar requires to determine the applicant's eligibility or continuing eligibility for the licence.

82

Information on instructor licence

An instructor licence must state all of the following:

- (a) the name and civic address of the instructor;
- (b) the name and address of all licensed operators that employ the instructor;

- (c) the list of driver education courses and driver training programs that the instructor is authorized to provide;
- (d) if the instructor is not authorized to provide in-vehicle instruction, a statement that the instructor is restricted to providing theory instruction only;
- (e) the date the licence is issued;
- (f) the expiry date of the licence;
- (g) any additional conditions on the licence that are attached by the Registrar under Section 236 of the Act.

83 Term of instructor licence

- (1) An instructor licence issued to an instructor is effective from the date it is issued or renewed until the earlier of following dates:
 - (a) for a licence that is issued or renewed
 - (i) before November 1, December 31 in the calendar year 5 years from the date that it is issued or renewed, or
 - (ii) after October 31, December 31 in the calendar year 6 years from the date that it is issued or renewed;
 - (b) the expiry date specified on the licence for the driving school where the instructor is employed;
 - (c) for a licence that is suspended or cancelled before the date specified in clause (a) or (b), the date that it is suspended or cancelled.
- (2) Despite subsection (1) an unexpired instructor licence for which an application for renewal is received before its expiry date, unless it is sooner suspended or cancelled, remains valid until the earlier of the following:
 - (a) 60 days after its expiry date;
 - (b) the date it is renewed.

Complaints Against Licensed Operators or Licensed Instructors

84 Investigating complaint

- (1) The Registrar must investigate a written complaint from an individual who received driver training provided by a licensed operator that alleges any of the following:

- (a) that the driver training provided by an instructor employed by the licensed operator does not meet the requirements in these regulations;
- (b) that any of the following have displayed unprofessional conduct or have otherwise not complied with these regulations:
 - (i) the licensed operator,
 - (ii) an instructor employed by the licensed operator,
 - (iii) an employee of the licensed operator,
 - (iv) a principal of the licensed operator,
 - (v) any person acting on behalf of the licensed operator.
- (2) In investigating a complaint under this Section, the Registrar must do all of the following:
 - (a) make any further inquiries of the complainant as the Registrar considers necessary to understand the details and nature of the complaint;
 - (b) subject to subsection (3), if the Registrar is satisfied that the complaint alleges anything within the scope of subsection (1), provide a copy of the complaint and any additional information received from the complainant to the licensed operator and any instructor included in the complaint;
 - (c) give the licensed operator and any instructor included in the complaint an opportunity to respond to the complaint in writing.
- (3) On the request of a complainant and if the Registrar considers it necessary or advisable to do so to protect the safety or well-being of the complainant, the Registrar may redact the identity of the complainant and any information likely to identify the complainant from the copy of the complaint provided to the licensed operator or instructor.

Suspension or Cancellation of Driving School Licence or Instructor Licence

85 Suspension as result of complaint

In addition to the grounds set out in subsection 242(1) of the Act, if the Registrar is satisfied that a complaint received and investigated in accordance with Section 84 is substantiated, then that is grounds for suspending a driving school licence or an instructor licence or the privilege of obtaining a driving school licence or an instructor licence under Section 242 of the Act.

86 Instructor licence suspension period

- (1) The period of suspension for the following, as determined by the Registrar, must not be longer than 5 years:
 - (a) for suspending an instructor licence under subsection 242(5) of the Act;
 - (b) for suspending the privilege of obtaining an instructor licence under subsection 244(2) of the Act.
- (2) In determining a period of suspension in accordance with subsection (1), the Registrar must take into account all of the following factors:
 - (a) the seriousness of the reason for the suspension;
 - (b) the potential effect on public safety of the instructor's conduct;
 - (c) the history of the instructor's conduct;
 - (d) whether the instructor takes responsibility for the reason for suspension;
 - (e) whether the instructor took any mitigating action before the suspension;
 - (f) whether the instructor has previously been the subject of a complaint;
 - (g) whether the instructor has previously had their instructor licence or the privilege of obtaining an instructor licence suspended.

87 Examination for reinstatement of instructor licence

The examinations required by clause 74(1)(e) are prescribed as examinations that may be required by the Registrar under clause 246(2)(b) of the Act for reinstatement of an instructor licence or the privilege of obtaining an instructor licence.

Driver Education Courses

88 Driver education course and driver training program requirements

The following driver education courses and driver training programs must meet the requirements prescribed in the *Driver Licensing Requirements Regulations*:

- (a) Class 5 driver education courses;
- (b) Class 6 driver education courses;
- (c) new driver theory courses;
- (d) driver improvement programs.

89 Class 1, Class 2, Class 3 or Class 4 licence driver education course requirements

The Registrar may approve a driver education course for a Class 1, Class 2, Class 3 or Class 4 licence that meets the requirements for approval of an occupational-training program for that class of driver's licence under the *Private Career Colleges Act*.

90 Driver education courses provided by licensed operators

- (1) A driver education course or driver training program provided by a licensed operator must be provided as approved by the Registrar, without substitutions or omissions.
- (2) A driver education course or driver training program provided by a licensed operator must be taught only by a licensed instructor.

91 Theory instruction

- (1) A licensed operator must ensure that theory instruction is provided in accordance with this Section.
- (2) Other than theory instruction that is delivered online in accordance with Section 93, theory instruction must be delivered at a facility that meets all of the following criteria:
 - (a) it is equipped with all of the following:
 - (i) the training aids required by instructors,
 - (ii) sufficient washrooms for instructors and students,
 - (iii) sufficient chairs and desks or chairs and tables suitable for students taking notes in theory instruction classes;
 - (b) it is approved by the Department as suitable for its purpose.
- (3) Students in a theory instruction class that takes place in person or as synchronous learning must be allowed at least 1 half-hour break for each session of 6 hours or longer.
- (4) Theory instruction taught in person or as synchronous learning must not be provided between 11 p.m. and 7 a.m.
- (5) Theory instruction taught in person or as synchronous learning must not exceed 7 hours in any 24-hour period.
- (6) The required hours of theory instruction do not include time required or used for taking breaks.

92 Requirements for in-vehicle instruction

- (1) A licensed operator must ensure that in-vehicle instruction is provided in accordance with this Section.
- (2) The required hours of in-vehicle instruction do not include time spent with an examiner.
- (3) In-vehicle instruction must not be provided between 11 p.m. and 7 a.m.
- (4) In-vehicle instruction must not exceed 2 hours of actual driving time per student per session.

93 Online theory instruction

A licensed operator who delivers or provides an online theory driver education course or driver training program must comply with all of the following requirements for the course or program:

- (a) the content of the course or program must meet the minimum number of hours required by these regulations for the type of course or program, calculated based on the time required to teach the course or program and not including any supplemental material or the time it takes the student to complete it;
- (b) they must facilitate the course or program in 1 of the following manners:
 - (i) by leading the course or program online through face-to-face or other interactive methods that enable the instructor to interact with students regularly and actively monitor student progress,
 - (ii) by monitoring the course or program online, evaluating student progress, reviewing and assessing student submissions and answering questions or concerns in a timely manner;
- (c) contact information and hours of availability for the licensed instructor leading the course or program must be provided to each student in the course or program;
- (d) technical requirements for the course or program, such as hardware, software and Internet connection speed, must be clearly stated on the driving school's website so that an individual can read them before registering for the course or program;
- (e) technical support for the course or program must be available to students;
- (f) contact information and hours of availability for technical support for the course or program must be provided to each student;

- (g) operational procedures and technical infrastructure for the course or program must comply with web application security best practices;
- (h) for a course or program that is not synchronous learning, a student must not be permitted to navigate through the course without first covering the information on each successive screen in each course module;
- (i) there must be at least 1 type of student assessment at the end of each module that measures the extent to which students have met the learning objectives within the module;
- (j) for a course or program that is for instruction delivered by synchronous learning, no more than 30 persons must be enrolled.

Licensees' Conduct and Responsibilities

94

Duties of licensed operators

- (1) A licensed operator must do all of the following:
 - (a) ensure that its driver education courses and driver training programs are delivered in accordance with these regulations and the *Driver Licensing Requirements Regulations*;
 - (b) ensure that the vehicles it uses for driver training meet the requirements of these regulations;
 - (c) display its driving school licence in view of the general public in the office for which it is issued and produce it for inspection on request;
 - (d) display a copy of its driving school licence in every classroom where theory instruction is provided;
 - (e) provide a certificate of completion to each student who successfully completes a driver education course or a driver training program as soon as possible after the student completes the course or program by delivering it either
 - (i) in person, or
 - (ii) by mail to the mailing address provided by the student;
 - (f) ensure that certificates of completion include:
 - (i) date course was completed, and
 - (ii) unique certificate number;

- (g) ensure that each certificate of completion is completely filled in before it is delivered to a student;
 - (h) notify the Registrar, in the manner required by the Registrar, of all of the following for each student who successfully completes a driver education course or driver training program, no later than 2 weeks after the date completed:
 - (i) the student's name,
 - (ii) the student's full civic address and mailing address, including postal code,
 - (iii) the student's driver's licence client number as assigned by the Registrar,
 - (iv) the name of the licensed instructor for the course,
 - (v) the course or program that the student completed,
 - (vi) the course or program certificate number,
 - (vii) the date the student completed the course or program,
 - (viii) the number of hours of instruction that the student completed;
 - (i) if a licensed instructor's employment by the driving school is terminated, notify the Registrar in writing no later than 7 days after the date of termination, and indicate in the notice the reason for the termination;
 - (j) except as provided in subsection (2), keep all records required by Section 97 at the principal office for the driving school for at least 5 years from the date the record is made;
 - (k) for any change that affects the information provided with their licence application, including a change in the materials, equipment, address, office, training facility, vehicles, insurance providers or coverage, manager or principals of the licensed operator, notify the Registrar at least 30 days before the change.
- (2) A licensed operator must keep the records required by clause 97(c) at the principal office, except that records for driver training conducted through a branch office may be kept temporarily at the branch office for 30 days after the student completes or discontinues their driver training.

- (a) a licensed operator, a principal of a licensed operator and each licensed instructor employed by a driving school must act in a professional, trustworthy and responsible manner; and
- (b) a licensed operator must ensure that each employee and person acting on behalf of the licensed operator, including each licensed instructor, acts in a professional, trustworthy and responsible manner.

96

Duties of licensed instructors

A licensed instructor must do all of the following:

- (a) carry their instructor licence in the motor vehicle they use when providing driver training, and produce it for inspection on request;
- (b) provide driver training only as an employee of a licensed operator, as required by clause 74(1)(a);
- (c) if their employment with a licensed operator is terminated, notify the Registrar in writing no later than 7 days after the date of termination, and indicate in the notice the reason for the termination;
- (d) provide driver training in accordance with these regulations and the *Driver Licensing Requirements Regulations*;
- (e) if they use their own motor vehicle to provide driver instruction, ensure that it meets the requirements of these regulations;
- (f) before permitting a student to drive a motor vehicle, ensure that the student holds the proper class of driver's licence for driving the motor vehicle and has their driver's licence in their possession;
- (g) while providing in-vehicle instruction, not do any activity that is prohibited under the Act for drivers;
- (h) notify the manager of the driving school where they are employed and the Registrar of any conviction or driver's licence suspension that affects their qualifications or ability to provide driver training within 7 days of the conviction or suspension.

97

Required records

In addition to the vehicle maintenance records described in Section 102, a licensed operator is required to keep all of the following records:

- (a) records relating to the business and their licence, including all of the following:
 - (i) correspondence with the Registrar,

- (ii) a copy of the syllabus of each driver education course and driver training program being delivered,
 - (iii) lease agreements,
 - (iv) business liability insurance policies;
- (b) records relating to each instructor employed by the licensed operator, including records relating to all of the following:
 - (i) the instructor's qualifications and training,
 - (ii) courses and programs delivered by the instructor,
 - (iii) the instructor's employment contract;
- (c) records relating to each student who received driver training provided by the licensed operator, including all of the following:
 - (i) the student's name and contact information,
 - (ii) for a student who receives in-vehicle instruction, the student's driver's licence client number assigned by the Registrar,
 - (iii) the driver education courses and driver training programs in which the student was registered,
 - (iv) a list of the instructors who provided training to the student,
 - (v) a record of the student's attendance at theory instruction classes,
 - (vi) a record of any evaluation and test results for the student,
 - (vii) a record of on-line instruction provided to the student,
 - (viii) a record of in-vehicle instruction provided to the student,
 - (ix) a record of each certificate of completion issued to the student by the licensed operator for completion of a driver education course or driver training program.

Vehicles Used for Driver Training

98

Insurance requirements for vehicles

A motor vehicle provided by a licensed operator or a licensed instructor and used for driver training must be insured under a motor vehicle liability insurance policy in a form approved by the Superintendent of Insurance that covers the operation of the driving school and the provision of driver training, as applicable, and meets both of the following criteria:

- (a) it provides third party liability coverage to a limit of at least \$1 000 000, exclusive of interest and costs;
- (b) it includes a driving school endorsement.

99 Dual-control brake and additional rearview mirror

- (1) A motor vehicle provided by a licensed operator or a licensed instructor and used for a Class 5 driver education course must be equipped with both of the following:
 - (a) a dual-control brake that is in good working order;
 - (b) an additional rearview mirror for the instructor's use.
- (2) A dual-control brake required by subsection (1) must be an extra braking system of a type approved by the Department that is installed in the motor vehicle so that it meets both of the following:
 - (a) it is attached to the existing foot brake of the vehicle;
 - (b) it can be controlled by an individual seated in the right front seat of the motor vehicle.
- (3) An additional interior rearview mirror required by subsection (1) must meet both of the following conditions:
 - (a) it must be in addition to the mirrors that the motor vehicle was equipped with when manufactured;
 - (b) it must be firmly mounted in the motor vehicle to give an individual seated in the right front seat of the motor vehicle a clear and unobstructed view of the highway to the rear of the motor vehicle.

100 Use of student-owned motor vehicle for driver training

- (1) Driver training may be provided by a licensed instructor in a motor vehicle supplied by the student driver receiving the training if the student driver requests it.
- (2) A motor vehicle supplied by a student driver that is used to provide driver training is not required to be equipped with a dual-control brake or an additional rearview mirror.
- (3) If driver training is conducted in a motor vehicle supplied by a student driver, the instructor must confirm both of the following:
 - (a) that either
 - (i) the vehicle permit for the motor vehicle is in the name of the student,
 - or

- (ii) the student has the permission of the vehicle permit holder to use the motor vehicle for driver training;
- (b) that the motor vehicle is insured when being used by the student for driver training.

101 Vehicle signage for driving school or licensed instructor

- (1) A motor vehicle provided by a licensed operator or a licensed instructor and used for driver training must have all of the following signage:
 - (a) the name of the driving school providing the training and the words “Driver Training” clearly marked on both sides of the motor vehicle;
 - (b) either the words “Driver Training” or “Student Driver” clearly marked on either
 - (i) the rear of the motor vehicle, or
 - (ii) a roof sign that is visible from the rear of the motor vehicle.
- (2) The signage required by subsection (1) must meet all of the following requirements:
 - (a) it must be free from foreign material so that the words may be plainly seen and read at all times;
 - (b) the signage required to be visible from the rear of the motor vehicle must be clearly visible for at least 60 m from the rear of the motor vehicle;
 - (c) the lettering used for the words “Driver Training” or “Student Driver” required under subsection (1) must be in all capital letters that are at least 10 cm in height;
 - (d) it must be made of reflectorized material.
- (3) The signage required by this Section for a motor vehicle must be displayed at all times when driver training is being conducted using the motor vehicle.

102 Maintenance of motor vehicle used for driver training

- (1) In addition to being inspected annually as required by the *Vehicle Equipment, Safety and Inspection Regulations*, a motor vehicle provided by a licensed operator or a licensed instructor and used for driver training must be
 - (a) maintained in accordance with the original manufacturer’s recommendations at all times; and
 - (b) for a vehicle is more than 4 years old or that has been driven for more than 250 000 km, inspected every 6 months at an official inspection station.

- (2) A dual-control brake on a motor vehicle used for driver training must be kept in good mechanical condition.
- (3) A licensed operator must maintain vehicle maintenance records for each motor vehicle provided by the driving school or a licensed instructor at the driving school and used for driver training, including records that indicate all of the following information relating to any service or repair to the motor vehicle:
 - (a) the date of the service or repair;
 - (b) the type of service or repair;
 - (c) the name and address of the supplier of the service or repair;
 - (d) the motor vehicle's odometer reading at the time of the service or repair.
- (4) A licensed operator must keep the records required by subsection (3) for as long as the licensed operator owns, leases or uses the motor vehicle for driver training and for at least 6 months after the earlier of the following dates:
 - (a) the date the licensed operator ceases to own or lease the motor vehicle;
 - (b) the date the licensed operator stops using the motor vehicle for driver training.

Part 6: Fleet Driver Certification and Fleet Driver Trainers

Interpretation for Part 6

103

Application of Part 6

This Part applies to all of the following:

- (a) a person required by Section 254 of the Act to hold a valid fleet driver certification licence;
- (b) an individual required by Section 255 of the Act to hold a valid fleet driver trainer licence.

104

Definitions for Part 6

In this Part,

“class”, with respect to a vehicle, means a class of vehicle prescribed in the *Driver's Licence Regulations*;

“Class 1 vehicle” means a Class 1 vehicle as defined in the *Driver’s Licence Regulations*;

“Class 2 vehicle” means a Class 2 vehicle as defined in the *Driver’s Licence Regulations*;

“Class 3 vehicle” means a Class 3 vehicle as defined in the *Driver’s Licence Regulations*;

“fleet driver trainer” means an individual who holds a valid fleet driver trainer licence;

“practical driving examination”, in relation to a fleet driver certification program, means a practical driving examination administered to an employee participating in the program to evaluate the employee for a certificate of competence.

Fleet Driver Certification Licences

105 Prohibition on charges for fleet driver training

A fleet driver certification licence holder must not charge any fees to an employee for any of the following that are provided as part of their fleet driver certification program:

- (a) driver training;
- (b) practical driving examinations;
- (c) certificates of competence.

106 Eligibility for fleet driver certification licence

- (1) In addition to the eligibility requirements for a vehicle business licence set out in Section Part 2: 6, a person must meet all of the following requirements to hold or be issued a fleet driver certification licence:

- (a) they must be either a body corporate or a regional centre for education established under the *Education Act*;
- (b) as part of their business, they must own or lease a fleet of at least 10 vehicles of 1 of the following classes or a combination of the following classes that they will be licensed to provide a fleet driver certification program for:
 - (i) Class 1 vehicles,
 - (ii) Class 2 vehicles,
 - (iii) Class 3 vehicles.

- (c) they must have and maintain a satisfactory safety fitness rating determined in accordance with the *Commercial Carrier Safety Fitness Rating and Compliance Regulations* made under the Act;
- (d) they must have an established place of business in the Province;
- (e) the Registrar must be satisfied that the applicant is able to do all of the following:
 - (i) deliver a fleet driver certification program in accordance with this Part,
 - (ii) ensure that driver training for their employees is provided in accordance with this Part,
 - (iii) ensure that practical driving examinations are administered in accordance with this Part.
- (f) they must employ sufficient fleet driver trainers who are qualified to provide the fleet driver training in the fleet driver certification program that they will be licensed to deliver;
- (g) they must have adequate training facilities to deliver the fleet driver certification program.

107

Application for fleet driver certification licence

In addition to the documents and information required by Section 7 for a vehicle business licence application, an application for a fleet driver certification licence must be accompanied by all of the following:

- (a) details of the driver training to be provided to employees as part of their fleet driver certification program, including the syllabus, texts and other materials to be used in delivering the program;
- (b) a list of their employees who are either fleet driver trainers or who meet the eligibility requirements for a fleet driver trainer in Section 115 and are applying for a fleet driver trainer licence;
- (c) a list of the vehicles, including number plate numbers, to be used by the applicant as part of their fleet driver certification program for driver training and for practical driving examinations;
- (d) details of their practical driving examinations;
- (e) any additional information about the applicant that the Registrar requires to determine the applicant's eligibility for the licence.

108 Registrar approval

The Registrar must approve both of the following to be provided by the holder of a fleet driver certification licence:

- (a) the driver training to be provided to employees as part of their fleet driver certification program;
- (b) the practical driving examinations to be administered.

109 Inspection requirements for vehicles

For an applicant for a fleet driver certification licence, the requirement in Section 8 to arrange for inspections includes inspections of any motor vehicles to be used by the applicant as part of its fleet driver certification program for either driver training or practical driving examinations.

110 Information on fleet driver certification licence

(1) A fleet driver certification licence must state all of the following:

- (a) the name of the licence holder;
- (b) the mailing address of the principal place of business of the licence holder;
- (c) the date the licence is issued;
- (d) the expiry date of the licence;
- (e) the classes of vehicles that the licence holder is licenced to provide the fleet driver certification program for;
- (f) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

111 Issuance of licence constitutes approval

The issuing by the Registrar of a fleet driver certification licence under Section 233 of the Act constitutes approval of both of the following:

- (a) the driver training to be provided to employees as part of its fleet driver certification program;
- (b) the practical driving examinations to be administered.

112 Amendment to fleet driver certification licence

The following changes are specified for the purposes of clause 11(3)(c) as requiring the holder of a fleet driver certification licence to apply for an amendment to its licence in advance of the change:

- (a) a change in the fleet driver trainers employed by the licence holder;
- (b) a change to the driver training to be provided to employees as part of their fleet driver certification program;
- (c) a change to a practical driving examination;
- (d) a change in the vehicles used as part of their fleet driver certification program for driver training and for practical driving examinations.

113 Application to renew fleet driver certification licence

In addition to the information and documentation required by Section 9 for an application to renew a vehicle business licence, an application to renew a fleet driver certification licence must include all of the following:

- (a) a list of the fleet driver trainers employed by the applicant;
- (b) a list of the vehicles, including number plate numbers, used as part of their fleet driver certification program for driver training and for practical driving examinations.

Fleet Driver Trainer Licences

114 Restriction on number of fleet driver trainer licences

The Registrar may restrict the number of fleet driver trainer licences that are issued to deliver fleet driver training under a fleet driver certification program to no more than the number that are reasonably required to administer the fleet driver certification program, based on both of the following factors:

- (a) the size of the fleet of vehicles operated by the fleet driver certification licence holder as part of their business;
- (b) the number of employees in the program.

115 Eligibility for fleet driver trainer licence

- (1) All of the following are the eligibility requirements under clause 233(1)(c) of the Act for an individual to hold or be issued a fleet driver trainer licence:

- (a) they must be employed by the holder of a valid fleet driver certification licence;
- (b) their driving record must not show that within the previous 2 years they have accumulated
 - (i) 6 or more demerit points under the Act, or

- (ii) a number of demerit points equivalent to subclause (i) under equivalent legislation in another jurisdiction;
 - (c) they must hold, and have held for at least 3 years, a valid driver's licence for the class of vehicle that they intend to provide driver training or administer practical driving examinations for;
 - (d) they must pass theoretical and practical examinations prescribed by the Registrar to evaluate their knowledge of the class of driver's licence and the fleet driver certification program that they intend to provide driver training or administer practical driving examinations for.
- (2) The Registrar may decide that an individual is ineligible to be issued a fleet driver trainer licence for any reason for which a driver's licence may be cancelled, suspended or revoked under the Act.

116 Application for fleet driver trainer licence

An application for a fleet driver trainer licence must be accompanied by all of the following information and documentation:

- (a) proof of employment with a holder of a fleet driver certification licence as required by clause 115(1)(a);
- (b) a driver abstract for the applicant dated within the 60 days immediately before the date of their application;
- (c) proof that they hold the required driver's licence in accordance with clause 115(1)(c);
- (d) proof of satisfactory completion of examinations required by clause 115(1)(d);
- (e) any information the Registrar requires to determine the applicant's eligibility for the licence.

117 Renewal of fleet driver trainer licence

- (1) An application to renew a fleet driver trainer licence must include or be accompanied by all of the following:
- (a) proof of their employment with the holder of a fleet driver certification licence;
 - (b) a driver abstract for the applicant dated within the 60 days immediately before the date of their application;
 - (c) any information the Registrar requires to determine the applicant's continuing eligibility for the licence.

- (2) A fleet driver trainer licence may not be renewed if the application for renewal is received longer than 1 year after the date the licence expired.

118 Term of fleet driver trainer licence

- (1) A fleet driver trainer licence is effective from the date it is issued or renewed until the following applicable date:
- (a) the expiry date specified on the licence for the fleet driver certification licence holder who employs the fleet driver trainer in their fleet driver certification program;
 - (b) for a licence that is suspended or cancelled before the date specified in clause (a), the date that it is suspended or cancelled.
- (2) Despite subsection (1), if the Registrar receives an application for renewal of an unexpired fleet driver trainer licence before its expiry date, unless it is sooner suspended or cancelled, the licence remains valid until the earlier of the following:
- (a) 60 days after its expiry date;
 - (b) the date it is renewed.

119 Information on fleet driver trainer licence

A fleet driver trainer licence must state all of the following:

- (a) the name of the licence holder;
- (b) the client number of the licence holder;
- (c) the name and address of the holder of the fleet driver certification licence that employs the licence holder;
- (d) the date the licence was issued;
- (e) the expiry date of the licence;
- (f) the classes of vehicles that the licence holder is permitted to deliver fleet driver training for;
- (g) any conditions on the licence that are attached by the Registrar under Section 236 of the Act.

Complaints Against Fleet Driver Certification or Trainer Licence Holders

120 Investigating complaint

- (1) The Registrar must investigate a written complaint from a person that alleges that a holder of a fleet driver certification licence or a fleet driver trainer licence has not complied with these regulations.
- (2) In investigating a complaint under this Section, the Registrar must do all of the following:
 - (a) make any further inquiries of the complainant that the Registrar considers necessary to understand the details and nature of the complaint;
 - (b) subject to subsection (3), if the Registrar is satisfied that the complaint alleges anything within the scope of subsection (1), provide a copy of the complaint and any additional information received from the complainant to the holder of the fleet driver certification licence and any fleet driver trainer included in the complaint;
 - (c) give the holder of the fleet driver certification licence and any fleet driver trainer included in the complaint an opportunity to respond to the complaint in writing through a sworn or solemnly affirmed statement.
- (3) On the request of the complainant and if the Registrar considers it necessary or advisable to do so to protect the safety or well-being of the complainant, the Registrar may redact the identity of the complainant and any information likely to identify the complainant from the copy of the complaint provided to the holder of the fleet driver certification licence and any fleet driver trainer included in the complaint.

Suspension or Cancellation of Fleet Driver Certification Licence or Fleet Driver Trainer Licence

121 Suspension as result of complaint

In addition to the grounds set out in subsection 242(1) of the Act, if the Registrar is satisfied that a complaint that was received and investigated in accordance with this Section is substantiated, then that is grounds for suspending a fleet driver certification licence or a fleet driver trainer licence, or the privilege of obtaining a fleet driver certification licence or a fleet driver trainer licence under Section 242 of the Act.

122 Suspension for reason other than complaint

In addition to the grounds set out in subsection 242(1) of the Act, that a licence holder's driver's licence has expired or has been suspended or cancelled is grounds for suspending a fleet driver trainer licence under Section 242 of the Act.

123 Fleet driver trainer licence suspension period

- (1) The period of suspension for the following, as determined by the Registrar must not be longer than 5 years:
 - (a) for suspending a fleet driver trainer licence under subsection 242(5) of the Act;
 - (b) for suspending the privilege of obtaining a fleet driver trainer licence under subsection 244(2) of the Act.
- (2) In determining a period of suspension in accordance with subsection (1), the Registrar must take into account all of the following factors:
 - (a) the seriousness of the reason for the suspension;
 - (b) the potential effect on public safety of the licence holder's conduct;
 - (c) the history of the licence holder's conduct;
 - (d) whether the licence holder takes responsibility for the reason for suspension;
 - (e) whether the licence holder took any mitigating action before the suspension;
 - (f) whether the licence holder has previously been the subject of a complaint;
 - (g) whether the licence holder has previously had their fleet driver trainer licence or the privilege of obtaining a fleet driver trainer licence suspended.

Fleet Driver Certification Programs

124 Fleet driver certification program requirements

- (1) A holder of a fleet driver certification licence must ensure that the fleet driver certification program for which they hold the licence meets all of the following requirements:
 - (a) driver training and practical driving examinations administered under the program meets the requirements of subsections (2) and (3);
 - (b) driver training under the program is provided by a fleet driver trainer who
 - (i) is employed by the holder of the fleet driver certification licence for the program, and

- (ii) meets the requirements of these regulations for a fleet driver trainer;
 - (c) the program is delivered as approved by the Registrar, without substitutions or omissions.
- (2) Driver training delivered as part of the fleet driver certification program must include all of the following:
- (a) pre-trip inspections;
 - (b) coupling and uncoupling combination units;
 - (c) using vehicle controls and emergency equipment;
 - (d) operating the vehicle in traffic and while passing other vehicles;
 - (e) turning the vehicle;
 - (f) braking and slowing the vehicle by means other than braking;
 - (g) backing and parking the vehicle;
 - (h) procedures to be used if there is a breakdown, accident, detour or similar situation;
 - (i) driving techniques for freeways, tunnels, bridges, interchanges, weight scale approaches and similar places;
 - (j) precautions to take when leaving a vehicle unattended;
 - (k) loading, securing and bracing loads;
 - (l) special handling characteristics for explosives, bulk liquids or flammable, corrosive or toxic materials, if required for the purpose of the licence holder's business.
- (3) A practical driving examination administered under a fleet driver certification program must meet all of the following requirements:
- (a) it must be administered by a fleet driver trainer who is employed by the holder of the fleet driver certification licence for the program and who meets the requirements of these regulations;
 - (b) it must be administered as approved by the Registrar, without substitutions or omissions.
- (4) To be eligible for a certificate of competence issued under Section 256 of the Act, an individual must meet both of the following criteria:
- (a) they are an employee of the holder of the fleet driver certification licence for the fleet driver certification program they participated in;

- (b) they have obtained a satisfactory result in a practical driving examination administered by the same fleet driver trainer who issues the certificate.

Duties of Holders of Fleet Driver Certification Licences and Fleet Driver Trainer Licences

125 Duties of fleet driver certification licence holder

The holder of a fleet driver certification licence must do all of the following:

- (a) ensure that its fleet driver certification program is delivered in accordance with these regulations;
- (b) ensure that its fleet driver trainers meet the requirements of these regulations;
- (c) if a fleet driver trainer's employment by the licence holder is terminated, notify the Registrar in writing no later than 7 days after the date of termination;
- (d) keep all records relating to driver training and practical examinations conducted and certificates of competence issued under its fleet driver certification program at the licence holder's place of business for at least 5 years after the date the record was made.

126 Duties of fleet driver trainer licence holder

The holder of a fleet driver trainer licence must do all of the following:

- (a) provide driver training under the fleet driver certification program of their employer as approved by the Registrar, without substitutions or omissions;
- (b) administer a practical driving examination as approved by the Registrar, without substitutions or omissions, and adhere to evaluation procedures approved by the Registrar;
- (c) issue certificates of competence only to employees of their employer who have obtained a satisfactory result in a practical driving examination administered by the trainer.