

DRAFT FOR CONSULTATION PURPOSES ONLY

Regulations Respecting the Licensing of Regulated Vehicle Activities made by the Minister of Transportation and Infrastructure Renewal under Section 253 of Chapter 29 of the Acts of 2018, *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*;

“applicant”, in relation to a person applying for issuance, renewal or amendment of a vehicle business licence, means 1 of the following:

- (i) for an individual intending to carry or carrying on business in the individual’s name, the individual,
- (ii) for an individual intending to carry or carrying on business using a registered business name, the individual,
- (iii) for a person intending to carry or carrying on business in a partnership of 2 or more persons, each of the partners,
- (iv) for a body corporate intending to carry or carrying on business in the body corporate’s name, the body corporate,
- (v) for a body corporate intending to carry or carrying on business using a registered business name, the body corporate;

“condition attached by the Registrar” means a condition attached by the Registrar to a regulated vehicle activity licence under Section 226 of the Act;

“place of business”, in relation to a vehicle business licence, means the place of business where or from which the vehicle business specified on the licence is carried out under the licence;

“principal”, in relation to a body corporate that is an applicant for or a holder of a vehicle business licence, means each of the directors and officers and 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*.

Part 2: Vehicle Business Licences

3 Application of Part 2

This Part applies to vehicle business licences generally.

4 Eligibility requirements for vehicle business licence

- (1)** All of the following are established for the purpose of clause 223(1)(c) of the Act as eligibility requirements for an applicant to be issued or to hold a vehicle business licence:
 - (a) to carry on business using a 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) if applicable, 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) 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 suitable character or background under clause (1)(b), the Registrar may consider any information the Registrar has concerning the person, including all of the following:
 - (a) any unpardoned convictions;
 - (b) any involvement in a vehicle business for which a vehicle business licence has been suspended or cancelled or made subject to conditions;
 - (c) the person's business conduct;
 - (d) any complaints by the public.
- (3) If an applicant for a vehicle business licence proposes to carry out their vehicle business at more than 1 location as permitted by these regulations in accordance with Section 219A of the Act, subclause (1)(b)(ii) and clause (1)(c) apply with respect to each proposed location.

5 Application for vehicle business licence

- (1) An application for issuance of a vehicle business licence must include all of the following information:
 - (a) for an applicant who is an individual and intends to carry on business in the individual's name, the name of the individual;
 - (b) for an applicant who is an individual and intends to carry on business using a registered business name, the name of the individual and the registered business name;
 - (c) for an applicant that intends to carry on business in a partnership, the name of each of the partners and the registered partnership name;
 - (d) for an applicant that is a body corporate, the name of the body corporate and each of the principals;
 - (e) for an applicant that is a body corporate and intends to carry on business using a registered business name, the name of the body corporate, the registered business name and the name of each of the principals;
 - (f) the name and contact information of a contact person with authority to act on behalf of the applicant for the proposed vehicle business;
 - (g) the civic and mailing addresses for the applicant's proposed place of business and whether the applicant owns or leases the premises.
- (2) Except as provided in these regulations for the class of vehicle business licence that is applied for, and in addition to any proof required by subsection 222(2) of the Act respecting the authority of an agent acting for the applicant, an application for

issuance of a vehicle business licence must be accompanied by all of the following information and documentation:

- (a) a report of the results of a criminal record search by a police agency issued within the previous 6 months on all of the following:
 - (i) the applicant,
 - (ii) any individual to be involved in the management and control of the proposed vehicle business,
 - (iii) if applicable, each principal of the applicant,
 - (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 partnership or business name registration;
 - (c) proof of ownership or a copy of the lease or contract for the premises of the applicant's proposed place of business, if requested by the Registrar;
 - (d) a letter from the municipality in which the applicant's proposed place of business is located confirming that the municipality permits the use of that place of business for the proposed vehicle business;
 - (e) any information or documentation required by these regulations for issuance of the class of vehicle business licence that the applicant is applying for;
 - (f) any additional information or documentation about the applicant or proposed vehicle business that the Registrar requests in order to determine eligibility for the licence.
- (3) If an applicant for issuance of a vehicle business licence proposes to carry out their vehicle business at more than 1 location as permitted by these regulations in accordance with Section 219A of the Act, subclause (2)(a)(ii) and clause (2)(c) apply with respect to each proposed location.

6 Inspection of vehicle business premises and equipment

An applicant for issuance of a vehicle business licence must arrange for the Department to inspect the premises of and facilities, tools and equipment at the applicant's proposed place of business to determine whether the applicant meets the eligibility requirement of clause 4(1)(d).

7 Application for renewal of vehicle business licence

- (1)** An application to renew a vehicle business licence must include or be accompanied by all of the following:
 - (a) for a vehicle business located in leased premises, the current expiry date of the lease;
 - (b) any information or documentation required by these regulations for renewal of that class 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 is not renewable if, on the date the Registrar receives an application for renewal, more than 1 year has elapsed since the date the licence expired.
- (3)** If the Registrar receives an application for renewal of a vehicle business licence before its expiry date, unless it is sooner suspended or cancelled the licence remains valid until the earlier of the following:
 - (a) the end of the 60-day period following its expiry date;
 - (b) the date of renewal.

8 Term of vehicle business licence

Except as provided in Section 15 for a temporary vehicle business licence, and subject to subsection 7(3) respecting 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) the next December 31 that follows the date of issue or renewal;
- (b) if issued in the month of December, the December 31 in the year following the date of issue or renewal;
- (c) if the licence is suspended or cancelled before the date specified in clause (a) or (b), the date that it is suspended or cancelled.

9 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 the proposed change;
 - (b) any additional information or documentation required by the Registrar to determine the continuing eligibility of the licence holder.

- (2) A holder of a vehicle business licence must apply for an amendment to the licence no later than 10 days following 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.
- (3) A holder of a vehicle business licence must apply for an amendment to their licence in advance of any of the following changes:
- (a) a change of the civic or mailing address of their place of business;
 - (b) a change of the location of the premises of the vehicle business;
 - (c) any change that would affect the information shown on the vehicle business licence;
 - (d) any change specified in these regulations for the purpose of this subsection for the class of vehicle business licence held.
- (4) An applicant for an amendment to a vehicle business licence that involves a change of location of the applicant's place of business must arrange for the Department to conduct an inspection as described in Section 6 for a new applicant.

10 **Records**

- (1) A holder of a vehicle business licence must keep the records relating to the vehicle business at the licence holder's place of business or at a business location authorized by the Registrar.
- (2) A vehicle business record referred to in subsection (1) must be kept for the duration of the retention period specified in these regulations for that class of vehicle business licence.
- (3) Unless these regulations require certain records to be kept in a non-electronic format, a holder of a vehicle business licence may keep the records referred to in subsection (1) in an electronic format if they do so in compliance with the *Electronic Commerce Act* and are able to produce a copy of the records in a format accessible to the Registrar.

11 **Period of suspension for vehicle business licence**

- (1) A period of suspension determined by the Registrar under subsection 232(5) or 234(2) of the Act on suspension of a vehicle business licence or the privilege of obtaining a vehicle business licence must be no longer than 5 years.
- (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 a vehicle business licence of the same class, or the privilege of obtaining one, suspended.

Part 3: Dealers

12 **Application of Part 3**

This Part applies to every dealer required by Section 239 of the Act to hold a valid dealer’s licence and every dealership operated under a dealer’s licence.

13 **Definitions**

In this Part,

“Canadian Motor Vehicle Arbitration Plan” means the Canadian Motor Vehicle Arbitration Plan managed by the Canadian Commercial Arbitration Centre to arbitrate disputes between consumers and vehicle manufacturers about alleged manufacturing defects or implementation of the manufacturers’ new vehicle warranties;

“consignment agreement” means an agreement between a dealer and the owner of a vehicle under which the dealer agrees to sell the vehicle on behalf of the owner;

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

“lemon” means a vehicle that has been branded by another jurisdiction as being a manager buy-back or as having a status that the Registrar considers equivalent;

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

“principal dealership” means a dealership for which a dealer is eligible under clause 17(a) to hold a principal dealership licence;

“principal dealership licence” means a dealer’s licence issued in the principal dealership category in accordance with Section 15;

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

“supplemental dealership” means a dealership for which a dealer is eligible under clause 17(b) to hold a supplemental dealership licence;

“supplemental dealership licence” means a dealer’s licence issued in the supplemental dealership category in accordance with Section 15;

“temporary dealership” means a dealership for which a dealer is eligible under clause 17(c) to hold a temporary dealership licence;

“temporary dealership licence” means a dealer’s licence issued in the temporary dealership category in accordance with Section 15;

“type of vehicle”, in relation to a dealer’s licence, means a type of vehicle specified in Section 14;

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

Dealer’s Licences

14 Types of vehicles for dealer’s licences

- (1) A dealer’s licence must specify which of the following types of vehicles the licence holder is authorized to deal in:
 - (a) light motor vehicles;
 - (b) heavy trucks;
 - (c) farm machines, farm tractors and farm implements;
 - (d) miscellaneous powered equipment and miscellaneous towed equipment;
 - (e) motorcycles;
 - (f) recreational vehicles and trailers;
 - (g) light trailers, other than farm implements;

- (h) heavy trailers, other than farm implements.
- (2) Except as provided in subsection (3), a dealer may deal only in a type of vehicle that the dealer is authorized by their dealer's licence to deal in.
- (3) A dealer may deal in any type of used vehicle accepted on trade without having their dealer's licence specify that type of vehicle and without meeting the requirements in these regulations for dealing in that type of vehicle.

15 Licences for principal, supplemental or temporary dealerships

A dealer's licence must be issued as a licence for 1 of the following categories of dealerships:

- (a) a principal dealership;
- (b) a supplemental dealership;
- (c) a temporary dealership.

16 Term of temporary dealership licence

- (1) A temporary dealership licence is effective from the date it is issued until the following applicable date:
 - (a) subject to subsection (2), the date stated on the licence;
 - (b) if the licence is suspended or cancelled before the date referred to in clause (a), the date that it is suspended or cancelled.
- (2) The term of a temporary dealership licence must be no longer than 90 days.

17 Eligibility for dealer's licence

In addition to the eligibility requirements for a vehicle business licence set out in Section 4, an applicant for a dealer's licence must meet the following applicable requirements:

- (a) for a principal dealership licence, the applicant must have a permanent place of business in the Province for the dealership for which the principal dealership licence is sought;
- (b) for a supplemental dealership licence, the applicant must have both of the following:
 - (i) a permanent place of business in the Province for the dealership for which the supplemental dealership licence is sought,

- (ii) a valid principal dealership licence for a dealership in the Province that is located within a 10-km radius of the place of business referred to in subclause (i);
- (c) for a temporary dealership licence, the applicant must meet both of the following requirements:
 - (i) the applicant must have a valid principal dealership licence for a dealership in the Province that is located within a 50-km radius of the place of business for the dealership for which the temporary dealership licence is sought;
 - (ii) the applicant must own the premises of the place of business for which the temporary dealership licence is sought or have a lease or contract to use the premises for at least the period of time in the term sought for the temporary dealership licence.

18 Application requirements for dealer's licence

- (1) In addition to the information required by subsections 5(1) and (2), 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, supplemental or temporary dealership;
 - (b) the proposed hours of business for the dealership, which must meet the requirements in subsection 31(8);
 - (c) the name of the proposed manager of the dealership;
 - (d) for an application is for a supplemental dealership licence or a temporary dealership licence, the civic and mailing addresses of the principal dealership of the applicant and of the supplemental or temporary place of business to which the application relates;
 - (e) for an application for a temporary dealership licence, the period of time requested by the applicant for the term of the licence;
- (2) An application for a supplemental dealership licence or a temporary dealership licence is not required to include the information and documentation described in clauses 5(2)(a) and (b), if it was included in the application for the applicant's principal dealership licence.

19 Information on dealer's licence

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

- (a) the name of the licence holder;

- (b) the civic address of the dealership for which the licence is issued;
- (c) whether it is a principal dealership licence, a supplemental dealership licence or a temporary dealership licence;
- (d) the types of vehicles that the licence holder is authorized to deal in;
- (e) the issue date of the licence
- (f) the expiry date;
- (g) any conditions attached by the Registrar.

20 Transfer of dealer's licence

- (1) A principal dealership licence may be transferred to a new owner of the dealership for a period not to exceed 60 days, pending the approval of the application by the new owner for a dealer's licence for the dealership.
- (2) Subsection (1) applies to any associated supplemental dealership licence or temporary dealership licence if the new owner of the principal dealership is also acquiring those dealerships.
- (3) If the new owner of a principal dealership does not acquire an associated supplemental dealership or temporary dealership, then the licences for those dealerships are cancelled.
- (4) If the application of a new owner of a dealership referred to in subsection (1) is not approved, the dealer's licence for that dealership is cancelled.
- (5) On transferring its principal dealership licence to a new owner as described in subsection (1), a dealer is not required to return unissued temporary permits and in-transit permits to the Registrar, and on issuance of a principal dealership licence to the new owner those permits are transferred to the new owner.
- (6) In subsection (5), "temporary permits and in-transit permits" refers to temporary permits and in-transit permits issued in accordance with the *Vehicle Document Regulations*.

21 Additional grounds for suspending dealer's licence

In addition to the grounds set out in subsection 232(1) of the Act, the following are prescribed as grounds for suspending a dealer's licence or the privilege of obtaining a dealer's licence:

- (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 indicates a failure to honour sales contracts, fraud, bad faith or other unprofessional conduct,
 - (ii) the business conduct of a principal of the dealer indicates a failure to honour sales contracts, fraud, bad faith or other unprofessional conduct,
 - (iii) the dealer or a principal of the dealer has demonstrated incompetence or untrustworthiness as a dealer,
 - (iv) 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 related to dealers, dealer plates, transporter plates or vehicle identification numbers,
 - (ii) Section 27 of the *Weights and Measures Act* (Canada),
 - (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 22 is justified.

22 Investigating complaint

- (1) The Registrar must investigate a written complaint that a dealer or an employee, a principal or a person acting on behalf of the dealer has displayed conduct contrary to the requirements for professional conduct in Section 23 in carrying on the business of a dealer.
- (2) In investigating a complaint described in subsection (1), the Registrar must do all of the following:
- (a) make further inquiries of the complainant as necessary to understand the details and nature of the complaint;
 - (b) 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 by providing a sworn or solemnly affirmed statement.

Dealers' Conduct and Responsibilities

23 Dealer professional conduct

- (1) In carrying on the business of a dealer,
 - (a) each dealer and each principal of a dealer must act in a professional, trustworthy and responsible manner; and
 - (b) each dealer must ensure that that each employee and person acting on behalf of the dealer act in a professional, trustworthy and responsible manner when acting on behalf of the dealer.
- (2) For the purpose of subsection (1), “act in a professional, trustworthy and responsible manner” includes all of the following:
 - (a) not make any representations, statements or claims that are not true or are likely to mislead a customer;
 - (b) use only timely, accurate, verifiable and truthful comparisons that can be supported with established and reliable data;
 - (c) not abuse the trust of a customer or exploit any fear or lack of experience or knowledge of a customer;
 - (d) not use undue, excessive or unreasonable pressure on a customer to complete a transaction;
 - (e) not make any verbal representations regarding contracts, rights or obligations that are not contained in written contracts;
 - (f) not make any representation that savings, price benefits or advantages exist if they do not exist or if there is no evidence to substantiate the representation;
 - (g) not use threatening, intimidating, abusive or coercive language in discussions with a customer;
 - (h) not make any representation to a customer that the dealer has the ability to install equipment or to perform a particular repair or service unless the dealer has the equipment, tools and expertise necessary to complete the installation, repair or service;
 - (i) not subcontract repair work without the knowledge and prior consent of the customer;

- (j) when selling a vehicle that the dealer has repaired, rebuilt or restored, or that the dealer knows has been repaired, rebuilt or restored, not sell the vehicle to a customer unless the customer has been informed that the vehicle has been repaired, rebuilt or restored and told the extent of the work that was required to repair, rebuild or restore the vehicle;
- (k) not substitute used, rebuilt, salvaged or straightened parts for new replacement parts without the customer's knowledge and prior consent;
- (l) provide the customer in writing with information regarding any parts installed, including whether they are original equipment, manufacturer's parts or from another source, and whether they are new, used or reconditioned;
- (m) offer to return all parts removed from the vehicle in the course of work or repairs to the customer, and return them unless advised by the customer that the customer does not require the parts to be returned;
- (n) permit the Registrar to inspect the dealer's records and the premises and required tools and equipment at the dealer's dealerships during the dealership's ordinary business hours;
- (o) maintain all required filings and registrations with the Registrar of Joint Stock Companies, and remain in good standing with the Registrar of Joint Stock Companies;
- (p) on becoming disqualified to hold a dealer's licence or on a dealer's licence being suspended or cancelled, return the dealer's licence to the Registrar.

24 Consignment agreements

- (1) A dealer who enters into a consignment agreement must give a copy of the agreement to the consignor.
- (2) A consignment agreement must be in writing and signed by the dealer and the consignor.
- (3) A consignment agreement must contain all of the following:
 - (a) the name, business address and business phone number of the dealer;
 - (b) the name, address and phone number of the consignor;
 - (c) a complete description of the vehicle being consigned, including
 - (i) the year, make, model and colour of the vehicle,
 - (ii) the options included and number of doors on the vehicle,
 - (iii) the vehicle identification number,

- (iv) the odometer reading of the vehicle when received,
 - (v) any distinguishing marks,
 - (vi) the history of the vehicle within the consignor's knowledge, setting out any special uses of the vehicle, such as police or taxi use, whether it was repaired, rebuilt or restored and any other information a reasonable buyer would want to be aware of;
- (d) a description of the consignor's ownership interest in the vehicle and, if the consignor has knowledge that the vehicle is subject to 1 or more liens, a list of those liens;
 - (e) when the term of the agreement ends and what happens to the vehicle if it has not been sold when the term ends;
 - (f) the disbursements, fees and commissions that the dealer may charge the consignor for services provided by the dealer;
 - (g) the minimum amount that the consignor will receive from the dealer for the sale of the vehicle and whether the consignor will accept another vehicle or other personal property as part of the minimum amount;
 - (h) who is responsible for insuring the vehicle during the term of the agreement;
 - (i) any repairs or other work on the vehicle that the consignor authorizes the dealer to perform and who is responsible for paying for the repairs or other work;
 - (j) all of the following terms:
 - (i) the dealer agrees not to use or permit the use of the vehicle for personal use without the written consent of the consignor;
 - (ii) the dealer agrees to be the trustee of any money, vehicles or other personal property that the dealer receives as consideration for the sale of the vehicle being consigned less an amount for the dealer's disbursements, fees and commission;
 - (iii) the dealer agrees to provide to the consignor, within 14 days of the date of sale of the vehicle, a copy of the bill of sale that sets out the purchase price for which the vehicle was sold.
- (4)** A consignment agreement that does not include the terms required by clause (3)(j) is deemed to include them.
 - (5)** The provisions in a consignment agreement that contain the information required by clauses (3)(a) to (i) may be amended with the written consent of the parties to the agreement.

25 Compliance with deemed terms of consignment agreement

A dealer who enters into a consignment agreement must comply with the terms set out in clause 24(3)(j) and deemed to be contained in the consignment agreement by subsection 24(4).

26 Dealer's responsibility before advertising used vehicle for sale

Before advertising a used vehicle for sale, a dealer must do both of the following:

- (a) conduct a search to determine whether the vehicle is listed as a manufacturer buy-back vehicle by the Canadian Motor Vehicle Arbitration Plan;
- (b) if the vehicle has been imported into Canada from a state, conduct a search on the National Motor Vehicle Title Information System maintained by the United States Department of Justice to determine whether the vehicle has been listed as a lemon, or as homemade, rebuilt, salvage or non-repairable, or any comparable status.

27 Dealer's responsibility before selling used vehicle

Before completing an agreement of purchase and sale for a used vehicle, a dealer must provide a potential purchaser with all of the following:

- (a) a copy of the registration certificate or, if the vehicle is registered outside of the Province, the equivalent from the jurisdiction in which the vehicle was last registered;
- (b) written confirmation of whether the vehicle is listed under the Canadian Motor Vehicle Arbitration Plan as a manufacturer buy-back;
- (c) if the vehicle has been imported from a state, written confirmation of whether the vehicle is listed in the National Motor Vehicle Title Information System maintained by the United States Department of Justice; and, if so, whether the vehicle is listed as a lemon, or as rebuilt, salvage or non-repairable, or any comparable status;
- (d) any of the following information that the dealer has been provided with or is aware of :
 - (i) that the vehicle was used as any of the following:
 - (A) a fleet vehicle,
 - (B) a leased or rental vehicle,
 - (C) a taxicab or limousine,
 - (D) an emergency vehicle,

- (ii) a history of the vehicle's repairs and any other information about the vehicle that a reasonable buyer would want to know.

28 Sales agreement for used vehicle

A dealer must provide a purchaser of a used vehicle with a sales agreement that includes all of the following:

- (a) the name and address of the purchaser and the dealer;
- (b) an acknowledgment from the purchaser that the purchaser has received the documents and information required by Section 27;
- (c) the year, make, model and colour of the vehicle;
- (d) the options included and number of doors on the vehicle;
- (e) the vehicle identification number;
- (f) the odometer reading of the vehicle as of the date of sale;
- (g) any warranty conditions associated with the vehicle;
- (h) if the vehicle is covered under warranty, confirmation of the existence of the Canadian Motor Vehicle Arbitration Plan;
- (i) the sale price of the vehicle, together with any trade-in allowance, taxes or fees;
- (j) the amount of the down payment or deposit paid by the purchaser;
- (k) if the vehicle has been assigned the status of non-repairable, written confirmation that the vehicle is not eligible to be repaired and registered to be driven on a highway;
- (l) confirmation, as of the date of the sale, of whether the vehicle is listed as a manufacturer buy-back vehicle under the Canadian Motor Vehicle Arbitration Plan;
- (m) any other terms and conditions of the sale.

Records

29 Required 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) 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;
 - (c) a copy of the certificate of registration for each vehicle sold by the dealership;
 - (d) the vehicle records required by Section 30.
- (2) The records described in subsection (1) must be kept for at least 3 years from the date of the document or the sale of the vehicle the document relates to, whichever is later.
- (3) The documents described in clause (1)(b) must be kept in paper format.
- (4) A dealer must have the original copy of the certificate of registration for each vehicle offered for sale at the dealership.

30 Vehicle record

- (1) A dealer must maintain a vehicle record for each motor vehicle and 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 at the dealership where the vehicle is located or was located before the vehicle was 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) the documentary evidence of the dealer's interest in the vehicle as required by the *Vehicle Document Regulations*;
 - (c) a copy of the consignment agreement, if applicable;
 - (d) a description of the vehicle, including all of the following:
 - (i) the year, make, model and colour of the vehicle,
 - (ii) options included and number of doors on the vehicle,
 - (iii) the vehicle identification number,
 - (iv) the odometer reading of the vehicle as of the date it is received and as of the date it is transferred,
 - (v) any distinguishing marks on the vehicle.

- (4) A dealer must include all of the following information in the vehicle record for a vehicle:
- (a) any information required by clause 27(d) to be provided to a potential purchaser of a used vehicle;
 - (b) any information required by Section 28 to be included in a sales agreement for a used vehicle;
 - (c) if applicable, that the vehicle has been branded as a lemon, or listed as rebuilt, salvage or non-repairable or any comparable status by the Registrar or in another jurisdiction;
 - (d) any of the following information concerning a vehicle 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 or not operational,
 - (iii) that there are any liens on the vehicle.
- (5) The person to whom a vehicle is being sold must be permitted to review the information required to be in the vehicle record under clause (3)(d) and subsection (4) before the vehicle sale is finalized.

Dealership Facility Requirements

31 Signage and general facility requirements

- (1) A dealer must ensure that the dealership for which they hold a licence meets the requirements in this Section.
- (2) A sign identifying a dealership must display 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 issued to the licence holder.
- (3) A dealership, other than a temporary dealership, must be located in premises that meet all of the following criteria:
 - (a) they are not shared with another dealership or business;
 - (b) there are solid walls between the premises and the premises of any other dealership or other business;
 - (c) there is an entrance for use only to access the dealership's premises.

- (4) Except for a temporary or supplemental dealership, which may have its premises in an office trailer, a dealership's premises must be in a building.
- (5) The premises of a dealership must be equipped with all of the following:
 - (a) heat;
 - (b) lights;
 - (c) on-site washroom facilities that are available for use by customers.
- (6) Unless a principal dealership has an arrangement to have vehicles serviced at other premises in accordance with clause 10(c), a principal dealership's premises must have at least 1 bay for servicing or repairing a vehicle that meets all of the following criteria:
 - (a) it is in good repair,
 - (b) it is located inside the premises
 - (c) it is of adequate size and adequately equipped to service a vehicle of the type that the dealer is licensed to deal in.
- (7) A dealership must have sufficient outside space that is suitable for displaying at least 5 vehicles of the type that the dealer is licensed to deal in and that is not used for parking other vehicles.
- (8) A dealership must be open for business at least 6 hours a day during regular business hours, at least 5 days a week.
- (9) A dealership must have its business hours posted where they can be seen by the general public from outside the premises.
- (10) A dealer must ensure that a principal dealership for which they hold the licence has at least 1 person qualified to service and repair vehicles of the type that the dealer is licensed to deal is available in 1 of the following ways:
 - (a) available on-site at the dealership during the dealer's ordinary hours of business;
 - (b) available to come to the dealer's dealership during the dealer's ordinary hours of business;
 - (c) available to provide service and repairs at other premises within a 25-km radius of the dealership.

32 Equipment and tools required at principal dealerships

A dealer must keep all of the following equipment and tools at the dealer's principal dealership:

- (a) an air compressor that has a capacity of at least 1 horsepower and a storage tank, and is suitable to operate air tools such as impact guns;
- (b) a floor jack that has a lifting capability of at least 1.5 tons and is capable of lifting the type of vehicle that the dealer is licensed to deal in;
- (c) at least 2 axle stands capable of supporting the type of vehicle the dealer is licensed to deal in;
- (d) a vise that has a jaw width of at least 15 cm and is mounted to a workbench;
- (e) a battery charger;
- (f) basic hand tools, sockets and socket wrenches.

Part 4: Inspection Stations and Testers

33 Application of Part 4

This Part applies to all of the following:

- (a) every person required by Section 243 of the Act to hold a valid inspection station licence;
- (b) every inspection station operated under an inspection station licence;
- (c) every individual required by Section 244 of the Act to hold a valid tester licence.

34 Definitions

(1) In this Part,

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

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

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

“inspection” means a vehicle inspection as defined in the Act 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 130A of the Act, as amended;

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

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

“used vehicle” means a vehicle that is not a new vehicle;

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

- (2) In this Part, a reference to the types of vehicles that may be inspected at an inspection station or by a tester is a reference to any of the following types of vehicles that may be inspected under the inspection station licence or tester licence:
- (a) a motor vehicle with a registered weight of 4500 kg or less, other than a motorcycle;
 - (b) a commercial vehicle equipped with air brakes;
 - (c) a commercial vehicle 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 greater than 4500 kg or a shipping weight of greater than 3200 kg.

Inspection Station Licence

35 Eligibility for inspection station licence

In addition to the eligibility requirements for a vehicle business licence set out in Section 4, an applicant for an inspection station licence must meet all of the following requirements:

- (a) the applicant must employ at least 1 full-time tester who has the qualifications set out in Section 44 that are required for the types of vehicles to be inspected at the inspection station;
- (b) the applicant must be able to satisfy the Registrar that the applicant has a security plan that will be sufficient to safeguard inspection stickers and inspection certificates from loss or theft;
- (c) the premises of the inspection station must be either

- (i) owned by the applicant, or
- (ii) leased to the applicant under a lease that will be valid for at least 6 months from the issue date of the proposed licence;
- (d) the premises of the inspection station must meet all the facility and equipment requirements of Sections 42 and 43.

36 Application for inspection station licence

In addition to the information and documentation required by subsections 5(1) and (2), an application for an inspection station licence must be accompanied by all of the following:

- (a) proof that the applicant employs at least 1 full-time tester;
- (b) a list of the testers employed by the applicant including the types of vehicles that each is qualified to inspect;
- (c) a copy of a valid certificate of qualification or other required qualification for each tester employed by the applicant;
- (d) a description of the applicant's security plan to safeguard inspection stickers and inspection certificates from loss or theft;
- (e) the names of individuals who will be authorized to buy inspection stickers and inspection certificates on behalf of the licence holder;
- (f) the ordinary hours of business proposed for the inspection station;
- (g) a declaration, made by an individual 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 in which the inspection station is to be located meets the requirements of Sections 42 and 43,
 - (iii) that all inspections at the inspection station will be conducted in accordance with these regulations and the *Vehicle Equipment, Safety and Inspection Regulations*.

37 Information on inspection station licence

An inspection station licence must state all of the following:

- (a) the name of the licence holder;

- (b) if applicable, 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 issue date of the licence;
- (e) the types of vehicles that may be inspected at the inspection station;
- (f) any conditions attached by the Registrar.

38

Application for renewal of inspection station licence

In addition to the information and documentation required by Section 7, an application for renewal of an inspection station licence must include all of the following:

- (a) a list of the testers employed by the applicant, including the types of vehicles that each is licensed to inspect;
- (b) a copy of a valid certificate of qualification or other required qualification for each tester employed by the applicant;
- (c) the names of persons authorized to buy inspection stickers and inspection certificates on behalf of the license holder;
- (d) details of any lease for the premises at which the inspection station is located;
- (e) a declaration, made by an individual 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 in which the inspection station is located continue to meet the requirements of Sections 42 and 43,
 - (iv) if applicable, that the applicant has complied and will continue to comply with any condition of their licence,
 - (v) that the applicant continues to own or lease the premises in which the inspection station is located and, if leased, the applicant has a lease that will be valid for at least 6 months from the licence renewal date,

- (vi) 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*.

39 Amendment of inspection station licence

- (1) In addition to the changes specified in subsection 9(3), a holder of an inspection station licence must apply for an amendment to their licence in advance of any of the following changes:
 - (a) a change of the testers employed by the licence holder;
 - (b) a change of the facilities used for inspections.
- (2) If the Registrar receives an application for an amendment to an inspection station licence under clause 9(2)(a) because of a name change, the Registrar may issue a replacement licence at no fee.
- (3) A replacement licence issued under subsection (2) is valid until the expiry date of the licence that is being replaced, unless it is suspended or cancelled before the expiry date.
- (4) The holder of an inspection station licence replaced in accordance with subsection (2) must destroy the original and any copies of the licence that was replaced.

40 Continued operation on death of inspection station licence holder

On the death of a holder of an inspection station licence, the executor of the licence holder's estate may continue to operate the inspection station under the licence as long as all other requirements of the Act and these regulations for operating an inspection station are complied with, for the period necessary to sell or close the business.

41 Signage and business hour requirements for inspection station

- (1) A holder of an inspection station licence must ensure that the inspection station for which they hold a licence meets the requirements in this Section and Sections 42 and 43.
- (2) Except as provided in subsection (3), a sign identifying an inspection station must display the name of the holder of the inspection station licence or, if applicable, the registered business or partnership name as shown on the inspection station licence.
- (3) Subsection (2) does not apply to a sign identifying an inspection station that is a franchise.
- (4) An inspection station must have its ordinary hours of business posted where they can be seen by the public from outside the place of business.

- (5) An inspection station must be open
 - (a) at least 6 hours a day during regular business hours at least 5 days a week, or
 - (b) for a station that inspects only recreational trailers, 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 it complies with these regulations.

42 Facility and equipment requirements for inspection station

- (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) Clauses (1)(b), (c) and (d) do not apply to an inspection station that shares premises with a licensed dealership if the inspection station licence and the dealer's licence are issued to the same person.
- (3) An inspection station must meet all of the following facility and equipment requirements:
 - (a) it must have an enclosed area that, in the Registrar's opinion, meets all of the following criteria:
 - (i) it is large enough to permit the proper inspection of any type of vehicle to be inspected there,
 - (ii) 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;
 - (b) it must have the tools and equipment listed in Section 43 for the types of vehicles to be inspected;
 - (c) the tools and equipment required by clause (b) must be kept inside the inspection station and must be maintained in good working order at all times;

- (d) it 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;
- (e) it must have a secure area for storing inspection stickers that is part of its security plan to safeguard inspection stickers and inspection certificates from loss or theft.

43 Tools and equipment required for inspection stations

- (1) The tools and equipment required by clause 42(3)(b) for an inspection station are as shown in the following table for the types of vehicles that may be inspected under the inspection station licence.
- (2) In the following table,
 - (a) types of vehicles are designated by abbreviations 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 equipped with air brakes,
 - (iii) “HCB” indicates a commercial vehicle 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 or a shipping weight of greater than 3200 kg;
 - (b) in any row,
 - (i) a “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 Tools and Equipment for Inspection Stations						
Tool or Equipment	Vehicle Type					
	P&LC	HCA	HCB	MC	T1/T2	T3
hoist	x					

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
headlight aiming device (scope or screen)	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
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

Testers

44 Eligibility requirements for tester licence

To be eligible to apply for and hold a tester licence, an individual must meet all of the following requirements:

- (a) they must be employed by the holder of an inspection station licence;
- (b) they must have obtained 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	valid certificate of qualification in any of the following trades: <ul style="list-style-type: none"> – automotive service technician – service centre technician – front end and brake mechanic
commercial vehicle equipped with air brakes	valid certificate of qualification in the trade of truck and transport mechanic
commercial vehicle equipped with hydraulic brakes	valid 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 valid certificate of qualification in 1 of the following trades: <ul style="list-style-type: none"> – automotive service technician – service centre technician
trailer with registered weight of 4500 kg or less	valid certificate of qualification in any of the following trades: <ul style="list-style-type: none"> – truck and transport mechanic – recreational vehicle service technician – automotive service technician – service centre technician or proof of satisfactory completion of trailer inspection training provided by original manufacturer
trailer with registered weight of greater than 4500 kg or shipping weight of greater than 3200 kg	valid certificate of qualification in either of the following trades: <ul style="list-style-type: none"> – truck and transport mechanic – transport trailer technician

45 Application for issuance of tester licence

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

- (a) the name of the holder of the inspection station licence that employs the applicant;

- (b) proof of the employment described in clause (a);
- (c) proof that the applicant has obtained a satisfactory result in the eligibility examination prescribed by the Registrar as described in clause 44(b);
- (d) proof of qualifications required by clause 44(c);
- (e) any additional information or documentation about the applicant that the Registrar requests in order to determine eligibility for the licence.

46 Application for renewal of tester licence

- (1) An application for renewal of a tester licence must be accompanied by all of the following information and documentation:
 - (a) the name of the holder of the inspection station licence that employs the applicant;
 - (b) proof of the employment described in clause (a);
 - (c) a statement that the applicant has, within the previous 12 months, conducted inspections as a tester;
 - (d) any additional information or documentation about the applicant that the Registrar requests in order to determine continued eligibility for the licence.
- (2) A tester licence is not renewable if, on the date the Registrar receives an application for renewal, more than 1 year has elapsed since the date the licence expired.

47 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) any conditions attached by the Registrar .

48 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 next December 31 that follows the date of issue or renewal;
 - (b) if issued in the month of December, the December 31 in the year following the date of issue or renewal;

- (c) if the licence is suspended or cancelled before the date specified in clause (a) or (b), the date that it is suspended or cancelled.
- (2) 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) the end of the 60-day period following its expiry date;
 - (b) the date of renewal.

49 Notice of change of information submitted with application

A tester must inform the Registrar if any of the information included in or with their application for their tester licence or the most recent renewal of their tester licence has changed.

50 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

51 Registrar must investigate complaint

The Registrar must, in accordance with Section 52, investigate a written complaint received 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 holder of the inspection station licence who employed the tester, the tester, an employee, a principal or a person acting on behalf of the licence holder
 - (i) has breached any of the conditions of the inspection station licence, or

- (ii) has otherwise not complied with these regulations.

52 Investigation procedure

- (1) In investigating a complaint described in Section 51, the Registrar must do all of the following:
 - (a) make further inquiries of the complainant as necessary to understand the details and nature of the complaint;
 - (b) provide a copy of the complaint and any additional information received from the complainant to the holder of the inspection station licence and, if applicable, the tester;
 - (c) give the holder of the inspection station licence and, if applicable, the tester an opportunity to respond to the complaint in writing by providing a sworn or solemnly affirmed statement.

Suspension or Cancellation of Inspection Station Licence or Tester Licence

53 Suspension as result of complaint

- (1) In addition to the grounds set out in subsection 232(1) of the Act, the Registrar may suspend an inspection station licence or a tester licence, or the privilege of obtaining an inspection station licence or tester licence, if the Registrar is satisfied that a complaint that was received and investigated in accordance with Sections 51 and 52 is justified.

54 Tester licence suspension period

- (1) A period of suspension determined by the Registrar under subsection 232(5) or 234(2) of the Act on suspension of a tester licence or the privilege of obtaining a tester licence must be no longer than 5 years.
- (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

- (1) The eligibility examination described in clause 44(b) is specified for the purpose of clause 237(2)(b) of the Act as an examination that may be required by the Registrar for reinstatement of a tester licence or the privilege of obtaining a tester licence.
- (2) Before their tester's licence or privilege of obtaining a tester licence is reinstated under Section 238 of the Act, an applicant for reinstatement who is required by the Registrar to submit to the examination specified in subsection (1) must obtain a result satisfactory to the Registrar in the examination,.

56 Return of documents upon suspension or cancellation of licence

For greater certainty, all of the following are included as vehicle documents that are required to be returned to the Registrar by a holder of an inspection station licence by subsection 232(2) of the Act on suspension of their licence or privilege of obtaining a licence, or by subsection 233(4) of the Act on cancellation of their licence:

- (a) all unused inspection stickers and inspection certificates;
- (b) all voided inspection stickers and inspection certificates.

Licensees' Responsibilities

57 Duties of holder of inspection station licence

The holder of an inspection station licence must do all of the following:

- (a) provide true, accurate and complete information to the Registrar;
- (b) employ at least 1 full-time tester who has the qualifications set out in Section 44 that apply to the types of vehicles to be inspected at the inspection station;
- (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) ensure that all customer and clients of the business are treated with courtesy and respect;

- (f) no later than 10 days after the change occurs, notify the Registrar if ownership of the inspection station changes or if its operation is suspended or terminated;
- (g) in addition to applying for an amendment to the licence under clause 39(2)(a), notify the Registrar in writing no later than 10 days after a tester's employment by the inspection station is terminated, and indicate in the notice the reason for the termination;
- (h) keep a record of each inspection conducted at the inspection station for at least 3 years following the inspection date;
- (i) display all signs and licences issued to the licence holder in the manner required by these regulations;
- (j) take all necessary precautions to safeguard inspection stickers and inspection certificates from loss or theft in accordance with the licence holder's security plan;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) display the inspection station's hours of business where they can be viewed by the general public from outside the place of business;
- (o) keep the equipment used for inspections in good working order;
- (p) not engage in false, deceptive or misleading advertising or make a false, deceptive or misleading statement;
- (q) not represent or imply that the inspection station or its testers or other employees are agents of or recommended by the government;
- (r) keep any records relating to the vehicle business for at least 3 years at the licence holder's place of business.

58

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 the holder of an inspection station licence;
- (c) 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;
- (d) 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;
- (e) conduct all inspections in accordance with the *Vehicle Equipment, Safety and Inspection Regulations* and the Official Inspection Station Manual;
- (f) 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

59

Sale of inspection stickers and inspection certificates to holders of inspection station licences

- (1) The Registrar must sell inspection stickers to inspection stations at the prescribed fee, which includes the corresponding inspection certificates.
- (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) No person other than the Registrar may sell an inspection sticker or an inspection certificate.

60

Voided inspection sticker and certificate

An inspection sticker and corresponding inspection certificate are void and unusable 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.

Inspection Fees

61 Inspection fees

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

Type of vehicle inspected	Maximum Fee
motor vehicle with registered weight of 4500 kg or less, other than motorcycle	\$50.00
motorcycle	\$25.00
commercial vehicle equipped with air brakes	\$125.00 for 2 axles, plus \$25.00 for each additional axle
commercial vehicle equipped with hydraulic brakes	\$100.00 for 2 axles, plus \$20.00 for each additional axle
trailer with registered weight of 4500 kg or less not equipped with brakes	\$25.00
trailer with registered weight of 4500 kg or less equipped with brakes	\$30.00 for 1 axle, plus \$10.00 for each additional axle
trailer with registered weight of greater than 4500 kg or shipping weight of greater than 3200 kg	\$40.00 for 1 axle, plus \$20.00 for each additional axle

- (2) Additional fees may be charged at the hourly shop rate for the inspection station where the inspection was conducted if a wheel must be removed to measure brake components as part of an inspection on any of the following types of vehicles:
- (a) a commercial vehicle equipped with air brakes;

- (b) a commercial vehicle equipped with hydraulic brakes;
- (c) a trailer with registered weight of greater than 4500 kg or shipping weight of greater than 3200 kg.

62 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 the vehicle was inspected while the rejection sticker is still valid or any extension period granted by the Registrar under the *Vehicle Equipment, Safety and Inspection Regulations* has not expired.

Part 5: Driving Schools and Instructors

64 Application of Part 5

This Part applies to all of the following:

- (a) every person required by Section 245 of the Act to hold a valid driving school licence;
- (b) every driving school operated under a driving school licence;
- (c) every individual required by Section 246 of the Act to hold a valid instructor licence, including a limited instructor licence;
- (d) every individual who delivers a farm tractor safety course.

65 Definitions

In this Part,

“additional rear view mirror” means an additional rear view mirror as required by Section 100;

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

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

“Class 6L driver education course” means a Class 6L 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 1L, Class 2L, Class 3L 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 100;

“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 74 to deliver a farm tractor safety course;

“instructor” means an individual who provides driver training;

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

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

“limited instructor licence” means an instructor licence issued to an individual who is not employed by a driving school to deliver only theory instruction as authorized under Section 73;

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

“manager” means the individual who manages the day-to-day operation of the office 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*;

“office”, in relation to a driving school, means the location where the manager employed by the driving school carries out their duties as a manager and where students may register and make payments;

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

Driving School Licences

66 Eligibility requirements for driving school licence

- (1) In addition to the eligibility requirements for a vehicle business licence set out in Section 4, an applicant for a driving school licence must meet all of the following requirements:

- (a) the applicant must apply using a registered business or partnership name or as a body corporate;
 - (b) the applicant must be able to satisfy the Registrar that the applicant is able to do all of the following with respect to each of the applicant's proposed driver education courses and, if applicable, driver training programs:
 - (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 driver training, 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;
 - (c) the applicant must be registered as a private career college under the *Private Career Colleges Act* if the applicant intends to deliver a driver education course for any of the following classes of driver's licence:
 - (i) Class 1L,
 - (ii) Class 2 L
 - (iii) Class 3L,
 - (iv) Class 4.
- (2) For the purpose of subclause 4(1)(b)(iv), the requirement for an applicant for a driving school licence to satisfy the Registrar of eligibility and suitable character and background applies to each instructor that the applicant intends to employ.

67 Application for driving school licence

- (1) In addition to the information and documentation required by subsections 5(1) and (2) 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 proposed manager of the office of the driving school for which the licence is sought;

- (b) the civic address of each facility to be used by the applicant for driver instruction;
 - (c) details of the driver education courses and, if applicable, the driver training programs, to be provided, including the syllabus, texts and other materials to be used in the delivery of each course and program;
 - (d) 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;
 - (e) 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 would be required to have;
 - (f) a list of the instructors to be employed by the applicant;
 - (g) a report, satisfactory to the Registrar, of the results of a child abuse record search or a vulnerable sector record search on each of the instructors to be employed by the applicant;
 - (h) a list of the motor vehicles, including number plate numbers, to be used by the driving school for driver training;
 - (i) proof of the insurance coverage required by Section 99.
- (2) In addition to the requirement in clause (1)(g) for the results of a child abuse record search or vulnerable sector record search, for the purpose of subclause 5(2)(a)(iv), the results of criminal record searches required by clause 5(2)(a) to accompany an application for a driving school licence must include results of a criminal record search for each instructor that the applicant intends to employ.

68 Inspection requirements for vehicles

The requirement in Section 6 for an applicant for a vehicle business licence to arrange for inspections includes the requirement that an applicant for a driving school licence arrange for the inspection of any motor vehicles to be used by the applicant for driver instruction.

69 Information on driving school licence

A driving school licence must state all of the following:

- (a) the name of the licence holder;
- (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 attached by the Registrar.

70 Amendment to driving school licence

In addition to the changes set out in subsection 9(3), a licensed operator must apply for an amendment to their licence in any of the following circumstances:

- (a) the licensed operator intends or proposes to 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 instruction;
- (b) a change to the driver licence status of any licensed instructor employed by the licensed operator changes.

71 Renewal of driving school licence

In addition to the information and documentation required by Section 7, an application for renewal of 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;
- (b) a list of the instructors to be employed by the applicant;
- (c) a report of the results of a criminal record search by a police agency issued within the 6 month-period immediately before the date of the application and satisfactory to the Registrar on each of the instructors to be employed by the applicant;

- (d) a report, satisfactory to the Registrar, of the results of a child abuse record search or a vulnerable sector record search issued within the previous 6 months on each 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 99.

Instructor Licences

72 Eligibility for instructor licence

- (1) Except as provided in Section 73 for a limited instructor licence, to be eligible to apply for and hold an instructor licence, an applicant must meet all of the following requirements:
 - (a) the applicant must be employed by a licensed operator;
 - (b) except as provided in subsection (2), the applicant must hold and have held for at least 3 years 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 instruction:
 - (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) the applicant's driving record must show that the applicant has not accumulated 6 or more demerit points under the Act or the equivalent under equivalent legislation in another jurisdiction within the previous 2 years;
 - (d) the applicant must have not been convicted within the previous 10 years of an unpardoned offence involving the operation of a motor vehicle under the *Criminal Code* (Canada) or equivalent legislation in a jurisdiction outside Canada;
 - (e) the applicant must have not been convicted within the previous 10 years of an unpardoned offence involving dishonesty, fraud, theft, violence or indecency;
 - (f) the applicant must meet the educational requirements in Section 75, 76 or 77, as applicable, for the class of driver's licence for which the applicant intends to provide driver training.

- (2) Subject to subsection (3), 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.
- (3) An instructor licence issued to an individual who does not have a valid driver's licence authorizes that individual to provide theory instruction only.

73 Limited instructor licence

- (1) An individual who meets the eligibility criteria in subsection (2) may be issued a limited instructor licence to deliver 1 or both of the following driver education courses or driver training programs:
 - (a) a new driver theory course;
 - (b) a driver improvement program.
- (2) To be eligible to apply for and hold a limited instructor licence, an applicant must be able to satisfy the Registrar that they meet all of the following criteria:
 - (a) they are capable of delivering the driver education course or driver training program they are intending to deliver in accordance with these regulations and the *Driver Licensing Requirements Regulations*;
 - (b) unless they are delivering only online driver instruction in accordance with Section 93, they will be providing theory instruction in a facility that is suitable for that purpose;
 - (c) they are of suitable character and background, as required of instructors employed by a licensed driving school;
 - (d) they meet the educational requirements of subsection (3) for the driver training the applicant intends to provide.
- (3) The educational requirements referred to in clause (2)(d) for an applicant for a limited instructor licence are as follows:
 - (a) the applicant must have completed instruction in delivering adult education or have at least 5 years' experience in teaching adult education courses;
 - (b) the applicant must pass examinations prescribed by the Registrar that include both written and practical components to demonstrate that they have the knowledge required to teach the course that they intend to provide.

74 Farm tractor safety course instructor

- (1) A farm tractor safety course may be delivered only by an individual who meets all of the following criteria:

- (a) they hold, and have held for at least 5 years, a Class 1F driver's licence or a driver's licence of another class with a farm tractor heavy trailer endorsement as required by the *Driver's Licence Regulations* as authorization to drive a Class 5T vehicle towing a heavy trailer;
 - (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 a farm tractor safety course.
- (2) An organization described in clause (1)(c) must do both 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 described in clause (a) to the Registrar as well as any updates to the list from time to time.
- (3) A farm tractor safety course instructor is not required to hold a regulated vehicle activity licence.

75 Educational requirements for instructors for Class 5L driver education course

- (1) Subject to any exemptions allowed by the Registrar under subsection (3), to be eligible to provide a Class 5L driver education course, an instructor must have completed an instructor training course approved by the Registrar that must include all of the following:
- (a) at least 40 hours of in-vehicle instruction, including 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, including 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) Instructor training for an instructor providing a Class 5L driver education course must be provided by an experienced licensed instructor who meets all of the following criteria:
- (a) they are employed by a licensed operator that is authorized by the terms of its licence to provide the instructor training;
 - (b) they have at least 3 years of experience in providing the Class 5L driver education course;
 - (c) they have completed courses in adult education or adult training from an organization recognized by the Registrar or have demonstrable experience in providing adult education.
- (3) On application by an instructor who has provided driver training within the previous 12 months while holding a licence to provide driver training issued by another province, the Registrar may exempt the instructor from some or all of the instructor training course requirements set out in subsection (1).

- (4) Before issuing an instructor licence to provide a Class 5L driver education course, the Registrar may require that the applicant for the instructor licence pass examinations prescribed by the Registrar that include both written and practical components that evaluate the applicant's knowledge of the course.

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

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

- (a) the requirements in Section 75 for an instructor of a Class 5L driver education course;
- (b) the educational requirements used to certify instructors for that driver's licence class under the *Private Career Colleges Act*.

77 Educational requirements for instructor of Class 6L driver education course

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

78 Application for issuance or renewal of instructor licence

An application for issuance or renewal of an instructor licence, other than a limited instructor licence, must be accompanied by all of the following information and documentation:

- (a) a report 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 and is satisfactory to the Registrar;
- (b) a report 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 and is satisfactory to the Registrar;
- (c) proof of compliance with the eligibility requirements in Section 72;

- (d) proof of employment with a licensed operator;
- (e) if applicable, proof that the applicant holds the required driver's licence in accordance with clause 72(1)(b);
- (f) a driver abstract for the applicant dated within the 60-day period immediately before the date of the application;
- (g) if applicable, proof of the insurance coverage required by Section 99;
- (h) any additional information that the Registrar requires to determine the applicant's eligibility or continuing eligibility.

79 Application for issuance or renewal of limited instructor licence

- (1) An application for issuance or renewal of a limited instructor licence must be accompanied by all of the following information and documentation:
 - (a) the civic address of each facility to be used by the applicant for driver instruction;
 - (b) details of each new driver education theory course and driver improvement program to be provided, including the syllabus, texts and other materials to be used in the delivery of the course or program;
 - (a) a report 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 and is satisfactory to the Registrar;
 - (b) a report 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 and is satisfactory to the Registrar;
 - (c) proof that the applicant meets the applicable educational requirements in subsection 73(3) for the driver education course or driver training program that the applicant intends to provide;
 - (d) any additional information that the Registrar requires to determine the applicant's eligibility or continuing eligibility.

80 Renewal of instructor licence

- (1) An instructor licence is not renewable if, on the date the Registrar receives an application for renewal, more than 3 years have elapsed since the date the instructor licence expired.

- (2) If the Registrar receives an application for renewal of an instructor licence before its expiry date, unless it is sooner suspended or cancelled, the licence remains valid until the earlier of the following:
- (a) the end of the 60-day period following its expiry date;
 - (b) the date of renewal.

81 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 the licensed operator that employs the instructor, if applicable;
- (c) the list of driver education courses and driver training programs that the instructor may provide;
- (d) if the instructor is not authorized to provide in-vehicle instruction, a statement that the instructor is restricted to providing only theory instruction;
- (e) the issue date of the licence;
- (f) the expiry date of the licence;
- (g) any other conditions attached by the Registrar.

82 Term of instructor licence

An instructor licence is effective from the date it is issued or renewed until the following applicable date:

- (a) December 31 in the 5th year from the date it was issued or renewed;
- (b) if the licence is suspended or cancelled before the date specified in clause (a), the date that it is suspended or cancelled.

Complaint Against Licensed Operator or Licensed Instructor

83 Registrar must investigate complaint

- (1) The Registrar must, in accordance with Section 84, investigate a written complaint received from an individual who has received driver training from 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) Subsection (1) applies with the necessary changes to a written complaint received from an individual who received driver training from a limited licensed instructor.

84 Investigation procedure

In investigating a complaint described in Section 83, the Registrar must do all of the following:

- (a) make further inquiries of the complainant as necessary to understand the details and nature of the complaint;
- (b) provide a copy of the complaint and any additional information received from the complainant to the licensed operator and, if applicable, the instructor;
- (c) give the licensed operator and, if applicable, the instructor an opportunity to respond to the complaint in writing by providing a sworn or solemnly affirmed statement.

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 232(1) of the Act, the Registrar may suspend a driving school licence or an instructor licence or the privilege of obtaining a driving school licence or an instructor licence if the Registrar is satisfied that a complaint that was received and investigated in accordance with Sections 83 and 84 is justified.

86 Instructor licence suspension period

- (1) A period of suspension determined by the Registrar under subsection 232(5) or 234(2) of the Act on suspension of an instructor licence or the privilege of obtaining an instructor licence must be no longer than 5 years.
- (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

- (1) The eligibility examinations described in clause 73(3)(b) and 75(4) are specified for the purpose of clause 237(2)(b) of the Act as examinations that may be required by the Registrar for reinstatement of an instructor licence or the privilege of obtaining an instructor licence.
- (2) Before their instructor's licence or the privilege of obtaining an instructor licence is reinstated under Section 238 of the Act, an applicant for reinstatement who is required by the Registrar to submit to the examination specified in subsection (1), must obtain a result satisfactory to the Registrar in the examination.

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

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

The Registrar may approve a driver education course for a Class 1L, Class 2L, Class 3L 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 Requirements for all driver education courses provided by licensed operators

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

91 Requirements for theory instruction

- (1) A licensed operator and a limited licensed instructor must ensure that theory instruction is provided in accordance with the requirements in this Section.
- (2) Except for 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, and
 - (iii) sufficient chairs and desks or chairs and tables suitable for students taking notes in theory instruction classes;
 - (b) it has been 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 classroom session of 6 hours or more.
- (4) Theory instruction taught in person or as synchronous learning must not be provided at any of the following times:
 - (a) between 11 p.m. and 7 a.m.;
 - (b) in excess of 7 hours in any 24 hour period.
- (5) The calculation of the required hours of theory instruction that takes place in person or as synchronous learning must not include time required or used for taking breaks.

92 Requirements for in-vehicle driver instruction

- (1) A licensed operator must ensure that in-vehicle instruction is provided in accordance with the requirements in this Section.
- (2) The calculation of the required hours of in-vehicle instruction must 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

In addition to the requirements of these regulations for that type of driver education course or driver training program, each licensed operator and limited licensed instructor that delivers or provides an online theory driver education course or driver training program must comply with all of the following requirements:.

- (a) the content of the course or program must meet the minimum number of hours as required by these regulations for that 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) the licensed instructor 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 as required, 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 the students 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 or instructor's website so that an individual can be made aware of them before registering for the course or program;
- (e) the course or program must be accessible regardless of the type of browser or operating system that a student uses;
- (f) technical support for the course or program must be available to students;

- (g) contact information and hours of availability for technical support for the course or program must be provided to each student;
- (h) the course or program must include an option to have audio-narrative enhancement of the course content, including module assessments and the final examination;
- (i) the course or program must have closed captioning of its content;
- (j) operational procedures and technical infrastructure for the course or program must comply with web application security best practices;
- (k) the course or program must require student engagement or interaction with the course content by integrating at least 3 levels of interactivity into the program;
- (l) 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;
- (m) At the end of each module of the course or program, there must be at least 1 type of student assessment that measures the extent to which students have met the learning objectives within the module;
- (n) On completion of the course or program and before attempting the final examination, each student must sign the following declaration and acknowledgement:

Declaration and acknowledgement

I _____ and only I, have completed this online driver education course/driver training program. I am the individual that will be attempting the final examination. My driver's licence master number is _____.

I solemnly declare that the statements made in this declaration are true.

I acknowledge that if I make any false or misleading statement on this form, including the concealment of any material fact, this may invalidate the result of the course/program and examination and may be grounds for criminal prosecution.

I agree that I may be contacted by the Registrar of Motor Vehicles regarding this course/program and examination.

Licenses' Conduct and Responsibilities

94

Duties of licensed operators

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 in which 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, by delivering it in person or by mailing it to the mailing address provided by the student, no later than 5 days after the date the student completes the course or program;
- (f) ensure that certificates of completion are numbered sequentially and that each one is completely filled in before delivery to a student;
- (g) no later than 2 weeks after the date a student successfully completes a driver education course or driver training program, notify the Registrar, in the manner required by the Registrar, of all of the following:
 - (i) the student's name,
 - (ii) the student's full civic address and mailing address, including postal code,
 - (iii) the student's master number as assigned by the Registrar,
 - (iv) the name of the licensed instructor for the course,
 - (v) the course or program certificate number,
 - (vi) the date the student completed the course,
 - (vii) the number of hours of instruction that the student completed;
- (h) no later than 10 days after the date a licensed instructor's employment by the driving school is terminated, notify the Registrar in writing, and indicate in the notice the reason for the termination;

- (i) keep, at the address shown on their driving school licence, all records required by Section 98 for at least the previous 5 years;
- (j) notify the Registrar at least 30 days before any change that affects the information provided with the licensed operator's 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.

95 Code of conduct for licensed operators and licensed instructors

- (1) In carrying on the business of a driving school and in providing driver training,
 - (a) each licensed operator, each 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) each licensed operator must ensure that each employee and person acting on behalf of the licensed operator, including each licensed instructor, act in a professional, trustworthy and responsible manner.
- (2) For the purpose of subsection (1), “act in a professional, trustworthy and responsible manner” includes all of the following:
 - (a) not engage in false, deceptive or misleading advertising;
 - (b) ensure that all driver training and completion of certificates is carried out with honesty and integrity;
 - (c) ensure that in-vehicle driver training is carried out on routes other than those used by government-appointed driving examiners for testing purposes;
 - (d) ensure that all students of the driving school and treated with courtesy and respect;
 - (e) ensure that government-appointed driving examiners are treated with courtesy and respect, including not attempting to influence the outcome of an examination;
 - (f) not state or imply that issuance of a driver's licence is guaranteed on completion of the driver training provided;
 - (g) not represent or imply that the driving school or its instructors or employees are agents of or recommended by the government;
 - (h) ensure that students are not subject to any kind of harassment, sexual or otherwise, abuse, foul or suggestive language or unwanted attention of any kind;
 - (i) ensure that all driver training is conducted in a non-smoking environment;

- (j) ensure that reasonable standards of dress and personal hygiene are maintained;
 - (k) ensure that high standards of punctuality and reliability are maintained;
 - (l) ensure that there is no physical contact with students except in an emergency or in a socially acceptable manner of greeting.
- (3) The requirements in subsections (1) and (2) apply with necessary changes to the holder of a limited instructor licence.

96

Duties of licensed instructors

A licensed instructor, other than a limited 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) only provide driver training as an employee of a licensed operator;
- (c) notify the Registrar in writing no later than 7 days after the date their employment with a licensed operator is terminated, 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 and that all reasonable care is taken to keep it clean tidy;
- (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;
- (g) while providing in-vehicle instruction, not eat, smoke or use a wireless communication device, entertainment device or other prescribed device that is prohibited under the Act for use by drivers;
- (h) ensure that they drive at all times in a manner that demonstrates excellent driving ability and compliance with the rules of the road.
- (i) notify the manager of the driving school at which the instructor is employed and the Registrar of any conviction or driver's licence suspension that affects their qualifications or ability to provide driver training;
- (j) permit the Registrar and the driving school at which they are employed to conduct periodic monitoring of their driver record.

97 **Duties of limited licensed instructors**

- (1) A limited licensed instructor must do all of the following:
 - (a) provide driver training in accordance with these regulations and the *Driver Licensing Requirements Regulations*;
 - (b) provide a certificate of completion to each student who successfully completes a driver education course or driver training program, by delivering it in person or by mailing it to the mailing address provided by the student, no later than 5 days after the date the student completes the course;
 - (c) ensure that certificates of completion are numbered sequentially and completely filled in before delivery to students;
 - (d) no later than 2 weeks after the date a student successfully completes a driver education course or driver training program, notify the Registrar, in the manner required by the Registrar, of all of the following:
 - (i) the student’s name,
 - (ii) the student’s full civic address and mailing address, including postal code,
 - (iii) the course that the student completed,
 - (iv) the course or program certificate number,
 - (v) the date the student completed the course;
 - (e) keep, at the address shown on their limited instructor licence, all records required by Section 98 for at least the previous 5 years.
- (2) A limited licensed instructor may retain the records described in clause (1)(e) in an electronic format if they do so in compliance with the *Electronic Commerce Act* and are able to produce a copy of the records in a format accessible to the Registrar.

98 **Required records**

- (1) In addition to the vehicle maintenance records described in Section 103, 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) criminal record, child abuse registry and vulnerable sector record searches on the instructor,
 - (ii) the instructor's qualifications and training,
 - (iii) courses and programs delivered by the instructor,
 - (iv) for an in-vehicle instructor, a driver abstract that must be obtained within the previous 30 months,
 - (v) the instructor's employment contract;
 - (c) records relating to each student who has received driver training provided by the licensed operator, including all of the following:
 - (i) the student's name and contact information,
 - (ii) if applicable, the student's master number assigned by the Registrar before beginning driver training,
 - (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 training provided to the student,
 - (viii) a record of in-vehicle training 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.
- (2) The requirements in subsection (1) apply with the necessary changes to the holder of a limited instructor licence.

Vehicles Used for Driver Instruction

99 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 that is in the form approved by the Superintendent of Insurance and 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 the limit of at least \$1 000 000, exclusive of interest and costs;
- (b) it includes a driving school endorsement.

100 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 5L 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 rear view mirror for the instructor's use.

(2) The 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 conditions:

- (a) it must be attached to the existing foot brake of the vehicle;
- (b) it must be able to be controlled by an individual seated in the right front seat of the motor vehicle.

(3) The additional interior rear view 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.

101 Use of student-owned motor vehicle for driver training

(1) Driver training provided by a licensed instructor may be conducted in a motor vehicle supplied by the student driver receiving the training if the student driver requests it.

- (2) If driver training is conducted in a motor vehicle supplied by the student driver, the motor vehicle is not required to be equipped with a dual-control brake or an additional rear view mirror.
- (3) If driver training is conducted in a motor vehicle supplied by the student driver, the instructor must confirm both of the following:
 - (a) that the vehicle permit for the motor vehicle is
 - (i) in the name of the student, or
 - (ii) if the vehicle permit is not in the name of the student, that 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.

102 Driving school or licensed instructor vehicle signage

- (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) “DRIVER TRAINING” and the name of the driving school providing the training clearly marked
 - (i) on both sides of the motor vehicle, or
 - (ii) if there is a roof sign on the motor vehicle that is visible from both sides of the motor vehicle, on the roof sign;
 - (b) “DRIVER TRAINING” or “STUDENT DRIVER” clearly marked
 - (i) on the rear of the motor vehicle, or
 - (ii) if there is a roof sign on the motor vehicle that is visible from the rear of the motor vehicle, on the roof sign.
- (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) it must be clearly visible for at least 60 m from the rear of the motor vehicle;
 - (c) it must use lettering that is at least 10 cm in height;
 - (d) it must be made of reflectorized material.

- (3) The signage required by this Section must be displayed on a motor vehicle provided by a licensed operator or a licensed instructor at all times when driver training is being conducted using the motor vehicle.

103 **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 maintained in accordance with the original manufacturer's recommendations at all times.
- (2) If a motor vehicle used for driver training is equipped with a dual-control brake, the dual-control brake 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) 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 Training and Fleet Driver Trainers

104 **Application of Part 6**

This Part applies to all of the following:

- (a) every person required by Section 247 of the Act to hold a valid fleet driver training licence;
- (b) every individual required by Section 248 of the Act to hold a valid fleet driver trainer licence.

105 Definitions

In this Part,

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

“practical driving examination”, in relation to a fleet driver training 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 Training Licences

106 Eligibility requirements for fleet driver training licence

- (1) In addition to the eligibility requirements for a vehicle business licence set out in Section 4, an applicant for a fleet driver training licence must meet all of the following requirements:
 - (a) the applicant must be a body corporate;
 - (b) as part of the applicant’s business, the applicant must operate a fleet of at least 10 vehicles of a type that must be driven by a driver who holds 1 of the following classes of driver’s licence:
 - (i) Class 1L or Class 1F,
 - (ii) Class 2L or Class 2F,
 - (iii) Class 3L or Class 3F;
 - (c) the applicant must have and maintain a satisfactory safety fitness rating as determined in accordance with subsection 5(1) of the *Commercial Carrier Safety Fitness Rating and Compliance Regulations* made under the Act;
 - (d) the applicant must have an established place of business in Nova Scotia;
 - (e) the Registrar must be satisfied that the applicant is able to do all of the following:
 - (i) deliver a fleet driver training program in accordance with this Part,
 - (ii) ensure that fleet driver training is provided in accordance with this Part,
 - (iii) ensure that practical driving examinations are administered in accordance with this Part.
- (2) A licence holder may obtain a fleet driver training licence to carry out the business at more than 1 location.

107 Application for issuance of a fleet driver training licence

In addition to the documents and information required by subsections 5(1) and (2) for a vehicle business licence application, an application for issuance of a fleet driver training licence must be accompanied by all of the following:

- (a) details of the fleet driver training program to be delivered, including the syllabus, texts and other materials to be used in the delivery of the program;
- (b) a list of the employees who meet the eligibility requirements for a fleet driver trainer in Section 113 and either are fleet driver trainers or are applying for a fleet driver trainer licence;
- (c) a list of the vehicles, including number plate numbers, to be used by the applicant for fleet driver training and practical driving examinations;
- (d) details of the practical driving examinations to be used;
- (e) any additional information about the applicant that the Registrar requires to determine the applicant's eligibility.

108 Inspection requirements for vehicles

The requirement in Section 6 for an applicant for a vehicle business licence to arrange for inspections includes the requirement that an applicant for a fleet driver training licence arrange for the inspection of any vehicles to be used by the applicant for its fleet driver training program or practical driving examinations.

109 Information on fleet driver training licence

- (1) A fleet driver training 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) any conditions attached by the Registrar.

110 Issuance of licence constitutes approval

Issuance of a fleet driver training licence constitutes approval of both of the following to be provided by the licence holder:

- (a) its fleet driver training program;
- (b) its practical driving examinations.

111 Amendment to fleet driver training licence

In addition to the changes set out in subsection 9(3), a holder of a fleet driver training licence must apply for an amendment to its licence if the licence holder intends or proposes to change any of the following:

- (a) the fleet driver trainers employed by the licence holder;
- (b) its fleet driver training program;
- (c) a practical driving examination;
- (d) the vehicles used in connection with its fleet driver training program or practical driving examinations.

112 Renewal of fleet driver training licence

In addition to the information and documentation required by Section 7, an application for renewal of a fleet driver training 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 by the applicant for fleet driver training and practical driving examinations.

Fleet Driver Trainer Licences

113 Eligibility requirements for fleet driver trainer licence

- (1) To be eligible to apply for and hold a fleet driver trainer licence, an individual must meet all of the following requirements:
 - (a) they must be employed by the holder of a valid fleet driver training licence;
 - (b) their driving record must not show that within the previous 2 years they have accumulated 6 or more demerit points under the Act or the equivalent level of demerit points under equivalent legislation in another jurisdiction;
 - (c) they must hold and have held for at least 3 years a valid driver's licence to drive the type or class of motor vehicle for which they intend to provide driver training or administer practical driving examinations;
 - (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 training 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.

114 Application for issuance of fleet driver trainer licence

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

- (a) proof that the applicant meets the eligibility requirements of Section 113;
- (b) proof of employment with the holder of a fleet driver training licence;
- (c) proof that the applicant holds the required driver's licence;
- (d) a driver abstract for the applicant dated within the 60-day period immediately before the date of the application;
- (e) any additional information that the Registrar requires to determine the applicant's eligibility.

115 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 employment with the holder of a fleet driver training licence;
 - (b) a driver abstract for the applicant dated within the 60-day period immediately before the date of the application;
 - (c) any additional information that the Registrar requires to determine the applicant's continuing eligibility.
- (2) A fleet driver trainer licence is not renewable if, on the date the Registrar receives an application for renewal, more than 3 years have elapsed since the date the fleet driver trainer licence expired.
- (3) If the Registrar receives an application for renewal of a 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) the end of the 60-day period following its expiry date;
 - (b) the date of renewal.

116 Term of fleet driver trainer licence

A fleet driver trainer licence is effective from the date it is issued or renewed until the following applicable date:

- (a) December 31 following the date of issue,
- (b) if the licence is suspended or cancelled before the date specified in clause (a), the date that it is suspended or cancelled.

117 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 name and address of the holder of the fleet driver training licence that employs the licence holder;
- (c) the date that the licence was issued;
- (d) the expiry date of the licence;
- (e) any conditions attached by the Registrar.

**Suspension or Cancellation of Fleet Driver Training Licence
or Fleet Driver Trainer Licence**

118 Suspension as result of complaint

- (1) In addition to the grounds set out in subsection 232(1) of the Act, the Registrar may suspend a fleet driver training licence or a fleet driver trainer licence, or the privilege of obtaining a fleet driver training licence or a fleet driver trainer licence, if the Registrar is satisfied that a complaint that was received and investigated in accordance with this Section is justified.
- (2) The Registrar must investigate a written complaint received from a person that alleges that a holder of a fleet driver training licence or a fleet driver trainer licence has not complied with these regulations.
- (3) In investigating a complaint described in subsection (2), the Registrar must do all of the following:
 - (a) make further inquiries of the complainant as necessary to understand the details and nature of the complaint;
 - (b) provide a copy of the complaint and any additional information received from the complainant to the holder of the fleet driver training licence and if, applicable, the fleet driver trainer;

- (c) give the holder of the fleet driver training licence and, if applicable, the fleet driver trainer an opportunity to respond to the complaint in writing by providing a sworn or solemnly affirmed statement.

119 Suspension for reason other than complaint

In addition to the grounds set out in subsection 232(1) of the Act and Section 118, the Registrar may suspend a fleet driver trainer licence for any reason for which a driver's licence may be cancelled, suspended or revoked under the Act.

Fleet Driver Training Programs and Practical Driving Examinations

120 Fleet driver training program requirements

- (1) In addition to the requirements of Section 247 of the Act, a holder of a fleet driver training licence must ensure that the fleet driver training program for which they hold the licence meets all of the following requirements:
 - (a) fleet driver training under the program must be provided by a fleet driver trainer who is employed by the holder of the fleet driver training licence for the program and who meets the requirements of these regulations;
 - (b) the program must be delivered as approved by the Registrar, without substitutions or omissions.
- (2) A fleet driver training program must provide training with respect to all of the following:
 - (a) pre-trip inspections;
 - (b) coupling and uncoupling combination units;
 - (c) use of 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 in the event of 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 applicable.
- (3) Practical driving examinations administered under a fleet driver training program must meet all of the following requirements:
- (a) they must be administered by a fleet driver trainer who is employed by the holder of the fleet driver training licence for the program and who meets the requirements of these regulations;
 - (b) they must be administered as approved by the Registrar, without substitutions or omissions.
- (4) To be eligible for a certificate of competence to be issued under Section 249 of the Act, an individual must meet both of the following criteria:
- (a) the individual is an employee of the holder of the fleet driver training licence for the fleet driver training program they participated in;
 - (b) the individual 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 Training Licences and Fleet Driver Trainer Licences

121 Fleet driver training licence conditions

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

- (a) ensure that its fleet driver training program is delivered in accordance with these regulations;
- (b) ensure that its fleet driver trainers meet the requirements of these regulations;
- (c) not state or imply that issuance of a driver's licence is guaranteed on completion of the fleet driver training provided;
- (d) ensure that all driver training and issuance of certificates of competence is done with honesty and integrity;
- (e) not represent or imply that its fleet driver trainer is an agent of or recommended by the government;
- (f) no later than 7 days after the date that a fleet driver trainer's employment by the licence holder terminates, notify the Registrar in writing;

- (g) keep any records relating to the driver training conducted under its fleet driver training program for the previous 5 years at any of the licence holder's places of business;

122 Fleet driver trainer licence conditions

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

- (a) provide driver training under the fleet driver training 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 that the trainer has administered;
- (d) permit the Registrar and their employer to conduct periodic monitoring of their driver record.