

## Division 27 Driver Training

### Definitions

**27.01** In this Division:

**"approved driver education course"** means a driver education course that is approved by the Insurance Corporation of British Columbia under section 25 (8.1) (a) of the Act;

**"driver training institute"** means a driver training school that is

- (a) a vocational training school operated by the government, or
- (b) a college or institute under the *College and Institute Act* or the *Institute of Technology Act*, a university, an independent school under the *Independent School Act* or a school under the *School Act* providing driver training to students;

**"driver training instructor"** means a person who teaches the driving or operation of a motor vehicle, but does not include a person who provides this instruction

- (a) without expectation of compensation or other consideration,
- (b) for off-highway, racetrack or closed circuit driving, or
- (c) as an employee to other employees of the same employer;

**"driver training school"** means a person or organization that provides to individuals a program of training or education in driving or operating motor vehicles, in expectation of compensation from those individuals, but does not include

- (a) a person or organization that provides instruction for off-highway, racetrack or closed circuit driving,
- (b) a person who, as an employee, provides this instruction to other employees of the same employer, or
- (c) a person who, under contract to an employer, provides this instruction to employees of the employer;

**"instructor training facility"** means a person or other body approved by the Insurance Corporation of British Columbia to provide a course of training or education to qualify for a driver training instructor's licence;

**"operator"** means a person who directs, manages or is in charge of a driver training school or a driver training institute;

**"practical driver training"** means driver training conducted in or around a motor vehicle;

**"retraining"** means training about the operation of a motor vehicle for a person who holds a driver's licence or for a person who wishes to re-qualify for a driver's licence.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 229/98, s. 1; 257/98, App. 1, s. 1.]

### Application

**27.02** Section 27.04 (1) and section 27.05 do not apply to a driver training institute.

[en. B.C. Reg. 354/94.]

### Penalties

**27.03** (1) A person or institute that contravenes section 27.04 (1), (2), (7) or (8), 27.05 (1), 27.06 (1), (2), (3), (9) or (11), 27.08 (3), (4) or (5), 27.09 (1), (2), (4), (7) or (9) or 27.10 (1) or (2) (a), (b), (d), (e) or (f) commits an offence and is liable to a fine of not more than \$2 000.

(2) If a corporation commits an offence under this section, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence commits an offence.

(3) The Insurance Corporation of British Columbia may suspend, cancel or refuse to issue or renew a driver training school licence or driver training instructor's licence for any of the following reasons:

(a) the licensee engages in fraudulent, deceptive or unconscionable practices in the operation of a driver training school, in the conduct of driver training or in applying for a licence;

(b) the licensee aids, abets or counsels fraudulent practices by an applicant to obtain a driver's licence of any classification or driver training instructor's licence of any classification or to requalify for a driver's licence or driver training instructor's licence;

(c) the licensee fails to maintain or provide to the corporation the records required under this Division;

(d) the licensee is convicted under the *Criminal Code* of an offence that is

(i) punishable by imprisonment for 5 years or more,

(ii) an offence that is sexual or indecent,

(iii) an offence of violence, or

- (iv) an offence of operating, care or control of a motor vehicle,  
or, in a jurisdiction outside of Canada, of an analogous offence;
- (e) failure of the applicant or licensee to comply with any requirement of this Division;
- (f) the licensee teaches, or permits a student to be taught, the knowledge tests administered by the Insurance Corporation of British Columbia, or possesses these tests, without the consent of the corporation.

(3.1) If a licensee is charged with an offence referred to in subsection (3) (d), the Insurance Corporation of British Columbia may delay the issue or renewal of a driver training school licence or driver training instructor's licence pending the outcome of the proceeding for the offence in order to determine whether it should act under subsection (3) (d) at that later date.

(4) The Insurance Corporation of British Columbia may suspend, cancel or refuse to issue or to renew a driver training school licence on conviction of the owner, or a person directly interested in the driver training school's business, of an offence concerning dishonesty, violence or indecency, or on cancellation of a licence of an employee of the driver training school for dishonesty, violence or indecency authorized or condoned by the owner or operator of the driver training school.

(5) The Insurance Corporation of British Columbia must not cancel a licence under this Division until the holder is first given an opportunity to show cause why cancellation is not warranted.

(6) If a licence is cancelled or suspended under this Division, the licensee must deliver the licence to the Insurance Corporation of British Columbia within 10 days.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 108/97, ss. 1-2; 413/97, App. 1, s. 20.]

## Licensing

**27.04** (1) No person or body may act as or be held out as being a driver training school except the holder of a valid and subsisting driver training school licence issued under this Division.

(2) No person may act, or hold himself or herself out as acting, as a driver training instructor unless the person is the holder of a valid and subsisting driver training instructor's licence issued under this Division.

(3) The Insurance Corporation of British Columbia must cause a driver training school licence, or a driver training instructor's licence, to be issued to an applicant on being satisfied that the applicant has met the qualifications set out in this Division and has paid the fee prescribed in the Motor Vehicle Fees Regulation.

(4) A driver training school licence must be issued for a period ending at midnight on the last day of the 11th month following the month of issuance, and any duplicate of it expires at the same time as the original.

(5) A driver training instructor's licence must be issued for a period ending at midnight on the last day of the 23rd month following the month of issuance, and any duplicate of it expires at the same time as the original.

(6) The Insurance Corporation of British Columbia may refuse to issue a driver training school licence or a driver training instructor's licence if the applicant is indebted to the government or to the Insurance Corporation of British Columbia.

(7) A driver training school must apply for a driver training school licence for each place of business at which driver training is conducted.

(8) If the name of a licensee is changed the licensee must apply for a duplicate licence within 10 days and must submit proof satisfactory to the Insurance Corporation of British Columbia of the change of name.

[en. B.C. Reg. 354/94; am. B.C. Reg. 317/96, s. 1.]

#### **Driver training school and instructor training facility security**

**27.05** (1) Every driver training school and instructor training facility must furnish and maintain security with the Insurance Corporation of British Columbia under the *Bonding Act* and in accordance with this section.

(2) If a driver training school provides one or more driver education courses for a Class 1, 2, 3 or 4 driver's licence or for an endorsement to operate vehicles equipped with air brakes, the security maintained by the driver training school for the courses must equal \$3500 for each full time or part time instructor employed or retained by the school to provide one or more of those driver education courses.

(3) If a driver training school provides one or more driver education courses of a type not referred to in subsection (2), the security maintained by the driver training school for the courses must equal \$2000 for each full time or part time instructor employed or retained by the school to provide one or more of those driver education courses.

(4) For an instructor training facility the security must equal \$3500 for each full time or part time instructor employed or retained by the facility to provide instructor training courses.

(5) If a driver training school or instructor training facility provides courses referred to in more than one subsection of subsections (2) to (4), the security maintained by the person or organization must be the higher of the amounts required under the applicable subsections.

(6) The security for a driver training school or instructor training facility referred to in subsection (1) must be furnished to the Insurance Corporation of British Columbia in advance for each driver training instructor employed or retained by

- (a) the driver training school during the term of the driver training school licence, or
- (b) the instructor training facility for each calendar year.

(7) The security required under subsection (1) may be in any of the following forms:

- (a) cash;
- (b) a bond of surety licenced under the Insurance Act;
- (c) a term deposit for up to 3 years registered in the name of the Insurance Corporation of British Columbia

(8) A driver training school that provides only driver education courses of a type not referred to in subsection (2) and an instructor training facility referred to in subsection (4) are not required to maintain security in excess of \$10 000.

(9) The highest amount of security established during the term of the licence for a driving training school or during the calendar year for an instructor training facility must not be allowed to decrease.

#### **Standards and obligations of driver training schools**

**27.06** (1) A driver training school must post and keep posted in a conspicuous place in each place of business

- (a) Repealed. [B.C. Reg. 228/2004, s. (a).]
- (b) the driver training school licence, and
- (c) the driver training instructors licence issued to each instructor employed by or under contract to provide driver training at the school.

(2) A driver training school must provide a written statement to each student, before commencement of training and before the payment of any fees, disclosing all of the following:

- (a) the name and address of the driver training school;
- (b) the fees for enrollment, tuition, services, equipment and vehicle rentals;
- (c) the extra charges that might be incurred by that student;

(d) how many persons can be in the driver training school vehicle during the students lesson time and their reason for being in the vehicle;

(e) the actual amount of practice driving time the student will receive during each lesson;

(f) the actual fee for each lesson;

(g) the refund policies of the driver training school.

(3) A driver training school must provide to each person to whom driver training is supplied a written itemized statement of services provided or rental charged and a receipt for each payment made.

(4) A driver training school must maintain records as required by the Insurance Corporation of British Columbia for a period of 3 years, including but not limited to

(a) records of students trained, including students name, drivers licence number, class of drivers licence, date, time and length of each lesson, name of instructor of each lesson, subject taught, type of training, and fee charged for each lesson,

(b) records of each instructor employed, including name, drivers licence number, a copy of the driver training instructors licence, dates of refresher training given to the instructor, and

(c) records of all vehicles used for driver training by retaining a copy of each vehicles registration and proof of insurance coverage.

(5) A driver training school must, during regular business hours and all other reasonable times, permit the Insurance Corporation of British Columbia or designate to

(a) visit premises used for operation of the driver training school,

(b) examine all records and other material and equipment used for operation of the driver training school,

(c) attend and monitor the conduct of driver training lessons, and

(d) copy records and other material pertaining to the operation of the driver training school.

(6) A driver training school must not employ a person to conduct driver training on its behalf if the person does not hold a valid and subsisting driver training instructors licence.

(7) A driver training school must return the driver training school licence to the Insurance Corporation of British Columbia within 10 days of ceasing to carry on business as a driver training school.

(8) A driver training school must maintain a registered office in British Columbia at which all communications and notices may be served and at which records of the driver training school must be maintained.

(9) If the address of the registered office of a driver training school is changed, the driver training school must notify the Insurance Corporation of British Columbia in writing within 10 days of the change.

(10) A driver training school must, within 10 days of receipt of a request from the Insurance Corporation of British Columbia and in the form requested, update or provide further details as specified in the request concerning

(a) information provided at the time application was made for the schools driver training school licence, or

(b) records respecting the operation of the driver training school that the driver training school is required to maintain under this Division.

(11) A driver training school must return the driver training instructors licence to a licensee immediately on ceasing to employ the licensee.

(12) A driver training school must use driver training course curriculum, facilities and equipment acceptable to the Insurance Corporation of British Columbia.

(13) Repealed. [B.C. Reg. 228/2004, s. (d).]

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 228/2004, ss. (a) to (d).]

**Standards, qualifications and procedures for driver training instructor's licence applications**

**27.07** (1) An applicant for a driver training instructors licence must

(a) have a driving record acceptable to the Insurance Corporation of British Columbia that shows less than 10 demerit points within the past 2 years, and no convictions under the *Criminal Code* concerning driving of a motor vehicle or convictions in any other jurisdiction for offences analogous to those under the *Criminal Code* concerning driving of a motor vehicle for 3 years before the application,

(b) provide a police check acceptable to the corporation, and the application may be rejected if the police check indicates a conviction for an offence involving dishonesty, violence or indecency within the past 5 years,

(c) provide proof of driving experience and qualification acceptable to the corporation indicating that

(i) if the application is for a Class 1, 2 or 3 driver training instructors licence for practical driver training, the applicant holds a British Columbia Class 1, 2 or 3 drivers licence and has held one, or the equivalent drivers licence from another jurisdiction, for at least 3 years and has held a drivers licence for at least 5 years,

(ii) if the application is for a Class 4 driver training instructors licence for practical driver training, the applicant has a Class 4 British Columbia drivers licence and has held a Class 4 or 5 drivers licence, or an equivalent drivers licence from another jurisdiction, for at least 3 years,

(iii) if the application is for a Class 5 or 7 driver training instructors licence for practical driver training, the applicant has a British Columbia drivers licence and has held a British Columbia Class 5 drivers licence, or an equivalent drivers licence from another jurisdiction, for at least 3 years,

(iv) if the application is for a Class 6 or 8 driver training instructors licence for practical driver training, the applicant has a British Columbia Class 6 drivers licence and has held one, or the equivalent drivers licence from another jurisdiction, for at least 3 years,

(v) if the application is for a driver training instructors licence not covering practical driver training, the applicant has, for at least 3 years, held a British Columbia drivers licence or an equivalent drivers licence from another jurisdiction, and

(vi) if the application is for a driver training instructors licence to teach an approved driver education course, the applicant has a British Columbia Class 5 or 6 driver training instructors licence,

(d) be at least 19 years of age and be the holder of a valid and subsisting British Columbia drivers licence of a class permitting operation of the class or type of vehicle for which the applicant intends to provide practical driver training, and

(e) file a medical report acceptable to the Insurance Corporation of British Columbia if the application is for a licence to conduct practical driver training.

(2) Repealed. [B.C. Reg. 228/2004, s. (d).]

(3) An instructor training facility must not accept an applicant for training unless the applicant meets the standards and qualifications specified in this section.

(4) On acceptance by the instructor training facility, the applicant must complete an approved driver training instructor training course, and qualify on examinations, as required by the Insurance Corporation of British Columbia.

(5) Subsection (4), other than the requirements under that subsection concerning examinations, does not apply if the applicant presents proof of equivalent training acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 413/97, App. 1, s. 2; 229/98, ss. 2 and 3; 257/98, App. 1, s. 2; 228/2004, ss. (d) and (e).]

#### **Obligations of driver training instructor**

**27.08** (1) A driver training instructor must

(a) have a driving record acceptable to the Insurance Corporation of British Columbia that shows less than 10 demerit points within the past 2 years, and no convictions under the *Criminal Code* concerning driving a motor vehicle or convictions in any other jurisdiction for offences analogous to those under the *Criminal Code* concerning driving a motor vehicle, within the past 3 years,

(b) provide, on request, a police check acceptable to the Insurance Corporation of British Columbia, and if the police check indicates a conviction for an offence described in section 27.03 (3) (d) the driver training instructor's licence may be cancelled, and

(c) provide, on request, a medical report acceptable to the Insurance Corporation of British Columbia if the driver training instructor's licence permits the conduct of practical driver training.

(1.1) If a driver training instructor is charged with an offence referred to in subsection (1) (b), the Insurance Corporation of British Columbia may delay acting under subsection (1) (b) pending the outcome of the proceeding for the offence in order to determine whether it should act under subsection (1) (b) at that later date.

(2) A driver training instructor must complete training courses and qualify on examinations or re-examinations from time to time as may be required by the Insurance Corporation of British Columbia.

(3) A driver training instructor must provide the driver training instructor's licence to the driver training school at which the driver training instructor is employed or is under contract to provide driver training.

(4) A driver training instructor must not provide driver training to an individual who is not enrolled at the driver training school at which the driver training instructor is employed.

(5) A driver training instructor or driver training school must not provide practical driver training to a person who does not have a driver's licence.

(6) A driver training instructor conducting practical driver training must hold a valid current British Columbia driver's licence of the appropriate classification.

(7) A driver training instructor must use driver training course curriculum acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 108/97, ss. 3-4; 413/97, App. 1, s. 2; 229/98, s. 3.]

### **Driver training vehicles**

**27.09** (1) Vehicles used by a driver training school or driver training instructor for the training of persons who wish to obtain a Class 5 or 7 drivers licence must have

(a) dual brake pedals,

(b) dual clutch pedals for manual transmission vehicles,

(c) a rear view mirror firmly mounted so as to give the instructor a clear and unobstructed view of the highway to the rear of the vehicle and separate from mirrors that the vehicle was originally equipped with when manufactured,

(d) the words student driver in legible printed upper case letters not less than 50 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear, and

(e) Repealed. [B.C. Reg. 228/2004, s. (f).]

(2) Vehicles owned or leased by a driver training school or driver training instructor and in use for the training of drivers who wish to obtain a Class 4 drivers licence must have

(a) the words "student driver" in legible printed upper case letters not less than 50 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear.

(b) Repealed. [B.C. Reg. 228/2004, s. (f).]

(3) Repealed. [B.C. Reg. 228/2004, s. (f).]

(4) Vehicles, including towed vehicles, used by a driver training school or driver training instructor for training of drivers who wish to obtain a Class 1, 2, or 3 drivers licence must have

(a) the words "student driver" in legible printed upper case letters not less than 75 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear.

(b) Repealed. [B.C. Reg. 228/2004, s. (f).]

(5) Repealed. [B.C. Reg. 228/2004, s. (f).]

(6) Vehicles used for driver training must meet inspection standards in Division 25.

(7) A private vehicle that is used for training of persons with disabilities who wish to obtain a Class 5 or 7 drivers licence and that has modifications to its controls in order to be operated is exempt from the requirements of this section other than subsection (1) (d).

(8) Vehicles used for retraining are exempt from the requirements of this section.

(9) A driver training school or driver training instructor must not provide Class 6 or 8 motorcycle practical driver training to a student on a highway if the student is not wearing a reflective vest of a type acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 229/98, s. 3; 257/98, App. 1, s. 3; 228/2004, s. (f).]

#### **Other requirements**

**27.10** (1) Repealed. [B.C. Reg. 228/2004, s. (f).]

(2) A driver training school, its operators, agents or employees, or a driver training instructor, must not

(a) represent themselves as a representative, agent or employee of the government,

(b) solicit business in an office of the Insurance Corporation of British Columbia or its authorized agents,

(c) engage in false, deceptive or misleading advertising or make a false, deceptive or misleading statement,

(d) state or imply that issuance of a drivers licence is guaranteed on completion of the driver training provided,

(e) advertise, state or imply that the school or its employees are approved, supervised, recommended or endorsed by the Insurance Corporation of British Columbia or the government, except that

(i) the words "licensed under the *Motor Vehicle Act*" may be used,

(ii) in the case of a licensed driver training school, the words "licensed as a driver training school under the *Motor Vehicle Act*" may be used,

(iii) in the case of a licensed driver training instructor, the words "licensed as a driver training instructor under the *Motor Vehicle Act*" may be used, and

(iv) in the case of an approved driver education course, the words "driver education course approved by the Insurance Corporation of British Columbia" or "driver education course approved by ICBC" may be used, or

(f) advertise, or cause advertising to be issued, which does not contain the name of the driver training school or, in the case of a driver training instructor, the name of the driver training instructor.

(g) Repealed. [B.C. Reg. 228/2004, s. (f).]

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 5; 413/97, App. 1, s. 21; 229/98, s. 4; 228/2004, s. (f).]

#### **Driver training course curriculum**

**27.11** The Insurance Corporation of British Columbia may set policy guidelines for the conduct of courses of driver training and the training of driver training instructors, including curriculum, facilities and equipment, and may monitor the conduct of courses for licensees under this Division.

[en. B.C. Reg. 354/94; am. B.C. Reg. 317/96, s. 1.]