



Proposed Regulation to License Tow Truck Drivers

Discussion Paper

Ministry of Public Safety & Solicitor General
Compliance and Consumer Policy Division
September 20, 2004

PSSG 04086

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Introduction

On July 5, 2004, responsibility for the oversight of business practices and consumer protection in British Columbia was delegated from the Ministry of Public Safety & Solicitor General to the new independent [Business Practices and Consumer Protection Authority](#) (the “BPCPA”).

The BPCPA operates at arm’s length from government and is responsible for provincial consumer protection activities. These activities include licensing, investigations, and enforcement under the new [Business Practices and Consumer Protection Act](#) and [Cremation, Interment and Funeral Services Act](#). The BPCPA operates within a full-cost recovery model and is not a taxpayer-subsidized system.

The new *Business Practices and Consumer Protection Act* allows the BPCPA to license tow truck drivers under [s. 143\(e\)](#) – Licence required. This section has not yet been proclaimed. However, the Ministry plans to regulate the tow truck industry and is requesting stakeholders to comment on the development of a licensing regulation.

Background

Tow truck drivers have the tools and skills to open locked cars, but are not licensed or subject to a security clearance. As well, some tow truck drivers may be conducting seizures of vehicles for creditors without being licensed as bailiffs.

Proposed Regulatory Framework

The purpose of the regulation is to licence tow truck drivers to improve consumer protection by:

- regulating who can enter the tow truck industry; and
- providing the BPCPA with the enforcement powers to effectively deal with tow truck drivers who present a risk to consumers.

Licensing

The proposed regulation would require all tow truck businesses and their drivers to be licensed.

Licence Fees

The amount of the licence fees would be based on a cost-recovery model which is consistent with the BPCPA's mandate. Businesses would pay an initial licence fee when they first apply for a licence. There would be fees for both businesses and employees to renew licences.

Criminal Record Check

People applying for a licence would be required to disclose whether they have a criminal record and would be required to complete an authorization form for a criminal record check.

Compensation Fund

Some people suggest that a compensation fund be established for the tow truck industry to compensate consumers for economic loss resulting from a tow truck driver's action. However, government does not intend to proceed with this suggestion at this time.

Additional Conditions of Licensing:

The following is a list of additional conditions which may be applied to tow truck licences:

- **Record keeping:** Tow truck drivers would be required to keep a record of who requested entry to a locked vehicle and the reason, or who requested a vehicle to be towed, the reason for the tow, and the final destination of the towed vehicle.
- **Safekeeping of towed vehicle:** Tow truck drivers would be required to meet minimum security standards for transporting and storing towed vehicles.
- **Seizure of vehicle for creditors:** A tow truck driver who seizes vehicles for creditors may be required to be licensed as a bailiff.
- **Training requirements:** The government may require tow truck drivers to complete a training program with the objective of increasing consumer protection.

Questionnaire

- 1) Should tow truck businesses and tow truck drivers be licensed?
Yes No

- 2) Your comments, questions or concerns:

Please forward your reply to:

Compliance and Consumer Policy Division
Ministry of Public Safety and Solicitor General
PO Box 9288 Stn Prov Govt
Victoria BC V8W 9J7
Fax: 250-356-1092

Your reply should be forwarded no later than *Friday, October 29, 2004*.

This information is being collected for the purpose of determining how to regulate tow truck drivers in British Columbia. Any personal information you provide is subject to the *Freedom of Information and Protection of Privacy Act*. The information will be used to evaluate the results of the consultation, which may involve disclosing your comments to other institutions and interested parties during and after the consultation. Your name will not be disclosed without your consent.