

This Act is Current to January 30, 2007

This Act has "Not in Force" sections. See the [Table of Legislative Changes](#).

Motor Dealer Act

[RSBC 1996] CHAPTER 316

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Part 1

Definitions

1 (1) In this Act:

"administrative agreement" means an administrative agreement entered into under Part 2.1;

"authority" means the Motor Dealer Council of British Columbia;

"board" means the Motor Dealer Customer Compensation Fund Board continued under section 15;

"business premises" does not include premises or part of premises occupied as a residence;

"claim" means an application for compensation from the fund for loss arising from a transaction by a motor dealer involving the disposition of a motor vehicle;

"court" means the Supreme Court;

"fund" means the Motor Dealer Customer Compensation Fund continued under section 14;

"motor dealer" means a person who, in the course of business,

(a) engages in the sale, exchange or other disposition of a motor vehicle, whether for that person's own account or for the account of another person, to another person for purposes that are primarily personal, family or household,

(b) holds himself, herself or itself out as engaging in the

disposition of motor vehicles under paragraph (a), or
(c) solicits, offers, advertises or promotes with respect
to the disposition of motor vehicles under paragraph (a),
but does not include a person exempted by regulation or an
individual referred to in paragraph (a) of the definition of
"salesperson";

"motor vehicle" means a self propelled vehicle designed or
used primarily for travel on a highway as defined in the
Highway Act, and includes a trailer, as defined in the Motor
Vehicle Act, designed or used primarily for accommodation
during travel or recreation, but does not include

(a) an all terrain vehicle, as defined in section 1 of the
Motor Vehicle Act Regulations,

(b) a farm tractor or motor assisted cycle, as those
terms are defined in the Motor Vehicle Act,

(c) machinery primarily intended for construction,
mining or logging purposes, or

(d) a vehicle exempted by the regulations;

"registered" means registered as a motor dealer under this
Act;

"registrar" means the Registrar of Motor Dealers appointed
under section 2 and includes a person authorized in writing

by the registrar to perform any of the registrar's duties;

"sale" means a lease, exchange or other disposition or supply of a motor vehicle to an individual primarily for the individual's personal or family use.

"salesperson" means

(a) an individual, other than a motor dealer, who, on behalf of a motor dealer and for or in the expectation of a fee, gain or reward,

(i) solicits, negotiates or arranges for the sale of a motor vehicle to a person, or

(ii) in any way participates in the soliciting, negotiating or arranging for the sale of a motor vehicle to a person, or

(b) an individual who is a motor dealer and who

(i) solicits, negotiates or arranges for the sale of a motor vehicle to a person, or

(ii) in any way participates in the soliciting, negotiating or arranging for the sale of a motor vehicle to a person.

Administration of this Act

1.1 The minister is responsible for the administration of this Act and the regulations except to the extent that the administration of

any provision of this Act or the regulations is delegated under section 24.2 to the authority.

Appointment and function of registrar

2 (1) A Registrar of Motor Dealers and other employees required to administer this Act may be appointed under the *Public Service Act*.

(2) Subject to section 1.1, the registrar must

(a) establish a registry system,

(b) under the direction of the minister, exercise the powers and perform the duties conferred or imposed on the registrar under this Act and the regulations,

(c) publish, on direction of the minister, reports respecting the administration and enforcement of this Act and the regulations, and

(d) maintain public records of terms or conditions imposed on a registered dealer under section 4 (4).

(3) The registrar, on direction of the minister, may conduct research, hold public hearings, make inquiries, conduct tests, publish studies and inform consumers and motor dealers respecting any aspect of the motor vehicle industry.

Registration required for motor dealer

3 (1) A person must not carry on business as a motor dealer

(a) unless the person

(i) is registered,

(ii) has provided the prescribed security satisfactory to the registrar,

(iii) has paid the prescribed annual renewal fee,

(iv) maintains motor vehicle repair facilities or files with the registrar a service contract providing for motor vehicle repair facilities satisfactory to the registrar,

(v) maintains a sign on the business premises identifying the registrant and the premises in the prescribed manner, and

(vi) maintains business premises that are, in the opinion of the registrar, sufficient for the purpose of displaying motor vehicles, and

(b) other than in the person's registered name or elsewhere than at or from the person's business premises.

(2) Except as provided in section 13, a person must not advertise or in any way indicate that he or she is registered or licensed under this Act.

Application for registration

4 (1) An application for registration must be made to the registrar

in the form approved by the registrar and must be accompanied by the prescribed fee.

(2) If an applicant carries on business at more than one location in British Columbia, the applicant must apply for registration for each location.

(3) A registration or renewal of registration expires at midnight on the day before the anniversary of the day in the previous year that it came into effect.

(4) The registrar may register or renew registration on terms, conditions or restrictions that the registrar considers necessary.

(5) Under subsection (4), the registrar may impose a condition requiring an irrevocable letter of credit, in an amount set by the registrar, as evidence of financial responsibility.

(6) The registrar at any time may, on giving written notice to a registered person, add to or alter the terms, conditions or restrictions of a registration.

(7) The registrar may grant or renew a registration to be effective on a date after the date the registrar's decision is made.

Refusal, suspension or termination

5 If the financial responsibility or past conduct of an applicant or person registered, or its officers or directors if the applicant or person registered is a corporation, is, in the opinion of the registrar,

such that it would not be in the public interest for the applicant or person to be registered or continue to be registered, the registrar may,

(a) if the application is made under section 4, refuse to register, or refuse to renew registration, or

(b) if a person is registered,

(i) cancel the registration, or

(ii) suspend the registration for a period of time and subject to conditions the registrar considers necessary.

Hearing if requested

6 If the registrar proposes to

(a) refuse to register or refuse to renew registration,

(b) cancel the registration, or

(c) suspend the registration,

the registrar must notify the applicant, or the holder of a certificate of registration, by registered mail that

(d) he or she has the right to be heard at a date and place specified in the notice, and

(e) if the applicant or holder does not attend at that time and place, the matter may be disposed of in the absence

of the applicant or holder.

Inquiries

7 (1) The registrar, in the exercise of the registrar's powers and duties under sections 4 and 5, may make inquiries and require information

(a) the registrar considers appropriate or necessary to decide whether or not to grant, renew, cancel or suspend registration, or

(b) respecting the business or proposed business of the applicant as authorized by the regulations.

(2) It is a condition of registration or renewal of registration that the applicant, or the holder of a certificate of registration or renewal, provide information and documents respecting the business of a motor dealer that the registrar or another person conducting an inquiry under this Act requires.

Repealed

8 [Repealed 2003-51-40.]

Business Practices and Consumer Protection Act — disclosure of the cost of consumer credit

8.1 (1) In this section, "**director**" has the same meaning as in the *Business Practices and Consumer Protection Act*.

(2) For the purposes of this section, the Lieutenant Governor in

Council may prescribe provisions of Part 2, except Division 3, and Part 5 of the *Business Practices and Consumer Protection Act*.

(3) A regulation made under subsection (2) may also

(a) identify certain rights and powers, including rights and powers in relation to inspections, inquiries and enforcement, and rights and powers to impose enforcement remedies and penalties, that the registrar or director may exercise under one or more of this Act and Part 10 of the *Business Practices and Consumer Protection Act*,

(b) prescribe which of the rights and powers under paragraph (a), if any, the registrar or director may exercise in relation to a prescribed provision of Part 2 or 5 of the *Business Practices and Consumer Protection Act*, and

(c) apply, in whole or in part, one or more provisions of this Act and Part 10 of the *Business Practices and Consumer Protection Act* to any exercise by the registrar or director of a right or power that the registrar or director would not, without the regulation referred to in paragraph (b) of this subsection, otherwise be entitled to exercise.

(4) If the Lieutenant Governor in Council makes a regulation under

subsection (2),

(a) the registrar and director each have and may exercise, in relation to the prescribed provisions of Parts 2 and 5 of the *Business Practices and Consumer Protection Act*, the rights and powers, if any, prescribed for them under subsection (3) of this section,

(b) contravention of a prescribed provision of Part 2 or 5 of the *Business Practices and Consumer Protection Act* by a person is grounds for the registrar or director, as the case may be, to determine that it is not in the public interest for the person to be registered or to continue to be registered under this Act and, without limiting paragraph (a) of this subsection, the registrar or director, as the case may be, may exercise the rights and powers of the registrar under Part 1 of this Act that may be exercised in the event of that determination, and

(c) Part 13 of the *Business Practices and Consumer Protection Act* applies in respect of the contravention of a prescribed provision of Part 2 or 5 of that Act.

(5) Nothing in this section affects the rights and powers that the director may exercise in relation to a provision of Part 2 or 5 of the *Business Practices and Consumer Protection Act* that is not prescribed under subsection (2) of this section.

Fees and security

9 The fee for registration and for renewal of registration and the security required to be provided must be prescribed by regulation, and the regulations may prescribe

(a) different fees and amounts of security for different classes or sizes of motor dealers' businesses, and

(b) additional fees and amounts of security for each place where the dealer carries on business.

Voluntary cancellation of registration

10 A person registered under this Act who ceases to carry on business as a motor dealer must at once surrender his or her certificate of registration to the registrar and request cancellation of the registration.

Registered name

11 A motor dealer must, subject to the applicable zoning and other bylaws of the municipality or regional district that has jurisdiction, maintain and occupy an established business premises identified by a sign naming the dealer as set out in the dealer's licence, where he or she must keep and maintain records of the business.

Additional information of changes

12 A motor dealer must, within 14 days after the event, notify the registrar in writing of a change

- (a) in the registered name or address,
- (b) in the officers or directors in the case of a corporation, or of its members in the case of a partnership, and
- (c) in the case of a corporation, in the beneficial ownership of its shares.

Advertising

13 (1) A motor dealer must, in every written sale or purchase agreement that the motor dealer enters into in respect of a motor vehicle, and in every advertisement or written representation, include

(a) the name of the motor dealer and the word "dealer" followed by the registration number issued to the motor dealer under this Act, and

(b) other prescribed information.

(2) A motor dealer must affix, as prescribed, to a motor vehicle exhibited or offered for sale or exchange, a selling price and other prescribed information.

(3) [\[Repealed 2004-24-2.\]](#)

Part 2

Motor Dealer Customer Compensation Fund

14 (1) The Motor Dealer Customer Compensation Fund is continued for the payment of claims against motor dealers in accordance with this Part.

(2) In amounts, at times and in the manner prescribed by the Lieutenant Governor in Council, a motor dealer carrying on business in British Columbia must make payments to the fund through the registrar.

(3) The fund is a trust fund under the *Financial Administration Act*.

(4) The amounts referred to in subsection (2) must be paid to the Minister of Finance, who

(a) is the trustee of the fund,

(b) must invest the amounts and the earnings in investments permitted for a trust fund under section 40 of the *Financial Administration Act*, and

(c) must pay money out of the fund in accordance with directions from the board given under this Act.

(5) Any earnings of the fund under subsection (4) (b) become part of the fund.

Motor Dealer Customer Compensation Fund Board

15 (1) The Motor Dealer Customer Compensation Fund Board is continued to hear and decide claims against the fund.

(2) The board consists of the number of members appointed by the

Lieutenant Governor in Council, one of whom must be designated as chair.

(3) Each member must be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in the discharge of board duties and, in addition, may be paid the remuneration set by the Lieutenant Governor in Council.

(3.1) If under an administrative agreement the authority is to administer the provisions of this Part,

(a) subsections (2) and (3) do not apply,

(b) the board consists of the number of members appointed by the authority, one of whom must be designated as chair, and

(c) each member must be reimbursed for reasonable traveling and out of pocket expenses necessarily incurred in the discharge of board duties and, in addition, may be paid the remuneration set by the authority.

(4) A member of the public service may be appointed as a member of the board, but must not receive remuneration for carrying out the duties of a board member.

(5) If a member of the board resigns or the appointment terminates, the member may complete the duties and continue to exercise the powers in relation to a proceeding in which the member

participated until the proceeding is completed.

(6) If a member of the board becomes incapacitated during the course of a proceeding and is unable to continue, the remaining members may exercise the powers and duties of the board in relation to that proceeding.

(7) The board and each member has the powers, privileges and protection of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.

Powers and duties of the board

16 (1) The board has exclusive jurisdiction to hear and decide claims against the fund.

(2) A decision, order or ruling of the board made under this Act in respect of a matter that is within the board's jurisdiction is final and conclusive and is not open to question or review in court except on a question of law or excess of jurisdiction.

(3) Despite subsection (2), the board may, at its discretion, reconsider its own decision.

(4) The board must follow the practices and procedures prescribed by the Lieutenant Governor in Council.

(5) [Repealed 2004-24-4.]

Claims against the fund

17 (1) An application for compensation from the fund must comply with the regulations.

(2) An application for compensation from the fund must be filed with the registrar within 2 years from the refusal or failure of the motor dealer to pay.

(3) The board must not compensate a person who has applied for compensation in respect of a default judgment or judgment by consent against a motor dealer unless the board is satisfied that the claim would otherwise be payable under this Part.

Types of evidence the board may consider

18 The board may

(a) require that the information in an application be verified by a statutory declaration,

(b) receive and examine evidence and information on oath or affirmation, by affidavit or otherwise that in its discretion it considers proper, whether or not the evidence is admissible in court,

(c) examine records and make inquiries that it considers necessary, and

(d) authorize a person to administer oaths and affirmations, exercise the powers of the board under paragraphs (a) to (c) and report the findings to the

board.

Assignment of rights to board

19 Money must not be paid from the fund unless the claimant has assigned to the government all the rights under the claim that gave rise to the application.

Claimant to repay fund for money received from debtor

20 (1) If the fund pays a person's claim and the person receives something of value from some other source in payment of the loss that led to the payment from the fund, the person must repay to the fund money equal to the value of the thing received from the other source.

(2) If the person fails to repay the fund, the government has a cause of action against the person for the amount unpaid.

Money recovered belongs to fund

21 Money recovered by the government under section 20 is part of the fund, but the Lieutenant Governor in Council may order the board to pay all or part of the money to the claimant after deducting

(a) the amount paid out of the fund in respect of the claim,

(b) interest on the amount in paragraph (a) at the prescribed annual rate from the date of payment, and

(c) costs of recovery including actual legal costs.

Costs of administering the fund

22 The costs of administering the fund, including money paid to board members and the costs incurred in investigating and processing claims against the fund, must be paid from the fund.

What if there is insufficient money in the fund?

23 The board may prorate payments between claimants if the fund is insufficient to pay all claims.

Effect of payment on motor dealer's registration

24 (1) If a claim is paid out of the fund, the registrar may cancel the registration of the motor dealer who caused the claim.

(2) If the registration of a motor dealer is cancelled under subsection (1), the motor dealer may not be registered again until the motor dealer has paid to the fund the amount paid out for the claim.

Part 2.1

Administrative agreement with the authority

24.1 (1) The minister may enter into an administrative agreement with the authority to administer provisions of this Act and the regulations.

(2) An administrative agreement must include provisions that specify all of the following:

(a) the expected consumer protection and other public interest outcomes to be achieved by the authority in its administration of this Act and the regulations;

(b) the performance objectives of the authority;

(c) the acceptance by the authority of the responsibility to administer powers delegated to the authority under section 24.2;

(d) the financial arrangements between the authority and the government, including the collection and payment of fees due to the authority or the government and any transitional financial matters;

(e) the right of access of the authority to records created by the government and the right of access of the government to records created by the authority;

(f) the requirements for records management by the authority;

(g) the requirements that the authority report to the government any matters in respect of the operation of powers administered by the authority under this Act;

(h) a requirement that the authority carry adequate insurance;

- (i) provisions for indemnification with respect to liability;
- (j) the obligations of the parties if the agreement is terminated;
- (k) the time period of the agreement or the procedure for the review of the agreement by the authority and the government;
- (l) provisions for the settlement of disputes;
- (m) a specification of the liability of the authority arising out of the authority carrying out its administration of this Act and the regulations.

(3) In addition, an administrative agreement must include provisions respecting a code of conduct for motor dealers.

Power to delegate administration of Act and regulations to the authority

24.2 (1) If the minister enters into an administrative agreement with the authority, the Lieutenant Governor in Council may, by regulation, delegate to the authority the administration of any of the provisions of this Act and the regulations, including any power, function or duty of the minister or registrar, except the power to make regulations.

(2) The minister must advise the authority if the minister considers that an amendment to the delegation regulation could substantively affect the administrative agreement.

(3) If the Lieutenant Governor in Council repeals a regulation made under subsection (1), the administrative agreement is terminated.

Delegation does not make the authority an agent of the government

24.3 The authority is not an agent of the government for the purpose of the administration of any provision of this Act and the regulations that is delegated under section 24.2.

Power of the authority to set fees for matters under its administration

24.4 (1) Despite any power of the Lieutenant Governor in Council or the minister to prescribe fees for matters under the administration of the government, the authority may set fees in accordance with a process established by the authority for any matter required under the authority's administration.

(2) The process established under subsection (1) must be in accordance with criteria that are established by regulation and the administrative agreement.

(3) Despite section 24.3, for the purposes of collecting fees on behalf of the government, the authority is an agent of the government.

Power to order an audit

24.5 The Lieutenant Governor in Council may direct a person to conduct an audit of the authority with respect to the administration

of provisions delegated under section 24.2.

Power to appoint an administrator

24.6 (1) Despite the *Society Act* or any other Act, the Lieutenant Governor in Council, by order, may appoint an administrator to temporarily discharge the powers, duties and functions of the authority if the Lieutenant Governor in Council identifies an immediate and direct threat to the ability of the authority to function that could significantly compromise the protection of consumers or persons registered under this Act.

(2) The Lieutenant Governor in Council may specify one or more of the following in the order made under subsection (1):

(a) the powers, duties and functions of the administrator;

(b) that the members of the authority and any body or committee created by or under the authority cease to hold office;

(c) that during the term of the administrator, the powers of any members of the authority who continue to hold office are suspended unless otherwise provided in the order.

Part 3

Complaints

25 (1) If the registrar receives a complaint in respect of a motor dealer, the motor dealer must provide to the registrar the information respecting the matter complained of that the registrar requests in writing.

(2) The request under subsection (1) must indicate the nature of the complaint.

(3) For the purposes of subsection (1), the registrar or a person designated in writing by the registrar may, at any reasonable time during normal business hours, enter the business premises of the motor dealer to make an inspection with respect to the complaint.

Inspection

26 A motor dealer must, at a reasonable time during normal business hours, on request of the registrar or a person authorized in writing by the registrar, permit the registrar or authorized person to

- (a) enter the motor dealer's place of business,
- (b) inspect the records of the business,
- (c) enter premises in which any motor vehicle owned, possessed or controlled by the motor dealer for his or her business is kept or stored, and
- (d) inspect all vehicles on the premises.

Order to refrain from dealing with assets

27 (1) If the registrar has begun an investigation of a person under this Act and the registrar believes that it is necessary to protect individuals dealing with that person, the registrar may order, in writing or by telegram,

(a) a person having on deposit, or under his or her control, or for safekeeping, assets, trust funds or other property of the person being investigated, or a debtor of the person being investigated to hold the assets, trust funds or other property of, or money owing to, that person, in trust for a receiver, liquidator or trustee to be appointed under this Act or another enactment, or

(b) the person being investigated to refrain from withdrawing assets, trust funds or other property that are on deposit with, under the control of, or in the safekeeping of, another person, unless the registrar consents in writing to the release of all or part of them.

(2) The registrar may revoke in writing an order made under this section.

(3) Instead of making an order under this section, the registrar may accept from the person being investigated

(a) a personal bond, together with collateral security,

(b) a bond of a guarantee company approved by the registrar, or

(c) a bond of a guarantor, other than a guarantee company, together with collateral security,

in a form and with terms the registrar determines under the *Bonding Act*.

(4) A person who receives an order from the registrar under this section may,

(a) if in doubt as to the application of the order to assets, trust funds or other property on deposit with the person or under his or her control or in his or her safekeeping, or

(b) if a person not named in the order claims a right, title or interest in the assets, trust funds or other property,

pay or deliver those assets, trust funds or other property into a court.

(5) If a person pays assets, trust funds or other property into a court under subsection (4), the person is discharged from liability to the extent of that payment or delivery.

Appointment of receiver

28 (1) If an investigation of a person has begun under this Act, the registrar may apply to the court for the appointment of a receiver, receiver manager or trustee of the property of that person.

(2) On an application under subsection (1), the court may appoint a

receiver, receiver manager or trustee of the property of the person if the court is satisfied that the appointment is in the best interests of

(a) the creditors of that person,

(b) persons whose property is in the possession of or under the control of that person, or

(c) consumers.

(3) A receiver, receiver manager or trustee appointed under this section is the receiver, receiver manager or trustee of all the property belonging to, held by, or on behalf of or in trust for the person named in the investigation order, and the receiver, receiver manager or trustee has authority, if directed by the court, to wind up or manage the business and affairs of the person so named and all necessary or incidental powers.

(4) An application under this section may be made either without notice to any person or on notice but, if the application is made without notice to any person, the receiver, receiver manager or trustee

(a) must be appointed for a period not exceeding 8 days, and

(b) must not be authorized to wind up the business or affairs of the person named in the investigation order

unless the court, after a hearing, otherwise orders.

Confidentiality of information

29 (1) A person employed in the administration of this Act, including a person making an inquiry, inspection, examination, test or investigation under section 26, must maintain secrecy in respect of all matters that come to his or her knowledge in the course of his or her duties, employment, inquiry, inspection, examination, test or investigation, and must not communicate information obtained under this Act to another person not legally entitled to it except

(a) as may be required or permitted in the administration of this Act or the regulations or proceedings under this Act or the regulations,

(b) to the employee's counsel or to the court in a proceeding under this Act or the regulations,

(c) to a department or agency of a government engaged in the administration of laws, measures or rulings similar to this Act or Acts for the general protection of consumers,

(d) with the consent of the person to whom the information relates, or

(e) to a law enforcement agency if the employee suspects that a criminal offence has been committed.

(2) Except in respect of a proceeding under this Act or the regulations, a person to whom subsection (1) applies is not, in a civil

proceeding, compelled to give evidence respecting information obtained by the person in the course of his or her duties, employment, inquiry, inspection, examination, test or investigation.

Service of notices

30 (1) A notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

(2) If service is made by registered mail, the service is deemed to be made on the third day after the day of mailing, unless the person on whom service is being made establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

Court order to comply

31 If it appears to the registrar that a person is not complying with this Act, the regulations or an order made under this Act, even though a penalty may have been or could be imposed in respect of noncompliance, the registrar, in addition to any other rights the registrar may have, may apply to the court for an order directing that person to comply, and the court may make an order it considers proper.

Financial statements

32 (1) A motor dealer must, if requested by the registrar, file a financial statement signed by the motor dealer in the form and containing the information required by the registrar and certified by a person licensed as an accountant under an Act.

(2) The information contained in a financial statement filed under subsection (1) is confidential and a person must not communicate that information to or allow access to or inspection of that information by another person not legally entitled to it under this Act.

Admissibility of registrar's certificates

33 (1) A statement with respect to

(a) the registration or nonregistration,

(b) the filing or nonfiling of a document required or permitted to be filed with the registrar,

(c) the date on which the facts on which proceedings are based first came to the knowledge of the registrar, or

(d) any other matter respecting registration, nonregistration, filing or nonfiling,

under this Act or the regulations, purporting to be certified by the registrar, is, without proof of the office or signature of the registrar, receivable in evidence as proof of the facts stated in it for all

purposes in a proceeding or prosecution.

(2) A document under this Act purporting to be signed by the minister, or a copy certified by the minister, is receivable in evidence in a prosecution or other proceeding as proof that the document is signed by the minister, without proof of the office or signature of the minister.

Odometers

34 (1) Except as permitted by the regulations, a person must not

(a) disconnect or tamper with the odometer of a vehicle operated under section 38 (3) and (4) of the *Motor Vehicle Act*, or

(b) drive or operate a vehicle operated under section 38 (3) and (4) of that Act unless the odometer of the vehicle is in effective working order.

(2) A person must not alter, disconnect or replace, or cause to be altered, disconnected or replaced, a motor vehicle's odometer with the intent to mislead a prospective purchaser of the motor vehicle as to the distance travelled by the motor vehicle.

(3) A conviction of a motor dealer of an offence under subsection (1) or (2) is deemed to be cause for the suspension or cancellation of registration.

(4) If an offence under subsection (1) is committed by

(a) an employee or agent of the owner or motor dealer,
or

(b) any other person entrusted by the owner or motor
dealer with the possession of the motor vehicle,

the owner or motor dealer is deemed to be a party to the offence,
and is personally liable to the penalties prescribed for the offence as
a principal offender, but nothing in this subsection relieves from
liability the person who actually committed the offence.

Offences

35 (1) Section 5 of the *Offence Act* does not apply to this Act or
the regulations.

(2) A person who contravenes section 3, 11, 12, 13, 20 (1), 25, 26,
29 (1), 32 or 34 of this Act or a provision of the regulations commits
an offence.

(3) A person commits an offence if the person does any of the
following:

(a) supplies false or misleading information to a person
acting under this Act;

(b) refuses or fails to provide information as required
under this Act.

(4) A person does not commit an offence under subsection (3) (a) if,
at the time the information was supplied, the person did not know

that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.

(5) If a corporation commits an offence under this Act or the regulations, an employee, officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence also commits an offence, whether or not the corporation is prosecuted for the offence.

Penalties

35.1 (1) An individual who commits an offence under this Act or the regulations is liable

(a) to a fine of not more than \$100 000,

(b) to imprisonment for not more than 6 months, or

(c) to both the fine referred to in paragraph (a) and the imprisonment referred to in paragraph (b).

(2) A corporation that commits an offence under this Act is liable to a fine of not more than \$200 000.

Limitation period

36 A prosecution for an offence under this Act or the regulations must not be commenced more than 2 years after the facts on which the proceeding is based first came to the attention of the registrar.

Liability of registrar and others

37 (1) The minister, the registrar, their agents, officers, employees, representatives and persons acting on their behalf are not liable in their personal or official capacities for any loss or damage suffered by a person by reason of anything done or omitted to be done in good faith in the exercise or purported exercise of any powers given by this Act.

(2) Despite another law, subsection (1) does not relieve the government from any liability it may have at law for loss or damage suffered by any person in respect of the acts of the persons referred to in subsection (1).

Power to make regulations

38 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

(a) respecting the disclosure of information and handling of money related to consignment sales of motor vehicles by motor dealers,

(b) respecting the disclosure of information related to motor vehicle leasing by motor dealers,

(c) prescribing provisions that motor dealers must include in motor vehicle leasing contracts,

- (d) prescribing provisions that are deemed to be included by motor dealers in the leases of motor vehicles,
- (e) respecting matters that may be prescribed under sections 14 (2), 16 (4) and 21 (b),
- (f) respecting applications for compensation from the fund including
 - (i) who may apply,
 - (ii) what losses are eligible for compensation,
 - (iii) the manner of making an application to the registrar, and
 - (iv) the maximum amount of compensation payable to a person or for a loss, and
- (g) exempting a person or motor vehicle from this Act or the regulations.

(3) For the purposes of subsection (2), the Lieutenant Governor in Council may

- (a) make different regulations for different classes of motor vehicles, persons, motor dealers, purchases, lessees, consignors and transactions,
- (b) delegate a matter to a person, and
- (c) confer a discretion on a person.

Power to make regulations for the licensing of salespersons

39 Without limiting section 38, the Lieutenant Governor in Council may make regulations authorizing the authority to license salespersons, including, without limitation,

(a) respecting the issuance, suspension and revocation of licences,

(b) prescribing the fee for licensing and for renewal of licensing and the security required to be provided, including

(i) different fees and amounts of security for different classes of salespersons,

(ii) additional fees and amounts of security for each place where the salesperson works, and

(iii) respecting fees and charges payable for licences, licence applications and amendments to a licence,

(c) respecting the conditions that may be imposed on a licence,

(d) respecting the term and expiration of licences,

(e) respecting the display and production of licences, and

(f) respecting the replacement of a licence.

