

Code of Conduct

Annotated Guidance Document

Introduction

The following is a plain language and explanatory version of the Code of Conduct as found in section 33(2) of the *Motor Dealer Act Regulation*. Licensees should review the Regulation, as the Regulation is what is enforced. This document is for guidance purposes only and should not be considered the law.

Posting this Code of Conduct

A motor dealer, broker-agent and a wholesaler must post the Code of Conduct in a conspicuous place at their business premises.

A conspicuous place is where the Code of Conduct will stand out and be easily noticed by consumers inside the dealership.

The Code of Conduct

All registered motor dealers and all persons licensed under the *Motor Dealer Act* regulations:

1. Will act with honesty and with integrity.

Honesty is telling the truth in all matters. Integrity means not taking advantage of another person - trustworthiness. For example, not using customer personal information for an unauthorized purpose. Another example would be trying to contact the customer for a personal reason without their express permission.

2. Will not discriminate against a person because of the person's: race, colour, ancestry, place of birth, religious beliefs, marital or family status, physical or mental disabilities, sex, sexual orientation, gender identity or expression, or age.

Motor dealers and licensees are expected to respect all persons and treat them equally while conducting themselves in business. Note that "age" means someone 19 years or older.

3. Will document in a written agreement any oral or written representations that they have made, in respect of a transaction.

For example, a promise of free floor mats or a full tank of gas must be noted on the written agreement. Another example, is a wholesaler promising to pay a dealer for a vehicle within 10 days.

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4. Will respond promptly and courteously to consumer inquiries.

A dealer or licensee must respond to a consumer inquiry within two-days and not be aggressive, make demeaning remarks or otherwise be discourteous when responding. If the dealer or licensee will take longer than two-days to respond, they are expected to advise the consumer why, and approximately when they will respond.

5. Will not make false or misleading representations with respect to any amount charged in respect of a consumer transaction.

Examples: Will not represent a charge as a mandatory tax when it is not. Will not represent a fee as required by the Registrar or the Vehicle Sales Authority. Will not say a documentation fee helps cover the cost of preparing a vehicle for delivery, when that cost is already covered in the freight and PDI fee, or the dealer already receives reimbursement for preparing the vehicle for delivery.

6. Will not adversely affect the reputation of a motor dealer, a licensee, the Motor Vehicle Sales Authority of British Columbia or the Registrar.

For example, when speaking to a consumer, a dealer will not speak negatively about another dealer, to gain that consumer's business. A licensee will not make negative comments about the Authority or the Registrar to convince a consumer to not make a complaint.

7. Will not intimidate a consumer.

For example, a dealer will not threaten to seize a consumer's vehicle if the consumer indicates they are making a complaint to the Vehicle Sales Authority. Another example is constantly texting or contacting a former customer when they have asked you to stop.

8. Will safeguard any records of a consumer that they possess or control.

For example, a dealer or a licensee will ensure they have appropriate physical and electronic security over consumer information. Also, they will ensure proper policies are in place and staff training. They should also ensure appropriate oversight of and confidentiality agreements with third party vendors who provide data services to the dealer or the licensee, such as a dealer management system. Businesses also have these obligations under the *Personal Information Protection Act*. They should consult the website of the Office of the Information and Privacy Commissioner of B.C. for guidance documents.

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9. Will not aid, abet, counsel or cause a person to contravene
- (a) the *Motor Dealer Act* or any of its regulations,
 - (b) the *Business Practices and Consumer Protection Act* or any of its regulations,
 - (c) a condition of a licensee's licence or a motor dealer's registration, or
 - (d) any other law.

An example of aiding someone to contravene the law, is to agree to declare a lesser purchase price of a vehicle to assist the buyer to avoid taxes.

An example of abetting someone to contravene the law is to encourage a person to declare a lesser purchase price on a vehicle to avoid paying taxes.

An example of counseling someone to contravene the law, is to deliberately encourage a person to declare a lesser purchase price on a vehicle to avoid taxes, expecting the person may do so.

An example of causing a person to contravene the law, is a salesperson or sales manager declaring a lesser purchase price on a vehicle; which causes the dealership to contravene the law by not collecting and remitting the appropriate taxes from the sale.

Notes:

"aid and abet" judicially considered in *R. v. Blackmore* 2018 BCCA 324 (Court of Appeal)

"counselling an offence" judicially considered in *R. v. Hamilton*, 2005 SCC 47 (Supreme Court of Canada)

If you believe a motor dealer or a licensee is not following this Code of Conduct, you should ask to speak to a senior manager or the owner of the business. If they cannot resolve your concerns, you may contact the Consumer Services Department of the Motor Vehicle Sales Authority of British Columbia to raise your concerns.

www.mvsabc.com

T: 604-575-7255 or toll free 1-877-294-9889

Email: consumer.services@mvsabc.com