



THE NEWFOUNDLAND AND LABRADOR GAZETTE EXTRAORDINARY

PART II

PUBLISHED BY AUTHORITY

ST. JOHN'S, THURSDAY, DECEMBER 21, 2023

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 91/23
NLR 92/23
NLR 93/23
NLR 94/23
NLR 95/23
NLR 96/23**



**NEWFOUNDLAND AND LABRADOR
REGULATION 91/23**

Proclamation bringing the Act into force
(SNL2023 c24)

[In force December 21, 2023]

under

*An Act to Amend the Highway Traffic Act, the City of Corner Brook Act,
the City of Mount Pearl Act, and the Municipalities Act, 1999*
(O.C 2023-288)

(Filed December 21, 2023)

*CHARLES THE THIRD, by the Grace of God
King of Canada and His Other Realms and Territories
Head of the Commonwealth.*

JOAN MARIE J. AYLWARD
Lieutenant Governor

DENIS MAHONEY, K.C.
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 15 of An Act to Amend the Highway Traffic Act, the City of Corner Brook Act, the City of Mount Pearl Act, the City of St. John's Act and the Municipalities Act, 1999, Statutes of Newfoundland and Labrador 2023 Chapter 24 (the "Act"), it is provided that the Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that An Act to Amend the Highway Traffic

*Proclamation bringing the Act into force under
An Act to Amend the Highway Traffic Act, the City of
Corner Brook Act, the City of Mount Pearl Act, and the
Municipalities Act, 1999*

91/23

Act, the City of Corner Brook Act, the City of Mount Pearl Act, the City of St. John's Act and the Municipalities Act, 1999, Statutes of Newfoundland and Labrador 2023 Chapter 24, shall come into force on the date of publication of this Proclamation in the Newfoundland and Labrador Gazette.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Joan Marie J. Aylward, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 20th day of December in the year of Our Lord two thousand and twenty-three, in the second year of Our Reign.

BY COMMAND,

JUDITH HEARN
Deputy Registrar General



**NEWFOUNDLAND AND LABRADOR
REGULATION 92/23**

Automobile Insurance Regulations, 2019 (Amendment)
under the
Automobile Insurance Act
(O.C. 2023-289)

(Filed December 21, 2023)

Under the authority of section 60 of the *Automobile Insurance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 20, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.2 Amdt.
Definitions

NLR 56/19

1. Paragraph 2(g) of the *Automobile Insurance Regulations, 2019* is repealed and the following substituted:

(g) "public vehicle" means

- (i) an automobile used primarily to provide transportation services to the public and includes ambulances, daily rental vehicles, funeral hearses, private buses, public buses, school buses and taxis, and
- (ii) an automobile used for a ride-sharing service;

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**NEWFOUNDLAND AND LABRADOR
REGULATION 93/23**

*Ambulance, Bus, School Bus, Taxi, Ride-Sharing Vehicles and
Commercial Motor Vehicles Insurance Regulations*
under the
Highway Traffic Act

(Filed December 21, 2023)

Under the authority of section 77 of the *Highway Traffic Act*, I
make the following regulations.

Dated at St. John's, December 21, 2023.

Sarah Stoodley
Minister of Digital Government and
Service Newfoundland and Labrador

REGULATIONS

Analysis

- | | |
|--|--------------|
| 1. Short title | 7. Penalties |
| 2. Definitions | 8. Repeal |
| 3. Application | |
| 4. Insurance required | Schedule |
| 5. Commercial motor vehicle
insurance | |
| 6. Certificate of insurance | |

*Ambulance, Bus, School Bus, Taxi, Ride-Sharing
Vehicles and Commercial Motor Vehicles Insurance
Regulations*

- Short title **1.** These regulations may be cited as the *Ambulance, Bus, School Bus, Taxi, Ride-Sharing Vehicles and Commercial Motor Vehicles Insurance Regulations*.
- Definitions **2.** In these regulations
- (a) "accident" includes damage to cargo, containers or their contents;
 - (b) "Act" means the *Highway Traffic Act*;
 - (c) "cargo" includes personal property of every description that may be conveyed upon a motor vehicle or trailer except a passenger's personal baggage;
 - (d) "certificate of insurance " means a certificate in the form set by the registrar in accordance with subsection 6(2) and filed with the registrar in accordance with these regulations;
 - (e) "gross vehicle mass" means the mass recorded on the vehicle registration and used to determine the registration fees under the Act;
 - (f) "motor vehicle liability policy" means a motor vehicle liability policy as defined in the *Automobile Insurance Act*;
 - (g) "owner" means, in relation to a vehicle, the person in whose name the vehicle is registered;
 - (h) "passenger" includes, for the purpose of calculating the seating capacity of an ambulance, bus, school bus, taxi or ride-sharing vehicle, the driver;
 - (i) "ride-sharing vehicle" means a motor vehicle used for a ride-sharing service; and
 - (j) "school contract vehicle" means a passenger vehicle, designed to carry 6 or fewer passengers in addition to the driver, under a contract with a school board to carry children to and from school and school related activities.

*Ambulance, Bus, School Bus, Taxi, Ride-Sharing
Vehicles and Commercial Motor Vehicles Insurance
Regulations.*

93/23

Application

3. (1) These regulations shall apply to every ambulance, bus, school contract vehicle, school bus, taxi, ride-sharing vehicle and commercial motor vehicle operated in the province whether or not they are operated for hire, gain or reward.

(2) Notwithstanding subsection (1), section 6 does not apply to school contract vehicles and ride-sharing vehicles.

Insurance required

4. An owner of an ambulance, bus, school contract vehicle, school bus, taxi or ride-sharing vehicle shall have and keep in force in relation to it

(a) a motor vehicle liability insurance policy containing provisions which insure third parties against loss for amounts not less than the amounts set out in subsection 21(1) of the *Automobile Insurance Act*; and

(b) a motor vehicle liability insurance policy containing provisions which insure against liability arising out of bodily injury to or the death of or loss or damage to property belonging to a passenger arising from any one accident for the amounts specified in the schedule exclusive of interest and costs.

Commercial motor
vehicle insurance

5. An owner of a commercial motor vehicle, other than an ambulance, bus, school contract vehicle, school bus, taxi or ride-sharing vehicle, used for the transport of dangerous goods listed under the *Transportation of Dangerous Goods Act* (Canada) shall have and keep in force in relation to it a motor vehicle liability insurance policy containing provisions which insure third parties against bodily injury to or the death of a person or for loss of or damage to property of others other than cargo

(a) for the amount of \$1,000,000; or

(b) notwithstanding paragraph (a), for the amount of \$2,000,000 where the dangerous goods

(i) are specified as Class 1 in Column 3 of Schedule 1 of the *Transportation of Dangerous Goods Regulations* (Canada), or

- (ii) require an emergency response plan to be filed with the Director General of the Transport Dangerous Goods Directorate, Transport Canada, under Part 7 of the *Transportation of Dangerous Goods Regulations* (Canada).

Certificate of
insurance

6. (1) For the purposes of this section "policy" means a motor vehicle liability insurance policy covering a motor vehicle.

(2) The registrar may set the form on which a certificate of insurance shall be filed.

(3) A certificate of insurance filed with the registrar for the purposes of this section shall be considered to be a conclusive admission by the insurer that a policy has been issued and is in accordance with the terms of the certificate of insurance.

(4) The insurer shall sign each certificate of insurance certifying that at the date of issue of the certificate of insurance the policy or policies referred to in the certificate of insurance are in full force and effect and shall show the name and address of the insured and all vehicles to which the policy applies.

(5) Every insurer shall notify in writing the registrar of the cancellation or expiration of a policy for which a certificate of insurance has been issued in accordance with this section at least 10 days before the effective date of cancellation or expiration and, in the absence of that notice of cancellation or expiration, the policy shall remain in full force and effect.

(6) A person who

(a) produces to a traffic officer a certificate of insurance

(i) purporting to show that there is in force a policy that is in fact not in force,

(ii) purporting to show that that person is at that time maintaining in effect proof of financial responsibility as required by these regulations when that is not the case,
or

(iii) purporting to show that the person named in the certificate of insurance as the insured is at the time of an accident in which a motor vehicle is directly or indirectly involved insured in respect of loss resulting from that accident and occasioned by the operation or use of that motor vehicle when that is not the case; or

(b) gives or loans to a person not entitled to have it a certificate of insurance issued under these regulations,

is guilty of an offence.

Penalties

7. (1) A person who contravenes a provision of these regulations is guilty of an offence and is liable on summary conviction to a fine of not less than \$450 and not more than \$1,260 or in default of payment of the fine to imprisonment for a period of not less than 15 days and not more than 45 days.

(2) Where an offence is committed or continued on more than one day the person who committed the offence is liable to be convicted of a separate offence for each day on which the offence is committed or continued.

Repeal

8. The *Ambulance, Bus, School Bus, Taxi and Commercial Motor Vehicles Insurance Regulations, Consolidated Newfoundland and Labrador Regulation 999/96, are repealed.*

Schedule

Ambulance, Bus, School Contract Vehicle, School Bus, Taxi and Ride-Sharing Vehicle with seating capacity of

(a) 1 to 21 - \$1,000,000; and

(b) 22 or more - \$2,000,000.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 94/23**

Highway Traffic Driver Regulations, 1999 (Amendment) No. 2
under the
Highway Traffic Act
(O.C. 2023-290)

(Filed December 21, 2023)

Under the authority of section 186 of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 21, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.3 Amdt.
Classes of licence

NLR 110/98
as amended

1. (1) Subparagraph 3(2)(d)(i) of the *Highway Traffic Driver Regulations, 1999* is repealed and the following substituted:

- (i) taxis, motor vehicles used for a ride-sharing service, ambulances and buses which carry not more than 24 passengers, and

(2) Paragraph 3(2)(e) of the regulations is repealed and the following substituted:

- (e) class 5 driver's licence which shall permit the holder to operate
 - (i) all motor vehicles with not more than 2 axles and combinations of vehicles where the towed vehicle is not more than 4500 kilograms in weight other than
 - (A) buses while carrying passengers,
 - (B) taxis while carrying passengers,
 - (C) motor vehicles used for a ride-sharing service while carrying passengers for compensation, and
 - (D) ambulances while carrying passengers,
 - (ii) self propelled motor homes with 2 or more axles,
 - (iii) farm tractors,
 - (iv) fork lifts,
 - (v) trucks designed for off highway use, and
 - (vi) backhoes;

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**NEWFOUNDLAND AND LABRADOR
REGULATION 95/23**

Official Inspection Station Regulations (Amendment)
under the
Highway Traffic Act
(O.C. 2023-291)

(Filed December 21, 2023)

Under the authority of subsection 196(1) of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 20, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.3 Amdt.
Certificate of appointment | 5. S.17 Amdt.
Details required |
| 2. S.6 Amdt.
Application for appointment
certificate | 6. S.19 Amdt.
Prohibitions |
| 3. S.10 Amdt.
Inspection required | 7. S.20 Amdt.
Authorized inspection
mechanic |
| 4. S.15 Amdt.
Requirements not met | 8. Sch. B Amdt. |

CNLR 1002/96
as amended

1. Subsection 3(2) of the *Official Inspection Station Regulations* is amended by deleting the words "he or she" and substituting the words "the minister".

2. Subsection 6(4) of the regulations is amended by deleting the words "he or she" and substituting the words "the minister".

3. (1) Subsection 10(3) of the regulations is amended by deleting the words "his or her" and substituting the words "the registrar's".

(2) Subsection 10(10) of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

4. Section 15 of the regulations is amended by deleting the words "he or she" and substituting the words "the minister".

5. Section 17 of the regulations is amended by deleting the words "he or she" and substituting the words "the registrar".

6. Subsection 19(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

7. Section 20 of the regulations is amended by deleting the words "he or she" and substituting the words "the authorized inspection mechanic".

8. Schedule B of the regulations is amended by deleting the word "taxi" in column 2, row 2 and substituting the words "taxi and motor vehicles used for a ride-sharing service".

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**NEWFOUNDLAND AND LABRADOR
REGULATION 96/23**

Transportation Network Company Regulations
under the
Highway Traffic Act
(O.C.2023 -297)

(Filed December 21, 2023)

Under the authority of section 186 of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 21, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------------|---|
| 1. Short title | 6. Information to be provided to passengers |
| 2. Definitions | 7. Payment and receipt |
| 3. Application for licence | 8. Records |
| 4. Terms and conditions of licence | 9. Retention of records |
| 5. Identification decal | |

Short title	<p>1. These regulations may be cited as the <i>Transportation Network Company Regulations</i>.</p>
Definitions	<p>2. In these regulations,</p> <p>(a) "Act" means the <i>Highway Traffic Act</i>;</p> <p>(b) "class 4 driver's licence" means a licence issued under paragraph 3(2)(d) of the <i>Highway Traffic Driver Regulations, 1999</i>; and</p> <p>(c) "trip" means the use of a ride-sharing service for transportation.</p>
Application for licence	<p>3. In addition to the documents and information prescribed in section 24.1 of the Act, a person applying for a licence to carry on business as a transportation network company shall provide the following documents and information:</p> <p>(a) a list of the drivers affiliated with the transportation network company at the date of the application for a licence;</p> <p>(b) the name of the transportation network;</p> <p>(c) proof satisfactory to the registrar that the transportation network company</p> <p style="padding-left: 40px;">(i) maintains insurance of a type and amount required under the <i>Ambulance, Bus, School Bus, Taxi, Ride-Sharing Motor Vehicles and Commercial Motor Vehicles Insurance Regulations</i> for all drivers affiliated with the transportation network company,</p> <p style="padding-left: 40px;">(ii) obtained a certified criminal records check satisfactory to the registrar from the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police or another organization approved by the minister for all drivers affiliated with the transportation network company at the date of the application for a licence,</p> <p style="padding-left: 40px;">(iii) is an HST registrant as defined in paragraph 2(dd) of the <i>Revenue Administration Act</i>, and</p>

(iv) uses a global positioning system which is capable of monitoring and recording the locations of all motor vehicles affiliated with the transportation network company; and

(d) a copy of the transportation network company's policies and procedures relating to criminal record checks of drivers affiliated with the transportation network company that is satisfactory to the registrar.

Terms and
conditions of
licence

4. (1) A licence issued under section 24.1 of the Act is subject to the terms and conditions prescribed in subsection (2).

(2) A transportation network company shall

(a) notify the registrar of any change in the information or documentation provided to the registrar under section 3;

(b) ensure that all drivers affiliated with the transportation network company have a class 4 driver's licence;

(c) ensure that all motor vehicles affiliated with the transportation network company comply with the Act and regulations made under the Act;

(d) ensure that the following information is maintained on the transportation network:

(i) a clear and accurate image of each driver affiliated with the transportation network company which matches the current likeness of the driver,

(ii) the first name of each driver affiliated with the transportation network company,

(iii) the make, model, model year or image and the licence plate number of the motor vehicle used by each driver affiliated with the transportation network company, and

(iv) the name and contact information for the transportation network company;

- (e) ensure that all drivers affiliated with the transportation network company
 - (i) comply with the Act and regulations under the Act,
 - (ii) do not have conditions or restrictions on their driver's licence or motor vehicle registration which would prohibit them from operating a motor vehicle used for a ride-sharing service, and
 - (iii) are not subject to any undertaking, release order, recognizance, probation order, prohibition order or other court issued order prohibiting or preventing them from performing any function relating to providing a ride-sharing service;
- (f) submit to the registrar monthly a list of all drivers affiliated with the transportation network company;
- (g) notify the registrar immediately when a driver affiliated with the transportation network company ceases to be affiliated with the transportation network company;
- (h) terminate a driver's affiliation with the transportation network company where the driver or the driver's motor vehicle no longer satisfies the requirements of the Act or regulations under the Act;
- (i) use its transportation network to
 - (i) facilitate the pre-arrangement and dispatch of all trips,
 - (ii) transmit all information required to be provided to passengers and drivers as required by these regulations, and
 - (iii) record information required to be recorded under these regulations; and
- (j) not accept a request for or dispatch a trip through any means other than through the transportation network.

Identification decal

5. (1) A motor vehicle used for a ride-sharing service shall have a decal issued by the transportation network company.

(2) The decal referred to in subsection (1) shall

(a) measure at least 8 centimetres by 8 centimetres or have a surface area of at least 64 square centimetres;

(b) be located on at least 2 sides of the motor vehicle; and

(c) be visible to the public.

Information to be provided to passengers

6. (1) A transportation network company shall

(a) provide the following information to a passenger in a clear and unambiguous manner at the time a passenger requests a trip and before the start of the trip:

(i) the applicable rate charged for the trip,

(ii) any variable or surge pricing for the trip,

(iii) an estimate of the total cost of the trip,

(iv) if any other passengers can or are being picked up on the trip,

(v) the first name and clear and accurate image of the driver which matches the current likeness of the driver,

(vi) the motor vehicle make, model, model year or image and motor vehicle licence plate number, and

(vii) estimated time of pick up;

(b) make the following information publicly accessible on its website or transportation network at all times:

(i) that payment may only be made through the transportation network,

- (ii) a way to contact the transportation network company including the legal name of the transportation network company and its registered business address,
 - (iii) that the trip data is being recorded including a link to the transportation network company's privacy policy, and
 - (iv) information regarding the trip request cancellation policies;
- (c) for the duration of the trip, provide the global positioning system tracking of the location and route of the motor vehicle in a format that can be shared by the passenger with others not in the motor vehicle;
- (d) for the duration of the trip, provide the information contained in subparagraphs (1)(a)(v) and (vi);
- (e) provide the ability for the passenger to rate the driver; and
- (f) include a process by which the passenger accepts or refuses the motor vehicle used for a ride-sharing service before the trip is initiated and keep a record of such acceptance or refusal.

(2) The driver and motor vehicle identified under paragraph (1)(a) shall be the driver and motor vehicle that provide the ride-sharing service requested by the passenger.

(3) All calculations relating to distance, time or cost shall be accurate and completed in a manner as to not be misleading or deceptive.

(4) Charges other than those disclosed in accordance with this section shall not be charged to a passenger for the ride-sharing service requested by the passenger.

Payment and receipt

7. (1) A transportation network company shall provide a secure payment mechanism through its transportation network.

(2) A person shall not accept payment for a ride-sharing service other than through the transportation network of a transportation network company.

(3) For each trip a transportation network company shall issue a receipt to the passenger containing the following information:

- (a) the total amount paid;
- (b) the date, time and duration of the trip;
- (c) the pick-up and drop off locations;
- (d) the route taken;
- (e) the driver's first name;
- (f) the motor vehicle licence plate number; and
- (g) the name of the transportation network company.

(4) A receipt referred to in subsection (3) may be provided electronically.

Records

8. (1) A transportation network company shall use its transportation network to record the following information for each trip dispatched by the transportation network company:

- (a) the date and time of each request for a ride-sharing service received through the transportation network;
- (b) the date and time a driver accepts the dispatch;
- (c) the date and time of pick-up and drop off;
- (d) the duration of the trip;
- (e) the motor vehicle licence plate number;
- (f) the full name of the driver; and
- (g) the route taken.

(2) In addition to the records required under subsection (1), a transportation network company shall keep the following records:

- (a) a list of every driver and motor vehicle affiliated with the transportation network company including the driver's full name and address and the motor vehicle make, model, model year and licence plate number; and
- (b) inspections of motor vehicles affiliated with the transportation network company.

(3) A transportation network company shall obtain the consent of each driver affiliated with the transportation network company for the collection, use and disclosure of any personal information required to be collected, used or disclosed under the Act or these regulations.

Retention of records

9. (1) A transportation network company shall retain the records required to be kept under these regulations in an accessible format for a minimum of 4 years from the date the record was created.

(2) Where requested, a transportation network company shall provide, in the form, manner and time set by the registrar, the information and records referred to in subsections 8(1) and (2).

(3) A transportation network company shall ensure that records destroyed after the retention period referred to in subsection (1) are destroyed in a secure manner.

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Extraordinary Gazette Index

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Highway Traffic (Amendment) Act, City of Corner Brook (Amendment) Act, City of Mount Pearl (Amendment) Act, City of St. John's (Amendment) Act and Municipalities (Amendment) Act, 1999			
Proclamation bringing Act into force	NLR 91/23	New	Dec. 21/23 p. 3
[In force December 21, 2023]			
Automobile Insurance Act			
Automobile Insurance Regulations, 2019 (Amendment)	NLR 92/23	Amends NLR 56/19 S.2 Amdt.	Dec. 21/23 p. 5
Highway Traffic Act			
Ambulance, Bus, School Bus, Taxi, Ride-Sharing Vehicles and Commercial Motor Vehicles Insurance Regulations	NLR 93/23	R&S CNLR 999/96	Dec. 21/23 p. 7
Highway Traffic Driver Regulations, 1999 (Amendment) No. 2	NLR 94/23	Amends NLR 110/98 S.3 Amdt.	Dec. 21/23 p. 13
Official Inspection Station Regulations (Amendment)	NLR 95/23	Amends CNLR 1002/96 S.3 Amdt. S.6 Amdt. S.10 Amdt. S.15 Amdt. S.17 Amdt. S.19 Amdt. S.20 Amdt. Sch. B Amdt.	Dec. 21/23 p. 15
Transportation Network Company Regulations	NLR 96/23	New	Dec. 21/23 p. 17