

## Main offences associated with the provision of Commercial Passenger Vehicle Services

Offence	Reference	Max. Penalty Units	Infringeable Offence? / Penalty	Can be enforced by.....	
				Police <sup>1</sup>	CPVV
<b>COMMERCIAL PASSENGER VEHICLE INDUSTRY (CPVI) ACT 2017 &amp; CPVI REGULATIONS 2018</b>					
Driver failing to: take reasonable care for health and safety of driver or those affected by driver's acts or omissions; or to cooperate with BSP re legal compliance	CPVI(A) S.27(1)	1800	<b>x</b>	✓	✓
Driving vehicle to provide CPV services that is not registered (unless employee)	CPVI(A) S.37(1)	60	✓ 12	✓	✓
Failing to display an indication that the CPV is being used to provide a CPV service	CPVI(A) S.51(1)	60	✓ 12	✓	✓
Accepting request for CPV services from unregistered booking service provider	CPVI(A) S.55(1)	60	<b>x</b>	✓	✓
Providing a CPV service without a driver accreditation	CPVI(A) S.70	60	✓ 12	✓	✓
Failing to comply with conditions on a driver accreditation	CPVI(A) S.82	30	✓ 7.5	✓	✓
Driver failing to comply with a condition on consent to surrender a driver accreditation	CPVI(A) S.84(6)	20	<b>x</b>	✓	✓
Failing to sign a paper driver accreditation certificate on receipt	CPVI(A) S.87(1)	5	✓ 1.25	✓	✓
Failing to notify CPVV of change of address and return driver accreditation certificate	CPVI(A) S.88(1)	5	✓ 1.25	✓	✓
Failing to notify, owner, BSP or Part 3 permission holder of suspension or cancellation of a driver accreditation	CPVI(A) S.89(1)	5	✓ 1.25	✓	✓
Failing to notify CPVV of any charges or findings of guilt of a disqualifying offence	CPVI(A) S.90(1)	5	✓ 1.25	✓	✓
Failing to notify the Regulator of becoming subject to reporting obligations or order	CPVI(A) S.90(2)	5	✓ 1.25	✓	✓
Failing to return to CPVV a driver accreditation certificate that has become illegible, defaced or altered,	CPVI(A) S.91(1)	5	✓ 1.25	✓	✓
Failing to return to CPVV a driver accreditation certificate within 20 business days of being notified of the suspension or cancellation of the driver accreditation	CPVI(A) S.92(1)	5	✓ 1.25	✓	✓
Failing to carry driver accreditation certificate while providing a CPV service	CPVI(A) S.93(1)	5	✓ 1.25	✓	✓
Refusing or failing to produce a driver accreditation certificate when asked by an Authorised Officer or police officer	CPVI(A) S.94(1)	5	✓ 1.25	✓	✓
Driver breaching implied condition of Driver Agreement to which they are a party	CPVI(A) S.98	120	<b>x</b>	✓	✓
Driver providing applicable unbooked CPV service charging fare exceeding maximum	CPVI(A) S.110G	60	✓ 12	✓	✓
Driver causing a non-cash payment surcharge exceeding the prescribed amount to be paid in respect of the hiring of a CPV	CPVI(A) S.114(1)	60	<b>x</b>	✓	✓
Driver failing to comply with direction of CPVV or authorised officer to produce information, documents and related items without reasonable excuse	CPVI(A) S.160(3)	60	<b>x</b>	✓	✓
Driver failing to comply with direction by authorised officer without reasonable excuse	CPVI(A) S.162(2)	10	<b>x</b>	✓	✓

<sup>1</sup> Empowered under CPVI Act: s. 280(1) (to commence proceedings for any offence) and s. 205(1) (to serve an Infringement Notice in respect of an infringeable offence).

*NB: this table covers the main offences applying to drivers providing CPV services, as at 19 February 2020. The full range of offences applying to the CPV industry can be determined by consulting the appropriate legislation on the Victorian Legislation website – [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)*

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Driver failing to inform Part 3 permission holder of direction to produce vehicle for inspection	CPVI(A) S.162(5)	5	✘	✓	✓
Driver failing to comply with an Improvement Notice without reasonable excuse	CPVI(A) S.174(1)	\$50,000	✘	✓	✓
Driver failing to comply with a Prohibition Notice without reasonable excuse	CPVI(A) S.183(1)	\$150,000	✘	✓	✓
Failing to notify CPVV of suspension or cancellation of driver licence and return the certificate of accreditation	CPVI(A) S.224	5	✓ 1.25	✓	✓
Advertising an offer to provide a CPV service using a vehicle not registered as a CPV or a non-accredited driver	CPVI(A) S.267A(1)	60	✓ 12	✓	✓
Directly approaching another person and offering a CPV service or displaying on their person an offer for a CPV service ("Touting")	CPVI(A) S.267B(1)	60	✓ 12	✓	✓
Driver assaulting an authorised officer	CPVI(A) S.268(1)	Level 9 imprisonment	✘	✓	✓
Driver obstructing an authorised officer	CPVI(A) S.268(2)	60	✘	✓	✓
Unauthorised downloading, transmission etc of security camera image by driver (2 offences)	CPVI(A) S.270(1)/(2)	240	✘	✓	✓
Driver making an audio recording of a passenger in a CPV	CPVI(A) S.270(4)	240	✘	✓	✓
Driver failing to notify CPVV of a prescribed incident in accordance with reg 7	CPVI(A) S.272	50	✘	✓	✓
Driver providing a CPV service while indication capable of being removed by driver	CPVI R.8(4)	10	✓ 2.5	✓	✓
Providing unbooked CPV service, using vehicle displaying taxi livery	CPVI R.9(3)	10	✓ 2.5	✓	✓
Driver failing to ensure that identification is visible to passenger at all times	CPVI R 10(1)	5	✓ 1.25	✓	✓
Using a CPV to provide applicable unbooked CPV service in which non-compliant security camera is installed	CPVI R 14(3)	20	✓ 5	✓	✓
Failing to display fare information when providing unbooked CPV service	CPVI R.17(3)	5	✓ 1.25	✓	✓
Fare calculation device not functioning when providing unbooked CPV service	CPVI R.18(3)	10	✓ 2.5	✓	✓
Failing to tell a hirer that fare calculation device has changed to a different tariff	CPVI R 19(2)	10	✓ 2.5	✓	✓
Failing to ensure that the fare calculation device is stopped immediately at the termination of an unbooked CPV service	CPVI R 19(3)	10	✓ 2.5	✓	✓
Failing to provide an estimate of the fare or a fixed fare for a booked CPV service (where service not arranged or facilitated by a registered BSP)	CPVI R.21(2)	10	✓ 2.5	✓	✓

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Failing to provide a receipt on request, which contains the required information	CPVI R.22(1)	10	✓ 2.5	✓	✓
Driver smoking, holding ignited tobacco product, when providing CPV service	CPVI R 25(1)	5	✓ 1.5	✓	✓
Failing to accept an assistance animal accompanied by a passenger of the CPV	CPVI R 26(1)	10	✓ 2.5	✓	✓
Failing to give reasonable help to passengers to get them into and out of a CPV	CPVI R 27	5	✓ 1.25	✓	✓
Failing to take route nominated by hirer unless the driver has a reasonable excuse	CPVI R 28(2)	10	✓ 2.5	✓	✓
Failing to take most direct/practicable route unless the driver has a reasonable excuse	CPVI R28(3)	10	✓ 2.5	✓	✓
<b>ROAD SAFETY ACT 1986<sup>2</sup></b>					
Drive vehicle while prescribed concentration or more of alcohol is in blood/breath – <i>for a driver providing a CPV service, prescribed alcohol concentration is zero</i>	RSA 49(1)(b)	20*	✓ Cancel & Disqualify based on scale	✓	✗
Drive vehicle with unlawful blood alcohol level of less than 0.05g/100ml while holding a full driver licence – <i>example driver meeting these criteria and providing a CPV service</i>		20*	✓ 2.5 + C&D 3mths	✓	✗
Driver drives motor vehicle with blood alcohol level of 0.05 or more but less than 0.07 g/100ml and is subject to zero blood alcohol requirement – <i>example driver meeting these criteria and providing a CPV service</i>		20*	✓ 3 + C&D 6 mths	✓	✗
Drive vehicle while prescribed concentration or more of alcohol & drugs in blood/breath – <i>for a driver providing a CPV service, prescribed alcohol concentration is zero</i>	RSA 49(1)(bc)	30*	✗ C&D based on scale	✓	✗
Within 3 hours after driving while prescribed concentration or more of alcohol is in blood/breath and concentration not due solely to consuming alcohol (2 offences) – <i>for a driver providing a CPV service, prescribed alcohol concentration is zero</i>	RSA 49(1)(f) and (g)	20*	✗ C&D on same scale as s49(1)(b)	✓	✗
Within 3 hours after driving while prescribed quantity of alcohol and prescribed illicit drug is in blood and presence not due solely to consuming illicit drug and alcohol – <i>for a driver providing a CPV service, prescribed alcohol concentration is zero</i>	RSA 49(1)(j)	30*	✗ C&D on same scale as s49(1)(bc)	✓	✗
<b>ROAD SAFETY ROAD RULES 2017<sup>3</sup></b>					
<b>SEAT BELTS</b>					

<sup>2</sup> Note that offences relating to probationary drivers; motorcycles and alcohol interlock conditions are excluded from this table.

<sup>3</sup> Note in these Rules, *taxi* is defined as **“a commercial passenger vehicle that is compliant (as defined in regulation 9(4) of the Commercial Passenger Vehicle Industry Regulations 2018) and that is being used to provide a commercial passenger vehicle service in accordance with the Commercial Passenger Vehicle Industry Act 2017 and the regulations made under that Act”**.

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Driver carrying passenger over 16 not restrained – <i>does not apply if driving a taxi providing a CPV service but would apply if driving any other type of CPV</i>	RR 265(4)	10	✓ 2	✓	✓
Driver carrying passenger over 16 occupying same seating position as another passenger – <i>does not apply if driving a taxi providing a CPV service but would apply if driving any other type of CPV</i>	RR 265(4)	10	✗	✓	✓
Driver carrying passenger under 16 not appropriately secured – <i>if motor vehicle is a taxi providing a CPV service and no approved child restraint/booster seat available, the driver can comply by:</i> <ul style="list-style-type: none"> <li>• A child under 1 year old being seated on its parent's lap; and</li> <li>• Any child between 1 and 7 years old wearing a suitable approved seatbelt.</li> </ul> <i>There is no special dispensation for CPVs which are not taxis</i>	RR266(1)	10	✓ 2.25	✓	✓
<b>DESIGNATED LANES</b>					
Driver driving in a bicycle lane except where permitted – <i>driver of a CPV providing a CPV service may drive up to 50 metres in bicycle lane while dropping off or picking up passengers</i>	RR 153(1)	5	✓ 1.5	✓	✓
Driver driving in a transit lane except where permitted – <i>does not apply if driving a taxi providing a CPV service but would apply if driving any other type of CPV</i>	RR156	3	✓ 1	✓	✓
Driver failing to comply with a traffic sign applying to a particular kind of vehicle in a particular marked lane, unless permitted to do so – <i>does not apply if driving a CPV providing a CPV service and permitted to be in that lane</i>	RR 159(1)	5	✓ 1.25	✓	✓
<b>VISUAL DISPLAY UNITS</b>					
Driver driving motor vehicle with TV or VDU operating (if image on screen is visible to the driver from the normal driving position or is likely to distract another driver) – <i>does not apply to a dispatch system which is an integrated part of the vehicle or is secured on a fixed mounting</i>	RR 299(1)	10	✓ 3	✓	✓
<b>PARKING</b>					
Driver stopping contrary to no parking sign – <i>does not apply if dropping off or picking up passengers or goods, within required time and not leaving vehicle unattended</i>	RR 168(1)	3	✓ 0.2	✓	✓
Driver stopping on a clearway – <i>does not apply if driving a CPV providing a CPV service and dropping off or picking up passengers</i>	RR 176(1)	3	✓ 1	✓	✓
Driver stopping in a loading zone – <i>does not apply if driving a CPV providing a CPV service and dropping off or picking up passengers</i>	RR 179(1)	2	✓ 1	✓	✓
Driver stopping in taxi zone – <i>does not apply if driving a taxi providing a CPV service but would apply if driving any other type of CPV</i>	RR 182(1)	2	✓ 0.6	✓	✓

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Driver stopping in a bus lane, transit lane or truck lane – <i>does not apply if driving a CPV providing a CPV service and dropping off or picking up passengers</i>	RR 187(1)	2	✓ 0.6	✓	✓
Driver stopping within 1 metre of fire hydrant – <i>does not apply if driving a taxi providing a CPV service and stopped in a taxi zone and do not leave taxi unattended but would apply if driving any other type of CPV</i>	RR 194(1)	3	✓ 0.6	✓	✓
Driver stopping on or across a driveway – <i>does not apply if dropping off or picking up passengers and does not leave vehicle unattended and drives on within 2 minutes of stopping</i>	RR 198(2)	3	✓ 0.6	✓	✓
Driver stopping contrary to bicycle parking sign – <i>does not apply if dropping off or picking up passengers</i>	RR 201	2	✓ 0.2	✓	✓
Driver stopping contrary to motor bike parking sign – <i>does not apply if dropping off or picking up passengers</i>	RR 202	2	✓ 0.2	✓	✓