

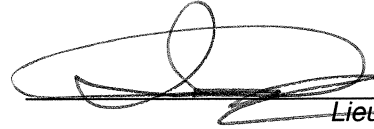
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

899

, Approved and Ordered

DEC 1 - 2006



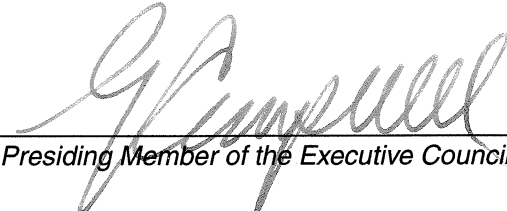
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2007,

- (a) *sections 70 and 71 of the Public Safety and Solicitor General Statutes Amendment Act, 2006, S.B.C. 2006, c. 28, are brought into force,*
- (b) *the Emission Inspection Exemption Regulation, B.C. Reg. 320/92, is amended as set out in Appendix A,*
- (c) *the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended as set out in Appendix B, and*
- (d) *the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, is amended as set out in Appendix C.*



Minister of Public Safety and Solicitor General

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Motor Vehicle Act, R.S.B.C. 1996, c. 318, ss. 49, 50 and 210 (2) and (9)
Public Safety and Solicitor General Statutes Amendment Act, 2006, S.B.C. 2006, c. 28, s. 72

Other (specify): OICs 1004/58, 1573/91

October 27, 2006

R/767/2006/15

APPENDIX A

1 Section 2 of the Emission Inspection Exemption Regulation, B.C. Reg. 320/92, is amended

- (a) by striking out “under section 48” and substituting “for the purposes of section 48”, and**
- (b) in paragraph (d) by striking out “previous 3 model years” and substituting “previous 6 model years”.**

APPENDIX B

2 Section 40.01 (1) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended

- (a) by repealing the definitions of “AirCare repair centre” and “AirCare repair technician”,**
- (b) by adding the following definitions:**

“onboard emissions diagnostic device” means a device installed by a vehicle manufacturer in a motor vehicle for the purpose of diagnosing and storing emissions-related information;

“onboard emissions diagnostic device inspection” means an emissions inspection performed with an onboard emissions diagnostic device; .

3 The following subsections are added to section 40.04:

- (4.1)** A pass granted to a model year 1998 or newer motor vehicle as a result of an onboard emissions diagnostic device inspection expires 363 days after the day on which the vehicle is certified as pass.
- (4.2)** On expiry of certification under subsection (4.1), the vehicle is again certified as pass, and this pass expires 363 days after the day that the pass expires under subsection (4.1), but the vehicle must not be certified as pass again until it undergoes another emission inspection.

4 Section 40.05 is amended

- (a) in subsection (1) (b) by striking out “proceed to the test for exhaust emissions” and substituting “undergo an emission inspection”,**

- (b) by repealing subsections (1) (c) and (d) and substituting the following:**

(c) submit the vehicle to an inspection of emission control devices to determine if

- (i)** the vehicle is equipped with emission control devices of the same standard to which it was manufactured,
- (ii)** there is evidence of tampering with any emission control device, and

- (iii) the emission control devices are operative,
- (d) pay the fee for emission inspection prescribed in B.C. Reg. 334/91, the Motor Vehicle Fees Regulation, and
- (e) after completion of the matters referred to in paragraphs (a) to (d), submit the vehicle
 - (i) to tests for exhaust emissions to determine if the vehicle is within the exhaust emission standards for a vehicle of that class, weight, model year and fuel type, or
 - (ii) to an onboard emissions diagnostic device inspection if the circumstances in section 40.052 are present.

(c) by repealing subsections (4) and (5.1) and substituting the following:

- (4) If an inspector determines that
 - (a) a motor vehicle cannot safely undergo an emission inspection, the inspector must not perform the emission inspection,
 - (b) a motor vehicle is incapable of operating so that an emission inspection referred to in subsection (1) (e) may be performed, then the inspector may do one of the following:
 - (i) not perform the inspection and refund the fee referred to in subsection (1) (d);
 - (ii) discontinue the inspection and refund the fee referred to in subsection (1) (d), or
 - (c) a motor vehicle is incapable of operating so that one of the emission inspections referred to in subsection (1) (e) may be performed, but the motor vehicle is capable of operating so that the other emission inspection referred to in subsection (1) (e) may be performed, the inspector may perform the other emission inspection.

(d) by repealing subsections (6) and (7) and substituting the following:

- (7) The owner of a motor vehicle that does not pass the inspection of emission control devices required by subsection (1) (c), the tests required by subsection (1) (e) (i) or the onboard emissions diagnostic device inspection referred to in subsection (1) (e) (ii) must be issued with
 - (a) an AirCare inspection report that states the vehicle has failed the emission inspection and gives the reasons for the failure, and
 - (b) a repair/diagnostic information form.

5 *The following sections are added:*

Inspection criteria

- 40.051** (1) For the purposes of section 49 (1) (a.1) of the Act, the following criteria, when all are met, are deemed to indicate that a motor vehicle complies with the levels established under section 50 (2) (c) of the Act:
- (a) the motor vehicle is fitted with an operative data link connector;

- (b) fewer than 2 readiness monitors in the motor vehicle have a not ready status when the onboard emissions diagnostic device is interrogated;
- (c) the malfunction indicator lamp is not commanded on by the onboard emissions diagnostic device.

Circumstances in which inspection criteria may be used

40.052 For the purposes of section 49 (1) (a.2) of the Act, the following are the circumstances in which the inspection criteria in section 40.051 may be applied:

- (a) the motor vehicle is a model year 1998 or newer model year;
- (b) the motor vehicle has a GVW of 3856 kg or less.

APPENDIX C

6 *The Motor Vehicle Fees Regulation, B.C. Reg. 334/91, is amended in item 13 (a) of the Schedule*

- (a) *by adding “or an onboard emissions diagnostic device inspection” after “transient driving cycle emission inspection”, and*
- (b) *by striking out “47” and substituting “45”.*