

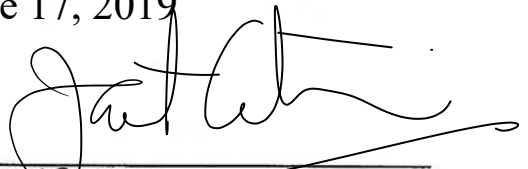
PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 318

, Approved and Ordered

June 17, 2019

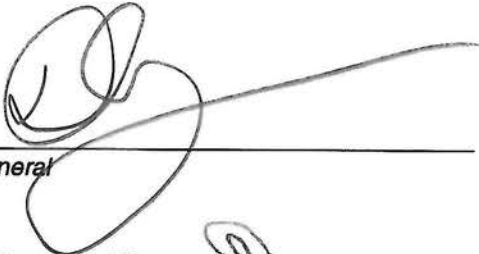


Lieutenant Governor

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 July 4, 2019,


- (a) the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended as set out in the attached Appendix 1,
- (b) the Offence Act Forms Regulation, B.C. Reg. 422/90, is amended as set out in the attached Appendix 2, and
- (c) the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended as set out in the attached Appendix 3.



Attorney General



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: *Offence Act*, R.S.B.C. 1996, c. 338, s. 132; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 83.1 (8), 83.2 (2) and 210 (11)

Other: OIC 292/97, 1642/90, 1004/58

R10306650

APPENDIX 1

- 1 *Section 4 (3) of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended by striking out “, other than section 83.1 (2) of the Motor Vehicle Act”.*
- 2 *Schedule 2 is amended by repealing the heading “Motor Vehicle Act” and the items under that heading relating to provisions of the Motor Vehicle Act.*
- 3 *Schedule 3 is amended under the heading “Motor Vehicle Act” by adding the following items:*

1	2	3A	3B	4	5A	5B
Provision	Contravention	Fine (>30 days)	Reduced Fine (≤30 days)	Victim Surcharge Levy	Ticketed Amount (>30 days)	Reduced Ticketed Amount (≤30 days)
section 83.1 (2) for the contraven- tion of section 140	Liable as the owner of the vehicle for the commission of the offence of: Fail to obey construction signs if the speed limit is exceeded by less than 21 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 140	Liable as the owner of the vehicle for the commission of the offence of: Fail to obey construction signs if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$220	\$195	\$33	\$253	\$228
section 83.1 (2) for the contraven- tion of section 146 (1)	Liable as the owner of the vehicle for the commission of the offence of: Speed in municipality if the speed limit is exceeded by less than 21 km/hr	\$120	\$95	\$18	\$138	\$113
section 83.1 (2) for the contraven- tion of section 146 (1)	Liable as the owner of the vehicle for the commission of the offence of: Speed in municipality if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 146 (1)	Liable as the owner of the vehicle for the commission of the offence of: Speed outside municipality if the speed limit is exceeded by less than 21 km/hr	\$120	\$95	\$18	\$138	\$113
section 83.1 (2) for the contraven- tion of section 146 (1)	Liable as the owner of the vehicle for the commission of the offence of: Speed outside municipality if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$170	\$145	\$26	\$196	\$171

1	2	3A	3B	4	5A	5B
Provision	Contravention	Fine (>30 days)	Reduced Fine (≤30 days)	Victim Surcharge Levy	Ticketed Amount (>30 days)	Reduced Ticketed Amount (≤30 days)
section 83.1 (2) for the contraven- tion of section 146 (3)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against highway sign if the speed limit is exceeded by less than 21 km/hr	\$120	\$95	\$18	\$138	\$113
section 83.1 (2) for the contraven- tion of section 146 (3)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against highway sign if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 146 (5)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against area sign if the speed limit is exceeded by less than 21 km/hr	\$120	\$95	\$18	\$138	\$113
section 83.1 (2) for the contraven- tion of section 146 (5)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against area sign if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 146 (7)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against municipal sign if the speed limit is exceeded by less than 21 km/hr	\$120	\$95	\$18	\$138	\$113
section 83.1 (2) for the contraven- tion of section 146 (7)	Liabie as the owner of the vehicle for the commission of the offence of: Speed against municipal sign if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 147 (1)	Liabie as the owner of the vehicle for the commission of the offence of: Speed in school zone if the speed limit is exceeded by less than 21 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 147 (1)	Liabie as the owner of the vehicle for the commission of the offence of: Speed in school zone if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$220	\$195	\$33	\$253	\$228
section 83.1 (2) for the contraven- tion of section 147 (2)	Liabie as the owner of the vehicle for the commission of the offence of: Speed in playground zone if the speed limit is exceeded by less than 21 km/hr	\$170	\$145	\$26	\$196	\$171
section 83.1 (2) for the contraven- tion of section 147 (2)	Liabie as the owner of the vehicle for the commission of the offence of: Speed in playground zone if the speed limit is exceeded by 21 km/hr to 40 km/hr	\$220	\$195	\$33	\$253	\$228

1	2	3A	3B	4	5A	5B
Provision	Contravention	Fine (>30 days)	Reduced Fine (<=30 days)	Victim Surcharge Levy	Ticketed Amount (>30 days)	Reduced Ticketed Amount (<=30 days)
section 83.1 (2) for the contravention of section 148 (1)	Liable as the owner of the vehicle for the commission of the offence of: Excessive speed if the speed limit is exceeded by 41 km/hr to 60 km/hr	\$320	\$295	\$48	\$368	\$343
section 83.1 (2) for the contravention of section 148 (1)	Liable as the owner of the vehicle for the commission of the offence of: Excessive speed if the speed limit is exceeded by more than 60 km/hr	\$420	\$395	\$63	\$483	\$458

4 *Schedule 3 is amended by deleting the following item under the heading “Motor Vehicle Act”:*

1	2	3A	3B	4	5A	5B
Provision	Contravention	Fine (>30 days)	Reduced Fine (<=30 days)	Victim Surcharge Levy	Ticketed Amount (>30 days)	Reduced Ticketed Amount (<=30 days)
section 135.1	Obstruct or interfere with speed monitoring device	\$220	\$195	\$33	\$253	\$228

APPENDIX 2

- 1** *Section 2 (1) of the Offence Act Forms Regulation, B.C. Reg. 422/90, is amended by striking out “Form I.”.*
- 2** *Section 2 (2) (c), (d) and (d.1) is repealed and the following substituted:*
(d) in Form L.1 with respect to a violation ticket in Form K or Form L; .
- 3** *Section 2 (3) (c) is repealed and the following substituted:*
(c) in Form L.2 with respect to a violation ticket in Form K or Form L; .
- 4** *Forms I, I.1, K.1, K.2 and L.1 are repealed and the following substituted:*

FORM L.1

PAYMENT AND DISPUTE INSTRUCTIONS

HOW TO PAY THE TICKET	
REDUCE TICKETED AMOUNT BY PAYING EARLY	
If you pay in full on or before the 30th day from the date of service or mailing of the ticket, the ticketed amount is reduced by \$25.	
PAY BY PHONE	To pay by credit card or for further information regarding payment, call 1-888-343-2240 from anywhere in British Columbia or 604-661-2240 from the Lower Mainland.
PAY BY MAIL	<p>Mail your payment by cheque or money order in Canadian funds payable to the Insurance Corporation of British Columbia in the enclosed self-addressed envelope or to:</p> <p style="text-align: center;">TICKET PAYMENT PROCESSING BAG 6300 STN TERMINAL VANCOUVER B.C. V6B 6G6</p> <p>Do not send cash. A receipt will not be mailed. Dishonoured cheques will be subject to additional administrative charges.</p> <p>Your payment must be accompanied by a copy of the ticket or a note that contains the following as shown on the violation ticket:</p> <ul style="list-style-type: none"> • the violation ticket number; • your name and address; • motor vehicle's licence plate number; • the violation date and the name of the Act and section contravened. <p>If you do not provide these details or a copy of your ticket, it may not be possible to process your payment. If this occurs, the ticketed amount will be unpaid.</p>
PAY IN PERSON	Go to any driver licensing office, Service BC office or Provincial Court registry during regular business hours. Present the ticket, along with your payment.
WHAT HAPPENS IF YOU PAY THE TICKETED AMOUNT IN FULL?	
If you pay the ticketed amount in full, you are deemed to have pleaded guilty to the alleged offence.	
WHAT HAPPENS IF YOU PAY A PORTION OF THE TICKETED AMOUNT OR DO NOT PAY AT ALL?	
If you (a) pay a portion of the ticketed amount, or (b) do not, within 30 days after the ticket was served, pay the ticketed amount or dispute the ticket, you are deemed to have pleaded guilty to the alleged offence. If this happens, you will be subject to collection activity and, under section 26 of the <i>Motor Vehicle Act</i> , you may be refused a driver's licence, a licence and corresponding number plates for a motor vehicle or trailer or a permit.	
NO POINT PENALTIES: Because you are being charged as the owner of the motor vehicle, if you plead guilty or are convicted by a court, no point penalties will be added to your driving record.	
HOW TO DISPUTE THE TICKET	
You can dispute the allegation or the fine or both by mailing a notice of dispute or appearing in person to give notice of dispute in accordance with the instructions below. If the ticket was served, your notice of dispute must be mailed or given within 30 days of the date the ticket was served. If the ticket was sent to you by ordinary mail, your notice of dispute must be mailed or given within 45 days from the date the ticket was completed. If you dispute the allegation, you or your agent will have to appear at a Provincial Court hearing.	
If you do not want to dispute the allegation but want to request a reduction in the fine or additional time to pay, you can avoid having to appear at a Provincial Court hearing by completing a Violation Ticket Statement and Written Reasons form. This form is available from gov.bc.ca or a Provincial Court registry. If you want to request a reduction in the fine or additional time to pay and do not complete a Violation Ticket Statement and Written Reasons form, you or your agent will have to appear at a Provincial Court hearing.	
NOTE: If the ticket is for a speeding offence, the fine cannot be reduced below the minimum fine and supplementary fine amounts set by section 41.03 of the <i>Motor Vehicle Act Regulations</i> .	
DISPUTE BY MAIL	<p>You may mail a letter to TICKET DISPUTE PROCESSING, BAG 3510, VICTORIA, BC V6W 9P7 saying that you want to dispute the ticket. The letter must (a) state whether you are disputing the allegation or the fine or both and (b) set out the address to which the Provincial Court will send your notice of hearing.</p> <p>You must include a copy of the ticket with your letter, or your letter must contain the following as shown on the ticket:</p> <ul style="list-style-type: none"> • the violation ticket number; • your name and address; • motor vehicle's licence plate number; • the violation date and the name of the Act and section allegedly contravened. <p>If you do not provide these details in the letter or a copy of the ticket, it may not be possible to process your dispute. If this occurs and the ticket was served, you will be deemed to have pleaded guilty to the alleged offence.</p>
DISPUTE IN PERSON	You may deliver your notice of dispute in person during regular business hours to the location indicated on the ticket or to any driver licensing office, Service BC office or Provincial Court registry. You will need to bring the ticket and you may be required to fill out a Notice of Dispute form as provided at that location.
WHAT HAPPENS AFTER YOUR NOTICE OF DISPUTE HAS BEEN RECEIVED?	
<p>If you (a) disputed the allegation, or (b) submitted a request for a reduction in the fine or additional time to pay without including a completed Violation Ticket Statement and Written Reasons form, a notice of hearing will be sent to you in the mail from the Provincial Court registry. The notice will tell you the date, time and location for your Provincial Court hearing.</p> <p>If you or your agent do not appear at the Provincial Court hearing on the indicated date and time, the ticket is deemed not to be disputed and you are deemed to have pleaded guilty to the alleged offence. If this happens, the ticketed amount is immediately payable to the government, you will be subject to collection activity and, under section 26 of the <i>Motor Vehicle Act</i>, you may be refused a driver's licence, a licence and corresponding number plates for a motor vehicle or trailer or a permit.</p> <p>If you submitted a request for a reduction in the fine or additional time to pay and a completed Violation Ticket Statement and Written Reasons form, an order of a justice setting out the Court's decision will be sent to you in the mail.</p>	

APPENDIX 3

1 Section 41.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended

(a) by adding the following subsection:

(1.1) For the purpose of prescribing a speed monitoring device under section 83.1 (8) (a) of the Act, the REDFLEX-HALO-FIXED-1.3-12MPDUAL is prescribed, ,
and

(b) by repealing subsection (2) (b).

2 Section 41.02 is repealed and the following substituted:

Forms for section 83.2 certificates

41.02 (1) The certificate set out in Schedule A.1 is prescribed for the purposes of section 83.2 (2) (a) [*speeding*] of the Act.

(2) The certificate set out in Schedule W is prescribed for the purposes of section 83.2 (2) (b) [*traffic control signal*] of the Act for use in relation to section 129 (1) [*red light*] of the Act.

3 Schedules A to V of Division 41 are repealed and the following schedule substituted:

SCHEDULE A.1

[Complete the certificate in accordance with the instructions in the square brackets and then remove this statement and the other instructions in the square brackets so that the bracketed instructions do not appear in the completed certificate.]



CERTIFICATE OF ENFORCEMENT OFFICER SPEEDING OFFENCES

Violation Ticket Number _____

Motor Vehicle Act: Section _____

_____ [short description of offence]

I, _____, am an enforcement officer as defined in the *Offence Act* and a qualified intersection safety camera officer for the prescribed speed monitoring device, namely a _____ [prescribed device name] (the "Device") described in this certificate. For the purpose of providing evidence of an offence under section _____ of the *Motor Vehicle Act* and, pursuant to section 83.2 (2) (a) of that Act, I certify that:

(a) on _____ (yyyy/mm/dd), at _____ [time of offence] (24 hour clock) hours, the first of 3 images of a motor vehicle (the "Vehicle") proceeding _____ [direction of travel] on _____ [street name], with the licence plate number _____, issued in the jurisdiction of _____, was captured by the Device at the intersection of _____ [describe intersection] [complete one of the following alternatives and remove the other alternative from the completed form]

in the municipality of _____, in the Province of British Columbia,

outside a municipality near _____ [city, town or place], in the Province of British Columbia,

(b) the 3 images of the Vehicle captured by the Device are set out on pages 2 and 3 of this certificate,

(c) image 1 was captured when the Vehicle's speed was accurately and simultaneously measured and recorded by the Device,

(d) at the time that image 1 of the Vehicle was captured by the Device, the Vehicle was travelling at a recorded speed of _____ kilometers per hour in contravention of section _____ of the *Motor Vehicle Act*,

(e) image 2 was captured after image 1 and was used by the Device to substantiate the speed measured and recorded when image 1 was captured,

(f) image 3 was captured at the same time as or after image 1 for the purpose of identifying the licence plate number of the Vehicle and image 4, set out on page 3 of this certificate, is an enlargement of image 3 showing the licence plate area of the Vehicle,

(g) the data appearing in words, letters, numbers and symbols on images 1 to 3 was, in accordance with section 83.1 (10) of the *Motor Vehicle Act*, electronically and simultaneously recorded by the Device on the images,

(h) an explanation of the data referred to in paragraph (g) is set out in the tables on pages 2 and 3, and

(i) the Device functioned properly in accordance with the manufacturer's specifications at the time of the offence.

Date Certificate Completed

Enforcement Officer's Signature and ITCU ID. #

CERTIFICATE OF ENFORCEMENT OFFICER

Page 2

IMAGE 1

Table

Data on Images 1 and 2	Explanation
Date	date the image was captured (yyyy/mm/dd)
Time	time the image was captured in 24 hour clock format (hour:minute)
Lane	lane number in which the Vehicle was travelling (lane 1 is the leftmost lane for vehicles travelling in the same direction as the Vehicle)
Elapsed Time	number of seconds between capture of image 1 and 2
Vehicle Speed (Image 1 only)	Vehicle speed measured when image 1 was captured

IMAGE 2

CERTIFICATE OF ENFORCEMENT OFFICER

Page 3

IMAGE 3

Table

Data on Image 3	Explanation
Date	date the image was captured (yyyy/mm/dd)
Time	time the image was captured in 24 hour clock format (hour:minute)
Lane	lane number in which the Vehicle was travelling (lane 1 is the leftmost lane for vehicles travelling in the same direction as the Vehicle)
Elapsed Time	number of seconds between capture of image 1 and 3

IMAGE 4 (enlargement of licence plate area from image 3)