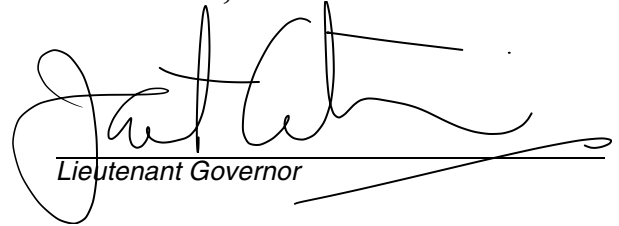


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 720

, Approved and Ordered December 14, 2023

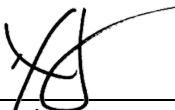


Lieutenant Governor


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 April 5, 2024,

- (a) sections 3, 20 and 30 of the *Motor Vehicle Amendment Act, 2023*, S.B.C. 2023, c. 17, are brought into force,
- (b) the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58, are amended as set out in the attached Appendix 1,
- (c) the *Violation Ticket Administration and Fines Regulation*, B.C. Reg. 89/97, is amended as set out in the attached Appendix 2, and
- (d) the *Motor Dealer Act Regulation*, B.C. Reg. 447/78, the *Off-Road Vehicle Regulation*, B.C. Reg. 193/2015 and the *Zero-Emission Vehicles Regulation*, B.C. Reg. 196/2020, are amended as set out in the attached Appendix 3.



Attorney General



Minister of Transportation and Infrastructure



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 Amendment Act, 2023*, S.B.C. 2023, c. 17, s. 43; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 210; *Offence Act*, R.S.B.C. 1996, c. 338, s. 132; *Motor Dealer Act*, R.S.B.C. 1996, c. 316, s. 38; *Off-Road Vehicle Act*, S.B.C. 2014, c. 5, ss. 30 to 35; *Zero-Emission Vehicles Act*, S.B.C. 2019, c. 29, ss. 42 to 45

Other: OIC 1004/58; OIC 262/97; OIC 447/78; OIC 598/2015; OIC 448/2020

R10714310

APPENDIX 1

- 1 *Section 1 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by repealing the definition of “gross vehicle weight rating”.*
- 2 *Sections 5.02 (1) (b) and (d) and (2), 10.06 (2) and (4), 36.09 (g) (ii) and 39.03 (3) (b) (ii) are amended by striking out “manufacturer’s gross vehicle weight rating” wherever it appears and substituting “gross vehicle weight rating”.*
- 3 *The following Division is added:*

DIVISION 7E – SPEED LIMITERS IN HEAVY COMMERCIAL VEHICLES

Exclusions from definition of “heavy commercial vehicle”

7E.01 The following commercial vehicles are excluded from the definition of “heavy commercial vehicle” in section 146.1 (1) [*speed limiters required for certain commercial vehicles*] of the Act:

- (a) motor homes;
- (b) emergency vehicles.

Maximum speed setting for speed limiters

7E.02 For the purposes of section 146.1 (2) (c) [*speed limiters required for certain commercial vehicles*] of the Act, the speed limiter must be set to the maximum rate of speed of 105 km/h.

Requirements under section 146.1 (2) (d) of Act

7E.03 For the purposes of section 146.1 (2) (d) [*speed limiters required for certain commercial vehicles*] of the Act, the following requirements must be met:

- (a) the speed limiter must be in good working order;
- (b) the vehicle’s electronic control module must be accurately programmed, including with respect to tire rolling radius, axle gear ratio and transmission gear ratio.

Prohibition against tampering technology

7E.04 (1) In this section “**tampering technology**”, in relation to a heavy commercial vehicle, means technology, equipment or any other thing to which either of the following applies:

- (a) the technology, equipment or thing is designed to disguise the fact that
 - (i) the vehicle is not equipped with a speed limiter,
 - (ii) the speed limiter is not activated as required under section 146.1 (2) (b) [*speed limiters required for certain commercial vehicles*] of the Act,

- (iii) the speed limiter is not set to the maximum rate of speed prescribed by section 7E.02 [*maximum speed setting for speed limiters*] of this regulation, or
 - (iv) the vehicle or speed limiter does not meet a requirement set out in section 7E.03 [*requirements under section 146.1 (2) (d) of Act*] of this regulation;
- (b) the technology, equipment or thing causes inaccurate information to be transmitted to the vehicle's electronic control module, including, without limitation, inaccurate information with respect to
 - (i) the vehicle's rate of speed, or
 - (ii) the revolutions per minute at which the vehicle's engine is operating.
- (2) A person must not drive or operate a heavy commercial vehicle on a highway if tampering technology
 - (a) is in or on the vehicle, or
 - (b) is otherwise interacting with the vehicle's speed limiter.

Prohibition against participating in contravention

- 7E.05** A person must not require, permit, participate or acquiesce in a contravention of
- (a) section 146.1 (2) [*speed limiters required for certain commercial vehicles*] of the Act, or
 - (b) section 7E.04 (2) [*prohibition against tampering technology*] of this regulation.

Exemption by director for unforeseen events and emergencies

- 7E.06** (1) Exemptions under this section and section 7E.07 may be granted in respect of the following provisions:
- (a) section 146.1 (2) [*speed limiters required for certain commercial vehicles*] of the Act;
 - (b) section 7E.05 (a) [*prohibition against participating in contravention*] of this regulation.
- (2) The director may, unconditionally or on conditions the director considers desirable, exempt a person from one or both of the provisions set out in subsection (1) if the director can reasonably form the opinion that the exemption is desirable for the purposes of more effectively responding to any of the following:
- (a) an unforeseen event;
 - (b) an emergency, accident, fire, explosion or technical failure;
 - (c) the forces of nature.

Exemption by director for vehicles incapable of meeting speed limiter requirements

- 7E.07** (1) On application by the owner of a heavy commercial vehicle, the director may, in writing, unconditionally or on conditions the director considers desirable, exempt drivers or operators of the heavy commercial vehicle from one or both of the

provisions set out in section 7E.06 (1) if the director can reasonably form the opinion that the vehicle is equipped with an electronic control module that is incapable of meeting the speed limiter requirements under section 146.1 (2) [*speed limiters required for certain commercial vehicles*] of the Act.

- (2) The driver or operator of a heavy commercial vehicle to which an exemption under subsection (1) applies must
 - (a) keep the exemption with the vehicle, and
 - (b) present the exemption on request of a peace officer.

Offences

7E.08 A person who contravenes any of the following commits an offence:

- (a) section 7E.04 (2) (a) or (b) [*prohibition against tampering technology*];
- (b) section 7E.05 (a) or (b) [*prohibition against participating in contravention*].

Evidentiary rules for proving date of manufacture of vehicle

7E.09 (1) In this section and section 7E.10:

“**compliance label**” means the compliance label that a vehicle is required to bear under the *Motor Vehicle Safety Act* (Canada);

“**manufacturer’s document**” means a document from the manufacturer of a vehicle that indicates the vehicle identification number and the vehicle’s year of manufacture and gross vehicle weight rating.

- (2) For the purposes of establishing or proving whether a commercial vehicle is manufactured after 1994, as set out in paragraph (a) of the definition of “heavy commercial vehicle” in section 146.1 (1) [*speed limiters required for certain commercial vehicles*] of the Act, the date of manufacture indicated on the vehicle’s compliance label is proof, in the absence of evidence to the contrary, that the vehicle was manufactured on that date.
- (3) If a commercial vehicle does not bear a compliance label, or if the date of manufacture on the compliance label is illegible, the date of manufacture indicated on the manufacturer’s document is proof, in the absence of evidence to the contrary, that the vehicle was manufactured on that date.

Evidentiary rules for proving gross vehicle weight rating

7E.10 (1) For the purposes of establishing or proving whether a commercial vehicle has a gross vehicle weight rating of more than 11 793 kg, as set out in paragraph (b) of the definition of “heavy commercial vehicle” in section 146.1 (1) [*speed limiters required for certain commercial vehicles*] of the Act, the gross vehicle weight rating displayed on the vehicle’s compliance label is proof, in the absence of evidence to the contrary, that the vehicle has that gross vehicle weight rating.

- (2) If a commercial vehicle does not bear a compliance label, or if the gross vehicle weight rating on the vehicle’s compliance label is illegible, the gross vehicle

weight rating indicated on the manufacturer's document is proof, in the absence of evidence to the contrary, that the vehicle has that gross vehicle weight rating.

Evidentiary rules for offences

7E.11 The evidentiary rule set out in section 146.2 (3) [*enforcement respecting speed limiters*] of the Act applies in a prosecution for an offence under

- (a) section 146.1 (2) (d) [*vehicle and speed limiter meet prescribed requirements*] of the Act, or
- (b) section 7E.05 (a) [*prohibition against participating in contravention*] of this regulation.

4 Table 2 of the Schedule to Division 28 is amended

(a) under the heading "Motor Vehicle Act" by adding the following items as indicated:

	<u>Motor Vehicle Act</u>	<u>Description of Offence</u>
16.1	Section 146.1 (2) (a)	No speed limiter in heavy commercial vehicle
16.2	Section 146.1 (2) (b)	Speed limiter in heavy commercial vehicle not activated
16.3	Section 146.1 (2) (c)	Speed limiter in heavy commercial vehicle not set to prescribed maximum rate of speed

(b) under the heading "Motor Vehicle Act Regulations" by adding the following items as indicated:

	<u>Motor Vehicle Act Regulations</u>	<u>Description of Offence</u>
1.1	Section 7E.03 (a)	Speed limiter in heavy commercial vehicle not in good working order
1.2	Section 7E.03 (b)	Inaccurately programmed electronic control module in heavy commercial vehicle
1.3	Section 7E.04 (2) (a)	Tampering technology in heavy commercial vehicle
1.4	Section 7E.04 (2) (b)	Tampering technology interacting with speed limiter
1.5	Section 7E.05 (a)	Participate in contravention of section 146.1 (2) of Act
1.6	Section 7E.05 (b)	Participate in contravention of section 7E.04 (2) of regulation

5 Section 37.19 is amended

(a) in subsection (1) by striking out "by permit in writing and", and

(b) in subsection (3) by striking out "granting of a permit" and substituting "granting of an exemption".

6 Section 37.20 is amended by striking out "by permit in writing".

7 Section 37.61 (4) (d) is amended by striking out "described under paragraph (b)" and substituting "described under paragraph (c)".

APPENDIX 2

1 Schedule 3 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended

(a) under the heading “Motor Vehicle Act” by adding the following items as indicated:

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)
<i>Motor Vehicle Act</i>						
section 146.1 (2) (a)	No speed limiter in heavy commercial vehicle	\$320	\$295	\$48	\$368	\$343
section 146.1 (2) (b)	Speed limiter in heavy commercial vehicle not activated	\$320	\$295	\$48	\$368	\$343
section 146.1 (2) (c)	Speed limiter in heavy commercial vehicle not set to prescribed maximum rate of speed	\$320	\$295	\$48	\$368	\$343

(b) under the heading “Motor Vehicle Act Regulations, B.C. Reg. 26/58” by adding the following items as indicated:

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)
<i>Motor Vehicle Act Regulations, B.C. Reg. 26/58</i>						
section 7E.03 (a)	Speed limiter in heavy commercial vehicle not in good working order	\$320	\$295	\$48	\$368	\$343
section 7E.03 (b)	Inaccurately programmed electronic control module in heavy commercial vehicle	\$320	\$295	\$48	\$368	\$343
section 7E.04 (2) (a)	Tampering technology in heavy commercial vehicle	\$320	\$295	\$48	\$368	\$343
section 7E.04 (2) (b)	Tampering technology interacting with speed limiter	\$320	\$295	\$48	\$368	\$343
section 7E.05 (a)	Participate in contravention of section 146.1 (2) of Act	\$320	\$295	\$48	\$368	\$343
section 7E.05 (b)	Participate in contravention of section 7E.04 (2) of regulation	\$320	\$295	\$48	\$368	\$343

Appendix 3

- 1** *Section 14 (1) of the Motor Dealer Act Regulation, B.C. Reg. 447/78, is amended by striking out “section 1 of the Motor Vehicle Act Regulations” and substituting “section 1 of the Motor Vehicle Act”.*
- 2** *Section 1 (1) of the Off-Road Vehicle Regulation, B.C. Reg. 193/2015, is amended in the definition of “gross vehicle weight rating” by striking out “as in the Motor Vehicle Act Regulations” and substituting “as in section 1 of the Motor Vehicle Act”.*
- 3** *Section 1 of the Zero-Emission Vehicles Regulation, B.C. Reg. 196/2020, is amended in the definition of “gross vehicle weight rating” by striking out “section 1 of the Motor Vehicle Act Regulations” and substituting “section 1 of the Motor Vehicle Act”.*