



Motor Vehicle Act

MOTOR VEHICLE ACT REGULATIONS

B.C. Reg. 26/58

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Consolidated Regulations of British Columbia

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Motor Vehicle Act

MOTOR VEHICLE ACT REGULATIONS

B.C. Reg. 26/58

DIVISION 1 – INTERPRETATION

Interpretation

- 1** In these regulations, unless the context otherwise requires:
- “Act”** means the *Motor Vehicle Act*;
 - “air cushion vehicle”** means a vehicle which is supported on a cushion of air and does not while in motion have firm contact with the ground and which is not a motor vehicle or trailer;
 - “all terrain vehicle”** means a wheeled or tracked vehicle designed primarily for recreational use or for the transportation of property or equipment exclusively on marshland, open country or other unprepared surfaces and includes any trailer attached to the vehicle;
 - “antique motor vehicle”** or **“antique car”** means an antique motor vehicle as described in Division 22;
 - “associates”** means friends, acquaintances or invited persons who are not collectively members of a society, organized sport association, religious organization or other group with a common interest;
 - “axle”** means a structure in the same, or approximately the same, transverse plane supported by wheels and on or with which such wheels revolve;
 - “backup lamp”** means a lamp that is capable of displaying a light source that provides illumination behind a vehicle and a visual warning to pedestrians and other drivers when the vehicle is backing up or is about to back up;
 - “beam of light”** means the reflected rays of light which are projected approximately parallel to the optical axis of the reflector;
 - “bias ply tire”** means a pneumatic tire in which the ply cords that extend to the beads are laid at alternate angles substantially less than 90° to the centre line of the tread;
 - “camper”** means a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes;
 - “centre high-mounted stop lamp”** means a centre mounted lamp, supplemental to a stop lamp, that is capable of displaying red light visible to the rear of a vehicle;
 - “CMVSS”** means the Canada Motor Vehicle Safety Standards, under the *Motor Vehicle Safety Act* (Canada), as those standards amended from time to time;
 - “collector motor vehicle”** means a collector motor vehicle as defined in Division 22A;
 - “daytime running lamp”** means a lamp used to improve the visibility of a vehicle when the vehicle is viewed from the front in daylight;

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“distance” means, with respect to a lamp or illuminating device, the distance as measured from the light source of an unloaded vehicle on a straight, level and unlighted highway under normal atmospheric conditions from 1/2 hour after sunset to 1/2 hour before sunrise, unless a different time or condition is expressly stated;

“driveaway-towaway operation” means the transportation of one or more truck chassis by another truck chassis if 2 or more wheels of the towed vehicle or vehicles are in contact with the roadway during transportation;

“fifth wheel and kingpin” means the coupling device of a semitrailer and a truck tractor which permits articulation between the units and which is mounted on the truck tractor and consists of a trunnion, plate and latching mechanism for connection with a metal kingpin mounted on the semitrailer;

“freight” includes personal property of every description that may be conveyed on a motor vehicle or trailer, but does not include a passenger’s personal baggage;

“gross vehicle weight” means the aggregate of the net weight of a vehicle and the weight of its load;

“gross vehicle weight rating” means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle;

“group of axles” means any 2 or more successive axles on a vehicle or combination of vehicles;

“headlamp” means a lamp, mounted on a motor vehicle, that is capable of displaying white light, the rays of which are projected forward, but does not include a spotlight, cowl lamp, parking lamp, fog lamp, clearance lamp, auxiliary driving lamp or daytime running lamp;

“height”, when used with respect to a lamp or reflector, means the vertical distance as measured from the road surface to the centre of a lamp or reflector of an unloaded vehicle on a level road surface;

“house trailer” means a trailer

- (a) which is designed, constructed and equipped for human habitation, or
- (b) designed, constructed and equipped for human occupancy for industrial, professional or commercial purposes;

“licensed vehicle weight” means the weight for which a vehicle is licensed;

“limited speed motorcycle” means a motorcycle that

- (a) is equipped with a motor having
 - (i) a piston displacement of not more than 50 cc, or
 - (ii) a power source that produces a maximum of 1.5 kW,
- (b) has a power drive system that does not require clutching or shifting by the operator after the drive system is engaged,
- (c) has a maximum attainable speed on level ground, with or without pedals, of 70 km/hr,

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Division 1 – Interpretation

(d) has a maximum weight of 95 kg excluding fuel or batteries used to store energy for vehicle propulsion, and

(e) has wheels of a diameter of 254 mm or more;

“logging truck” means a vehicle or combination of vehicles used principally for the transportation of logs;

“metal tire” means a tire, or part of the outer circumference of a wheel which comes in contact with the surface of the highway, which is made of metal or other non-resilient material;

“neighbourhood zero emission vehicle” means a vehicle that travels on 4 wheels and is powered by an electric motor that is designed to allow the vehicle to attain a speed of 32 km/hr but not more than 40 km/hr in a distance of 1.6 km on a paved level surface, and

(a) meets or exceeds standards of the *Motor Vehicle Safety Act* (Canada) for a low-speed vehicle and bears a compliance label for a low-speed vehicle in accordance with that Act, or

(b) if imported to Canada, has been imported as an admissible low-speed vehicle in accordance with the *Motor Vehicle Safety Act* (Canada) requirements and

(i) bears a compliance label for a low-speed vehicle in accordance with that Act, or

(ii) meets applicable federal United States laws in accordance with the *Motor Vehicle Safety Act* (Canada);

“net weight” means the weight of a vehicle that is empty except for the maximum capacity of fuel, oil and coolant necessary for its operation;

“non-scheduled transportation” means the transportation, by other than scheduled transportation, of students by or on behalf of, or at the request of, the authority in charge of the school by means of a motor vehicle;

“off-road lamp” means a lamp designed for any use other than those specified in Division 4 of these regulations;

“pneumatic tire” means a tire made of rubber or other resilient material and which depends upon compressed air for the support of the load;

“pole trailer” means a vehicle without motive power designed to be drawn by another vehicle and to be attached to the towing vehicle by means of a reach or pole, or by being boomed thereto, and which is ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes or structural members;

“public transportation” means the transportation of a group of persons other than family members or associates;

“radial ply tire” means a pneumatic tire in which the ply cords that extend to the beads are laid at substantially 90° to the centre line of the tread;

MOTOR VEHICLE ACT REGULATIONSDivision 1 – Interpretation

“reflective marking” means a reflective tape or rigid plastic reflector that complies with all the requirements for reflective devices as stated in Technical Standards Document No. 108 of the Motor Vehicle Safety Regulation (Canada);

“SAE” means the Society of Automotive Engineers, an international organization in the automotive industry that is responsible for the establishment of standards for vehicles;

“safety glass” means any glass or transparent product which substantially prevents the shattering and flying of the glass or transparent product when struck or broken;

“scheduled transportation” means the transportation of students by or on behalf of, or at the request of, the authority in charge of the school by means of a motor vehicle that, either alone or as part of a transportation system, transports students between their residences and the school on a regularly scheduled basis for the purpose of attending classes;

“school bus” means a school bus as defined in the Act and includes a bus used by or on behalf of, or at the request of, the authority in charge of the school to convey students by means of scheduled or non-scheduled transportation;

“semitrailer” means a vehicle, other than a trailer, which is drawn by a motor vehicle and which is so constructed that some part of its weight and some part of the weight of its load rests upon or is carried by the towing vehicle;

“sequential lamp” means a lamp with bulbs lighted in sequence to indicate an arrow or direction for the purpose of directing traffic;

“service brake” means a foot brake;

“snowmobile” means a motor vehicle that

- (a) is designed for travel on snow or ice,
- (b) has one or more steering skis,
- (c) is self propelled by means of one or more endless belts driven in contact with the ground, and
- (d) has a seat designed for sitting astride;

“snow vehicle” means a motor vehicle that

- (a) is designed for
 - (i) travel on snow or ice, and
 - (ii) the transportation of passengers or equipment, or both, and
- (b) is self-propelled by means of one or more endless belts driven in contact with the ground;

“solid tire” means a tire of rubber or other resilient materials which does not depend upon compressed air for the support of the load;

“special activity bus” means a bus that

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- (a) conforms to the safety standards under the *Motor Vehicle Safety Act* (Canada) that are applicable to the bus on the date of manufacture,
- (b) is operated by or on behalf of, or at the request of, the authority in charge of a school, and
- (c) is used for non-scheduled transportation;

“special mobile vehicle” means a vehicle not self-propelled, nor designed or used primarily for the transportation of persons or property, and operated or moved over a highway incidentally to its designed purpose or function, but does not include an implement of husbandry;

“special vehicle” means a motor vehicle with a carrying capacity for a driver and not more than 9 other persons that is designed or modified for public transportation of handicapped persons;

“spotlamp” means a lamp that

- (a) is capable of projecting a beam of light on an object, and
- (b) may be directed from within or outside of the vehicle;

“tandem axle” means 2 or more equally spaced consecutive axles, having an axle spread of not less than 1.0 m nor more than 1.85 m;

“tow car” means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles, or to vehicles suffering from a defect or disability in their means of locomotion;

“towing dolly” means a trailer that is designed exclusively to carry one axle of a motor vehicle for the purpose of towing that motor vehicle behind another motor vehicle;

“truck” means a motor vehicle designed or used primarily for the transportation of property;

“truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

“utility vehicle” means a motor vehicle that at the time the vehicle was manufactured was not designed to conform to the standards prescribed in the *Motor Vehicle Safety Act* (Canada) for motor vehicles designed for use on a highway, including

- (a) all terrain vehicles,
- (b) golf carts, when used or adapted for a utility purpose unrelated to carrying golfers and their equipment,
- (c) Repealed. [B.C. Reg. 128/2012, Sch. s. 1 (b).]
- (d) forklifts,
- (e) light tractors,
- (f) mowers,

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- (g) sweepers, and
- (h) other motor vehicles used for light industrial, maintenance or landscaping purposes,

but does not include a motor vehicle that is licensed under section 8, 9 or 10 of the Act;

“**wheelbase**” means the distance, measured to the nearest cm, between the centres of the 2 axles which are farthest apart;

“**width of tire**” means, with respect to rubber tires, the width of tire as customarily measured and rated by manufacturers of motor vehicles and tires and, with respect to metal tires, the transverse width of the outer circumference of the metal tire.

[am. B.C. Regs. 234/59, s. 1; 10/61, s. 1; 46/67, ss. 1 and 2; 226/67, s. 1; 153/71, ss. 1 and 2; 342/75, s. 1; 343/77; 459/78, s. 1; 295/79, s. (a); 256/84, s. 1; 229/88, s. 1; 133/89, s. 1; 292/89, s. 1; 170/90; 419/90, s. 1; 461/92, s. 1; 105/94; 491/94, s. (a); 273/97, s. 1; 413/97, App. 1, s. 1; 476/98, s. 1; 414/99, s. 1; 303/2001; 145/2008, s. 1; 351/2008, Sch. s. 1; 128/2012, Sch. s. 1; 177/2015, App. s. 1; 11/2018, s. 1; 246/2018, s. 1.]

1.01 Repealed. [B.C. Reg. 255/2018, App. s. 1.]

Prescribed *Criminal Code* offences

1.02 (1) Subject to subsection (2), for the purposes of paragraph (a) of the definition of “motor vehicle related *Criminal Code* offence” in section 1 of the Act, the following *Criminal Code* offences are prescribed:

- (a) an offence committed before December 4, 1985 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 203 [*causing death by criminal negligence*];
 - (ii) section 204 [*causing bodily harm by criminal negligence*];
 - (iii) section 219 [*manslaughter*];
 - (iv) section 233 [*criminal negligence in operation of motor vehicle*];
 - (v) section 234 [*driving while ability to drive is impaired by alcohol or a drug*];
 - (vi) section 235 [*failure or refusal to provide sample of breath*];
 - (vii) section 236 [*driving with more than 80 milligrams of alcohol in blood*];
- (b) an offence committed on or after December 4, 1985 and before December 12, 1988 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 203 [*causing death by criminal negligence*];
 - (ii) section 204 [*causing bodily harm by criminal negligence*];
 - (iii) section 219 [*manslaughter*];
 - (iv) section 233 [*dangerous operation of motor vehicle*];
 - (v) section 236 [*failure to stop at scene of accident*];

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-
- (vi) section 237 [*operation of motor vehicle while impaired or with more than 80 milligrams of alcohol in blood*];
 - (vii) section 238 [*failure or refusal to provide sample of breath or blood*];
 - (viii) section 239 [*impaired driving causing bodily harm or death*];
 - (ix) section 242 (4) [*operation of motor vehicle while disqualified*];
 - (c) an offence committed on or after December 12, 1988 and before July 2, 2008 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 253 (a) [*operation of motor vehicle while ability impaired by alcohol or a drug*];
 - (ii) section 253 (b) [*operation of motor vehicle with more than 80 milligrams of alcohol in blood*];
 - (d) an offence committed on or after December 12, 1988 and before December 18, 2018 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 220 [*causing death by criminal negligence*];
 - (ii) section 221 [*causing bodily harm by criminal negligence*];
 - (iii) section 236 [*manslaughter*];
 - (iv) section 249 (1) (a) [*dangerous operation of motor vehicle*];
 - (v) section 249 (3) [*dangerous operation causing bodily harm*];
 - (vi) section 249 (4) [*dangerous operation causing death*];
 - (vii) section 252 (1) [*failure to stop at scene of accident*];
 - (viii) section 254 (5) [*failure or refusal to comply with demand*];
 - (ix) section 255 (2) [*impaired driving causing bodily harm*];
 - (x) section 255 (3) [*impaired driving causing death*];
 - (xi) section 259 (4) [*operation of motor vehicle while disqualified*];
 - (e) an offence committed on or after April 1, 2005 and before December 18, 2018 under section 249.1 [*flight from peace officer*] of the *Criminal Code* as it then was;
 - (f) an offence committed on or after July 2, 2008 and before December 18, 2018 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 253 (1) (a) [*operation of motor vehicle while ability impaired by alcohol or a drug*];
 - (ii) section 253 (1) (b) [*operation of motor vehicle with more than 80 milligrams of alcohol in blood*];
 - (g) an offence committed on or after June 21, 2018 and before December 18, 2018 under any of the following provisions of the *Criminal Code* as it then was:

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- (i) section 253 (3) (a) *[operation of motor vehicle and having blood drug concentration equal to or exceeding prescribed value];*
 - (ii) section 253 (3) (b) *[operation of motor vehicle and having blood drug concentration in prescribed range];*
 - (iii) section 253 (3) (c) *[operation of motor vehicle and having blood alcohol concentration and blood drug concentration equal to or exceeding prescribed value];*
- (h) an offence committed before December 18, 2018 under any of the following provisions of the *Criminal Code* as it then was:
 - (i) section 249.2 *[causing death by criminal negligence (street racing)];*
 - (ii) section 249.3 *[causing bodily harm by criminal negligence (street racing)];*
 - (iii) section 249.4 *[dangerous operation of motor vehicle while street racing];*
 - (iv) section 255 (2.1) *[causing accident resulting in bodily harm while driving with more than 80 milligrams of alcohol in blood];*
 - (v) section 255 (2.2) *[causing accident resulting in bodily harm and failure or refusal to comply with demand];*
 - (vi) section 255 (3.1) *[causing accident resulting in death while driving with more than 80 milligrams of alcohol in blood];*
 - (vii) section 255 (3.2) *[causing accident resulting in death and failure or refusal to comply with demand];*
- (i) an offence committed on or after December 18, 2018 under any of the following provisions of the *Criminal Code*:
 - (i) section 320.13 (1) *[dangerous operation];*
 - (ii) section 320.13 (2) *[dangerous operation causing bodily harm];*
 - (iii) section 320.13 (3) *[dangerous operation causing death];*
 - (iv) section 320.14 (1) (a) *[operation of motor vehicle while impaired by alcohol or a drug];*
 - (v) section 320.14 (1) (b) *[operation of motor vehicle and having blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in blood];*
 - (vi) section 320.14 (1) (c) *[operation of motor vehicle and having blood drug concentration equal to or exceeding prescribed value];*
 - (vii) section 320.14 (1) (d) *[operation of motor vehicle and having blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values];*
 - (viii) section 320.14 (2) *[operation of motor vehicle while impaired by alcohol or a drug and causing bodily harm];*

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- (ix) section 320.14 (3) *[operation of motor vehicle while impaired by alcohol or a drug and causing death];*
 - (x) section 320.14 (4) *[operation of motor vehicle and having blood drug concentration in prescribed range];*
 - (xi) section 320.15 (1) *[failure or refusal to comply with demand];*
 - (xii) section 320.15 (2) *[causing accident resulting in bodily harm and failure or refusal to comply with demand];*
 - (xiii) section 320.15 (3) *[causing accident resulting in death and failure or refusal to comply with demand];*
 - (xiv) section 320.16 (1) *[failure to stop after accident];*
 - (xv) section 320.16 (2) *[failure to stop after accident resulting in bodily harm];*
 - (xvi) section 320.16 (3) *[failure to stop after accident resulting in death];*
 - (xvii) section 320.17 *[flight from peace officer];*
 - (xviii) section 320.18 (1) *[operation while prohibited].*
- (2) Subsection (1) (d) (xi) and (i) (xviii) does not apply for the purposes of paragraph (a) of the definition of “motor vehicle related *Criminal Code* offence” in section 1 of the Act as that definition applies to section 232 of the Act.

[en. B.C. Reg. 255/2018, App. s. 1.]

DIVISION 2 – APPLICATION**Application in case of conflict**

- 2.01** The definitions in sections 1 and 119 of the Act apply to these regulations, but if there is any conflict between a definition under section 1 and a definition under section 119, the definition under section 119 prevails.

[am. B.C. Reg. 46/67, s. 3.]

Application

- 2.011** Except as otherwise provided in Division 24, Divisions 4 *[Lamps]*, 5 *[Brakes]*, 7 *[Other Equipment]* and 7B *[Slow Moving Vehicles and Equipment]* do not apply to
- (a) the vehicles listed in section 24.02 (1), or
 - (b) an industrial utility vehicle to which section 3.1 of the Act applies.

[en. B.C. Reg. 128/2012, Sch. s. 2.]

Removal in case of collision or breakdown

- 2.02** Notwithstanding section 7.09,
- (a) a vehicle on a highway that, as a result of collision, or otherwise, ceases to be properly equipped under the Act or these regulations shall be removed from the highway forthwith or taken on the highway to a garage or repair

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shop by a tow car or other vehicle capable of safely carrying out the movement, and

- (b) a vehicle that is not properly equipped under the Act or these regulations may be moved on a highway, in order to take the vehicle to a garage or repair shop, by a tow car or other vehicle capable of safely carrying out the movement, and

in either case, if the person then in charge of the vehicle takes reasonable precaution for the safety of traffic on the highway, these regulations are, with respect to the equipment that is defective, suspended.

[en. B.C. Reg. 33/64, s. 1.]

Determination of maximum vehicle width

- 2.03** Where a motor vehicle or trailer or semitrailer is equipped with one or more rear view mirrors that extend in whole or in part beyond the side of the vehicle or one or more lamps, required by these regulations, that extend in whole or in part beyond the side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle for the purpose of these regulations.

[en. B.C. Reg. 33/64, s. 2.]

DIVISION 3 – DISPLAY AND USE OF NUMBER PLATES**Prohibition**

- 3.01** A person must not drive or operate a vehicle on a highway unless displayed on it are

- (a) number plates in accordance with this Division, and
- (b) if a validation decal is issued for attachment to a number plate, the validation decal in accordance with this Division.

[en. B.C. Reg. 279/2006.]

Attachment of number plates

- 3.011** Number plates issued for a vehicle under the *Commercial Transport Act* or *Motor Vehicle Act* must be attached

- (a) one plate to the front and one plate to the rear of the vehicle, if 2 number plates are issued for a vehicle, and
- (b) to the rear of the vehicle, if a single number plate is issued for a vehicle.

[en. B.C. Reg. 279/2006.]

Application to off-road vehicles

- 3.0111** Section 3.011 does not apply to an off-road vehicle registered under the *Off-Road Vehicle Act* and displaying a number plate or number sticker issued under that Act.

[en. B.C. Reg. 193/2015, App. 3, s. 1.]

MOTOR VEHICLE ACT REGULATIONSDivision 3 – Display and Use of Number Plates

Attachment of validation decal

3.012 If a validation decal is issued under the *Commercial Transport Act* or *Motor Vehicle Act* for attachment to a number plate, it must be attached

- (a) in the case of a motor vehicle licensed under the *Commercial Transport Act* that has a licensed gross vehicle weight exceeding 5 500 kg, to the place provided on the front number plate,
- (a.1) in the case of an off-road vehicle registered under the *Off-Road Vehicle Act*, on the number plate or number sticker issued under that Act, or
- (b) in the case of any other vehicle, to the place provided on the rear number plate.

[en. B.C. Reg. 279/2006; am. B.C. Reg. 193/2015, App. 3, s. 2.]

Number plates in horizontal position

3.02 A number plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued.

Vertical position permitted for motorcycles

3.021 Despite section 3.02, a number plate may be attached in vertical position on the left front fork of a motorcycle, with the first number or letter at the bottom of the fork.

[en. B.C. Reg. 193/2015, App. 3, s. 3.]

Plates to be unobstructed

3.03 A number plate must be kept entirely unobstructed and free from dirt or foreign material, so that the numbers and letters on it may be plainly seen and read at all times and so that the numbers and letters may be accurately photographed using a speed monitoring device or traffic light safety device prescribed under section 83.1 of the Act.

[en. B.C. Reg. 185/96, s. 1; am. B.C. Reg. 215/99, App. 1, s. 1.]

Transfer fee

3.04 The Insurance Corporation of British Columbia shall not accept a notice of transfer of title or interest in a vehicle under section 17 of the Act unless the notice of transfer is accompanied by the fee prescribed in the Motor Vehicle Fees Regulation.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Regs. 518/81, s. 1; 317/96, s. 1.]

Removal of number plates on transfer

3.05 Every person who transfers title or interest in a vehicle under section 17 of the Act shall, before giving up possession of the vehicle pursuant to the transfer, remove the number plates and dispose of them as provided in section 3.08 or 3.09.

[en. B.C. Reg. 431/73, s. 1.]

Transfer by operation of law

- 3.06** (1) For this section, “**spouse**” means a person who was married to another person at the relevant time or who was living for at least 2 years immediately before the relevant time in a marriage-like relationship.
- (2) Notwithstanding section 3.05,
- (a) where the title or interest of an owner of a vehicle is transferred by operation of law under section 17 of the Act as a result of the owner’s death, his executor, administrator or trustee shall remove the number plates and dispose of them only as provided in section 3.09; but where the ownership of the vehicle passes to the deceased person’s spouse, the spouse may, upon application in the prescribed form to the Insurance Corporation of British Columbia and upon payment of the prescribed transfer fee, have the vehicle registered in his name and retain the number plates on the vehicle, or
- (b) where the title or interest of an owner of a vehicle is transferred by operation of law under section 17 of the Act for any reason other than as a result of the owner’s death, the owner shall remove the number plates and dispose of them as provided in section 3.08 or 3.09.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Regs. 317/96, s. 1; 393/99, s. 1; 375/2012.]

Where owner cannot be located

- 3.07** Where the owner referred to in section 3.06 (2) (b) does not have possession of the vehicle at the time of its transfer by operation of law, the person who has possession of the vehicle shall remove the number plates and forthwith deliver them to the owner who shall dispose of them as provided in section 3.08 or 3.09; but, if the owner cannot be located within 7 days of the transfer, the person who has possession of the vehicle shall, at the expiration of the 7 days, forthwith deliver the number plates to an office of the Insurance Corporation of British Columbia.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Regs. 317/96, s. 1; 393/99, s. 2.]

Substitute vehicle

- 3.08** (1) Where a person who has removed number plates pursuant to section 3.05 and has retained possession of them as provided in section 3.09 acquires another motor vehicle or trailer of the same class, the owner may display the number plates on the substitute vehicle for a period not exceeding 10 days from the time of acquisition of the substitute vehicle and shall within that period comply with the requirements for licensing the substitute vehicle in his name.
- (2) Where a person operates a substitute vehicle during the period not exceeding 10 days referred to in subsection (1) and prior to the owner licensing the substitute vehicle in his name in accordance with that subsection, the operator shall carry, and produce to a peace officer upon request, the following:
- (a) the owner’s certificate of insurance and vehicle licence that corresponds with the number plates displayed on the vehicle;

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- (b) the proof of vehicle registered ownership for the substitute vehicle or, if the vehicle is a new vehicle sold by a B.C. registered dealer, a bill of sale;
 - (c) a duly completed notice of transfer, signed by both the seller and the buyer as required by section 17 of the Act.
- (3) Where a substitute vehicle is not of the same class as the vehicle for which it is substituted, the owner shall comply immediately with the requirements for licensing the substitute vehicle in his name, and, if directed to do so by the Insurance Corporation of British Columbia, he shall surrender the number plates removed pursuant to section 3.05 and attach other number plates to the substitute vehicle.
- (4) Where a person who is the registered owner of more than one motor vehicle or trailer removes number plates from one vehicle and wishes to display them on a substitute vehicle owned by him, he shall, before doing so, ensure that the requirements for licensing the substitute vehicle, including payment of the fee prescribed in the Motor Vehicle Fees Regulation, are complied with before the vehicle is operated.

[en. B.C. Reg. 518/81, s. 2; am. B.C. Reg. 317/96, s. 1.]

Disposal of number plates

3.09 A person who has removed number plates pursuant to section 3.05 and who does not attach them on a substitute vehicle pursuant to section 3.08 shall not attach or display those number plates on any other vehicle, but he may

- (a) retain, destroy or otherwise dispose of them, or
- (b) surrender them to an office of the Insurance Corporation of British Columbia together with an application for remission of fees in the form established by the corporation for this purpose.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Regs. 317/96, s. 1; 232/2009, s. (a).]

Remission of fees

3.10 (1) On surrender of a set of number plates and completion of the application referred to in section 3.09 (b) to the satisfaction of the Insurance Corporation of British Columbia, the Minister of Finance may remit to the person surrendering the number plates

- (a) the licence fee prorated for the number of full days remaining in the term of the licence,
- (b) in the case of personalized number plates issued before January 1, 1984, 1/60 of the personalized number plate fee for each month that remains on the 5 year term of the number plates, and
- (c) in the case of personalized number plates issued on or after January 1, 1984, 1/12 of the personalized number plate fee for each month that remains on the one year term of the number plates.

- (2) No remission shall be made under subsection (1), if the amount to be remitted is less than \$5.

[en. B.C. Reg. 480/83, s. 1; am. B.C. Regs. 317/96, s. 1; 232/2009, ss. (b) and (c).]

Fee adjustment on transfer

- 3.11** There shall be no adjustment of licence fees on a transfer of number plates under section 3.08 except where the amount of the adjustment, where including any fees incidental to the transfer and any premium adjustment under the *Insurance (Vehicle) Act*, is more than \$5.

[en. B.C. Reg. 122/74, s. 1; am. B.C. Reg. 161/2007, s. 4.]

Number plates transferable only within class

- 3.12** (1) Notwithstanding section 3.08, number plates shall not be attached on a vehicle that is not of the same class of vehicle from which the number plates were removed pursuant to section 3.05.
- (2) Subsection (1) does not apply where the number plates are personalized number plates issued under Division 34.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Reg. 295/79, s. (b).]

Prohibition – vehicles regulated under Division 24

- 3.121** Despite section 3.08 (1), a person who has, in accordance with section 3.05,
- (a) removed number plates from a motor vehicle may not display or attach the number plates to or on a substitute vehicle to which Division 24 [*Vehicles of Unusual Size, Weight or Operating Characteristics*] applies, or
 - (b) removed number plates from a motor vehicle to which Division 24 applies may not display or attach the number plates to or on a substitute vehicle of another class.

[en. B.C. Reg. 351/2008, Sch. s. 3.]

Classes of vehicles

- 3.13** For the purposes of section 3.12 and 3.121, vehicles are divided into the following classes:

- (a) motorcycle;
- (b) passenger motor vehicle;
- (c) trailer licensed under this Act;
- (d) motor vehicle or trailer licensed under the *Commercial Transport Act*;
- (e) motor vehicle to which Division 24 [*Vehicles of Unusual Size, Weight or Operating Characteristics*] applies.

[en. B.C. Reg. 431/73, s. 1; am. B.C. Reg. 351/2008, Sch. s. 4.]

MOTOR VEHICLE ACT REGULATIONSDivision 4 – Lamps

DIVISION 4 – LAMPS**Hours prescribed for lighted lamps**

4.01 A person who drives or operates a vehicle on a highway must illuminate the lamps required by this Division

- (a) from 1/2 hour after sunset to 1/2 hour before sunrise, and
- (b) at any other time when, due to insufficient light or unfavourable atmospheric conditions, objects on the highway are not clearly discernible at a distance of 150 m.

[en. B.C. Reg. 476/98, s. 2.]

General lighting requirements

- 4.02** (1) A vehicle on a highway must only be equipped with and use lamps, reflectors or other illuminating devices authorized by this Division or authorized in writing by the director.
- (2) A vehicle on a highway must be equipped with lamps equivalent to those provided by the original manufacturer in accordance with the requirements that applied under the *Motor Vehicle Safety Act* (Canada), or a predecessor to that Act, at the time of vehicle manufacture.
- (3) All lamps, lamp bulbs and reflectors required or permitted by this Division must comply with
- (a) the approved standards established by the *Motor Vehicle Safety Act* (Canada) and the applicable SAE standards,
 - (b) the conditions of use described in this Division, and
 - (c) the requirements of Table 1 of the Schedule to this Division.
- (4) The function of 2 or more lamps or reflectors may be combined if each function meets the following requirements:
- (a) no turn signal lamp may be combined optically with a stop lamp unless the stop lamp is extinguished when the turn signal is flashing;
 - (b) a clearance lamp must not be combined optically with a tail-lamp or identification lamp.
- (5) The director may exempt vehicles or classes of vehicles from the requirements of this section.

[en. B.C. Reg. 476/98, s. 2; am. B.C. Reg. 135/2003, s. 1.]

Mounting of lamps and reflectors

- 4.03** (1) If 2 lamps of the same type are required or permitted on a vehicle, the lamps must be mounted at the same height unless otherwise specified in this Division.
- (2) If 2 lamps of the same type are required or permitted on the side, front or rear of a vehicle, the lamps must, unless otherwise specified in this Division, be mounted

with one lamp at or near the extreme left and one lamp at or near the extreme right of the vehicle, so as to indicate the approximate width of the vehicle.

[en. B.C. Reg. 476/98, s. 2.]

General maintenance

- 4.04** (1) Lighting devices required by this Division must be maintained in good working order.
- (2) Lamps and reflectors required by this Division
- (a) must be securely mounted on the vehicle,
 - (b) must not have any cracked, broken, missing or incorrectly installed lenses, and a lamp must not have bent or broken rims that allow water to enter the lamp, and
 - (c) must not be shielded, covered or obscured by any part of the vehicle or load or by dirt or other material.

[en. B.C. Reg. 476/98, s. 2.]

Headlamps

- 4.05** (1) A motor vehicle must be equipped with either one or 2 headlamps mounted on each side of the front of the vehicle and capable of displaying white light.
- (2) The headlamps must be mounted at a height of not less than 56 cm and not more than 1.37 m.
- (3) Subsection (2) does not apply to highway construction and maintenance equipment.
- (4) Despite subsection (1), a motorcycle must be equipped with at least one and not more than 2 headlamps.
- (5) A motorcycle manufactured after December 31, 1974 must be equipped with a headlamp or headlamps which automatically turn on when the engine of the motorcycle is started and which remain illuminated as long as the engine is running.
- (6) The headlamp on a motorcycle travelling at less than 50 km/h must reveal an object at a distance of 30 m.
- (7) The headlamp on a motorcycle travelling at 50 km/h or more must reveal an object at a distance of 60 m.
- (8) A motorcycle may be equipped with modulating headlamps if the headlamps comply with section 5.6 of the Technical Standards Document No. 108, Motor Vehicle Safety Regulations (Canada).

[en. B.C. Reg. 476/98, s. 2.]

Multiple beam headlamps

- 4.06** (1) The headlamps of a motor vehicle must function so that the driver may select lamps capable of displaying

MOTOR VEHICLE ACT REGULATIONSDivision 4 – Lamps

- (a) an upper beam of light which, regardless of the load on the vehicle, will reveal an object at a distance of 100 m, and
 - (b) a lower beam of light which, regardless of the load on the vehicle, will reveal an object at a distance of 30 m and the high intensity portion of the lower beam will not strike the eye of an oncoming driver.
- (2) The lighting system must include a tell-tale lamp which clearly indicates when the upper beam of light is being displayed.
 - (3) Subsection (2) does not apply to a motor vehicle manufactured before January 1, 1940.
 - (4) If an automatic dimmer switch is installed, the device must have a manual control.
 - (5) A person who drives or operates a motor vehicle must not illuminate the upper beam of a headlamp if another motor vehicle is within a distance of 150 m from that vehicle, unless the driver has overtaken and passed the other vehicle, so that the high intensity portion of the beam does not strike or reflect into the eye of the other driver.
 - (6) Whenever a motor vehicle is parked or standing on a highway, the upper beam of the motor vehicle headlamps must not be illuminated.

[en. B.C. Reg. 476/98, s. 2.]

Single beam headlamps

- 4.07** Despite section 4.06, a motor vehicle, including a motorcycle, may be equipped with single beam headlamps instead of multiple beam headlamps if

- (a) the illuminated headlamps reveal an object at a distance of 60 m, and
- (b) each headlamp is mounted and directed so that the high intensity portion of the beam is, at a distance of 8 m from the headlamp, at least 12 cm below the height of the headlamp and, at a distance of 25 m from the lamp, not higher than 1.06 m from the road surface.

[en. B.C. Reg. 476/98, s. 2.]

Daytime running lamps

- 4.08** A motor vehicle may be equipped with daytime running lamps, mounted on the front of the vehicle at a height of not less than 30 cm and not more than 2.11 m, that comply with the requirements of the *Motor Vehicle Safety Act* (Canada).

[en. B.C. Reg. 476/98, s. 2.]

Auxiliary driving lamps

- 4.09** (1) A motor vehicle may be equipped with 2 auxiliary driving lamps, mounted on the front of the vehicle at a height of not less than 40 cm and not more than 1.06 m, that are capable of displaying only white light.

- (2) An auxiliary driving lamp must be directed so that the high intensity portion of the beam is, at a distance of 8 m from the lamp, at least 12 cm below the height of the lamp and, at a distance of 25 m from the lamp, not higher than 1.06 m from the road surface.
- (3) An auxiliary driving lamp must operate so that it is illuminated only when the upper beam of a multiple beam headlamp is illuminated.
[en. B.C. Reg. 476/98, s. 2.]

Parking lamps

- 4.10** (1) A vehicle may be equipped with 2 parking lamps, mounted on the front of the vehicle, that are capable of displaying only white or amber light.
- (2) A vehicle may be equipped with 2 parking lamps, mounted on the rear of the vehicle, that are capable of displaying only red light.
[en. B.C. Reg. 476/98, s. 2.]

Fog lamps

- 4.11** (1) A motor vehicle may be equipped with 2 fog lamps, mounted on the front of the vehicle below the headlamps, that are capable of displaying only white or amber light.
- (2) Each fog lamp must be
- (a) mounted not more than 30 cm below the headlamps, and
 - (b) adjusted and aimed so that, at a distance of 8 m from the lamp, the centre of the beam is at least 10 cm below the height of the fog lamp.
- (3) The fog lamp wiring and switch must permit simultaneous operation of the parking lamps, tail lamps, licence plate lamp and, if required, clearance lamps.
- (4) The operator of a vehicle may use fog lamps instead of headlamps when atmospheric conditions make the use of headlamps disadvantageous.
[en. B.C. Reg. 476/98, s. 2.]

Side-marker lamps

- 4.12** (1) A vehicle may be equipped with
- (a) 2 side-marker lamps, mounted on each side of the vehicle near the front, that are capable of displaying only white or amber light, and
 - (b) 2 side-marker lamps, mounted on each side of the vehicle near the rear, that are capable of displaying only amber or red light.
- (2) The side-marker lamps referred to in subsection (1) may operate in conjunction with turn signal lamps or the hazard warning signal.
- (3) A vehicle with an overall width of 2.05 m or more, or having a gross weight in excess of 1 400 kg, may be equipped with side-marker lamps mounted on each side of the vehicle at the horizontal mid-point of the vehicle.
[en. B.C. Reg. 476/98, s. 2.]

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Turn signal devices

- 4.13** (1) A vehicle may be equipped and mounted with
- (a) a lamp type turn signal system, or
 - (b) a semaphore turn signal device,
- functionally equivalent to original equipment supplied by the vehicle manufacturer or of a type or make approved by the director.
- (2) A lamp type turn signal system must
- (a) have 2 lamps, mounted on the front of the vehicle, that are capable of displaying flashes of white or amber light which are visible to the front,
 - (b) have 2 lamps, mounted on the rear of the vehicle, that are capable of displaying flashes of red or amber light which are visible to the rear,
 - (c) be visible on each side of the vehicle at a distance of 100 m in normal sunlight at an angle of 45° from the longitudinal axis of the vehicle, and
 - (d) include a tell-tale lamp which gives a clear indication that the system is activated.
- (3) During the time specified in section 4.01, a semaphore turn signal device must be capable of illumination by light or reflection visible from a distance of 100 m.
- (4) A public passenger vehicle or a commercial vehicle that weighs more than 4 500 kg may be equipped with supplementary turn signal lamps in addition to the turn signal system required by subsection (2).
- (5) A turn signal lamp must be mounted on the vehicle at a height of not less than 38 cm and not more than 1.83 m.
- (6) Subsection (5) does not apply to highway construction vehicles, maintenance vehicles, tow cars or vehicles being towed by a tow car.
- (7) A vehicle which is being transported in a drive-away/tow-away operation, or is being towed by a tow car, must have turn signals that are synchronized with the turn signals of the towing vehicle when the tow vehicle turn signals are illuminated.
- (8) Despite subsection (5), a tow car may be equipped with supplementary turn signal lamps mounted within the maximum allowable vehicle height (4.15 m) and as far forward as the rear of the cab.
- (9) The centre of the front signal lamps must be at least 10 cm from the edge of the low beam headlamps

[en. B.C. Reg. 476/98, s. 2; am. B.C. Reg. 135/2003, s. 1.]

Cowl and fender lamps

- 4.14** A vehicle may be equipped with no more than 2 cowl or fender lamps, mounted on each front cowl or front fender of the vehicle, that are capable of displaying only amber or white light visible to the front and amber or red light visible to the rear.

[en. B.C. Reg. 476/98, s. 2.]

Tail lamps

- 4.15** (1) A motor vehicle, trailer or semitrailer must be equipped with 2 tail lamps, mounted on the rear of the motor vehicle, trailer or semitrailer, that are capable of displaying only red light visible from a distance of 150 m to the rear on both sides of the motor vehicle, trailer or semitrailer at an angle of 45° from the longitudinal axis of the motor vehicle, trailer or semitrailer.
- (2) Despite subsection (1),
- (a) a motorcycle may be equipped with only one tail lamp, and
 - (b) a vehicle manufactured before January 1, 1959 may be equipped with only one tail lamp.
- (3) Each tail lamp must be mounted on the vehicle at a height of not less than 38 cm and not more than 1.83 m.
- (4) Subsection (3) does not apply to vehicles being towed by a tow car.
- (5) Despite subsection (3), a tow car may be equipped with 2 supplemental tail lamps mounted within the maximum allowable vehicle height (4.15 m) and as far forward as the rear of the cab.
- (6) A vehicle which is being transported in a drive-away/tow-away operation, or is being towed by a tow car, must have 2 tail lamps that are synchronized with the tail lamps of the towing vehicle when the tow vehicle tail lamps are illuminated.

[en. B.C. Reg. 476/98, s. 2.]

Licence plate lamp

- 4.16** (1) The rear licence plate of a vehicle must be illuminated by a lamp that is capable of displaying only white light so that the numbers on the licence plate are legible from a distance of 15 m to the rear of the vehicle.
- (2) The lamp required by subsection (1)
- (a) must illuminate whenever the headlamps or parking lamps are illuminated, and
 - (b) must not project white light to the rear of the vehicle.

[en. B.C. Reg. 476/98, s. 2.]

Stop lamps

- 4.17** (1) A motor vehicle, trailer or semitrailer on a highway must be equipped with 2 stop lamps, mounted on the rear of the motor vehicle, trailer or semitrailer, that are

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visible to the rear on both sides of the motor vehicle, trailer or semitrailer at an angle of 45° from the longitudinal axis of the motor vehicle, trailer or semitrailer.

- (2) Despite subsection (1),
 - (a) a motorcycle may be equipped with only one stop lamp, and
 - (b) a vehicle manufactured before January 1, 1959 may be equipped with only one stop lamp.
- (3) A stop lamp must be
 - (a) capable of displaying only red light visible from a distance of 100 m to the rear of the vehicle in normal sunlight,
 - (b) illuminated exclusively upon application of the service brake, and
 - (c) mounted on the vehicle at a height not less than 38 cm and not more than 1.83 m.
- (4) Subsection (3) (c) does not apply to vehicles being towed by a tow car.
- (5) A vehicle may be equipped with one additional centre-mounted stop lamp that is capable of displaying only red light visible to the rear.
- (6) A public passenger vehicle may be equipped with 2 supplemental rear stop lamps.
- (7) A tow car may be equipped with 2 supplemental rear stop lamps mounted within the maximum allowable vehicle height (4.15 m) and as far forward as the rear of the cab.
- (8) A vehicle which is being transported in a drive-away/tow-away operation, or is being towed by a tow car, must be equipped with and illuminate 2 stop lamps that are synchronized with the stop lamps of the towing vehicle when the tow vehicle stop lamps are illuminated.

[en. B.C. Reg. 476/98, s. 2.]

Backup lamps

- 4.18** (1) A vehicle may be equipped with not more than 2 backup lamps, mounted on the rear of the vehicle, that are capable of displaying only white light to the rear of the vehicle.
- (2) A backup lamp must illuminate only when the vehicle is in reverse gear.

[en. B.C. Reg. 476/98, s. 2.]

Docking lamps

- 4.19** (1) A truck or truck tractor, and no other vehicle, may be equipped with 2 docking lamps, directed to the rear of the vehicle, which illuminate only when the truck or truck tractor is in neutral or reverse gear.
- (2) The docking lamps must be directed in such a way that the high intensity portion of the beam does not strike the eye of another driver.

[en. B.C. Reg. 476/98, s. 2.]

Lamps or flags on front and rear projections

- 4.20** (1) A vehicle on a highway must not carry a load or have an integral part of the vehicle which projects more than 1 m beyond the front wheels or the front bumper of the vehicle unless,
- (a) during the time specified in section 4.01, the extreme tip of the projection is illuminated with a lamp that is capable of displaying only white light visible from the front and sides of the vehicle, and
 - (b) at any time other than that specified in section 4.01, a red flag or cloth that complies with section 8.05 (c) of the Commercial Transport Regulations and which is visible from the front and sides of the vehicle is attached to the extreme tip of the projection.
- (2) A vehicle on a highway must not carry a load or have an integral part of the vehicle which projects more than 1.2 m to the rear of the load-deck or body of the vehicle unless,
- (a) during the time specified in section 4.01, the extreme tip of the projection is lighted with a lamp that is capable of displaying only red light visible from a distance of 150 m to the rear of the vehicle, and
 - (b) at any time other than that specified in section 4.01, a red flag or cloth that complies with section 8.05 (c) of the Commercial Transport Regulations and which is visible to the driver of a vehicle to the rear is attached to the extreme tip of the projection.

[en. B.C. Reg. 476/98, s. 2.]

Reflective devices

- 4.21** (1) A vehicle must be equipped with at least one red reflector at the rear of the vehicle, either separate or incorporated into a tail lamp, that is mounted at a height of not less than 38 cm and not more than 1.83 m.
- (2) Subsection (1) does not apply to a vehicle manufactured before January 1, 1958.
- (3) Only amber reflectors may be mounted on the front or side of a vehicle.
- (4) Only red reflectors may be mounted on the rear of a vehicle or on the side of the vehicle at or toward the rear of the vehicle.
- (5) A vehicle with an overall width of 2.05 m or more, or a trailer or semitrailer having a gross weight in excess of 1 400 kg, must be equipped with at least
- (a) 2 amber reflectors mounted on the side of the vehicle, trailer or semitrailer near the front,
 - (b) 2 amber reflectors mounted on the side of the vehicle, trailer or semitrailer near the rear, and
 - (c) 2 red reflectors mounted on the rear of the vehicle, trailer or semitrailer.
- (6) A trailer or semitrailer must be equipped with at least one red reflector on the rear of the vehicle at each side.

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- (7) A pole trailer must be equipped with at least
 - (a) one amber reflector on each side of the vehicle at the front and the horizontal mid-point, and
 - (b) one red reflector on the rear of the vehicle or load at each side.
- (8) A commercial trailer with a width of more than 2.05 m and a gross vehicle weight rating of more than 4 536 kg must be equipped with reflective markings on the rear and side of the vehicle to meet the approved standards established by the *Motor Vehicle Safety Act* (Canada) and the applicable SAE standards
 - (a) on and after January 1, 2000 if the vehicle was manufactured on or after December 1, 1993, and
 - (b) on and after January 1, 2002 if the vehicle was manufactured before December 1, 1993.
- (9) Despite subsections (1) to (7), reflective markings may replace red or amber reflectors on the side or rear of a vehicle.
[en. B.C. Reg. 476/98, s. 2; am. B.C. Reg. 413/99.]

Clearance lamps

- 4.22** (1) A commercial vehicle may be equipped with 2 amber clearance lamps mounted on the front of the vehicle, near or at the top of the vehicle, in such a manner as to indicate the overall width of the vehicle.
- (2) A truck tractor must be equipped with amber clearance lamps mounted on the front of the vehicle.
 - (3) During the time specified in section 4.01, a vehicle with an overall width of 2.05 m or more, or a trailer or semitrailer having a gross weight in excess of 1 400 kg, must illuminate
 - (a) a clearance lamp,
 - (i) mounted on the front at each side of the vehicle, that is capable of displaying only amber light visible from a distance of 150 m to the front, or
 - (ii) mounted on the front of the vehicle, that is capable of displaying amber, green or white light, but only if the vehicle was manufactured before January 1, 1959, and
 - (b) a clearance lamp, mounted on the rear at each side of the vehicle, that is capable of displaying only red light visible from a distance of 150 m to the rear.
 - (4) Subsection (3) does not apply to a pole trailer.
 - (5) Clearance lamps on vehicles manufactured after December 31, 1993 must be mounted near or at the top of the vehicle in such a manner as to indicate the overall width of the vehicle.
[en. B.C. Reg. 476/98, s. 2.]

Identification lamps

- 4.23** (1) A commercial vehicle may be equipped with 3 identification lamps, mounted in a row on the front of the vehicle at or near the top, that are capable of displaying only amber light.
- (2) A commercial vehicle with an overall width of 2.05 m or more may be equipped with 3 identification lamps,
- (a) mounted in a row on the rear of the vehicle at or near the top, or
 - (b) mounted below the rear door of a van trailer when the top header is 2.5 cm or less in width,
- that are capable of displaying only red light.
- [en. B.C. Reg. 476/98, s. 2.]

Spotlamps

- 4.24** (1) A motor vehicle on a highway may be equipped with not more than 2 spotlamps that are capable of displaying only white light.
- (2) An illuminated spotlamp must be directed so that the high intensity portion of the beam will not strike the windows, mirrors or occupants of another vehicle.
- (3) A spotlamp must be securely fastened to the motor vehicle, and the lamp or control must not interfere with the driver's vision or control of the vehicle.
- (4) A spotlamp must not be used in substitution of headlamps.
- (5) Subsections (1) to (3) do not apply to emergency vehicles.
- [en. B.C. Reg. 476/98, s. 2.]

Off-road lamps

- 4.25** Despite section 4.04 (2) (c), a vehicle equipped with off-road lamps when on a highway must have the off-road lamps concealed with opaque covers.
- [en. B.C. Reg. 476/98, s. 2.]

Sequential lamps

- 4.26** A sequential direction lamp may only be used by emergency vehicles and public and private utility highway maintenance vehicles.
- [en. B.C. Reg. 476/98, s. 2.]

Lighted signs and air deflectors

- 4.27** (1) A motor vehicle must not be equipped with an illuminated taxi sign except in accordance with conditions set out in writing by the director.
- (2) A motor vehicle, other than a motorcycle or taxi, may be equipped with one internally illuminated sign if the sign complies with all of the following:
- (a) the sign is securely mounted on the roof of the vehicle, has no moving parts and does not overhang the roof of the vehicle;

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- (b) the sign does not increase the overall height of the vehicle by more than 50 cm, and the vehicle and sign together do not exceed 4.15 m in overall height;
 - (c) the surfaces of the sign are illuminated only to the sides of the vehicle and not to the front or rear;
 - (d) the illuminated surface of the sign is not more than 3 000 cm² on each side;
 - (e) the illuminated surfaces of the sign do not depict graphics which resemble any official traffic control device;
 - (f) the light displayed is uniformly diffused and is a non-flashing light of not more than 32 watts.
- (3) Despite subsection (2) (c) and (d), a truck or truck tractor may be equipped with an internally illuminated air deflector mounted on the roof of the truck or truck tractor if
- (a) the illuminated surface of the deflector does not exceed 4 700 cm² in area and is no closer to the road surface than 1.5 m at any point, and
 - (b) the deflector does not reduce the field of vision of the driver of the vehicle or obscure the clearance or identification lamps.
- (4) A public passenger vehicle may be equipped with one or more signs having letters not more than 20 cm in height and illuminated by diffused white light.
- (5) For the purposes of section 19.15 (1) (a), a bus may be equipped with not more than one illuminated yield sign if the yield sign
- (a) displays, in amber flashes of light, the word “YIELD” so that the word, when illuminated, is visible from a distance of 100 m in normal sunlight,
 - (b) is mounted to the left side at the rear of the bus,
 - (c) has an automatic cancellation feature on a timer with a maximum duration of 10 seconds, and
 - (d) is connected to a tell-tale lamp or device that gives a clear indication to the driver of the bus that the yield sign is in operation.

[en. B.C. Reg. 476/98, s. 2; am. B.C. Regs. 91/99, s. 1 (a); 135/2003, s. 1; 351/2008, Sch. s. 5.]

Flashing lamps

- 4.28** (1) A vehicle on a highway may only be equipped with lamps that are capable of displaying flashes of light if
- (a) the lamps are operated in accordance with this Division, or
 - (b) the director has given written permission and the lamps are lighted in accordance with the conditions specified by the director.
- (2) Red, white or amber flashing lamps may be used on the following vehicles:
- (a) a fire department vehicle driven by a member of the fire department in the discharge of the member's duties;

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- (b) an official vehicle driven by a peace officer, constable or member of the police branch of Her Majesty's Armed Forces in the discharge of the officer's duties;
 - (c) an ambulance, as defined in the *Emergency Health Services Act*, if the ambulance is responding to an emergency call or transporting a patient and it is essential for the ambulance to gain the right of way;
 - (d) a bus described in section 169.1 (4) (a) or (b) of the Act if the flashes of light are emitted
 - (i) from the centre and right side clearance lights at the rear of the bus, and
 - (ii) only when the bus is stopped, standing or parked at a bus stop.
- (3) Only those vehicles described in subsection (2) may be equipped with a system which alternately flashes the headlamps of the vehicle.
- (4) A school bus may be equipped with alternately flashing red lamps and alternately flashing amber lamps of a type approved by the director.
- (5) Two amber flashing lamps may be illuminated on the following vehicles:
- (a) a tow car while attending a vehicle being connected to or disconnected from the tow car, if the lamps are mounted within the maximum allowable vehicle height of 4.15 m and as far forward as the rear of the cab;
 - (b) a tow car when towing a vehicle which projects beyond the width of the lane in which it is being towed;
 - (c) snow removal equipment, sand spreading equipment or other highway maintenance equipment being used on a highway during highway maintenance or construction;
 - (d) the roof of a pilot car as specified in Division 8 of the Commercial Transport Regulations and illuminated only while escorting an oversize vehicle or load.
- (6) A vehicle that under the *Commercial Transport Act* is an oversize vehicle or is a vehicle used to transport oversized loads may be equipped with and operate flashing amber lamps in accordance with a permit issued under the *Commercial Transport Act*.
- (7) Turn signals, or side-marker lamps used in conjunction with turn signals, may be used as warning lights by a slow moving vehicle as described in Division 7B or as warning lights whenever a vehicle is disabled on a highway.
- (8) Any of the following officers may drive an official vehicle equipped with blue flashing lights and illuminate them in the discharge of the officer's duties:
- (a) a member of a municipal police force;
 - (b) a member of the Royal Canadian Mounted Police;
 - (c) a member of the police branch of Her Majesty's Armed Forces;

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- (d) a member of the Conservation Officer Service as described in section 106 of the *Environmental Management Act*;
- (e) a person authorized to exercise the powers and duties of a constable or peace officer for purposes set out in section 1 of the Inspectors Authorization Regulation, B.C. Reg. 372/92;
- (f) a park ranger appointed under section 4 (2) of the *Park Act*;
- (g) a person employed in the Ministry of Forests and Range who is appointed as a special constable under section 9 of the *Police Act*;
- (h) an employee of the Canada Border Services Agency who is described in paragraph (d) or (d.1) of the definition of “peace officer” in section 2 of the *Criminal Code* (Canada).

[en. B.C. Reg. 476/98, s. 2; am. B.C. Regs. 91/99, s. 1 (b); 135/2003, ss. 1 and 3; 90/2008; 90/2012; 145/2013, App. 2, s. 11 (a).]

Implements of husbandry

- 4.29** (1) An implement of husbandry operating on a highway is exempt from sections 4.02 (3) and 4.03 to 4.27.
- (2) During the times specified in section 4.01, an implement of husbandry on a highway must comply with all of the following:
- (a) the operator must illuminate 2 lamps that are capable of displaying only amber light, which indicate the extreme left and right of the vehicle, visible from a distance of 100 m to the front;
 - (b) the operator must illuminate 2 lamps that are capable of displaying only red or amber light, which indicate the extreme left and right of the vehicle, visible from a distance of 100 m to the rear;
 - (c) on a self-propelled implement, the operator must illuminate one lamp that is capable of displaying only white light, visible from a distance of 150 m to the front, which does not exceed the limitations specified in section 4.05;
 - (d) if the vehicle extends more than 10 m behind the hitch point, the vehicle must be equipped with amber reflectors visible to the left and the right sides of the vehicle, spaced at 5 m intervals.

[en. B.C. Reg. 476/98, s. 2.]

Slow-moving vehicles

- 4.30** The operator of a slow-moving vehicle on a highway, as described in Division 7B of these regulations, must at all times illuminate amber non-rotating flashing lamps as warning lights visible from a distance of 100 m to the front, and red or amber non-rotating flashing lamps visible from a distance of 100 m to the rear.

[en. B.C. Reg. 476/98, s. 2.]

MOTOR VEHICLE ACT REGULATIONS

Division 4 – Lamps

SCHEDULE
Table 1 – Standards for Approval of a Motor Vehicle Headlamp and Other Illuminating Lamps Aiming Requirements
 [en. B.C. Reg. 476/98, s. 2.]

Visual aim based in millimetres at 7.62 metres

Headlamps	Beams to be Used When Aimed or Inspected	Area of High Intensity Zone to be Aimed or Inspected	Lateral Aim	Lateral Inspection Tolerance	Vertical Aim	Vertical Inspection Tolerance
146 mm Type 1 sealed beam	Upper	Centre	At V	150 mm left to 150 mm right of V	13 mm up from H	125 mm up to 100 mm down from H
146 mm and 178 mm Type 2 sealed beam	Lower	Left Edge Top Edge	25 mm right of V	100 mm left to 150 mm right of V	60 mm up from H	175 mm up to 50 mm down from H
178 mm sealed beam not marked Type 2	Upper	Centre	At V	150 mm left to 150 mm right of V	13 mm up from H	125 mm up to 100 mm down from H
European headlamps marked "E" and beam lamps marked "R" or "HR"	Upper	Centre	At V	125 mm left to 125 mm right of V	At H	At H to 115 mm below
Low beam lamps marked "C" or "HC"	Lower	Junction of horizontal and sloped cut off Top edge of horizontal cut off	At V	125 mm left to 125 mm right of V	100 mm below H	75 mm below to 190 mm below H
Dual beam lamps marked "CR" or "HCR"	Lower and Upper	Top edge of horizontal cut off Centre	At V	125 mm left to 125 mm right of V	100 mm below H	75 mm below to 190 mm below H
Fog lamps symmetrical		Centre	At V	150 mm left to 150 mm right of V	100 mm below H	At H or below
Fog lamps asymmetrical		Top edge Left edge Top edge	25 mm right of V	100 mm left to 100 mm right of V	60 mm above V	175 mm above to 50 mm below H
Auxiliary passing lamp		Left edge Top edge	25 mm right of V	100 mm left to 100 mm right of V	60 mm above H	175 mm below to 50 mm below H
Auxiliary driving lamp		Centre	At V	150 mm left to 150 mm right of V	13 mm up from H	125 mm up to 100 mm down from H

Motor vehicle minimum beam candela: Upper beam, 10 000; lower beam, 7 000.

Motorcycle minimum beam candela: Upper beam, 5 000; lower beam, 3 500.

This standard is based on S.A.E. standard—Lighting Inspection Code and recommended headlamp tolerances for E.C.E. lamps supplied by the Road and Motor Vehicles Safety Section, Transport Canada.

Abbreviations: V=vertical centreline straight ahead of lamp centre. H=horizontal centreline at level of lamp centre.

MOTOR VEHICLE ACT REGULATIONS

Division 5 – Brakes

DIVISION 5 – BRAKES**Brakes required**

- 5.01** No person shall drive or operate a vehicle upon a highway unless the vehicle is equipped with brakes and equipment as required by these regulations.

[am. B.C. Regs. 46/67, s. 9; 226/67, 2; 256/84, s. 4.]

- 5.011** Repealed. [B.C. Reg. 256/84, s. 5.]

Stopping distances

- 5.02** (1) Every motor vehicle and every combination of vehicles shall be equipped with service brakes which, when applied, will not affect the direction of travel of the motor vehicle or combination of vehicles, and under all conditions of loading will be adequate, when the motor vehicle or combination of vehicles is travelling at a speed of 30 km/h on a substantially level, dry, smooth, hard surfaced road free of loose material where the grade does not exceed 1%, to stop the travel
- (a) of a passenger vehicle designed to carry not more than 9 persons, including the driver, within 8 m,
 - (b) of the motor vehicle if it is not part of a combination of vehicles and is not as described in paragraph (a) and has a manufacturer's gross vehicle weight rating of less than 4 600 kg, within 9 m,
 - (c) of the motor vehicle if it is not part of a combination of vehicles and is not as described in paragraph (a) or (b), within 12 m,
 - (d) of the combination of vehicles if it includes either a passenger motor vehicle designed to carry not more than 9 persons, including the driver, or a motor vehicle with a manufacturer's gross vehicle weight rating of less than 4 600 kg, within 12 m, or
 - (e) of the combination of vehicles if it is other than as described in paragraph (d), within 15 m.
- (2) For purposes of this section, any motor vehicle designed, used or maintained primarily for the transportation of property and not equipped with a plate or marker showing the manufacturer's gross vehicle weight rating and which has
- (a) less than 6 wheels is deemed to be a vehicle having a manufacturer's gross vehicle weight rating of less than 4 600 kg,
 - (b) 6 wheels or more is deemed to be a vehicle having a manufacturer's gross vehicle weight rating of 4 600 kg or more.

Trailer brakes

- (3) A trailer shall be equipped with brakes at each end of each axle, but brakes are not required
- (a) on one axle of a house trailer that is equipped with more than 2 axles,

MOTOR VEHICLE ACT REGULATIONSDivision 5 – Brakes

- (b) on any axle of a trailer other than a towing dolly if the licensed vehicle weight of the trailer
 - (i) is 1 400 kg or less, and
 - (ii) is less than 50% of the licensed vehicle weight of the vehicle by which it is being towed,
 - (c) on any axle of a towing dolly towed by a motor vehicle where
 - (i) the aggregate of the net weight of the towing dolly and the gross vehicle weight of the motor vehicle one axle of which is being carried by the towing dolly does not exceed 1 400 kg, or
 - (ii) the motor vehicle towing the towing dolly has a gross vehicle weight rating in excess of the aggregate of
 - (A) the net weight of the towing dolly,
 - (B) the gross vehicle weight of the motor vehicle one axle of which is being carried by the towing dolly, and
 - (C) the gross vehicle weight of the motor vehicle towing the towing dolly,
 - (d) on any axle of a motor vehicle one axle of which is being carried by a towing dolly, and
 - (e) on any axle of a trailer that consists of a piece of construction machinery towed by a truck where the truck has a gross vehicle weight rating in excess of the aggregate of the gross vehicle weights of the trailer and the truck.
- (4) Brakes with which a trailer is equipped shall
- (a) when applied be adequate to maintain control of the trailer,
 - (b) when applied not affect the direction of travel of the trailer, and
 - (c) where the licensed vehicle weight of the trailer exceeds 2 800 kg, be capable of being applied by the driver of the motor vehicle towing the trailer from his normal seated position.
- (5) Notwithstanding subsection (1), a motorcycle shall be equipped with a brake on each wheel in contact with the ground, other than a wheel attached directly to a sidecar, and the brake on a rear wheel shall be operated by a right foot control, except where the motorcycle has a motor that produces 3.75 kW or less, in which case the rear wheel brake may be operated by a control mounted on the left handlebar.
- (6) Brakes and coordinated brake control are not required on a motor vehicle with gross vehicle weight less than 2 800 kg which is being towed by
- (a) a commercial vehicle with gross vehicle weight rating over 5 500 kg, or
 - (b) a rubber tired road building machine such as a motor-grader with normal operating weight rating over 5 500 kg,
- provided that the aggregate weight of the combination does not exceed

MOTOR VEHICLE ACT REGULATIONSDivision 5 – Brakes

- (c) the gross vehicle weight rating of the towing motor vehicle, or
 - (d) in the case of a rubber tired road building machine, the registered test weight in the compliance testing of the Society of Automotive Engineers (SAE) J1473 brake performance standard.
- (7) Brakes and coordinated brake control are not required on a towed motor vehicle that has a laden gross vehicle weight less than 2 000 kg and that is less than 40% of the gross vehicle weight rating of a motor home towing it via a tow bar.

[am. B.C. Regs. 69/59, s. (j); 46/67, s. 10; 226/67, s. 4; 205/72, s. 6; 343/77; 459/77, s. 2; 256/84, s. 6; 257/96, s. 1; 109/97, s. 1.]

Emergency or parking brakes

- 5.03** (1) A motor vehicle, except a motorcycle, and a combination of vehicles shall be equipped with an emergency braking system or a parking brake which, when applied, will alone stop and hold stationary the motor vehicle or combination of vehicles.

Braking parked trailer

- (2) No person shall park or leave a detached trailer at any place on a highway unless the wheels are locked so that the trailer will remain stationary at that place.

[am. B.C. Reg. 46/67, s. 11.]

Vehicles exempted, brakes

- 5.04** (1) Sections 5.01, 5.02 and 5.03 do not apply to a motor vehicle originally designed and manufactured without emergency or parking brakes, any implement of husbandry, a special mobile vehicle or any chassis without body or load.

Stopping distance, exempted vehicles

- (2) No person shall operate, at a speed greater than 20 km/h, an implement of husbandry or a special mobile vehicle or a chassis without body or load on a highway, unless the implement, vehicle or chassis is one that can be stopped within 10 m when travelling at a speed of 20 km/h.

[am. B.C. Regs. 69/59, s. (k); 343/77; 419/90, s. 2.]

Driver or operator to permit vehicle brake inspection on request

- 5.05** (1) Every person driving or operating a vehicle or combination of vehicles upon any highway shall, upon request of any peace officer or constable of the Provincial police force or the police force of any municipality, permit such peace officer or constable to inspect and test the brakes with which the vehicle or combination of vehicles is equipped and, on the direction of the officer or constable, shall operate the vehicle or combination of vehicles as directed by him for the purpose of the inspection and testing of the brakes.
- (2) No person shall test the brake performance of a vehicle or combination of vehicles at a speed in excess of 40 km/h.

[am. B.C. Regs. 343/77; 135/2003, s. 2.]

Brake tubing and hose adequacy

5.06 No person shall drive or operate a vehicle on a highway unless the brake tubing and brake hose installed on the vehicle

- (a) will not, upon proper application, impede or adversely affect the operation of the brakes,
- (b) are of such length and flexibility that no wear or damage results from the normal movement of the parts of the vehicle to which they are attached,
- (c) are effectively secured against chafing, kinking or other injury, and
- (d) are in conformity to specifications of the director.

[am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Brake connection adequacy

5.07 No person shall drive or operate a vehicle on a highway unless the connections for any air, vacuum or hydraulic braking system with which the vehicle is equipped are

- (a) of such manufacture and design and so installed and maintained that the proper operation of the brakes of the vehicle shall not be impeded or adversely affected,
- (b) secured adequately against accidental disconnection, and
- (c) of such manufacture and design and so installed and maintained that no leaks, constrictions or other defects occur, and,

in the case of a vehicle equipped with a vacuum braking system, unless the vacuum brake engine manifold connection is at least 9.5 mm in diameter.

[am. B.C. Reg. 343/77.]

Brake lining

5.08 No person shall drive or operate a vehicle on a highway unless the linings of the brakes of the vehicle are of such manufacture and design and so installed and maintained that they are of a thickness adequate for the safe and reliable operation of the brakes and that they are not subject to excessive fading or grabbing.

[en. B.C. Reg. 33/64, s. 5; am. B.C. Reg. 224/74, s. 1.]

Brake fluid

5.09 (1) Brake fluid used in a vehicle equipped with hydraulic brakes must conform to the specifications and requirements of the federal Motor Vehicle Safety Regulations, section 116 – “Hydraulic Brake Fluid”.

- (2) A person must not offer for sale brake fluid unless the fluid container is labelled with a statement to indicate that the brake fluid meets the standard of Society of Automotive Engineers J1703 “Motor Vehicle Brake Fluid” or federal Motor Vehicle Safety Regulations section 116 – “Hydraulic Brake Fluid”.

[en. B.C. Reg. 285/95.]

MOTOR VEHICLE ACT REGULATIONSDivision 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

**DIVISION 6 – BRAKE REGULATIONS RESPECTING BUSES, TRUCKS,
TRUCK TRACTORS AND COMMERCIAL TRAILERS****Special interpretation**

6.01 In this Division, unless the context otherwise requires:

“**bus**” means a motor vehicle of a weight, when unloaded, of more than 2 800 kg, and which is designed, constructed and used for the transportation of more than 9 passengers;

“**commercial trailer**” means a trailer, or semitrailer, or house trailer, with a gross weight of more than 1 400 kg, but does not include a towed motor vehicle that weighs less than 2 000 kg and is less than 40% of the gross vehicle weight rating of a motor home towing it via a tow bar;

“**truck**” means a motor vehicle of a weight, when unloaded, of more than 2 800 kg, and which is designed or used exclusively for the transportation of goods;

“**truck tractor**” means a motor vehicle of a weight, when unloaded, of more than 2 800 kg, and which is designed and used for the towing of a trailer or semitrailer, and which is not designed or constructed to carry any load except a part of the weight of a semitrailer.

[am. B.C. Regs. 226/67, s. 5; 343/77; 109/97, s. 2.]

Braking requirement

6.02 (1) In this section, “**effective working order**” means service brake performance of a vehicle that is not less than the standards set out in sections 23 and 24 of the Schedule to Division 7.

(2) A person must not operate a bus, truck, truck tractor or commercial trailer, or a combination of vehicles, on a highway at any time unless

(a) the vehicle or vehicle combination is, in accordance with these regulations, equipped with whatever braking equipment is required by this Division, and

(b) the service brakes required by this Division are in effective working order.

[en. B.C. Reg. 124/97.]

Two means of brake application required

6.03 Every bus and every truck and every truck tractor shall be equipped with at least 2 separate braking systems, one of which shall be mechanical and shall include a ratchet and pawl or other effective locking and releasing mechanism.

[en. B.C. Reg. 69/59, s. (l).]

Independent means of applying brakes

6.04 The separate braking systems of a truck or truck tractor shall not be in any way connected unless the systems are of such manufacture and design and are so installed

MOTOR VEHICLE ACT REGULATIONSDivision 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

that the failure of any part of a system to function properly will not affect the effectiveness of any other system.

[en. B.C. Reg. 69/59, s. (m).]

Parking brakes

- 6.05** Every bus and every truck and every truck tractor shall be equipped with a parking brake as set forth in section 5.03 (1), and the parking brake shall be of such manufacture and design and so installed and maintained that the application thereof shall lock the rear driving wheels of the vehicle and shall be controlled separately from the service brakes of the vehicle.

Brakes required on all wheels

- 6.06** (1) Every bus, truck, truck tractor and commercial trailer shall be equipped with a service brake on each wheel.
- (2) Subsection (1) does not apply to
- (a) Repealed. [B.C. Reg. 491/94, s. (b).]
 - (a.1) a motor vehicle which is being towed in a combination allowed under section 5.02 (6),
 - (b) a truck or a truck tractor which has 3 or more axles to the extent that
 - (i) if the vehicle may be steered by the wheels adjoined to one axle only, the front wheels need not be equipped with service brakes, or
 - (ii) if the vehicle may be steered by the wheels adjoined to more than one axle, only the wheels adjoined to one of such axles need be equipped with service brakes, or
 - (c) a house trailer with 3 or more axles which may be operated without service brakes on one axle as provided in section 5.02.

[am. B.C. Regs. 226/67, s. 6; 224/74, s. 2; 491/94, s. (b); 257/96, s. 2.]

Breakaway and emergency braking

- 6.07** (1) The service brakes with which a commercial trailer is equipped shall be of such manufacture and design and so installed and maintained that they will be applied automatically upon the separation of the commercial trailer from the vehicle by which it is being towed, and so that after such automatic application they will remain fully applied for not less than 15 minutes.
- (2) Every air service brake system with which a trailer or semitrailer is equipped shall be of such manufacture and design and so installed and maintained that, by the use of no-bleed-back relay emergency valves or similar devices, back flow of air from the reservoir which supplies air for the service brakes shall be prevented.
- (3) Every truck or truck tractor, if used to tow a commercial trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of such trailer the service brakes on the towing vehicle will be sufficiently operative to stop the towing vehicle.

MOTOR VEHICLE ACT REGULATIONSDivision 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

- (4) Every truck or truck tractor equipped with air brakes, while used to tow a commercial trailer, shall be equipped with not less than 2 means of applying the service brakes of the commercial trailer,
- (a) one of which means shall be of such manufacture and design and so installed and maintained that such means will operate automatically upon the reduction of the air pressure of the service brake system of the truck or truck tractor below its fixed level, which shall be not less than 138 kPa and not more than 310 kPa,
 - (b) the other of which means, the method of operation of which shall be clearly indicated to the driver of the truck or truck tractor, shall be of such manufacture and design and so installed and maintained that such means may be controlled manually by the driver of the truck or truck tractor, and that the operation of such means shall not interfere with the effectiveness of the means specified in paragraph (a), and
 - (c) which means may be, but need not be, completely separate.
- (5) Every truck or truck tractor used for towing a commercial trailer equipped with vacuum brakes shall, in addition to the control required under section 6.10, be equipped with a completely independent control, by the use of which the service brakes of the trailer may be operated.
- (6) This section does not apply to a motor vehicle which is being towed in a combination allowed under section 5.02 (6).

[am. B.C. Regs. 69/59, s. (n); 343/77; 257/96, s. 3.]

Bus brakes

- 6.08** Unless it is being transported in driveaway-towaway operations, every bus manufactured after March 31, 1959, and equipped with air brakes shall be so equipped that
- (a) in the event that a break occurs in an air line forward of the driver's seat of the bus or in an air line leading to the front wheels of the bus, the air supply to each line can or will be shut off manually or automatically, and
 - (b) in such event, the driver is able to apply from the driver's seat the brakes on the rear wheels of the bus.

Reduction of brake effort on front wheel permitted

- 6.09** (1) Notwithstanding these regulations, means may be used for reducing the braking force applied to the front wheels of a bus, truck or truck tractor as compared to the braking force applied to the other wheels of the vehicle.
- (2) No person shall use or operate, or cause to be used or operated, any means for reducing the braking force applied to the front wheels of a vehicle as compared to the braking force applied to the other wheels of the vehicle, except when weather conditions make such use or operation essential to safety.

MOTOR VEHICLE ACT REGULATIONSDivision 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

Single valve to operate all brakes

- 6.10** (1) Subject to section 6.07 (3), every bus, truck, truck tractor, commercial trailer and combination of vehicles shall be equipped with a single control, by the operation of which all service brakes of the vehicle may be applied.
- (2) Subsection (1) does not apply to a bus, truck, truck tractor, commercial trailer, combination of vehicles being transported in a driveaway-towaway operation or to a vehicle which is being towed in a combination allowed under section 5.02 (6).

[am. B.C. Reg. 257/96, s. 4.]

Reservoirs required

- 6.11** (1) Every bus, truck, truck tractor and commercial trailer equipped with air or vacuum brakes shall have a reservoir of such manufacture and design and so installed and maintained that, in the event of failure of the supply of air or of the vacuum, the brakes will, notwithstanding, be effective to stop the travel of the vehicle in accordance with these regulations.
- (2) The reservoir with which any vehicle is equipped under subsection (1) shall be equipped with a check valve or a similar device effective to prevent leakage back to the source, thereby affecting or reducing the vacuum or air pressure in the reservoir.
- (3) Subsection (1) does not apply to a vehicle equipped so that, in the event of failure of the air pressure or vacuum, the service brakes may be operated mechanically or hydraulically.

[am. B.C. Reg. 69/59, s. (o).]

Warning devices

- 6.12** (1) No person shall use or operate on a vehicle or combination of vehicles on a highway an air or vacuum brake unless the vehicle or combination of vehicles is so equipped that an audible or visible signal will be given to the driver of the vehicle or combination of vehicles in the event of failure of the air pressure or the vacuum to the extent that the effectiveness of the brakes of the vehicle or combination of vehicles is affected.
- (2) In subsection (1), “**an audible or visible signal**” does not include the indication or signal given by a gauge.

Air brake system performance

- 6.13** Every system of air brakes on any vehicle shall be of such manufacture and design and so installed and maintained that, if either before or after a full application of the service brakes the compressor is stopped while the air pressure is at operating level, the air pressure will not decrease at a greater rate than 27 kPa per minute.

[am. B.C. Reg. 343/77.]

MOTOR VEHICLE ACT REGULATIONSDivision 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

Air brakes

- 6.14** (1) Subject to subsection (2), after December 31, 1983, every truck or truck tractor that is licensed or the subject of a permit under section 6 of the *Commercial Transport Act* for a gross vehicle mass in excess of 57 000 kg shall be equipped with air brakes that conform to the “L.75” air brake diagram in Schedule 6.
- (2) Where a truck or truck tractor is first so licensed or first the subject of such a permit prior to January 1, 1984, subsection (1) does not apply to it until after December 31, 1993.
- (3) Subject to subsection (4), after December 31, 1983, where a trailer or semitrailer is drawn by a truck tractor that is licensed or the subject of a permit under section 6 of the *Commercial Transport Act* for a gross vehicle mass in excess of 57 000 kg, the trailer or semitrailer shall be equipped with air brakes that conform to either the “SX” air brake diagram or the “X” air brake diagram in Schedule 6.
- (4) Where a trailer or semitrailer described in subsection (3) is first so licensed or first the subject of such a permit prior to January 1, 1984, subsection (3) does not apply to it until after December 31, 1993.
- (5) After December 31, 1983, where a combination of vehicles includes a truck or truck tractor that is required to conform to subsection (1) and each of the trailers or semitrailers in the combination of vehicles is required to conform to subsection (3), then the combination of vehicles shall be equipped so that the air pressure in each brake chamber of every axle of every vehicle, measured from the first movement of the service brake control,
- (a) reached 414 kPa in not more than 0.45 seconds with an initial service reservoir (tank 3A) pressure of 690 kPa, and
 - (b) falls to 34 kPa in not more than 0.55 seconds with an initial service brake chamber air pressure of 655 kPa.
- (6) Subsection (5) does not apply to a combination of motor vehicles that is incapable of achieving a licensed gross vehicle mass in excess of 57 000 kg while conforming to the requirements of Division 7 of the Commercial Transport Regulations, B.C. Reg. 30/78.
- (7) Where a combination of vehicles includes a truck or truck tractor referred to in subsection (2), and each of the trailers or semitrailers in the combination of vehicles is one referred to in subsection (4), then the requirements of subsection (5) shall not apply to that combination of vehicles until January 1, 1994 but shall apply to that combination of vehicles on and after that date.
- (8) A vehicle operated in the Province under the provisions of the International Registration Plan, the Canadian Agreement on Vehicle Registration or a non-resident 3 month permit issued under section 6.01 of the Commercial Transport Regulations, B.C. Reg. 30/78, shall be subject to the provisions of this section in the same manner as a vehicle that is licensed or the subject of a permit under section 6 of the *Commercial Transport Act*.

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Division 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

- (9) This section does not apply to a combination of vehicles where a trailer or semitrailer is drawn by a truck tractor that is equipped with front axle brakes that comply with safety standards prescribed under the *Motor Vehicle Safety Act* (Canada).

[en. B.C. Reg. 5/83, s. 1; am. B.C. Regs. 49/88; 256/97, s. 2; 341/2004, s. 3.]

Conflict between regulations

- 6.15** In the case of conflict between these regulations and those made under the *Highway (Industrial) Act*, the latter shall prevail.

[am. B.C. Reg. 5/83, s. 1.]

MOTOR VEHICLE ACT REGULATIONS

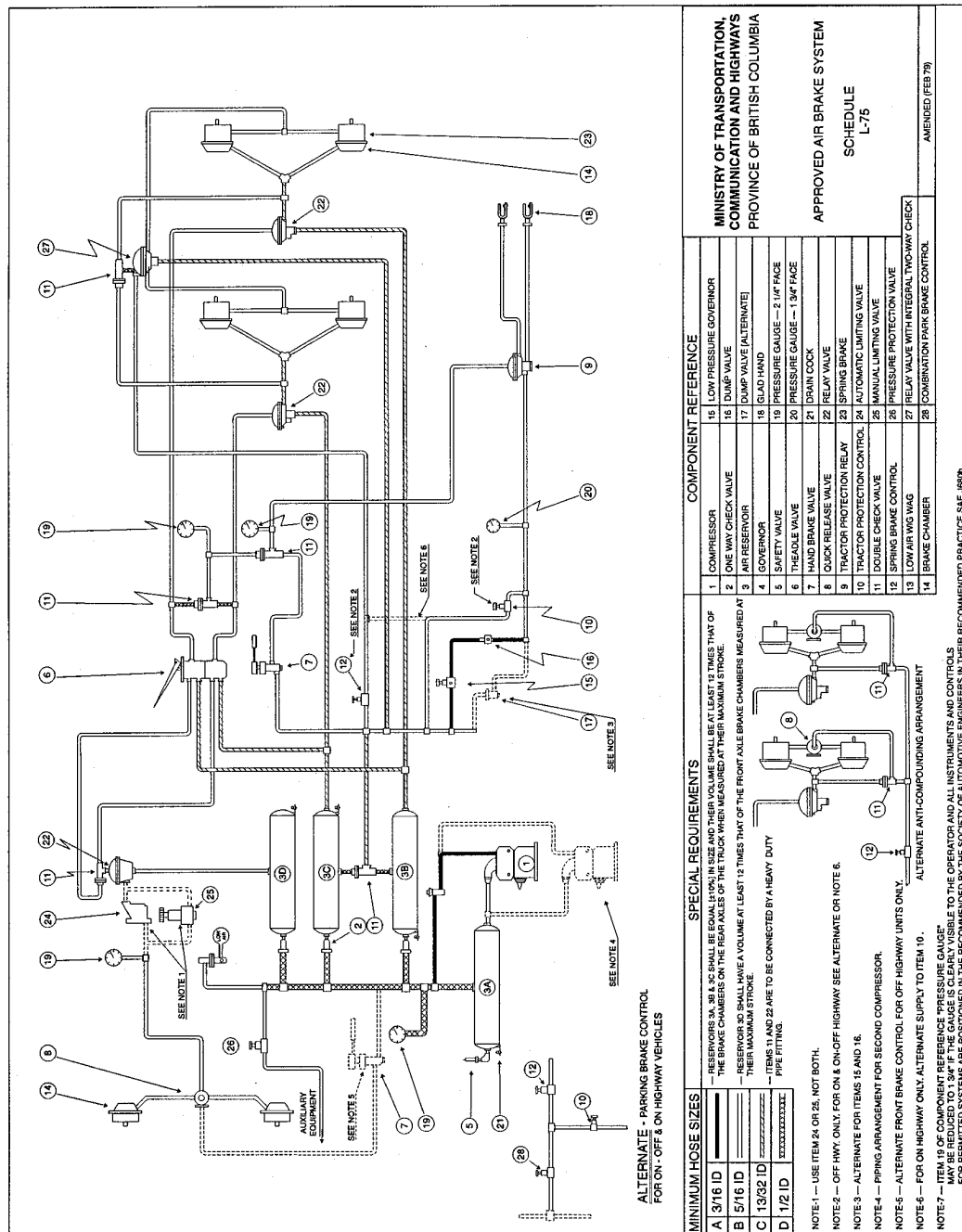
Division 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

SCHEDULE 6

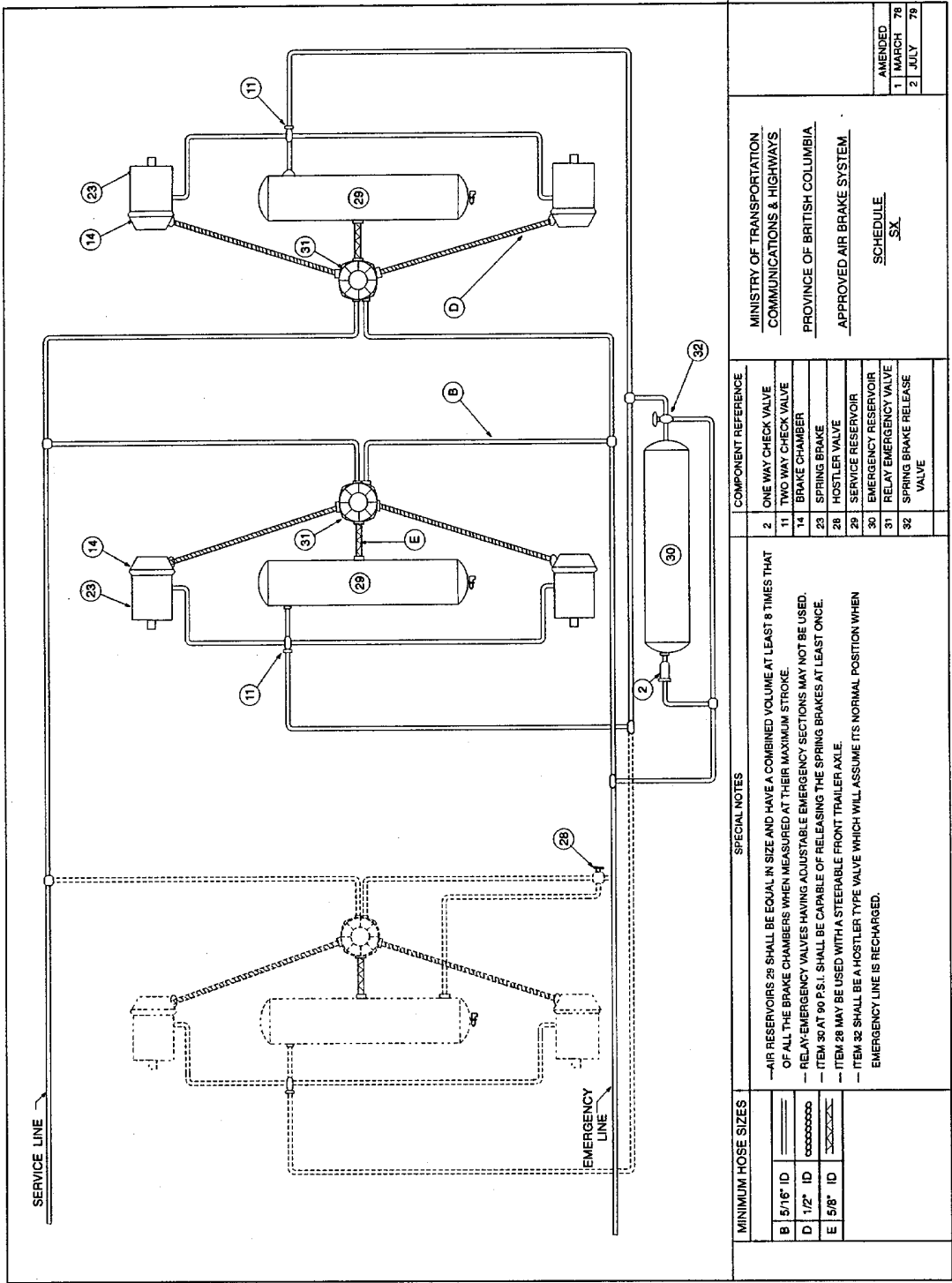
[en. B.C. Reg. 5/83, s. 3; am. B.C. Reg. 84/85.]

APPROVED AIR BRAKE SYSTEMS

“L.75” Air Brake Diagram:

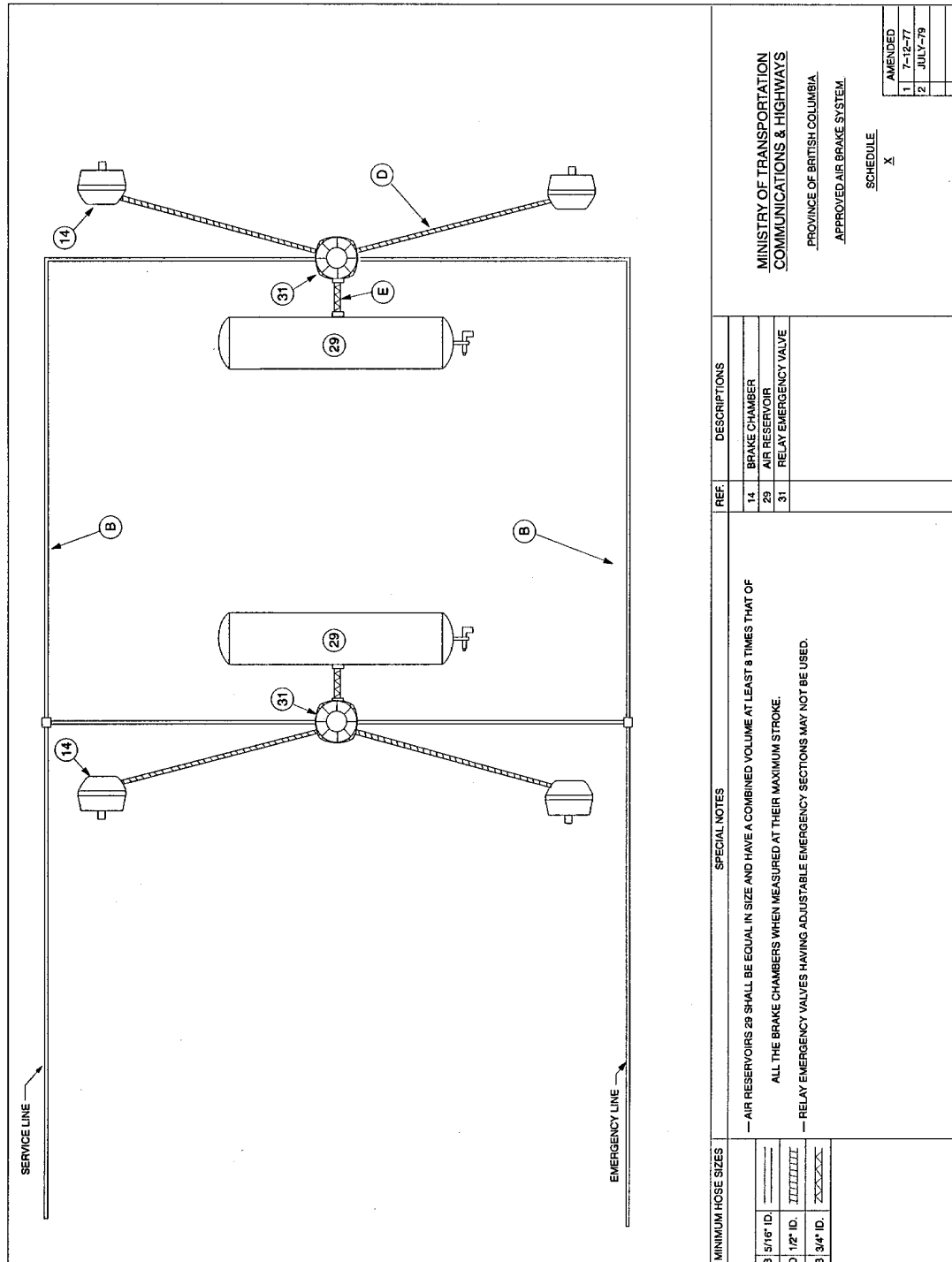


“SX” Air Brake Diagram:



MOTOR VEHICLE ACT REGULATIONS

Division 6 – Brake Regulations Respecting Buses, Trucks, Truck Tractors and Commercial Trailers

“X” Air Brake Diagram:

DIVISION 7 – OTHER EQUIPMENT**Definitions**

7.001 In this Division:

“4-wheel drive vehicle” means a motor vehicle with 2 axles, of which

- (a) both axles are drive axles, and
- (b) one axle is also a steering axle;

“cable chains” means 2 circular metal loops connected by strands of steel cable fastened on a single tire with a loop on each side of the tire;

“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that

- (a) has a gross vehicle weight of greater than 5 000 kg, or
- (b) is a truck or truck tractor with a licensed gross vehicle weight of greater than 5 000 kg, including an attached trailer;

“drive axle” means an axle that is connected to the power source of a motor vehicle and transmits tractive power to the wheels;

“licensed gross vehicle weight” means the gross vehicle weight for which a commercial motor vehicle is licensed under the *Commercial Transport Act*;

“single drive axle” means an axle configuration of a motor vehicle that has only one axle that is a drive axle;

“steel chains” means one of the following used to increase friction between a tire and a road surface covered with ice or snow:

- (a) 2 circular metal loops connected by strands of steel links, of any shape or pattern, fastened on a single tire with a loop on each side of the tire;
- (b) 3 circular metal loops connected by strands of steel links, of any shape or pattern, fastened on dual tires with a loop on the outer-facing side of each tire and a loop between the tires;

“steering axle” means a steering axle as defined in the Commercial Transport Regulations;

“super single tire” means a super single tire as defined in the Commercial Transport Regulations;

“tandem drive axle” means a tandem drive axle as defined in the Commercial Transport Regulations;

“tridem drive axle” means a tridem drive axle as defined in the Commercial Transport Regulations.

[en. B.C. Reg. 246/2018, s. 2.]

Equipment required

7.01 (1) Subject to subsections (2) and (4), no person shall drive or operate a vehicle on a highway unless the vehicle is equipped as required by this Division.

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- (2) An antique motor vehicle or a collector motor vehicle not originally designed and manufactured to be in compliance with section 7.02 to 7.04, 7.05 (3), (4) or (7), 7.06, 7.09, 7.16, 7.161 (4) or 7.19 need not be equipped as required by that section.
- (3) Repealed. [B.C. Reg. 351/2008, Sch. s. 6 (b).]
- (4) A person may drive or operate on a highway a motor vehicle that is not equipped as required by section 7.06 if
 - (a) the motor vehicle is
 - (i) a collector motor vehicle that
 - (A) has a licence and distinctive number plate issued for a collector motor vehicle under Division 22A for the current year,
 - (B) was manufactured in 1940 or earlier, and
 - (C) is described in Item 3 of the table in section 22A.01 (1) (c),
 - (ii) a motor vehicle
 - (A) that is duly registered outside British Columbia,
 - (B) for which the licensing requirements of the jurisdiction in which it is registered are fulfilled,
 - (C) that has displayed on it the registration number plates of that jurisdiction for the current year,
 - (D) that was manufactured in 1940 or earlier, and
 - (E) that is described in Item 3 (b) of the table in section 22A.01 (1) (c), or
 - (iii) a replicar or replikit
 - (A) that is duly registered inside or outside British Columbia,
 - (B) for which the licensing requirements of the jurisdiction in which it is registered are fulfilled,
 - (C) that has displayed on it the registration number plates of that jurisdiction for the current year, and
 - (D) that was manufactured, as in the case of a replicar, or was designed, as in the case of a replikit, to resemble the make and model of a motor vehicle manufactured in 1940 or earlier, and
 - (b) the highway is dry and paved.
- (5) In this section:
 - (a) **“replicar”** means a motor vehicle that is
 - (i) manufactured to resemble the make and model of a motor vehicle which is no longer manufactured, and
 - (ii) constructed entirely of new components;
 - (b) **“replikit”** means a motor vehicle that is

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- (i) designed to resemble the make and model of a motor vehicle which is no longer manufactured, and
- (ii) constructed of new or refurbished components.

[en. B.C. Reg. 419/90, s. 3; am. B.C. Regs. 145/2008, s. 2; 351/2008, Sch. s. 6; 164/2016, s. 1.]

Horn

- 7.02** (1) Subject to subsection (2), every motor vehicle shall be equipped with a horn which will emit sound audible under normal conditions from a distance of 60 m, but no horn shall emit an unreasonably loud or harsh sound or a whistle.

Sirens and theft alarms

- (2) No vehicle shall be equipped with a siren, whistle or bell unless
- (a) the vehicle is an emergency vehicle,
 - (b) the device is a siren, horn or theft alarm signal for the use of which the driver or operator of the vehicle has received written permission from the director and which is used in accordance with the conditions set forth in writing by the director, or
 - (c) the device is a theft alarm comprised of a bell, horn or buzzer.

[am. B.C. Regs. 205/72, s. 7; 343/77; 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3.]

Muffler

- 7.03** (1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.

Cut-outs prohibited

- (2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.

Part removal prohibited

- (3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed any baffle plate or other part.

Alteration prohibited

- (4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler the exhaust outlet of which has been opened or widened.

Noise increase or flames prohibited

- (5) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is

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attached any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be emitted from the exhaust system.

[am. B.C. Reg. 29/59.]

Mirrors

- 7.04** (1) Subject to subsections (3) and (4), every motor vehicle shall be equipped with an inside mirror that provides the driver with an undistorted reflected view of the highway directly to the rear of the vehicle extending to the horizon from a point on the road surface not more than 61 m behind the vehicle.
- (2) In addition to the requirements of subsections (1) and (3), every motor vehicle manufactured after January 1, 1973 shall be equipped with an outside mirror on the driver's side that provides the driver with an undistorted reflected view of the adjacent lane of the highway rearward to the horizon from a point on the road surface 11 m behind the driver.
- (3) Where the inside mirror of a motor vehicle does not provide the view required by subsection (1), the vehicle shall be equipped with a second outside mirror on the side of the vehicle opposite the driver and in that case the inside mirror may be removed.
- (4) Where a trailer or semitrailer in a combination of vehicles diminishes the driver's reflected rear view through the rear view mirrors required by subsections (1) to (3), the towing vehicle in the combination of vehicles shall be equipped with 2 mirrors, one affixed to each side of the motor vehicle, and each to provide the driver with an undistorted reflected view of the adjacent lane of the highway from a point on the road surface 11 m behind the driver to a point on the road surface 61 m from the rear of the combination of vehicles.

[en. B.C. Reg. 5/83, s. 2.]

Windshields and windows

- 7.05** (1) No person shall drive or operate on a highway a motor vehicle the windshield or any window of which is in such condition that the vision of the driver is impaired.

Windshield stickers

- (2) No person shall drive or operate a vehicle on a highway while his view of the highway or of any intersecting highway is unduly obstructed by any windshield sticker, sign, poster or other thing or material placed over or affixed to the windshield or any window of the vehicle.

Windshield wiper

- (3) A motor vehicle other than a motorcycle equipped with a windshield shall also be equipped with a device which is effective for clearing rain, snow or other moisture from the windshield.
- (3.1) A bus manufactured prior to January 1, 1971, shall be equipped with 2 windshield wipers.

Windshield and windows, replacing glass

- (4) No person shall replace, or cause to be replaced, any glass in a door or windshield or window of a motor vehicle or a camper except with safety glass, provided that glass replaced in a windshield of a motor vehicle shall not be heat treated or case hardened glass.

Windshield and windows, new vehicles

- (5) No person shall sell any new motor vehicle unless the glass in the windshield and all the doors and all the windows with which the vehicle is equipped is safety glass, provided that the glass in the windshield shall not be heat treated or case hardened glass.
- (6) On and after January 1, 1968, no person shall sell a new camper unless the glass in all the doors and all the windows with which the camper is equipped is safety glass.
- (7) A bus manufactured prior to January 1, 1971, shall be equipped with a device for preventing or removing ice or condensation from the inside of the windshield.
- (8) No person shall drive or operate on a highway a motor vehicle which has affixed to or placed on the windshield or a window any material that reduces the light transmitted through the windshield or window unless the material is affixed to or placed on
 - (a) the windshield but not more than 75 mm below the top of the windshield,
 - (b) a side window that is behind the driver, or
 - (c) the rear window if the motor vehicle is equipped with outside rear view mirrors on the left and right side of the motor vehicle.
- (9) If a motor vehicle contains manufactured glass, tinting contained within the glass must meet the minimum light transmittancy requirements under the Canadian Motor Vehicle Safety Standards.

[am. B.C. Regs. 21/61; 46/67, ss. 12 and 13; 448/87, s. 1; 21/92, s. 1.]

Mudguards

- 7.06** Every motor vehicle, trailer and semitrailer not constructed so that the spray and splash of water and mud to the rear of the vehicle is minimized shall be equipped with mudguards and, if necessary, mudflaps.

Trailer connections and towed vehicles

- 7.07** (1) No person shall drive or operate on a highway a motor vehicle and trailer unless
- (a) the drawbar or other connection between the motor vehicle and trailer will hold the vehicles together,
 - (b) the device which couples the trailer to the motor vehicle is firmly attached to a structurally adequate integral part of the frame of each vehicle, or, where the towed vehicle is of a gross vehicle weight of less than 900 kg, to

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a structurally adequate part of the towing vehicle and to an integral part of the frame of the towed vehicle,

- (c) the vehicles are equipped and connected with an auxiliary coupling device with a breaking strength of not less than the gross weight of the vehicle or vehicles being towed, except that this provision shall not apply where the coupling device is a fifth wheel and kingpin assembly used to couple a semitrailer to a truck tractor, and
- (d) where the trailer is a towing dolly, the wheel at each end of the axle of the motor vehicle that is being carried by the towing dolly is secured to the towing dolly by a device that has a safe working load equal to
 - (i) the licensed vehicle weight of the motor vehicle one axle of which is being carried by the towing dolly, if that motor vehicle is licensed as a private passenger motor vehicle or commercial vehicle, or
 - (ii) the gross vehicle weight rating of the motor vehicle one axle of which is being carried by the towing dolly, if that motor vehicle displays a transporter number plate, demonstration number plate, manufacturer's number plate or repairman's number plate.

- (1.1) For the purpose of subsection (1) (d), “**safe working load**” means, in relation to a device, the maximum load, repeatedly applied, that the device is capable of withstanding with complete safety throughout its normal service life.

Draw bar length

- (2) Except when the combination of vehicles consists of a motor vehicle and a pole trailer, the length of the drawbar or other connection between the motor vehicle and the trailer shall not exceed 6 m.

Trailer swerving prohibited

- (3) No person shall drive or operate on a highway any combination of vehicles if any vehicle being towed whips or swerves unreasonably or otherwise fails substantially to follow the path of the towing vehicle.

Trailer windows

- (4) No person shall cause to be towed or otherwise operated on a highway a trailer with a window or other fixture extended outwards beyond the fender or hubcap of the trailer.

Riding in house trailer prohibited

- (5) No person shall be on or in a trailer used for living accommodation while it is moving on a highway.

Towing occupied motor vehicle prohibited

- (6) No person shall tow a motor vehicle if there is a person in or on the towed motor vehicle.

[am. B.C. Regs. 69/59, s. (p); 46/67, s. 14; 343/77; 256/84, ss. 7 and 8; 150/91; 103/2006, s. 1; 97/2009, s. (b).]

Inspection of motor vehicles

- 7.08** The owner or the person in charge of a motor vehicle or trailer operated, or about to be operated, on any highway shall, upon the request of any peace officer, forthwith take the motor vehicle or trailer to the place designated by the peace officer and submit the motor vehicle or trailer there for inspection and testing.

[am. B.C. Reg. 246/83, s. 1.]

Standards of safety and repair

- 7.09** (1) Subject to subsection (2), the standards of safety and repair set out in the Schedule to this Division shall be standards of safety and repair of motor vehicles and trailers for the purpose of the Act and these regulations.

- (2) The standards set out in the Schedule to this Division do not apply to

- (a) a tractor licensed under section 8 of the Act,
- (b) a motor vehicle licensed under section 9 of the Act,
- (c) a special mobile vehicle,
- (d) a trolley bus, or
- (e) a vehicle licensed under section 44 of the Act or driven under permit issued under Division 14.
- (f) Repealed. [B.C. Reg. 351/2008, Sch. s. 8 (b).]

- (3) Repealed. [B.C. Reg. 351/2008, Sch. s. 9.]

[en. B.C. Reg. 82/86, s. 1; am. B.C. Regs. 145/2008, s. 3; 351/2008, Sch. ss. 7 to 9.]

Clearance height

- 7.091** A motor vehicle with a gross vehicle weight rating of less than 4 500 kg must have a minimum clearance for all parts of it, other than the wheels in contact with the level roadway, that is no lower than the lowest point on the rim of any wheel in contact with the roadway.

[en. B.C. Reg. 167/2006, s. (a).]

- 7.10 to 7.12** Repealed. [B.C. Reg. 82/86, s. 1.]

Safety belts

- 7.13** (1) In this section “**safety belt**” means a single occupancy safety seat belt for use in a motor vehicle.

- (2) The manufacturer of a safety belt assembly shall not sell the assembly or offer it for sale unless

- (a) it conforms to the standard of performance for safety belt assemblies made by the Society of Automotive Engineers or the Canadian Standards Association, and
- (b) it bears an identifying mark showing compliance with the standard of performance for safety belt assemblies made by the Society of Automotive Engineers or the Canadian Standards Association, as the case may be.

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- (3) No person shall sell or offer for sale a safety belt assembly unless the assembly bears an identifying mark as required in subsection (2) (b).

[en. B.C. Reg. 33/64, s. 7.]

Motorcycle handlebars

- 7.14** No person shall drive or operate on a highway a motorcycle unless the handlebars of the motorcycle are

- (a) firmly secured, and
- (b) so secured that the maximum height to which the handlebars extend is not higher than the top of the driver's shoulders when the driver's seat is occupied.

[en. B.C. Reg. 46/67, s. 15; am. B.C. Regs. 343/77; 174/91.]

- 7.15** Repealed. [B.C. Reg. 205/72, s. 8.]

Sale of pneumatic tires

- 7.16** No person shall sell or offer for sale a pneumatic tire either separately or as part of a vehicle intended to be used upon

- (a) a passenger motor vehicle designed to carry not in excess of 10 persons, including the driver,
- (b) a station wagon, or
- (c) a trailer licensed under the Act,

unless the tire conforms to the standard of performance for tires from time to time made by the Canadian Standards Association, now numbered C.S.A. Standard D 238.1, entitled "New Pneumatic Tires for Passenger Cars"; and is labelled in accordance with the standard.

[en. B.C. Reg. 68/71, s. 1.]

Defects in pneumatic tires

- 7.161** (1) No person shall drive or operate a motor vehicle or trailer equipped with pneumatic tires that are not in good order or that have any one of the following defects or conditions:

- (a) cord break or an air leak;
- (b) tread damage including cracks, cuts or snags in excess of 2.5 cm in any direction and deep enough to expose the ply cords;
- (c) bumps, bulges or lumps apparently caused by separation of the tread or sidewall from the ply cords or by partial failure of the tire structure, including the bead area;
- (d) tread worn to the extent that
 - (i) in the case of a commercial vehicle with a gross vehicle weight rating of 5 500 kg or more, less than 3 mm of tread groove depth of a front tire or 1.5 mm of tread groove depth of a rear tire, or

- (ii) in the case of a vehicle other than a vehicle referred to in subparagraph (i), less than 1.5 mm of tread groove depth on any tire remains at 2 points on the circumference of the tire tread not closer together than 38 cm, or tread worn to the extent that tread wear indicators in any 2 adjacent grooves of the tread contact the road surface.
- (2) No person shall drive or operate a motor vehicle or trailer that is equipped with both bias ply tires and radial ply tires; unless the vehicle operates on more than 4 wheels, in which case bias ply tires and radial ply tires shall not be used on the same axle.
- (2.1) Notwithstanding subsection (2), a person may, during the period a regular tire is unusable due to its having been damaged, use a limited mileage temporary spare tire specified by the vehicle manufacturer for use with the other tires on the vehicle provided he makes arrangements forthwith to repair or replace the tire for which the spare tire has been temporarily substituted.
- (3) No person shall drive or operate a motor vehicle or trailer equipped with a tire that has been regrooved or recut, except a special tire that has extra undertread rubber for this purpose and is identified with the word “regroovable” moulded in the tire by the manufacturer.
- (4) No person shall drive or operate a motor vehicle or trailer, except an implement of husbandry or a slow moving vehicle as defined in section 7B.01, that is equipped with a pneumatic tire not designed and manufactured for highway use and that does not have a tread pattern of material across the area of the tire in contact with the highway.
- (5) No person shall, without an overload permit issued under the Commercial Transport Regulations, B.C. Reg. 30/78, drive or operate on a highway a vehicle so loaded that the tires are loaded above the maximum load specified by the tire manufacturer for the tire size, ply rating and service speed.

[en. B.C. Reg. 153/71, s. 3; am. B.C. Regs. 205/72, s. 9; 343/77; 452/82, s. 1; 206/96, s. 2.]

Winter tires

- 7.162** (1) A winter tire under section 208 of the Act must have at least 3.5 mm of tread depth.
- (2) A winter tire under section 208 of the Act must
 - (a) when tested in accordance with section 5 (4) (a) of the Motor Vehicle Tire Safety Regulations (Canada) meet or exceed the traction index prescribed by that section, or
 - (b) meet the specifications adopted by the Rubber Manufacturers Association to be labelled on a sidewall with the letters “M” and “S”.
 - (3) A winter tire under section 208 of the Act must be labelled on a sidewall by the manufacturer with either of the following:

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- (a) the 3-peaked mountain and snowflake symbol as shown below:



- (b) the letters “M” and “S”.

[en. B.C. Reg. 177/2015, App. s. 3.]

Chains on light commercial motor vehicles**7.163** (1) In this section:

“**minister**” means the minister referred to in section 208 (2) of the Act;

“**sign requiring the use of chains**” means a sign, placed by the minister under section 208 of the Act, that prohibits a vehicle from being driven or operated on a highway unless the vehicle is equipped with chains.

- (2) This section applies to the following types of commercial motor vehicles:
- (a) a commercial motor vehicle that has a licensed gross vehicle weight less than 11 794 kg;
 - (b) a bus;
 - (c) a 4-wheel drive vehicle.
- (3) Subject to subsection (4), if the minister places a sign requiring the use of chains, a person who drives or operates a motor vehicle referred to in subsection (2) may comply with the sign by equipping the motor vehicle with a traction device, in accordance with subsection (6), instead of chains.
- (4) Subsection (3) does not apply if the minister specifies otherwise in a public notice or sign placed under section 208 of the Act.
- (5) A motor vehicle referred to in subsection (2) is equipped with chains for the purposes of section 208 of the Act only if the following requirements are met:
- (a) the chains are one of the following types:
 - (i) steel chains;
 - (ii) cable chains;
 - (iii) automatic chains having cross members that extend across at least 85 percent of the width of the vehicle;
 - (b) the chains are used on the motor vehicle in the manner intended by the manufacturer of the chains;
 - (c) if the chains are steel chains,
 - (i) no strand of steel links is broken, and

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- (ii) the steel chains are fastened on at least one tire on each side of one drive axle;
- (d) if the chains are cable chains,
 - (i) no strand of steel cable is broken, and
 - (ii) the cable chains are fastened on at least the outside tire of each side of one drive axle;
- (e) if the chains are automatic chains, the automatic chains are
 - (i) deployed on at least one tire on each side of one drive axle, and
 - (ii) not deployed on a tire on an axle that is not a drive axle.
- (6) A motor vehicle referred to in subsection (2) is equipped with a traction device for the purposes of section 208 of the Act only if the following requirements are met:
 - (a) the traction device is one of the following types:
 - (i) a textile tire cover;
 - (ii) a wheel sander;
 - (b) the traction device is used on the motor vehicle in the manner intended by the manufacturer of the traction device;
 - (c) the traction device is used on one tire on each side of one drive axle.

[en. B.C. Reg. 246/2018, s. 3.]

Chains on heavy commercial motor vehicles without trailers

- 7.1631** (1) This section applies to a commercial motor vehicle, other than a bus or 4-wheel drive vehicle, that
- (a) has a licensed gross vehicle weight equal to or greater than 11 794 kg, and
 - (b) is not towing a trailer.
- (2) A motor vehicle referred to in subsection (1) is equipped with chains for the purposes of section 208 of the Act only if the following requirements are met:
- (a) the chains are steel chains;
 - (b) the chains are used on the motor vehicle in the manner intended by the manufacturer of the chains;
 - (c) no strand of steel links is broken;
 - (d) the chains are fastened on at least one tire on each side of one drive axle.
- [en. B.C. Reg. 246/2018, s. 4.]

Chains on heavy commercial motor vehicles with one trailer

- 7.1632** (1) This section applies to a commercial motor vehicle, other than a bus or 4-wheel drive vehicle, that
- (a) has a licensed gross vehicle weight equal to or greater than 11 794 kg,
 - (b) is towing one trailer, and

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- (c) is not equipped with super single tires.
- (2) A motor vehicle referred to in subsection (1) is equipped with chains for the purposes of section 208 of the Act only if the following requirements are met:
 - (a) the requirements set out in section 7.1631 (2) (a) to (c);
 - (b) if the motor vehicle has a single drive axle, the chains are fastened on at least 2 tires on each side of the drive axle;
 - (c) if the motor vehicle has a tandem drive axle or tridem drive axle, the chains are fastened on at least
 - (i) 2 tires on each side of one drive axle, or
 - (ii) one tire on each side of one drive axle and one tire on each side of another axle of the tandem drive axle or tridem drive axle.

[en. B.C. Reg. 246/2018, s. 4.]

Chains on heavy commercial motor vehicles with more than one trailer

- 7.1633** (1) This section applies to a commercial motor vehicle, other than a bus or 4-wheel drive vehicle, that
- (a) has a licensed gross vehicle weight equal to or greater than 11 794 kg,
 - (b) is towing more than one trailer, and
 - (c) is not equipped with super single tires.
- (2) A motor vehicle referred to in subsection (1) is equipped with chains for the purposes of section 208 of the Act only if the following requirements are met:
- (a) the requirements set out in section 7.1631 (2) (a) to (c);
 - (b) if the motor vehicle has a single drive axle, the chains are fastened on at least 2 tires on each side of the drive axle;
 - (c) if the motor vehicle has a tandem drive axle or tridem drive axle, the chains are fastened on at least
 - (i) 2 tires on each side of one drive axle, and
 - (ii) one tire on each side of another axle of the tandem drive axle or tridem drive axle.

[en. B.C. Reg. 246/2018, s. 4.]

Chains on heavy commercial motor vehicles with trailers and super single tires

- 7.1634** (1) This section applies to a commercial motor vehicle, other than a bus or 4-wheel drive vehicle, that
- (a) has a licensed gross vehicle weight of equal to or greater than 11 794 kg,
 - (b) is towing one or more trailers, and
 - (c) is equipped with super single tires.
- (2) A motor vehicle referred to in subsection (1) is equipped with chains for the purposes of section 208 of the Act only if the following requirements are met:
- (a) the requirements set out in section 7.1631 (2) (a) to (c);

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- (b) if the motor vehicle has a single drive axle, the chains are fastened on at least one tire on each side of the drive axle;
- (c) if the motor vehicle has a tandem drive axle or tridem drive axle, the chains are fastened on at least
 - (i) one tire on each side of one drive axle, and
 - (ii) one tire on each side of another axle of the tandem drive axle or tridem drive axle.

[en. B.C. Reg. 246/2018, s. 4.]

When and where commercial motor vehicles must carry chains

7.1635 (1) In this section, “**carry chains**” means to store chains or a traction device, as applicable to the commercial motor vehicle under sections 7.163 to 7.1634, in or on the motor vehicle such that the chains or traction device is available to the driver of the motor vehicle to equip the motor vehicle with if the minister, under section 208 of the Act, prohibits the motor vehicle from being driven or operated without being equipped with chains or a traction device.

- (2) Except as provided in subsection (3), (4) or (5), a person who drives or operates a commercial motor vehicle must carry chains from October 1 of each year to April 30 of the following year.
- (3) A person who drives or operates a commercial motor vehicle on the following routes on Vancouver Island is not required to carry chains from April 1 to April 30 of each year:
 - (a) on Highway 1 between West Shore Parkway and Frayne Road;
 - (b) on Highway 4 between Highway 19 and Tofino Ucluelet Highway;
 - (c) on Highway 14 west of Sooke;
 - (d) on Highway 18;
 - (e) on Highway 19 north of Campbell River;
 - (f) on Highway 28;
 - (g) on Pacific Marine Road.
- (4) A person who drives or operates a commercial motor vehicle on the following routes is not required to carry chains from April 1 to April 30 of each year:
 - (a) on Highway 1 between Highway 9 and Highway 97;
 - (b) on Highway 3 between Highway 5A and Highway 97;
 - (c) on Highway 3A;
 - (d) on Highway 3B east of Highway 22;
 - (e) on Highway 5A between Merritt and Kamloops and between Highway 3 and Highway 97C;
 - (f) on Highway 6 between Highway 97 and Cherryville and between Needles Ferry and Nelway Border Crossing;

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- (g) on Highway 7 east of Highway 9;
 - (h) on Highway 8;
 - (i) on Highway 12;
 - (j) on Highway 16 west of Terrace;
 - (k) on Highway 21;
 - (l) on Highway 22 north of Trail;
 - (m) on Highway 22A;
 - (n) on Highway 23 south of Highway 1;
 - (o) on Highway 31 between Highway 23 and Sawczuk Road and south of Gerrard Bridge;
 - (p) on Highway 31A;
 - (q) on Highway 33;
 - (r) on Highway 37 south of Terrace;
 - (s) on Highway 41;
 - (t) on Highway 97 between the border with the United States south of Osoyoos and Highway 1;
 - (u) on Highway 97A;
 - (v) on Highway 97B;
 - (w) on Highway 97C between Highway 8 and Highway 1;
 - (x) on Highway 97D;
 - (y) on Highway 99 between Horseshoe Bay and Highway 97;
 - (z) on Highway 113.
- (5) A person who drives or operates a commercial motor vehicle on the following routes is not required to carry chains:
- (a) in the Lower Mainland, on highways south of Horseshoe Bay and west of Hope;
 - (b) on highways on Haida Gwaii;
 - (c) on Vancouver Island, on Highway 14 east of Sooke, Highway 17, Highway 1 south of West Shore Parkway and Highway 1 north of Frayne Road.

[en. B.C. Reg. 202/2019, App. 1.]

Studs

- 7.164** (1) A person must not use studs as a traction device on tires unless the studs
- (a) do not protrude more than 2.0 mm from the tread or traction surface of a tire,
 - (b) do not have a hollow centre, and
 - (c) are safely and securely embedded in the tire by the manufacturer or a person in the business of selling tires so as not to cause damage to the roadway.

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- (2) A person must not use studded tires on the front wheels of a motor vehicle unless the back wheels of the motor vehicle have studded tires.
- (3) Despite subsection (1) (a), a person may use studs that protrude more than 2.0 mm but less than 3.5 mm from the tread or traction surface of a tire if
 - (a) the tire was manufactured on or before August 31, 2016, and
 - (b) the total number of studs in the tire does not exceed the following:
 - (i) 130 studs if the motor vehicle has a gross vehicle weight of 4 600 kg or less;
 - (ii) 175 studs if the motor vehicle has a gross vehicle weight of more than 4 600 kg.

[en. B.C. Reg. 177/2015, App. s. 3.]

Warning devices

- 7.17** A warning device referred to in section 207 of the Act, approved by the director, is a warning device that conforms to U.S. Motor Vehicle Safety Standard No. 125 and is labelled in accordance with that standard.

[en. B.C. Reg. 103/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

- 7.18** Repealed. [B.C. Reg. 308/2009, Sch. 2, s. 1 (a).]

SCHEDULE**STANDARDS FOR THE APPROVAL OF A MOTOR VEHICLE****Motor vehicle licence**

- 1** The current motor vehicle licence or trailer licence shall be available for examination at the time of inspection.

The motor vehicle licence or trailer licence shall correctly describe the vehicle presented for inspection and shall not be defaced, altered or mutilated.

The identification numbers shall be stamped or affixed to the vehicle and shall correspond to the numbers on the motor vehicle or trailer licence.

A commercial motor vehicle shall be marked as required by the Commercial Transport Regulations, section 3.04, with the words “G.V.W. kg” and when applicable “Farm Vehicle.”

[en. B.C. Reg. 658/76, s. 2; am. B.C. Reg. 343/77.]

Number plates

- 2** Number plates shall be mounted on a vehicle as required by Division 3 of the regulations.

The number plates shall correspond in number to the motor vehicle licence or trailer licence issued for the vehicle.

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The vehicle shall not display any other number plate, numbering or lettering not required for the operation of the vehicle and which might be confused with the current number plates.

[en. B.C. Reg. 658/76, s. 2.]

Lighting systems

- 2.1** Motor vehicle lighting systems and their operation must meet the requirements of Division 4.

[en. B.C. Reg. 476/98, s. 3.]

- 3 to 7** Repealed. [B.C. Reg. 476/98, s. 3.]

Horn

- 8** A motor vehicle must be equipped with a horn as required by section 7.02 of the regulations.

The horn must be firmly mounted on the vehicle.

The horn control must provide a positive control over the sound emitted. A cycle of sound must be interruptible.

A horn must not produce a musical or any other sound not normally associated with a warning device.

The horn control must be readily accessible to the driver.

[en. B.C. Reg. 106/94.]

Windshield wipers

- 9** A motor vehicle, except a motorcycle, equipped with a windshield shall be equipped as required by section 7.05 (3) with a windshield wiper or wipers.

A motor vehicle shall be equipped with windshield wipers, in good working order, on the left and right sides of the windshield where 2 windshield wipers were installed by the manufacturer.

A windshield wiper must have blades that have not hardened or worn to the extent they are not effective. The wiper arm must have sufficient tension to hold the blade against the glass, and the wiper arm must make a full sweep.

[en. B.C. Reg. 658/76, s. 2.]

Left window riser

- 10** The left front window shall be capable of being readily opened and closed to facilitate manual signals.

[en. B.C. Reg. 658/76, s. 2.]

Door, body, hood, frame

- 11** The vehicle shall comply with section 19.02 of the regulations with regard to size and dimension.

Doors – Doors shall be installed in a vehicle where the vehicle was manufactured with doors.

The doors with which a vehicle is equipped shall be in good working order, and any hinge, latch or handle must not be broken, missing or inoperable.

The doors shall not be warped, twisted or weakened to the extent that a slight jar will open them.

A door shall be capable of being opened or closed with normal effort.

Body – A vehicle shall not have a body, body sill, door posts or body pillars which have rotted, deteriorated or been damaged to the extent that such part may collapse or create a hazard.

The body must not be loose upon the chassis.

The floor of a vehicle must not be rotted, broken or missing.

No part of a vehicle may be secured with rope or wire.

No part of a vehicle may have a sharp or ragged edge which could injure persons or objects.

Hood – The hood over the engine compartment shall be securely fastened and shall not have broken hinges or fasteners.

Frame – The frame of a motor vehicle or a motorcycle shall not flex, be cracked, welded or have fatigue points to the extent that these defects indicate the frame has suffered structural damage and constitutes a hazard.

[en. B.C. Reg. 658/76, s. 2.]

Bumpers, mudflaps

- 12** A motor vehicle, except a motorcycle, shall be equipped with a front bumper, and where a replacement bumper has been installed, it shall give substantially the same protection as the bumper originally installed by the manufacturer.

A motor vehicle shall be equipped with a rear bumper where the manufacturer of the vehicle installed a bumper, and where a replacement bumper has been installed, it shall give substantially the same protection as the original bumper.

A bumper shall be securely fastened to the vehicle, and the bumper bar or brackets shall not be broken, loose or missing.

A bumper must not have a sharp or ragged edge and must not protrude beyond the side of the vehicle.

Mudflaps – A vehicle must be equipped with mudflaps or mudguards as required by section 7.06 of the regulations, which shall not be damaged or worn to the extent they are not effective.

[en. B.C. Reg. 658/76, s. 2.]

- 13 to 15** Repealed. [B.C. Reg. 476/98, s. 3.]

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Engine emissions

- 16** The engine and exhaust system of every motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke as compared to other motor vehicles of the same or similar types and sizes.

[en. B.C. Reg. 658/76, s. 2;]

- 17** Repealed. [B.C. Reg. 476/98, s. 3.]

Wheel alignment

- 18** Side slip of the front wheels shall not exceed 9 m per 1.6 km as measured on the alignment gauge.

The caster, camber or toe-in of a vehicle shall not be out of adjustment to the extent that it is apparent visually.

Vehicles shall not be misaligned to the extent that the variation of the track exceeds 75 mm and the variation of axle centre exceeds 50 mm.

Motorcycles – The swing arm bushing of a motorcycle shall not be worn beyond the manufacturer's specification which would affect the safe operation of the vehicle.

The longitudinal wheel alignment of a 2-wheel motorcycle shall be such that the rear wheel centreline must pass within 12.5 mm of the front wheel centreline when measured at a point directly below the front axle.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Reg. 343/77.]

Steering mechanism

- 19** No component part of the steering mechanism of a vehicle shall be broken, fractured, cracked, bent, twisted or otherwise damaged, defective or worn to an extent that there is perceptible looseness between it and a connected component part.

Play in the steering system as measured at the outside diameter of the front tire shall not exceed for a wheel up to 406 mm in diameter 6 mm, for a wheel between 406 mm and 450 mm in diameter 9.5 mm, and for a wheel over 450 mm in diameter 12.7 mm.

Steering wheels shall be of substantially the same size, shape and strength as the steering wheel supplied by the manufacturer of the motor vehicle.

No vehicle shall be approved for operation if any part of the steering mechanism shows signs of failure or has been heated or welded.

Axles shall not be noticeably twisted or bent or out of alignment.

Frames or cross members shall not be fractured.

Front wheels shall be capable of being freely turned by the steering wheel, from full left to full right, without jamming or binding.

Steering wheels, steering columns and steering column support brackets shall not be loose or broken.

Peripheral movement in a steering wheel without an associated movement of the front wheels shall not exceed 50 mm in a steering wheel less than 450 mm in diameter or 100 mm in a steering wheel over 450 mm in diameter.

Wheel bearings shall not be broken or improperly adjusted.

Shock absorbing devices shall not be missing, disconnected or inoperative.

Power steering devices shall be installed, adjusted and maintained according to the manufacturer's specifications.

Power steering systems shall provide for manual steering in case of power failure.

There shall not be any looseness of any ball and socket joint in the steering linkage in alignment with the shank or neck of the ball.

A power steering system, including valve body and hose connections, shall not show signs of active leakage.

The play about either the horizontal or vertical axis of either front wheel of a vehicle having a GVW in excess of 4 000 kg shall not exceed 12 mm measured at the tread surface of the tire.

Torque arms, U-bolts, spring hangers or other axle positioning parts shall not be cracked, broken, loose or missing.

Not more than one leaf or more than 1/4 of the leaves, whichever is the lesser, or the main leaf in any leaf spring assembly shall be broken or missing.

No leaf shall be shifted from the normal position so that it can come in contact with a tire, rim, brake drum or disk, or frame.

An air suspension system shall not leak.

A torsion bar assembly or torque arm or any part used for attaching it to the vehicle frame or axle shall not be cracked or broken or have any part missing.

Motorcycles – The handlebar of a motorcycle shall not be cracked, deformed, improperly aligned or flex excessively and shall be mounted in the designed manner.

Handlebars of a motorcycle shall be constructed of at least 0.060 thick steel tubing or of equivalent strength.

The wheel bearings of a motorcycle should have no perceptible movement unless within the manufacturer's specifications.

The steering head bearing of a motorcycle should not show perceptible movement unless within the manufacturer's specifications.

The steering head bearing of a motorcycle should not show perceptible play or roughness or should not be tightened to the extent that steering is affected.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 2.]

Tires, wheels

- 20** A vehicle shall be equipped with tires in compliance with sections 7.16 and 7.161 of the regulations.

No tire on a vehicle shall have any of the following defects:

- (1) Cord break or air leak;
- (2) Tread damage including cracks, cuts or snags in excess of 25 mm in any direction and deep enough to expose the ply cords;

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- (3) Sidewall cracks, scuffs, cuts or snags to the extent that body cords are damaged or exposed;
- (4) Bumps, bulges or lumps apparently caused by separation of the tread or sidewall from the ply cords or by partial failure of the tire structure, including the bead area.

The wheels and tires with which a vehicle is equipped shall be of the same size on one axle.

No wheel shall have loose, missing or defective bolts, nuts or lugs, or bent, loose, cracked or defective rim or wheel flanges.

A wheel shall not have any missing, loose or broken spokes.

Hub caps shall be of such design and construction that minimizes the damage done to an object or injury to a person coming in contact with it.

The tires of a vehicle presented for inspection between May 1 and September 30 shall not be equipped with studs, and during the remainder of the year vehicles equipped with studded tires shall comply with section 19.03 of the regulations.

A disk wheel shall not have elongated bolt holes or cracks between handholds or stud holes.

A cast wheel of spoke type shall not be cracked.

Each rim and ring shall be matched and no rim or ring shall be bent, sprung or cracked.

A wheel or rim shall not be repaired by welding unless the weld repair is to an aluminum wheel or rim and is made in accordance with the Weld Repair of Aluminum Alloy Wheels Regulation.

A tire shall not be mounted or inflated so that it comes in contact with another tire and a tire marked "Not For Highway Use" or with other words having a similar meaning shall not be used.

A tire shall not be regrooved if it is not designed to permit regrooving and is not marked "regroovable" at the time of manufacture, or if it has tread or groove cracks extending to the fabric.

Motorcycles – The wheels of a motorcycle shall not, when measured at the rim, have an eccentricity or wobble in excess of 5 mm.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 3; 206/96, s. 1; 364/96.]

Fuel system

- 21** A fuel system must not have a leakage in any part.

The fuel tank and piping must be securely installed.

There shall be an adequate filler cap.

The throttle linkage on a vehicle must operate freely on applying or releasing.

The carburettor of a vehicle must be equipped with a flame arrester.

[en. B.C. Reg. 658/76, s. 2.]

Exhaust muffler

- 22** A vehicle shall be equipped with an exhaust muffler which complies with section 7.03 of the regulations.

An exhaust system shall not have loose or leaking joints, seams or holes.

A muffler shall not have loose interior baffles or patches.

The exhaust system and its elements must be securely fastened.

The exhaust system shall not be located so that a person may be burned when entering or leaving the vehicle.

No part of an exhaust system may pass through a passenger compartment.

An exhaust system must not discharge excessive fumes or smoke.

Flexible hose used in an exhaust system shall be of a heavy duty type acceptable to the inspector.

[en. B.C. Reg. 658/76, s. 2.]

Service brake

- 23** Every vehicle shall comply with the requirements of Divisions 5 and 6 of the regulations.

The brake performance of the brakes of a vehicle shall not be less than shown in Table 2 of these standards.

The braking force developed on a wheel shall not be less than 65% of the force developed on the other wheel on the same axle.

The braking force developed on both wheels on one axle shall not be more than 70% of the total force of all wheels of the vehicle. This shall be varied when, in the opinion of the inspector, the design of the vehicle does not require such a distribution of braking force and the braking force is adequate to stop the vehicle as required in Table 2.

The hydraulic hoses shall not be abraded, or the hoses, tubes or connections shall not leak or be restricted, crimped, cracked or broken. The connecting lines shall be properly attached or supported to prevent damage or abrasion by contact with the frame, axle, other lines or any other part of the vehicle.

The master cylinder rod shall be correctly adjusted.

There must be no tendency for the service brake pedal to move slowly toward the applied position while foot pressure is maintained.

The fluid level of the master cylinder shall not be below the full mark.

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Table 2 – Required Brake Performance

[en. B.C. Reg. 343/77.]

(Column 1)	(Column 2)	(Column 3)	(Column 4)
Classification of Vehicles	Braking Force as a Percentage of Gross Vehicle or Combination Weight	Deceleration in Metres per Second per Second	Maximum Allowable Brake System Application and Braking Distances, in Metres, From an Initial Speed of 32 km/h
Passenger vehicles with a seating capacity of 10 people or fewer, including driver, not having a manufacturer's G.V.W.	52.8	5.18	7.62
All motorcycles and motor driven cycles	43.5	4.26	9.14
Single unit vehicles with a manufacturer's gross weight rating of 4 500 kg or less	43.5	5.26	9.14
Single unit vehicles with a manufacturer's gross weight rating of more than 4 500 kg	43.5	4.26	12.19
Combination of a 2 axle towing vehicle and a trailer with a gross trailer weight of 1 400 kg or less	43.5	4.26	12.19
Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5	4.26	12.19
All combinations of vehicles in a drive-away or tow-away operation	43.5	4.26	12.19
All other vehicles and combinations of vehicles	43.5	4.26	15.24

Brake lining and pads (where a wheel or wheels are removed) – The thickness of bonded brake lining shall not be, when measured at the thinnest point, less than 15% of its original thickness or 1 mm, whichever is the lesser.

The wire in a wire backed brake lining shall not be visible in a friction surface.

Riveted lining shall not be worn within 0.5 mm of a rivet head.

Pads on disk brakes shall not be worn below the manufacturer's specifications for replacement.

Rivets and bolts shall not be loose or missing from a lining or pad.

Linings shall not be broken or cracked so that the linings or parts of the lining are not firmly attached to the shoe.

The friction surface of the lining shall not be contaminated in such a manner as to change its frictional qualities.

Brake drum and disk (where a wheel is removed) – Brake drums or disks should not be contaminated in such a manner as to change the functional qualities of the friction face.

Brake drums or disks must not have external cracks or substantial cracks on the friction surface that reach an edge of the bore or periphery of the disk or any mechanical damage to the friction surface other than wear.

Brake drums shall not have a larger inside diameter than the manufacturer's recommended limit for rebore plus 50% wear allowance, or the maximum diameter stamped on the drum.

Disks shall not have a thickness less than the minimum thickness stamped on the assembly.

Motorcycles – Motorcycles manufactured with both front wheel brakes and rear wheel brakes must have both brakes performing adequate braking.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 4.]

Pedal reserve

- 24** Pedal travel of the service brake pedal of a hydraulic, mechanical or power assisted hydraulic system shall not exceed 80% of the manufacturer's specified available pedal travel or the available pedal travel.

The rod stroke of an air or vacuum brake chamber or the air chamber travel of a hydraulic power cluster from the fully released to the fully applied position must not exceed 80% of the chamber manufacturer's specified maximum available stroke, measured with engine off, the service air brake reservoir pressure maintained at a range between 621 and 689 kPa (90 and 100 pounds per square inch gauge (psig)), and with brakes fully applied.

The service brake pedal application shall not be soft or spongy accompanied by varied unequalization of the brake.

The application of the service brake pedal shall not be restricted by accessories or by the manner of construction of the vehicle.

Movement of the scribe mark on the lining of a wedge type brake shall not exceed 1/16 inch and the brake shoes shall not fail to move.

Motorcycles – A motorcycle shall not have an angle between the cam operating lever and the actuating cable or rod in excess of 110° when in the fully applied position.

The cam operating lever of a motorcycle shall not be repositioned on the shaft as a means of compensating for a worn cam, worn shoes or worn lining.

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The hand or foot brake levers of a motorcycle shall have at least a third of their travel as reserve after the brakes are normally applied.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 452/82, s. 5; 132/2000.]

Brake connection

- 25** The brake connections, which shall include brake tubing and hose, shall comply with sections 5.06 and 5.07 of the regulations.

Mechanical parts shall not be misaligned, badly worn, broken or missing.

The friction of the pedal arrangement or brake components must not be excessively high.

The brake operating level shall be properly positioned and shall not be misaligned.

A brake cam shall not be on end or turned over.

The brake shoe rollers shall not be worn or flattened so as to interfere with brake operation.

The brake shoe anchor pins shall not be worn so as to permit the brake shoes to drag when released.

Motorcycles – The brake cable of a motorcycle must not be frayed (one broken strand).

A motorcycle with brake adjusters must be equipped with a method of locking the brake adjusters.

The brake cables of a motorcycle shall not be routed in such a manner that they may be restricted between components of the motorcycle.

The brake pedals of a motorcycle shall be accessible for adequate leverage and safe operating conditions and must be accompanied with a footrest.

The brake levers and pedals of a motorcycle shall be free to return when pressure is removed from them.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Reg. 452/82, s. 6.]

Air, vacuum, electric

- 26** A braking system installed in a vehicle or combination of vehicles shall comply with Divisions 5 and 6 of the regulations.

A motor vehicle equipped with air or vacuum brakes shall be equipped with a warning device as required by section 6.12 of the regulations.

Air – The air pressure must increase from 350 to 600 kPa in not more than 3 minutes with the engine running at a fast idle.

The governor cut-in pressure shall not be lower than 550 kPa or the cut-out pressure higher than 860 kPa, unless other values are recommended by the manufacturer.

The compressed air reserve shall be sufficient to permit one full service brake application after the engine is stopped, and with the system fully charged without lowering the reservoir pressure more than 20%.

The hose, tubes or connections shall not leak or be restricted, abraded, crimped, cracked or broken. The connecting lines must be properly attached or supported to prevent damage or abrasion by contact with the frame, axle, other lines or any other part of the vehicle.

The valves, diaphragm or piston cups must not leak audibly.

The air safety valve must be operative.

The compressor drive belt shall have sufficient tension and not be badly worn or frayed.

The compressor air intake cleaner must not be clogged sufficiently to prevent the proper intake of air.

The air brake system must be free of excessive water, oil or other substances.

A warning device shall be fitted and shall operate when the air pressure is less than 480 kPa or less than 50% of the governor cut-out pressure, whichever is greater.

All air brake hoses shall be designed for air brake system service.

A compressor mounting bolt shall not be loose and the compressor shall not be loose or shift on its mounting.

The pulley shall not be cracked, broken or loose.

The air loss rate, with brakes released, shall not be greater than

- (a) 14 kPa per minute on a single vehicle,
- (b) 20 kPa per minute on 2 vehicles, or
- (c) 35 kPa per minute on 3 vehicles.

The air loss rate, with brakes applied, shall not be greater than

- (a) 20 kPa per minute on a single vehicle,
- (b) 28 kPa per minute on 2 vehicles, or
- (c) 40 kPa per minute on 3 vehicles.

With system charged, the check valve shall close when the drain valve on the primary wet tank is opened.

Air shall be quickly exhausted from the brake chambers through the quick release valves and relay valves, after an application and release of the brakes.

Where no trailer is connected, the trailer charging (push-pull) valve shall function at an air pressure between 300 and 400 kPa and the tractor protection valve shall retain an air pressure between 300 and 400 kPa.

Vacuum – The hoses, tubes or connections shall not leak or be restricted, abraded, crimped, cracked or broken. The connecting lines must be properly attached or supported to prevent damage or abrasion by contact with the frame, axle, other lines or any other part of the vehicle.

The air cleaner must not be clogged sufficiently to prevent proper intake of air.

Piston packing, valves or diaphragm must not leak.

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Division 7 – Other Equipment

In vacuum assist systems the service brake pedal shall have a tendency to fall away from the foot as the engine is started while foot pressure is maintained on the pedal.

Trailer vacuum brake chamber rods shall follow the application of the tractor brake pedal and shall reach the fully released position.

In vacuum equipped vehicles or combination of vehicles the vacuum system shall have sufficient reserve to permit one full service brake application after the engine is stopped.

Electric – The electric brake system of trailers shall not have a brake amperage of more than 20% above or 30% below the manufacturer's maximum current rating.

The electric system shall have a steady flow of electrical energy on the application and release of the brake control.

The electric brake system shall not have loose or dirty terminal connections or broken, frayed or unsupported wires.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 7.]

Vehicle noise

- 27** A motor vehicle shall be equipped with an exhaust muffler which complies with section 7.03 of the regulations.

The opinion of an inspector as to whether the engine and exhaust noise is greater than that made by other vehicles in good condition of comparable size, horsepower, piston displacement or compression ratio shall determine whether exhaust gases are expelled with excessive noise.

When tested in an inspection station, the vehicle engine, any auxiliary engine and exhaust level shall not exceed Table 3 standards.

[en. B.C. Reg. 658/76, s. 2.]

Table 3

[am. B.C. Reg. 656/76, s. 2.]

Class of Vehicle	Maximum Allowable Sound Pressure Level DBA
Light duty	83
Gasoline-driven heavy duty	88
Motorcycles	91
Diesel-driven heavy duty	93

Parking brake

- 28** A motor vehicle or trailer shall be equipped with parking brakes as required by sections 5.03 and 6.05 of the regulations.

The operating mechanism of the parking brake when fully applied shall hold the brakes in the applied position without effort.

Spring parking brakes shall apply when the control valve is manually operated.

The actuating mechanism shall release fully when the release control is operated.

The mechanical parts of the parking brake shall not be missing, broken or badly worn.

The pull cable of the parking brake shall not be worn, stretched, frayed or not operating freely.

A motor vehicle equipped with an automatic transmission shall be equipped with a gearshift indicator which correctly indicates the selected gear, neutral or park position of the transmission.

[en. B.C. Reg. 658/76, s. 2.]

Glazing and mirrors

- 29** The windshield and windows of a vehicle shall comply with the requirements of section 7.05 of the regulations.

The windshield or windows of a vehicle shall not be cracked, broken, clouded or otherwise damaged or defective so as to impair the vision of the driver.

Without restricting the generality of the foregoing, the following glass defects shall be considered as causing vision impairment:

- (a) a defect in the area extending from the left side of the driver's side 500 mm toward the centre and extending over 75 mm down from the top or over 75 mm up from the bottom, excepting small stone injuries of 6 mm or less;
- (b) a crack over 300 mm long in any part;
- (c) more than 2 cracks over 150 mm long in any one piece of glass;
- (d) stone or shot injuries more than 40 mm in diameter;
- (e) two or more stone or shot injuries over 20 mm in diameter in any one piece of glass;
- (f) more than 75 mm clouding around the edge;
- (g) any clouding on the driver's side;
- (h) broken glass showing sharp edge;
- (i) cracked, broken or clouded forward of a line parallel with the driver's shoulder;
- (j) broken or clouded to such an extent that the driver is unable to see clearly 60 m to the rear.

Material which reduces the light transmitted by a window or windshield shall not be placed on a windshield more than 75 mm below the top or on a window other than a side window to the rear of the driver.

A motor vehicle shall be equipped with mirrors as required by section 7.04 of the regulations.

A mirror shall be securely mounted and shall not offer unsafe interference with the driver's vision.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 8; 21/92, s. 2.]

MOTOR VEHICLE ACT REGULATIONSDivision 7 – Other Equipment

Drivers' seats and belts

- 30** The driver's seat of a motor vehicle shall be tightly secured to the floor of the vehicle and shall be adequate to comfortably seat the driver in such a manner that he may safely operate the vehicle.

A vehicle to which section 220 of the Act applies shall be equipped with safety belts of a type set out in section 7.13 of the regulations.

Safety belts shall be available, be in good condition, and the belt buckle shall be in good working order.

Motorcycles – The seat of a motorcycle shall be securely attached to the vehicle and the seat locking device, where so equipped, shall be functional.

[en. B.C. Reg. 658/76, s. 2.]

Miscellaneous

- 31** A motorhome, or a commercial vehicle or combination of vehicles that has a seating capacity of more than 10 passengers or where the overall width exceeds 2.3 m, shall be equipped with warning devices required by section 207 of the Act.

Such devices shall be in good condition, readily available to the driver, and stored in the cab of the vehicle in a suitable container attached to the vehicle.

Trailers – A trailer connection shall comply with the requirements of section 7.07 (1) and (2) of the regulations.

A trailer shall be constructed so as to comply with the requirements of section 7.07 (4) of the regulations.

The fifth wheel and mounting frame shall be securely affixed to the vehicle frame and shall not be cracked or broken, have excessively loose pivot and pin assemblies, loose or missing mounting brackets, or missing or inoperative locking devices.

The kingpin and the kingpin mounting plate of a fifth wheel connection shall not be excessively worn, cracked or broken and shall be securely attached to the frame of the trailer.

A motor vehicle must have a clearance that complies with section 7.091 of the regulations.

An adjustable fifth wheel locking mechanism shall remain in the locked position without manual effort.

An adjustable fifth wheel locking mechanism dependent on fluid energy or air pressure shall not leak.

The play lengthwise of the combination of vehicles shall not exceed 12.5 mm between the upper and lower fifth wheel halves.

The play lengthwise on the vehicle of an adjustable fifth wheel relative to the vehicle frame shall not be more than 8 mm when locked or latched in any adjustment position.

A tow bar shall not have a locking pin missing and shall not be cracked or broken.

The play lengthwise on the vehicle of an adjustable tow bar relative to the vehicle frame shall not be more than 8 mm when locked or latched in any adjustment position.

MOTOR VEHICLE ACT REGULATIONSDivision 7.1 – Offences Against Minister's Standards

Motorcycles – The chain of a motorcycle shall be adjusted to less than 40 mm of play when measured at the centreline between the sprockets.

A motorcycle, when originally equipped, shall be equipped with a chain guard which is not broken or cracked and which is reasonably equivalent to the original device.

If the motorcycle is designed to carry a passenger, it shall be equipped with a footrest for the passenger's use on each side of the machine.

A motorcycle shall be equipped with a side or centre stand which shall not be cracked or broken and shall be structurally adequate to support the machine.

The side or centre stand of a motorcycle when placed in the stored position shall remain in that position.

[en. B.C. Reg. 658/76, s. 2; am. B.C. Regs. 343/77; 452/82, s. 9; 167/2006, s. (b).]

DIVISION 7.1 – OFFENCES AGAINST MINISTER'S STANDARDS**Offence**

7.19 A person who contravenes section 2, 3, 3.1 or 3.2 of the minister's Standards for Vehicles and Their Equipment, B. C. Reg. 262/84, commits an offence.

[en. B.C. Reg. 300/86; am. B.C. Reg. 413/97, App. 1, s. 6.]

DIVISION 7A – NOISE FROM MOTOR VEHICLES**Prohibition**

7A.01 No person shall start, drive, turn or stop any motor vehicle, or accelerate the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system or the braking system, or from the contact of the tires with the roadway.

[en. B.C. Reg. 70/68.]

DIVISION 7B – SLOW MOVING VEHICLES AND EQUIPMENT**Definition**

7B.01 “**Slow moving vehicle**” means a vehicle, combination of vehicles or other machinery or equipment that is designed for use, and normally travels, on a highway, at a speed of 40 km/h or less but does not include an antique motor vehicle or a collector motor vehicle.

[en. B.C. Reg. 151/69; am. B.C. Regs. 343/77; 419/90, s. 4; 145/2008, s. 4; 351/2008, Sch. s. 10.]

Prohibition – driving

7B.02 No person shall drive or operate on a highway a slow moving vehicle unless the slow moving vehicle is equipped with a slow moving vehicle warning device.

[en. B.C. Reg. 151/69.]

MOTOR VEHICLE ACT REGULATIONSDivision 7D – Manual Suspension Control Prohibition

Warning device

7B.03 A slow moving vehicle warning device as required by section 7B.02 shall conform to the standards set by the Canadian Standards Association, numbered C.S.A. Standard D 198-1967, entitled “Slow Moving Vehicle Warning Device”. The device shall be mounted

- (a) on the rear or back of the vehicle, so long as it is part of the vehicle opposite the front or the direction of travel of the vehicle, and as near the centre of the rear or back of the vehicle as practicable,
- (b) so that one side is parallel to and at a height of not less than 90 cm or more than 150 cm from the ground.

[en. B.C. Reg. 151/69; am. B.C. Regs. 68/71, s. 4; 343/77.]

Prohibition – display

7B.04 No person shall display a slow moving vehicle warning device on

- (a) a stationary object,
- (b) a vehicle travelling at a speed in excess of 40 km/h, or
- (c) any vehicle parked on a highway other than one that would normally display such a device.

[en. B.C. Reg. 151/69; am. B.C. Reg. 343/77.]

7B.05 Spent.

DIVISION 7D – MANUAL SUSPENSION CONTROL PROHIBITION**Prohibition**

- 7D.01** (1) A person must not drive or operate on a highway a vehicle that has a gross vehicle weight rating of less than 4 500 kg if the vehicle’s suspension can be independently controlled by a person riding in the vehicle while it is being driven or operated on a highway.
- (2) Subsection (1) does not apply to a vehicle equipped with a suspension controller accessible in the passenger compartment provided the controller is designed and installed by the original vehicle manufacturer at the time of manufacture.

[en. B.C. Reg. 36/97.]

DIVISION 8 – EQUIPMENT KEPT FOR SALE**Motor vehicles**

- 8.01** No person who is engaged in the business of selling motor vehicles shall keep for sale, or sell or offer for sale, any new or used motor vehicle unless the motor vehicle is equipped as required by these regulations.

MOTOR VEHICLE ACT REGULATIONSDivision 9 – Record of Repairs

Trailers

- 8.02** No person who is engaged in the business of selling trailers shall sell for use on the highway any new or used trailer unless the trailer is equipped as required by these regulations.

Lamp bulbs

- 8.03** No person shall keep for sale, or sell or offer to sell, any lamp bulb which is designed or intended for use on or as part of the equipment of a motor vehicle or trailer and which will emit light in excess of 32 cd unless the lamp bulb is of a type or make approved by the director, and unless the lamp bulb is used, adjusted and operated in accordance with the conditions set forth in writing by the director.

[am. B.C. Regs. 343/77; 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3.]

Turn signals

- 8.04** No person shall keep for sale, or sell or offer to sell, any turn signal device unless the type or make of such turn signal device has been approved by the director or the turn signal device is for use on an antique motor vehicle or a collector motor vehicle.

[am. B.C. Regs. 419/90, s. 5; 135/2003, s. 4.]

DIVISION 9 – RECORD OF REPAIRS**Record of repairs**

- 9.01** The owner or manager of every motor vehicle repair shop or garage shall keep a record in writing of all repairs made therein to the body, hood, radiator, fenders, running board or wheels of any motor vehicle, showing the make and style of the motor vehicle, its licence number, the name of the person procuring the repairs to be made, the nature of the repairs and the date on which the repairs are made, and shall, upon the request of any peace officer, furnish to the peace officer complete information respecting the repairs so made; and in the case of any motor vehicle on which marks are found which have the appearance of or in any way resemble bullet marks or blood stains, the owner or manager shall immediately notify the officer in charge of the nearest Provincial or municipal police office respecting the same.

DIVISION 10 – COMMERCIAL PASSENGER VEHICLES**Interpretation**

- 10.01** In this Division:

“**business vehicle**”, except in section 10.041, has the same meaning as in section 237 of the Act;

“**carrier**” has the same meaning as in section 37.01 of this regulation;

“**commercial passenger vehicle**” has the same meaning as in the *Passenger Transportation Act*;

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“**licensee**”, when used in relation to a commercial passenger vehicle, means a person who holds a valid licence that has been issued or transferred to that person for that vehicle under the *Passenger Transportation Act*;

“**permit holder**” means a person who holds a valid temporary operating permit that has been issued to that person under the *Passenger Transportation Act*;

“**special sightseeing bus**” means a double decker bus that, before February 28, 1987, operated as a public passenger vehicle, as that term was defined in the *Motor Carrier Act* at that time, under the authority of a licence issued under that Act.

[en. B.C. Reg. 414/99, s. 2; am. B.C. Regs. 64/2005, s. 2; 197/2005, s. 1; 166/2019, s. 1.]

Application

10.02 This Division applies only to a business vehicle or a commercial passenger vehicle for which a licence or temporary operating permit under the *Passenger Transportation Act* is required.

[en. B.C. Reg. 9/2010, s. 1.]

Standeers in passenger vehicles

10.03 (1) Where a licence or permit under the *Passenger Transportation Act* authorizes standees to be carried in a commercial passenger vehicle, the vehicle shall be equipped with a sufficient number of handholds, straps, rails or other equipment to provide support for the number of standees authorized.

(2) Where the aisle width is 45 cm or more, measured at the seat baseline, the maximum number of standees shall be determined by dividing the total aisle area, measured in square centimetres, by 1 700 cm² and rounding the resultant quotient to the nearest whole number.

(3) Where the aisle width is less than 45 cm, measured at the seat baseline, the maximum number of standees shall be determined by dividing the length of the aisle, measured in centimetres, by 38 cm and rounding the resultant quotient to the nearest whole number.

(4) No person shall drive or operate a commercial passenger vehicle with more than the maximum number of standees allowed.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 64/2005, ss. 4 and 5; 9/2010, s. 2.]

Passengers in business vehicles

10.04 (1) A person must not operate or cause to be operated a business vehicle on or in which a passenger is being transported unless there is a firmly fixed seat for each passenger, together with side and end boards at least 90 centimetres high.

(2) Subject to subsection (3), passengers may be transported in a manner that does not comply with subsection (1) if

(a) the business vehicle is also transporting freight,

(b) the passengers being transported are employees of the owner of the freight,

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- (c) the transportation of those employees is necessary
 - (i) for the transportation of livestock or poultry,
 - (ii) for loading and unloading the vehicle, or
 - (iii) for the use of tools, equipment or materials transported in the course of the registered owner's regular trade or business, and
 - (d) not more than 2 passengers, in addition to the driver, are transported on the front seat of the vehicle.
- (3) A person must not operate or cause to be operated a business vehicle on or in which more than 2 passengers, in addition to the driver, are being transported if that vehicle is also carrying freight.

[en. B.C. Reg. 414/99, s. 4.]

Carriage of livestock or poultry

10.041 (1) In this section, “**business vehicle**” has the same meaning as in section 237 (a) and (c) of the Act.

- (2) A person must not operate or cause to be operated on a highway a business vehicle on or in which livestock or poultry are being transported if the livestock or poultry are in a condition that renders them unfit for transport.
- (3) A person who operates or causes to be operated on a highway a business vehicle on or in which livestock or poultry are being transported must
- (a) provide adequate accommodation for the livestock and poultry to ensure that suffocation, injury or overcrowding does not occur,
 - (b) separate different species of livestock or poultry from one another, and separate calves from cattle, by the use of suitable partitioning, and
 - (c) when the outside temperature is below 0 Centigrade,
 - (i) use a closed van with reasonable provision for ventilation, or
 - (ii) protect the livestock and poultry from the weather by enclosing the sides and ends and a portion of the roof of the vehicle with canvas or other suitable material.
- (4) A person must not operate or cause to be operated on a highway a business vehicle for the transportation of foodstuffs for human consumption if
- (a) the vehicle is also transporting
 - (i) livestock or poultry, or
 - (ii) other freight that could contaminate the foodstuffs, or
 - (b) the vehicle has previously been used for the transportation of livestock or poultry or for the transportation of an offensive or putrefiable freight of any kind, unless the vehicle has been thoroughly cleaned and disinfected.

[en. B.C. Reg. 414/99, s. 4.]

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Sanitation

- 10.05** Every operator of a commercial passenger vehicle shall maintain the vehicle in a clean and sanitary condition.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Application of federal construction standards

- 10.051** (1) In this section, “**date of manufacture**” means the latest of the dates on which a vehicle was

- (a) first constructed by the original manufacturer, or
- (b) altered by a manufacturer authorized under the *Motor Vehicle Safety Act* (Canada).

- (2) Subject to subsections (3) and (4), a person must not operate, or cause to be operated, a bus, passenger car or multipurpose passenger vehicle, as those terms are defined in the Motor Vehicle Safety Regulations (Canada), C.R.C. 1038, that was manufactured after January 1, 1971, unless the vehicle

- (a) conforms to the safety standards under that Act that applied to that class of vehicle on the date of manufacture, and
- (b) bears a national safety mark, as that term is defined in the *Motor Vehicle Safety Act* (Canada), indicating compliance with the Canadian Motor Vehicle Safety Standards.

- (3) Subsection (2) does not apply to a person who operates, or causes to be operated, an antique motor vehicle or a special sightseeing bus if the vehicle

- (a) is operated as a commercial passenger vehicle, and
- (b) has not been altered from the original manufacturer’s specifications, other than to bring it into compliance with the requirements of this regulation respecting mechanical standards.

- (4) The director may grant an exemption from subsection (2) in respect of a vehicle

- (a) that was operated as a commercial passenger vehicle before the date this section comes into force,
- (b) that does not, on that date, conform to safety standards or bear a national safety mark, as described in subsection (2) (a) and (b),
- (c) to which subsection (3) does not apply,
- (d) that was manufactured before January 1, 2005, and
- (e) that is otherwise in compliance with this regulation.

[en. B.C. Reg. 197/2005, s. 2.]

Vehicle construction

- 10.06** (1) Repealed. [B.C. Reg. 197/2005, s. 3.]

- (2) Except as provided for by subsection (3), a licensee shall ensure that the number of seats in each commercial passenger vehicle operated by him, including the

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driver's seat, does not exceed the whole number determined by subtracting the net weight of the vehicle from the manufacturer's gross vehicle weight rating and dividing the difference by

- (a) 68 kg in the case of a vehicle which does not have a space or compartment designed for the storage of freight and personal baggage, and
 - (b) 80 kg in the case of all other vehicles.
- (3) In the case of a commercial passenger vehicle equipped to transport persons with disabilities who use wheelchairs or mobility aids,
- (a) for vehicles licensed and operated in commercial service before July 1, 2000, 120 kg must be allowed for each wheelchair position or mobility aid position, and
 - (b) for vehicles licensed and operated in commercial service after June 30, 2000, 150 kg must be allowed for each wheelchair position or mobility aid position.
- (4) No person shall drive a commercial passenger vehicle that does not comply with subsection (2) or (3) or exceeds the manufacturer's gross vehicle weight rating.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 236/2000, s. 1; 64/2005, ss. 5 and 6; 197/2005, s. 3.]

Seating

- 10.07** (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).
- (1.1) The passenger-carrying compartment of a commercial passenger vehicle shall be so constructed as to afford normal and comfortable seating accommodation for the seated passengers with all seats in the compartment fully upholstered.
- (2) Repealed. [B.C. Reg. 19/91.]
- (3) Subject to subsection (4), the minimum distance between forward facing seats of a passenger vehicle measured on a horizontal line on top of the seat cushion from the back of the front seat to the undepressed face of the seat behind, shall be not less than 66 cm.
- (4) Subsection (3) does not apply to a school bus manufactured to conform to both the Canada Motor Safety Standards applicable to school buses and the Canadian Standards Association's Standard D 250.
- (5) A commercial passenger vehicle shall not be equipped with moveable or let down seats unless
- (a) a licence or permit under the *Motor Carrier Act* or a licence or temporary operating permit under the *Passenger Transportation Act* authorizes persons to be seated in moveable or let down seats,

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- (b) the vehicle is a passenger car, as defined in the Canada Motor Vehicle Safety Standards, or a multi-purpose commercial passenger vehicle as defined in those standards,
 - (c) the manufacturer of the vehicle either designed it to be so equipped or installed all the moveable or let down seats in it, and
 - (d) the seats are installed to the rear of the driver.
- (6) There shall be no passenger seat to the left of the driver of a commercial passenger vehicle.
- (7) Where a commercial passenger vehicle has transverse front seating for the full width of the vehicle,
 - (a) not more than 2 passengers shall be carried on that seating, and
 - (b) 2 passengers shall not be carried on that seating in addition to the driver unless, having regard to the seating space occupied by the passengers, there remains adequate room for the driver to operate the vehicle safely.
- (8) Despite subsections (1.1), (3) and (5), a commercial passenger vehicle may be equipped to transport persons using mobility aids if the manner in which the mobility aids are secured complies with Division 44 of this regulation and the Canadian Standards Association's Standard D 409, as amended from time to time.
- (9) Repealed. [B.C. Reg. 64/2005, s. 7 (b).]
- (10) Repealed. [B.C. Reg. 197/2005, s. 5 (c).]
[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 19/91; 236/2000, s. 2; 64/2005, ss. 5 and 7; 197/2005, ss. 4 and 5.]

Aisle

- 10.08** (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).
- (1.1) A commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants shall have an aisle
 - (a) giving access from each seat to the entrance door,
 - (b) not less than 28 cm wide at the seat base-line, as measured on a horizontal line taken on top of the seat cushion, and
 - (c) not less than 40 cm at the standing hip level.
 - (2) Where a commercial passenger vehicle is equipped with an emergency door, an unobstructed aisle at least 25 cm wide at the seat base-line shall lead from each seat to the emergency door.
 - (3) The interior clearance height of a commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants shall be
 - (a) greater than 172 cm, measured at the centreline of the entrance door, and

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- (b) if standees are authorized by a licence or temporary operating permit under the *Passenger Transportation Act* to be carried in the vehicle, greater than 188 cm in that portion of the interior intended for use by the standees.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 64/2005, ss. 5 and 8; 197/2005, s. 4; 9/2010, s. 3.]

Entrance

- 10.09** (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).

- (1.1) The entrance door of a commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants shall,

- (a) except in the case of a special sightseeing bus, be on the right side forward of the rear axle,
- (b) have a minimum horizontal clear opening of 60 cm, and
- (c) where it is controlled by power apparatus, be supplemented by auxiliary equipment that holds the door closed while permitting manual control whenever the power apparatus is inoperative.

- (2) A commercial passenger vehicle having a seating capacity, including the driver, of more than 12 occupants shall have

- (a) a step well guard panel not less than 75 cm in height at the rear of the entrance step well that extends the full width of the step well,
- (b) a grab bar at the entrance door that is accessible from ground level and from each step and is inside the vehicle when the door is closed, and
- (c) a lamp at each entrance door that illuminates the step nosings and is automatically switched on when the entrance door opens.

- (3) Where only one wheel chair entrance door is provided, it shall not be on the left side of the vehicle.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 64/2005, s. 5; 197/2005, s. 4.]

Emergency door

- 10.10** (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).

- (1.1) Subject to section 10.11, every commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants shall be equipped with an emergency exit door,

- (a) located on the left side near the rear of the vehicle, or on the rear of the vehicle,
- (b) and in the case of an emergency door located on the left side of the vehicle, be hinged on its forward vertical edge,
- (c) affording a minimum horizontal clearance of 60 cm, and

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- (d) affording the maximum vertical clearance permitted by the body construction of the vehicle.
- (2) The emergency door of a commercial passenger vehicle shall be equipped with an opening and fastening device that affords instant and easy release from both inside and outside the vehicle, is safeguarded against accidental release and cannot be operated from the driver's seat.
- (3) The emergency door of a commercial passenger vehicle shall be identified by an interior and exterior sign reading "EMERGENCY DOOR" in letters not less than 38 mm in height.
- (4) Subsection (1.1) (a) and (b) does not apply to a special sightseeing bus.
[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 64/2005, s. 5; 197/2005, ss. 4 and 6.]

Emergency windows

- 10.11** (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).
- (1.1) The number of emergency exit windows determined in accordance with subsection (2) may be provided in a commercial passenger vehicle in lieu of an emergency exit door if the windows are
 - (a) of the push-out type,
 - (b) able to be unlatched, opened or removed by the application of manual force from inside the vehicle by a person of average size,
 - (c) adequate in size to facilitate the speedy exit of all passengers, and
 - (d) identified by an interior sign reading "EMERGENCY EXIT", together with directions as to use in an emergency.
 - (2) The number of emergency exit windows referred to in subsection (1.1) shall be determined according to the seating capacity including the driver, as follows:
 - (a) seating capacity under 24 – at least one emergency exit window on each side;
 - (b) seating capacity 24 to 47 inclusive – at least 2 emergency exit windows on each side;
 - (c) seating capacity 48 and over – at least 3 emergency exit windows on each side.
 - (3) Notwithstanding subsection (2), a special sightseeing bus only requires one emergency exit window on each side on each level.
[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 64/2005, s. 5; 197/2005, ss. 4 and 7.]

Baggage and express

- 10.12** (1) If a commercial passenger vehicle is used for the transportation of baggage or express,

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- (a) adequate space shall be provided for its accommodation located so as not to interfere with the free and ready access to the entrance door, emergency exit door and emergency exit windows of the vehicle and constructed so as to prevent baggage falling onto or against any passenger, and
 - (b) the vehicle shall be constructed in such a manner that the baggage or express is protected from dust and moisture.
- (2) No commercial passenger vehicle shall be equipped with a baggage carrier over the engine hood.
- (3) The driver of a commercial passenger vehicle shall ensure that all baggage and express carried in or on any commercial passenger vehicle is
 - (a) loaded so as not to interfere with the free and ready access to the entrance door, emergency exit door and emergency exit windows, and
 - (b) stowed in such a manner as to prevent its falling on or against any passenger.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, ss. 5 and 9.]

Ventilation and exhaust

- 10.13** (1) Every commercial passenger vehicle shall be equipped with a controlled ventilating system of sufficient capacity to maintain a reasonable level of passenger comfort under operating conditions, without the opening of windows except in extremely warm weather.
- (2) Every commercial passenger vehicle shall
- (a) have a floor of metal or wood so constructed and maintained that moisture, dust and fumes cannot enter the vehicle,
 - (b) be fitted with slip-proof floor covering material, and
 - (c) be equipped with toe-boards, dash-panels, and engine covers that exclude moisture, dust and fumes from the passenger compartment.
- (3) In addition to the requirements of section 7.03, every commercial passenger vehicle shall be equipped with an airtight metal exhaust pipe and muffler which carries the exhaust gases to a point beyond the body skirt of the vehicle.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Heater

- 10.14** No commercial passenger vehicle shall be equipped with an engine exhaust type heater.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Tool storage

- 10.15** Where a commercial passenger vehicle carries loose equipment such as tools, tire chains, etc., the equipment shall
- (a) be carried in a compartment separate from the passenger compartment, or

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- (b) be secured to the interior of the passenger compartment by a device capable of withstanding a force equal to 20 times the weight of the equipment applied in any direction.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Fuel tank

- 10.16** In the case of a commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants, no part of the fuel tank or container or intake pipe shall project beyond the sides or rear of the vehicle or be located within the passenger compartment.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Rearview mirrors

- 10.17** In addition to the requirements of section 7.04, every commercial passenger vehicle shall have

- (a) one interior mirror, located so that a complete view of the interior of the vehicle as well as a view through the rear windows, where the vehicle is equipped with rear windows, can be had by the driver, and
- (b) in the case of a commercial passenger vehicle of the type equipped with an exit door at the centre or rear of the vehicle, interior mirrors so mounted and adjusted as to reflect to the driver while seated in the driver's seat a clear and unobstructed view of the exit door and the step or steps leading to it.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Instruments

- 10.18** A commercial passenger vehicle and a business vehicle shall be equipped with at least one speedometer which shall be maintained in effective working order and located so as to be visible by the driver of the vehicle while in his normal seated position.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 414/99, s. 3; 64/2005, s. 5.]

Retreaded tires

- 10.19** No person shall drive or operate a business vehicle or commercial passenger vehicle which is equipped on a steering axle with a tire that has been recapped or retreaded.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 414/99, s. 3; 64/2005, s. 5.]

Interior lamp

- 10.20** (1) A commercial passenger vehicle shall be equipped with a lamp or lamps within the vehicle so arranged to illuminate the aisle of the vehicle to the rear of the driver.
- (2) A person driving a commercial passenger vehicle having a seating capacity including the driver of more than 12 occupants shall insure that the light or lights referred to in subsection (1) are illuminated at all times that passengers are being carried between sunset and sunrise.

[en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

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Towing by passenger vehicle

- 10.21** (1) No person shall drive or operate a commercial passenger vehicle while it is towing a trailer unless
- (a) the manufacturer of the commercial passenger vehicle signifies, in writing, that the vehicle is suitable for towing a trailer, and the maximum gross vehicle weight of the trailer, and
 - (b) the trailer is equipped with brakes.
- (2) A commercial passenger vehicle equipped with a rear emergency door shall not tow a trailer.
- [en. B.C. Reg. 448/87, s. 2; am. B.C. Reg. 64/2005, s. 5.]

Spare and emergency equipment

- 10.22** (1) Every driver, licensee and permit holder of a commercial passenger vehicle that has a seating capacity of more than 10 including the driver must carry or cause to be carried on the vehicle the following:
- (a) a Basic First Aid Kit or better as described in the Occupational First Aid Regulations of the Workers' Compensation Board;
 - (b) a spare tire;
 - (c) a dry powder type fire extinguisher that has, or 2 or more dry powder type fire extinguishers that collectively have, a UL Rating of at least 2A:10 BC, each of which fire extinguishers
 - (i) can be controlled so as to prevent the escape of the entire contents on single use,
 - (ii) is effective for reuse within not more than one hour after the first application,
 - (iii) is securely mounted in the forward end of the vehicle,
 - (iv) is in good working order, and
 - (v) is easily accessible to the driver.
- (2) Repealed. [B.C. Reg. 64/2005, s. 10 (a).]
- (3) A carrier must ensure that every business vehicle under the carrier's control is furnished with emergency equipment and spare equipment necessary to ensure compliance with this regulation.
- (4) An operator of a vehicle referred to in subsection (3) must ensure that all of the equipment furnished in respect of the vehicle under subsection (3) is in the vehicle, is properly secured and is in good working order.
- [en. B.C. Reg. 448/87, s. 2; am. B.C. Regs. 365/96; 414/99, s. 5; 64/2005, s. 10.]

Offences

- 10.23** (1) A holder of a licence or permit issued by the Motor Carrier Commission or a licence or a temporary operating permit under the *Passenger Transportation Act*

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commits an offence if the holder fails to ensure that a commercial passenger vehicle owned or operated by the holder is constructed and operated in conformance with the provisions of this Division.

- (2) A carrier commits an offence if the carrier fails to ensure that a business vehicle owned or operated by the carrier is constructed and operated in conformance with the provisions of this Division.

[en. B.C. Reg. 414/99, s. 6; am. B.C. Reg. 64/2005, ss. 5 and 11.]

10.24 Spent.**Refuelling with passengers on board**

- 10.25** (1) When a vehicle is being refuelled the nozzle of the fuel hose must be in contact with the intake of the fuel tank during the entire time of refuelling.

- (2) The driver of a business vehicle or a driver or licensee of a commercial passenger vehicle must not allow the business vehicle or commercial passenger vehicle to be fuelled while

- (a) the engine of the vehicle is running,
- (b) a radio on the vehicle is transmitting, or
- (c) the vehicle is close to any open flame or ignition source, including, without limitation, a person who is smoking.

- (3) Despite section 19.12, the driver and passengers may remain on board a commercial passenger vehicle if the vehicle is refuelling with diesel fuel in an open area or in a structure open on both the entrance and exit ends.

- (4) Subsection (3) does not apply to school buses or buses temporarily used for transporting school children.

[en. B.C. Reg. 258/96; am. B.C. Reg. 64/2005, ss. 5 and 12.]

**Liability insurance for passenger directed vehicles
operated under transportation network services authorization**

- 10.26** (1) In this section:

“**taxi**” has the same meaning as in section 1 (1) of the Insurance (Vehicle) Regulation;

“**TNS blanket certificate**” has the same meaning as in section 154.1 of the Insurance (Vehicle) Regulation;

“**TNS vehicle**” has the same meaning as in section 1 (1) of the Insurance (Vehicle) Regulation.

- (2) For the purposes of section 3 (4.1) of the Act,

- (a) the prescribed motor vehicle liability policy for a TNS vehicle is a TNS blanket certificate, and

- (b) the prescribed motor vehicle liability policy for a taxi with an owner's certificate that has an effective date on or before April 30, 2020 is the certificate required, if any, under section 3 of the Act.

[en. B.C. Reg. 166/2019, s. 2; am. B.C. Reg. 47/2020, Sch. 2.]

DIVISION 11 – SCHOOL BUSES

Interpretation

11.01 (1) In this Division:

“commercial passenger vehicle” has the same meaning as in the *Passenger Transportation Act*;

“intercity bus” means a bus that

- (a) conforms to the safety standards under the *Motor Vehicle Safety Act* (Canada) that are applicable to “buses” or “school buses” on the date of manufacture,
- (b) has a gross vehicle weight rating of not less than 9 100 kg, and
- (c) is operated as a commercial passenger vehicle as defined in the *Passenger Transportation Act* under the authority of
 - (i) a licence or permit issued by the Motor Carrier Commission, or
 - (ii) a licence or temporary operating permit issued under the *Passenger Transportation Act*;

“multifunction school activity bus” has the same meaning as in the Motor Vehicle Safety Regulations (Canada);

“passenger vehicle” means a motor vehicle that conforms to the safety standards under the *Motor Vehicle Safety Act* (Canada) that were applicable to passenger cars or multipurpose passenger vehicles under that Act on the date of manufacture of the motor vehicle;

“school” means a public school as defined in the *School Act*, a Provincial school as defined in that Act or an independent school as defined in the *Independent School Act*;

“school bus permit” means a school bus permit issued under section 11.03;

“taxi cab” means a motor vehicle that

- (a) is a commercial passenger vehicle,
- (b) is operated as a passenger directed vehicle as defined in the *Passenger Transportation Act* under the authority of
 - (i) a licence or permit issued by the Motor Carrier Commission, or
 - (ii) a licence or temporary operating permit issued under the *Passenger Transportation Act*, and
- (c) is designed to carry not more than 10 persons including its driver;

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“**transit bus**” means a bus operated some or all of the time to provide a regular scheduled public passenger transportation service as specified in an operating agreement made pursuant to the *British Columbia Transit Act*;

“**yellow and black school bus**” means a bus that, on the date of its manufacture, conformed to the safety standards under the *Motor Vehicle Safety Act* (Canada), and the Canadian Standards Association numbered CSA Standard D250, “School Buses”, that were applicable to school buses on that date, but does not include a multifunction school activity bus.

- (2) This Division does not apply to a transit bus while it is providing regular scheduled public passenger transportation service as specified in an operating agreement made pursuant to the *British Columbia Transit Act*.
- (3) This Division does not apply to an intercity bus while it is providing regularly scheduled public passenger transportation service under the authority of a licence or permit issued under the *Motor Carrier Act* or a licence or temporary operating permit issued under the *Passenger Transportation Act*.

[en. B.C. Reg. 292/89, s. 2; am. B.C. Regs. 82/2003, s. 1; 64/2005, s. 13; 11/2018, s. 2.]

Prohibitions

- 11.02** (1) No person shall drive or operate on a highway or allow or cause to be driven or operated on a highway a vehicle as a school bus unless
- (a) the registered owner or lessee of that vehicle holds a valid and subsisting school bus permit for it and the permit is carried in the vehicle while the vehicle is in operation,
 - (b) the vehicle is a taxi cab, or
 - (c) the vehicle is a passenger vehicle.
- (2) No person shall drive or operate, or allow or cause to be driven or operated, on a highway a vehicle as a school bus if any of the following apply:
- (a) the vehicle is a transit bus;
 - (b) the vehicle is equipped with side-facing seats;
 - (c) the vehicle does not conform to one or both of the following standards:
 - (i) CMVSS 216;
 - (ii) CMVSS 220.

[en. B.C. Reg. 292/89, s. 2; am. B.C. Reg. 11/2018, s. 3.]

School bus permit

- 11.03** (1) On application of the registered owner or lessee of a yellow and black school bus or of a motor vehicle that is intended to be used as a special activity bus or special vehicle, the director may grant, on conditions the director requires, a school bus permit for the operation of the vehicle as a school bus.

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- (2) The holder of a school bus permit who disposes of all or part of his interest in the vehicle that is the subject of the permit shall forthwith notify the director, giving the particulars of the disposition.
- (3) A school bus permit is not transferable from one vehicle to another, or from one owner or lessee to another.

[en. B.C. Reg. 292/89, s. 2; am. B.C. Regs. 413/97, App. 1, s. 7; 135/2003, ss. 1 and 3.]

Cancellation or suspension of school bus permits

11.04 The director is authorized to suspend or cancel a school bus permit if the director has reasonable and probable grounds to believe that the school bus described in the permit

- (a) does not meet the requirements of Canadian Standards Association numbered CSA Standard D250, “School Buses”,
- (b) does not meet the standards of safety and repair prescribed by the minister under section 217 of the Act,
- (c) is driven or operated, or has been driven or operated, in a manner contrary to any of the provisions of this regulation, or
- (d) is or has been driven or operated on the highway in a manner hazardous to any person in the school bus or on or near a highway.

[en. B.C. Reg. 292/89, s. 2; am. B.C. Regs. 413/97, App. 1, s. 8; 82/2003, s. 2; 135/2003, ss. 1 and 3.]

School bus required

11.05 The authority in charge of a school and any person on the authority’s behalf shall not use, allow or cause to be used on behalf of the authority a motor vehicle

- (a) for conveying students by means of scheduled transportation, other than
 - (i) a yellow and black school bus, or a special vehicle, that is the subject of a permit issued under section 11.03 (1),
 - (ii) a taxi cab, or
 - (iii) a passenger vehicle approved by the Board of School Trustees or other authority in charge of the school, or
- (b) for conveying students by means of non-scheduled transportation, other than
 - (i) a vehicle referred to in paragraph (a), or
 - (ii) a special activity bus that is the subject of a permit issued under section 11.03 (1).

[en. B.C. Reg. 292/89, s. 2.]

Passenger list required

11.06 The authority in charge of a school shall establish and maintain an accurate and up-to-date

- (a) list of passengers entitled to ride a school bus used as scheduled transportation, and

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- (b) list of passengers riding in a school bus that is being used as non-scheduled transportation.

[en. B.C. Reg. 292/89, s. 2.]

Defective school bus not to be operated

- 11.07** (1) No person shall drive or operate on a highway, or allow or cause to be driven or operated on a highway, a school bus with any student on board at any time when the school bus is unsafe.
- (2) Where a school bus is damaged, becomes defective or malfunctions while being driven or operated on a highway with any students on board, its driver shall, at the first indication of the damage, defect or malfunction, stop the school bus at, or as near as practical to, a place off the travelled portion of the highway.
- (3) After a school bus has been stopped pursuant to subsection (2), no person shall drive or operate it on a highway, or allow or cause it to be driven or operated on a highway, with any student on board, until all repairs necessary to make the school bus safe have been completed.

[en. B.C. Reg. 292/89, s. 2.]

Substitute vehicle

- 11.08** (1) Where a school bus
- (a) becomes temporarily unserviceable as a school bus,
 - (b) remains the subject of a valid school bus permit, and
 - (c) has not failed its most recent inspection under Division 25,
- the operator of the school bus does not contravene this Division or B.C. Reg. 40/93, the Inspection Standards (Safety and Repair) Regulation, by using another bus, that conforms to the standards of safety and repair under B.C. Reg. 40/93 for buses that are not school buses, as a school bus in substitution for the unserviceable school bus for a period that does not exceed 72 consecutive hours from the notification under subsection (2).
- (2) The operator of the school bus who uses or proposes to use another motor vehicle in substitution for an unserviceable school bus shall promptly notify the director of the substitution, or proposed substitution, giving particulars of the reason for it.
- (3) The director may give the directions the director considers necessary respecting the operation of any substitute vehicle.

[en. B.C. Reg. 292/89, s. 2; am. B.C. Regs. 413/97, App. 1, s. 9; 135/2003, ss. 1 and 3.]

Pretrip inspection

- 11.09** (1) In the case of a school bus that is required to have a school bus permit under section 11.03, each day, before the bus is operated on a highway with students on board, the operator shall inspect it or cause it to be inspected.
- (2) The inspection required by subsection (1) shall include an examination or test of

- (a) all lamps and turn signal mechanisms,
 - (b) all wheel rims, nuts and tires,
 - (c) the exhaust system,
 - (d) suspension components,
 - (e) all emergency exits, service doors and warning buzzers,
 - (f) steering wheel free play,
 - (g) horn,
 - (h) mirrors,
 - (i) windows,
 - (j) windshield wipers and washers,
 - (k) service brake systems and parking brake systems,
 - (l) body panels, and
 - (m) emergency equipment.
- (3) The operator shall not operate the school bus on the highway with students on board, or cause or allow it to be so operated, unless he has reasonable grounds to believe it is in safe working order.
- [en. B.C. Reg. 292/89, s. 2.]

Cleaning floors

- 11.10** (1) The operator of a yellow and black school bus shall ensure that the floor of the school bus is washed at least once in each week with water containing a disinfectant solution.
- (2) No person shall operate a school bus that is not in a clean and sanitary condition.
- [en. B.C. Reg. 292/89, s. 2.]

Loading fuel

- 11.11** No person shall put fuel into the fuel tank of any school bus while the school bus is occupied by any passenger or while the engine is operating.
- [en. B.C. Reg. 292/89, s. 2.]

Boarding school bus

- 11.12** (1) The driver of a school bus shall not open, or allow or cause to be opened, the door of the bus and allow any person to board or leave the bus unless
- (a) the part of the roadway unoccupied by and to the left of the bus is at least 3 m wide and is clear and unobstructed for the full length of the bus, and
 - (b) there is a clear view of the bus for a distance of 60 m in each direction on the highway.
- (2) The driver of a school bus shall not allow any person
- (a) to board or leave the bus when it is moving,
 - (b) to board or leave the school bus other than on the right side of the bus, or

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- (c) to have access to the baggage compartments, if any, from the left side of the bus while occupying any part of the travelled portion of the highway.
- (3) No person shall
 - (a) board or leave a school bus when it is moving,
 - (b) board or leave a school bus other than on the right side of the school bus, or
 - (c) have access to the baggage compartments, if any, from the left side of the bus while the bus is occupying any part of the travelled portion of the highway.
- (4) The driver of a yellow and black school bus may, but need not, activate
 - (a) the alternately flashing lamps, or
 - (b) the stop arm on the school bus when the bus is stopping or stopped to load or unload passengers.
- (5) The driver of a yellow and black school bus who activates the alternately flashing lamps on the school bus shall do so
 - (a) in sufficient time to give reasonable warning to the drivers of other vehicles who are required to stop, and
 - (b) throughout the entire process of loading or unloading students.
- (6) No person shall operate the alternating flashing lamps or the stop arm on a yellow and black school bus unless the vehicle is stopped or stopping to load or unload students.

[en. B.C. Reg. 292/89, s. 2.]

Seating capacity

- 11.13** (1) For purposes of subsections (3) and (4), a passenger on a bus that is a school bus is comfortably and securely seated
- (a) on a bench seat not equipped with seat belt assemblies if neither hip, nor any hip of another person on the seat, extends beyond the edge of the seat cushion,
 - (b) on a bench seat equipped with seat belt assemblies if he may make exclusive use of one of the seat belt assemblies on the seat, or
 - (c) on a seat designed for one person if he is the only person on it.
- (2) For purposes of this section, the designated school bus capacity of a motor vehicle is the designated school bus capacity applicable to the motor vehicle under the *Motor Vehicle Safety Act* (Canada), or, if none is applicable to the motor vehicle under those standards, then the designated school bus seating capacity of the vehicle is the sum of the seating positions in the vehicle, including seating positions for drivers, ascertained as follows:
- (a) the number of seating positions on a bench seat not equipped with seat belt assemblies equals the whole number obtained by dividing the seat width in

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millimetres by 381 mm and then, if a fraction forms part of the quotient, rounding down if it is less than half or up if it is half or more;

- (b) the number of seating positions on a seat designed for one person is one;
 - (c) the number of seating positions on a seat equipped with one or more seat belt assemblies is the same as the number of seat belt assemblies on it.
- (3) The driver of a school bus shall not
- (a) allow any person to ride on the school bus unless the person is comfortably and securely seated on a passenger seat, or
 - (b) move the bus or cause it to move unless he is reasonably certain that every passenger on the bus is comfortably and securely seated.
- (4) No person shall drive or operate on a highway, or allow or cause to be driven or operated on a highway, a school bus carrying more persons, including the driver, than the lesser of
- (a) the number of persons who can be comfortably and securely seated, or
 - (b) the designated school bus seating capacity.
- (5) Repealed. [B.C. Reg. 82/2003, s. 3.]
[en. B.C. Reg. 292/89, s. 2; am. B.C. Reg. 82/2003, s. 3.]

School bus signs

- 11.14** (1) No person shall drive or operate on a highway, or allow or cause to be driven or operated on a highway, as a school bus, a motor vehicle other than a taxi cab or a passenger vehicle unless the words “School Bus” are plainly marked on it.
- (2) No person shall drive or operate on a highway, or allow to be driven or operated on a highway, a motor vehicle marked “School Bus” except at a time when it
- (a) is being used as a school bus, or
 - (b) is on its way to or from a maintenance or inspection facility, or to or from an approved route.
- [en. B.C. Reg. 292/89, s. 2.]

National safety mark

- 11.15** No person shall drive or operate on a highway, or allow or cause to be driven on a highway, a motor vehicle used as a school bus unless it bears the National Safety Mark and displays the statement of compliance referred to in section 223 of the *Motor Vehicle Act*.
- [en. B.C. Reg. 292/89, s. 2.]

Mechanical standards

- 11.16** (1) If an application is made for a school bus permit in respect of a motor vehicle, the standards of construction applicable to that motor vehicle for the purposes of the application are the standards made by the Canadian Standards Association

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numbered CSA Standard D250, “School Buses” that were applicable to school buses on that date.

- (2) A change, reconstruction or modification made to a school bus must conform to the CSA Standard referred to in subsection (1) that was applicable to the school bus on the date of the change, reconstruction or modification.

[en. B.C. Reg. 82/2003, s. 4.]

Removal of “school bus” insignia on disposition of bus

- 11.17** On the disposition of a yellow and black school bus by the owner or operator to another person who is not a yellow and black school bus operator, the person disposing of the bus shall remove any alternating flashing lamps and any stop arm fitted to it and shall either remove or paint over any “School Bus” signs and the warning signs associated with the alternating flashing lamps.

[en. B.C. Reg. 292/89, s. 2.]

Weight restrictions

- 11.18** No person shall drive or operate on a highway, or allow or cause to be driven or operated on a highway, a school bus if

- (a) its gross axle weight exceeds its gross axle weight rating, or
- (b) its gross vehicle weight exceeds its gross vehicle weight rating,

as determined by the school bus statement of compliance under the *Motor Vehicle Safety Act* (Canada).

[en. B.C. Reg. 292/89, s. 2.]

Taxi cab

- 11.19** No person shall operate a taxi cab as a school bus to carry

- (a) more than one passenger, in addition to the driver, in the front seat,
- (b) a passenger, in addition to the driver, in the front seat in other than the right front passenger’s position, or
- (c) a passenger in a position that is not equipped with a seat belt.

[en. B.C. Reg. 292/89, s. 2.]

Offence

- 11.20** A person who contravenes section 11.02 (1) or (2), 11.03 (2), 11.05, 11.06, 11.07 (1), (2) or (3), 11.08 (2), 11.09 (1) and (3), 11.10 (1) or (2), 11.11, 11.12 (1), (2), (3), (5) or (6), 11.13 (3), (4) or (5), 11.14 (1) or (2), 11.15, 11.17, 11.18 or 11.19 commits an offence.

[en. B.C. Reg. 292/89, s. 2.]

DIVISION 12

- 12.01 to 12.06** Repealed. [B.C. Reg. 227/2004, s. (a).]

DIVISION 13

13.01 Repealed. [B.C. Reg. 227/2004, s. (a).]

DIVISION 14 – TEMPORARY OPERATION PERMITS**Temporary operation permit**

- 14.01** (1) The Insurance Corporation of British Columbia or a person
- (a) employed in the ministry of a minister responsible in whole or in part for the Act or the *Commercial Transport Act*, and
 - (b) designated by the corporation by name or position
- may grant a permit for the temporary operation on a highway of a motor vehicle or trailer that may or may not have been licensed or registered under the Act or the *Commercial Transport Act*.
- (2) A permit under this section must cover a period, not exceeding 15 days, specified in the permit by the Insurance Corporation of British Columbia or designated person and, subject to this section, the corporation or designated person may include in the permit the terms and conditions the corporation or designated person considers appropriate for the temporary operation of the motor vehicle or trailer.
- (3) Repealed. [B.C. Reg. 64/2005, s. 14.]
- (4) A permit under this section is not valid for the operation of a vehicle for which a prohibition under Division 25 is in force.
- (5) A permit under this section may be granted for a laden commercial vehicle weighing 5 000 kg gross vehicle weight or less or for any other motor vehicle, trailer or semi-trailer.
- (6) A permit under this section for a laden commercial vehicle weighing more than 5 000 kg gross vehicle weight may not be granted unless
- (a) the load is a single load, and
 - (b) the trip is only a one way trip from point to point in British Columbia with no pick up or drop off of a load or partial load allowed en route.
- [en. B.C. Reg. 447/2004, s. 3; am. B.C. Reg. 64/2005, s. 14.]

14.011 and 14.012 Repealed. [B.C. Reg. 447/2004, s. 4.]

Fees, without load

- 14.02** The Insurance Corporation of British Columbia or designated person must not grant a permit under section 14.01 for the operation of a vehicle other than one described in section 14.03 unless the corporation or designated person has received

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(a) the fee specified in item 7 (b) of the Schedule to the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, and

(b) the premium payable under the *Insurance (Vehicle) Act*.

[en. B.C. Reg. 447/2004, s. 5; am. B.C. Reg. 161/2007, s. 4.]

Fees, with load

14.03 The Insurance Corporation of British Columbia or designated person must not grant a permit under section 14.01 for the operation of a laden commercial vehicle weighing more than 5 000 kg gross vehicle weight unless the corporation or designated person has received

(a) the fee specified in item 7 (c) of the Schedule to the Motor Vehicle Fees Regulation, B.C. Reg. 334/91, and

(b) the premium payable under the *Insurance (Vehicle) Act*.

[en. B.C. Reg. 447/2004, s. 5; am. B.C. Reg. 161/2007, s. 4.]

Temporary operation permit for inspection

14.04 (1) The Insurance Corporation of British Columbia or a person

(a) employed in the ministry of the minister responsible in whole or in part for the Act or the *Commercial Transport Act*, and

(b) designated by the corporation

may grant to any person, without fee and for the purpose described in subsection (2), a permit for the temporary operation of a motor vehicle or trailer, subject to the terms and conditions set out in the permit, from the place of residence of the owner or a garage or other place of repair to a designated inspection facility and return.

(2) The purpose referred to in subsection (1) is to facilitate the presentation of the motor vehicle or trailer for inspection or repair as required by Division 25.

(3) A motor vehicle or trailer operated in accordance with a permit under this section need not have an inspection certificate affixed to it under Division 25.

[en. B.C. Reg. 447/2004, s. 5.]

14.05 Repealed. [B.C. Reg. 303/91, s. 5.]

DIVISION 14A

14A.01 Repealed. [B.C. Reg. 236/2009, s. (b).]

DIVISION 15

15.01 Repealed. [B.C. Reg. 205/72, s. 11.]

DIVISION 16

16.01 Repealed. [B.C. Reg. 595/80, s. (a).]

DIVISION 17

17.01 Repealed. [B.C. Reg. 595/80, s. (a).]

DIVISION 18 – ENFORCEMENT OF RULES OF THE ROAD**Parking prohibited at yellow curb**

18.01 Except where a bylaw of a municipality provides otherwise, a traffic control device consisting of a curb painted yellow instructs every driver of a vehicle that no person shall stop, park or leave standing any motor vehicle attended or unattended, except where necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer.

[en. B.C. Reg. 145/64.]

DIVISION 19 – MISCELLANEOUS**Interpretation**

- 19.01** (1) For the purposes of this Division, “**minister**” means the minister charged with the administration of the *Transportation Act* or the Minister of Public Safety and Solicitor General, as applicable.
- (2) Sections 19.02 to 19.06, inclusive, shall apply only in respect of highways in unorganized territory or on an arterial highway (within the meaning of the *Transportation Act*) in a municipality.
- (3) Sections 19.02 to 19.06, inclusive, do not apply to a commercial vehicle engaged in the construction of, and operating within the limits of, a highway construction project, as established or as posted by the ministry of the minister charged with the administration of the *Transportation Act*, but this exemption does not apply to a paving project.
- (4) Sections 19.02 and 19.04 do not apply to
- (a) an implement of husbandry temporarily operated on a highway, or
 - (b) a commercial vehicle, as defined in the *Commercial Transport Act*.
- (5) For the purposes of this Division, “**axle**” means a structure in the same, or approximately the same, transverse plane supported by wheels and on, or with, which such wheels revolve. Any 2 axles of a vehicle, the centres of which are less than 1 m apart, shall be deemed to be one axle.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 343/77; 135/2003, s. 5; 546/2004, Sch. s. 23; 103/2006, s. 2.]

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Division 19 – Miscellaneous

Provisions of Commercial Transport Regulations adopted

- 19.02** (1) Sizes and dimensions as quoted in Division 7 of B.C. Reg. 30/78, made under the *Commercial Transport Act*, as amended from time to time, are hereby adopted as subsection (1) and made a regulation under this Act.
- (2) Notwithstanding any of the provisions of the regulations or of a permit issued pursuant to these regulations, the maximum height, length or width of a vehicle or load allowable on a highway or portion of a highway that is expressly limited as to maximum height, length or width of a vehicle or load by a sign erected by the minister charged with the administration of the *Transportation Act* shall be that set out on the sign.
- (3) Notwithstanding any other provision of this Division, no person shall, without a permit issued pursuant to section 19.06, drive or operate on a highway
- (a) a combination of vehicles consisting of more than 2 vehicles,
 - (b) a vehicle or combination of vehicles so loaded that the load extends more than 1 m beyond the front wheels thereof, or, if equipped with a front bumper, more than 1 m beyond the front bumper,
 - (c) a vehicle or combination of vehicles any part of which, or the load upon which, extends more than 4.5 m behind the centre of the last axle of the vehicle or combination of vehicles,
 - (d) a vehicle or combination of vehicles the load of which extends more than 185 cm beyond the back of the vehicle or combination of vehicles, or
 - (e) a vehicle so loaded that any part of the load extends beyond the sides of the vehicle.
- (3.1) Subsection (3) (a) does not apply in respect of a combination of vehicles consisting of a motor vehicle, a towing dolly and a licensed motor vehicle one axle of which is being carried by the towing dolly.
- (4) Unless expressly permitted by the terms of a permit, no person shall drive or operate an oversize vehicle or load on a Sunday or holiday.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 343/77; 256/84, s. 10; 42/90, s. 1; 103/2006, s. 3.]

Prohibition

- 19.03** (1) No person shall drive or operate on a highway
- (a) a vehicle equipped with solid tires, the thickness of which between the rim of the wheel and the surface of the highway is less than 32 mm, or
 - (b) a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, studs, ribs, clamps, flanges, lugs or other attachments or projections, which extend beyond the tread or traction surface of the wheel, tread or track, but such a vehicle may be driven or operated on a highway not having a cement-concrete, asphaltic-concrete, bituminous treated or other stabilized or wooden surface.

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Division 19 – Miscellaneous

- (2) Subsection (1) does not apply to the use of chains of reasonable proportions on a motor vehicle when required for safety.
- (3) Despite subsection (1) (b), but subject to section 7.164, a person may use studs on a tire between October 1 in one year and April 30 in the next year.
- (4) The minister charged with the administration of the *Transportation Act* may, whenever in his opinion the use of studded tires is causing undue wear to a highway or bridge or is hazardous to the safety of those using the highways, by written order published in the Gazette, suspend the application of subsection (3) with respect to any highway or part thereof.
- (5) to (6A) Repealed. [B.C. Reg. 415/81, s. 1.]
- (7) No person shall drive or operate on a highway a solid-rubber-tired vehicle at a greater rate of speed than 20 km/h.
- (8) Repealed. [B.C. Reg. 206/83.]

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 161/76, s. 2; 343/77; 414/77, s. 2; 415/81, s. 1; 206/83; 103/2006, s. 4; 177/2015, App. s. 4.]

Provisions of Commercial Transport Regulations adopted

19.04 Sections 7.10, 7.11 and 7.29 of B.C. Reg. 30/78, made under the *Commercial Transport Act*, as amended from time to time, are hereby adopted as section 19.04 and made a regulation under this Act.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 42/90, s. 2; 103/2006, s. 5.]

Weight scales

- 19.05** (1) The driver of a vehicle on a highway, when so required by a peace officer, shall
- (a) stop the vehicle at the time and place specified by such peace officer for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose under this Act or regulations,
 - (b) drive the vehicle to the nearest public stationary or portable scales for the purpose of weighing the vehicle and load, and
 - (c) rearrange the load upon the vehicle or remove the whole or part of the load from the vehicle in order to comply with the provisions of the Act, regulations or permit before continuing to drive or operate the vehicle.
- (2) The driver of a vehicle on a highway, when directed by a traffic sign on the highway to drive over scales, shall drive the vehicle to the scales for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any purpose under this Act or regulations.

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Division 19 – Miscellaneous

- (3) The gross weight of any tandem axles and the gross weight of any group of axles shall be the sum of the gross axle weights of all the axles comprising the tandem axles or the group of axles, as the case may be.
- (4) The gross weight of any vehicle or combination of vehicles shall be the sum of the individual gross axle weights of all the axles of the vehicle or combination of vehicles.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 413/97, App. 1, s. 11; 135/2003, s. 6.]

Permits

- 19.06** (1) The minister, or any person authorized by him, may, by a general authority or by the issuance of a written permit, authorize the driving or operation on a highway of a vehicle that
- (a) does not conform to section 19.04, and the fee for the permit shall be in accordance with the Commercial Transport Fees Regulation of the *Commercial Transport Act*, or
 - (b) does not conform to section 19.02, and the fee for the permit shall be in accordance with the Commercial Transport Fees Regulation of the *Commercial Transport Act*.
- (2) Permits issued pursuant to subsection (1) may be issued for a period not exceeding 30 days.
 - (3) A driver, operator or owner of a vehicle or other person who violates any of the conditions contained in a permit issued pursuant to these regulations is guilty of an offence.
 - (4) The power of the minister, or any person authorized by him to issue permits pursuant to these regulations, shall include the power to amend, vary or rescind such permits.
 - (5) As a prerequisite to the issuance of a permit under this section, the minister may require the applicant therefor to deposit with him a sum of money in an amount sufficient, in the opinion of the minister, to pay the cost of repairing any damage that may be done to the highway by reason of the driving or operation of the vehicle thereon.
 - (6) Where the term of the permit pursuant to subsection (1) extends beyond a single journey, the applicant shall deposit on account of the fee prescribed in the Commercial Transport Fees Regulation of the *Commercial Transport Act* a sum of money equal to the estimated charges for the permit.
 - (7) The fee to be charged for a single trip overload permit in the Commercial Transport Fees Regulation of the *Commercial Transport Act* shall be based on the total number of kilometres of operation of the overloaded vehicle during the life of the permit.
 - (8) No person shall use a permit for driving or operating more than one vehicle.

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- (9) Where the term of an overload permit extends beyond a single journey, a monthly fee shall be charged according to the Commercial Transport Fees Regulation.
- (10) A permit issued under this Act and the regulations made thereunder shall be carried in the vehicle at all times when operated upon a highway.
- (11) A permit is not transferable from one vehicle to another.
[en. B.C. Reg. 68/71, s. 5; am. B.C. Reg. 340/94.]

Schedule 1 highways restrictions

- 19.07** (1) Except as authorized by a permit issued by the Minister of Transportation and Infrastructure, and except for crossing a highway at an intersection, use of any highway named in Schedule 1 by the following is prohibited at all times:
- (a) vehicles drawn by animals;
 - (b) livestock, as defined in the *Livestock Act*;
 - (c) farm implements and farm machinery, whether self-propelled or towed;
 - (d) pedestrians, unless attending a disabled vehicle;
 - (e) vehicles incapable of maintaining a minimum speed of 60 km/h on level road, except construction or maintenance equipment owned or hired by the Ministry of Transportation and Infrastructure while working on or travelling to or from a worksite located on a highway named in Schedule 1.
- (2) Subsection (1) does not apply to pedestrians and to operators of pedal cycles and limited speed motorcycles using footpaths constructed adjacent to the travel portion of the highway or the shoulder on the travel portion of the highway where the minister causes signs to be erected designating the footpath or shoulder for such permitted use.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 343/77; 171/85, s. 1; 112/86, s. 1; 133/89, s. 2.]

SCHEDULE 1 – HIGHWAYS

- (1) Trans-Canada Highway #1 – from the ferry terminal at Horseshoe Bay to the north approach to the Ironworkers Memorial Second Narrows Bridge; from its intersection with Rupert Street to its junction with Route #3 in Hope; from its junction with the Coquihalla Highway (Afton Interchange) on the west approach to Kamloops to its junction with the Yellowhead Highway on the east approach to Kamloops.
- (2) Hope-Princeton Highway #3 – from its junction with the Trans-Canada Highway in Hope to its junction with the Coquihalla Highway, 7.7 km east.
- (3) Coquihalla Highway #5 – from its junction with the Hope-Princeton Highway, 7.7 km east of Hope to its junction with the Trans-Canada Highway (Afton Interchange) on the west approach to Kamloops.
- (4) Annacis Highway #91 – from its interchange with the Vancouver-Blaine Highway to the south approach to the Annacis Bridge; from the north approach

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to the Annacis Bridge to the south approach to the East Channel Bridge; from the north approach to the East Channel Bridge to the Richmond Connector.

- (5) Annacis Highway #91A – from the Richmond Connector to the south approach to the Queensborough Bridge.
- (6) Vancouver-Blaine Highway #99 – from 1st Avenue in Surrey to the south approach of the Oak Street Bridge.
- (7) Okanagan Connector Highway #97C – from its junction with Highway 5A to its junction with Okanagan Highway 97, a total distance of approximately 84 kilometres.
- (8) The Inland Island Highway 19 from Craig's Crossing south of Parksville to its intersection with Highway 19A at Willow/Tamarac in Campbell River.
- (9) Highway 19 from its North Cedar Road intersection with Trans-Canada Highway 1, south of Nanaimo, to its intersection with Highway 19A north of Nanaimo.

[en. B.C. Reg. 112/86, s. 2; am. B.C. Regs. 429/87; 468/90; 268/96, s. 1; 294/96; 270/2001, s. (a).]

Schedule 2 highways restrictions

- 19.08** Except as authorized by a permit issued by the Minister of Transportation and Infrastructure, no person, being the owner of or having control of any livestock as defined in the *Livestock Act*, shall permit the livestock to be upon any highway named in Schedule 2, except for crossing the highway from one place on a farm to another place on the same farm; but nothing in this section applies to an animal being ridden upon, led or driven in harness upon a highway.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Reg. 171/85, s. 2.]

SCHEDULE 2 – HIGHWAYS

Trans-Canada Highway 1 –

- (a) from Victoria to Nanaimo;
- (b) from Horseshoe Bay to Taylor Way in West Vancouver;
- (c) from its junction with Highway 1 at Bridal Falls to the west boundary of Yoho National Park, excluding sections through Mount Revelstoke and Glacier National Parks.

Crowsnest Highway 3 – from its junction with Trans-Canada Highway 1 at Hope via Richter Pass, Castlegar, Salmo and Creston to the Provincial Boundary at Crowsnest.

Crowsnest Highway 3A –

- (a) from its junction with Highway 3 at Keremeos to its junction with Okanagan Highway 97 at Kaleden Junction;
- (b) from its junction with Highway 3 at Castlegar via Nelson, Balfour and Kootenay Bay to its junction with Highway 3 at Creston.

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Crowsnest Highway 3B – from its junction with Highway 3 at Nancy Greene Lake via Rossland, Trail, Montrose and Fruitvale to its junction with Highway 3 at Meadows.

Okanagan Highway 97 – from the International Boundary at Oroville to its junction with Trans-Canada Highway 1 at Monte Creek.

Okanagan Highway 97A – from its junction with Okanagan Highway 97 at Swan Lake to Trans-Canada Highway 1 at Sicamous.

Okanagan Highway 97B – from its junction with Okanagan Highway 97A at Baird Pit to Trans-Canada Highway 1 at Larch Hill, near Salmon Arm.

John Hart-Peace River Highway – from Prince George to Dawson Creek.

Paterson-Rossland-Castlegar Highway 22 – from the International Boundary at Paterson via Rossland, Warfield and Trail to its junction with Highway 3 at Castlegar.

Elko-Rooseville Highway 93 – from its junction with Southern Trans-Canada Highway 3 at Elko to the International Boundary at Roosevelt.

Yahk-Kingsgate Highway 95 – from the International Boundary at Kingsgate to its junction with Southern Trans-Canada Highway 3 at Yahk.

Kootenay-Columbia Highways 95 and 93 –

- (a) from its junction with Southern Trans-Canada Highway 3 south of Fort Steele via Fort Steele and Wasa to Radium Hot Springs;
- (b) Highway 95 from Radium Hot Springs to its junction with Trans-Canada Highway 1 at Golden;
- (c) Highway 93 from Radium Hot Springs to the boundary of Kootenay National Park.

Cranbrook Junction-Wasa Highway 95A – from its junction with Southern Trans-Canada Highway 3 at Cranbrook via Kimberley to its junction with Kootenay-Columbia Highways 95 and 93 at Wasa Junction.

Nelson-Nelway Highway 6 – from the International Boundary at Nelway via Salmo to its junction with Southern Trans-Canada Highway 3A in Nelson.

Christina Lake-Laurier Highway 395 – from the International Boundary at Laurier to its junction with Southern Trans-Canada Highway 3.

Cariboo Highway 97 – from Cache Creek to Prince George.

Princeton-Kamloops Highway 5A – from Princeton to Kamloops.

Yellowhead Highway 16 – from the south boundary of the Village of Masset to the B.C. Ferries ramp at Skidegate, on the Queen Charlotte Islands; and from Prince Rupert to the Alberta Boundary.

Yellowhead South Highway 5 – from Kamloops to Tête Jaune Cache.

Hudson Hope Highway 29 – from Chetwynd to Hudson Hope to Alaska Highway.

Dawson Creek-Alberta Boundary Highway 2 – from Dawson Creek to the British Columbia-Alberta Provincial Boundary.

Dawson Creek-Spirit River (Alberta) Highway 49 – from Dawson Creek to the British Columbia-Alberta Boundary.

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Alaska Highway 97 – from Dawson Creek to Kilometre 134.5 on Alaska Highway.

Elk Valley Highway – from the north boundary of the Village of Elkford to the junction with the Southern Trans-Provincial Highway.

Highland Valley Road – from its junction with Ashcroft-Cache Creek Highway at Ashcroft to the junction with Mamit Lake Road and Meadow Creek Road at Logan Lake.

Meadow Creek Road – from its junction with Mamit Lake Road and Highland Valley Road to the junction with Lac Le Jeune Road at Lac Le Jeune.

Lac Le Jeune Road – from its junction with Meadow Creek Road to the Junction with the Trans-Canada Highway.

Highway 19 from Duke Point Ferry Terminal to its intersection with Trans-Canada Highway 1, south of Nanaimo.

Highway 29 (Don Phillips Way) – from its junction with highway 97 south of Chetwynd, being unsurveyed Crown land, Peace River District; thence in a southerly direction to the east boundary of District Lot 2704, Peace River District, a distance of 24.85 km, more or less.

Creston-Rykerts Highway No. 21 – from the Canada-United States border at Rykerts to the junction with Route 3 near Creston.

Nazko Road from its junction with Blackwater Road (km. 9.51, within D.L. 4499) to Nazko River Bridge (within D.L. 3383), a total distance of 86.26 kilometres.

Okanagan Connector Highway 97C – from its junction with Coquihalla Highway 5 to its junction with Okanagan Highway 97, a total distance of approximately 108 kilometres.

Commencing at the intersection of Highway No. 24 and Highway No. 97, thence in an easterly direction for approximately 97.3 kilometres to the intersection of Highway No. 24 and Highway No. 5.

[en. B.C. Reg. 68/71, s. 5; am. B.C. Regs. 385/73; 143/74; 338/76; 343/77; 414/77, s. 4; 512/80; 320/84; 27/85; 337/85; 113/86; 308/87; 171/89; 252/89; 468/90; 13/94; 268/96, s. 2; 270/2001, s. (b).]

Towing dolly restriction

19.09 No person shall drive or operate on a highway a motor vehicle that is towing a towing dolly unless

- (a) the wheels of the towing dolly are restrained so that they remain at all times parallel to the centreline of the towing dolly, and
- (b) where the towing dolly
 - (i) has a turntable for carrying the axle of the motor vehicle being towed, or
 - (ii) is carrying the rear axle of the motor vehicle being towed, the steering of the motor vehicle being towed is locked.

[en. B.C. Reg. 256/84, s. 11.]

Towing dolly restriction

19.10 No person shall drive or operate on a highway a motor vehicle that is towing a towing dolly if

- (a) there is fitted to the towing dolly
 - (i) an axle or axle assembly, or
 - (ii) a wheel, tire, suspension, or other hardware of an axle assembly that is designed and manufactured exclusively for use on a mobile home, or
- (b) the aggregate of the net weight of the towing dolly and the gross weight of the motor vehicle, one axle of which is being carried by the towing dolly, exceeds 2 800 kg.

[en. B.C. Reg. 256/84, s. 11.]

Overload prohibition

19.11 (1) Unless operating under the provisions of an overload permit issued under the *Commercial Transport Act*, no person shall operate or cause to be operated a vehicle that is loaded in such a manner that the gross weight carried by any axle exceeds the gross weight rating for that axle as specified by the vehicle manufacturer, or the gross vehicle weight exceeds the gross vehicle weight rating for that vehicle as specified by the vehicle manufacturer.

(2) The weight distribution of a bus shall be such that not less than 25 per cent of the gross vehicle weight is on the front axle when measured on level ground.

(3) Subsection (1) does not apply to a vehicle

- (a) manufactured before January 1, 2001, and
- (b) having a gross vehicle weight rating of 5 500 kg or less.

(4) and (5) Repealed. [B.C. Reg. 26/58, s. 19.11 (5).]

[en. B.C. Reg. 448/87, s. 3; am. B.C. Regs. 132/89; 29/97, s. 1; 40/2000, s. 1.]

Prohibition

19.12 No person shall dispense, or cause to be dispensed, any fuel into any fuel tank, container or pressure vessel that is in or on, or that forms part of the equipment of, a bus or taxi, whether for motive propulsion of the vehicle or for transport of the fuel, while any person other than the driver is inside the vehicle.

[en. B.C. Reg. 43/90.]

Registered extraprovincial non-share corporation

19.13 A registered extraprovincial non-share corporation, as defined in section 167 of the *Societies Act*, is prescribed for the purposes of section 4 (2) (c) of the Act.

[en. B.C. Reg. 211/2015, s. 24.]

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Prescribed entity

19.14 The following non-individual vehicle owners are prescribed for the purposes of section 4 (2) (c) of the Act:

- (a) a bank, as defined in paragraph (a) of the definition of “financial institution” in section 2 of the *Bank Act* (Canada);
- (b) a body corporate as defined in paragraph (b) of the definition of “financial institution” in section 2 of the *Bank Act* (Canada);
- (c) a cooperative credit society as defined in paragraph (c) of the definition of “financial institution” in section 2 of the *Bank Act* (Canada);
- (d) a foreign state;
- (e) a consular post, as defined in the Vienna Convention on Consular Relations, set out in Schedule II of the *Foreign Missions and International Organizations Act* (Canada);
- (f) an international organization that has been provided with privileges and immunities under section 5 of the *Foreign Missions and International Organizations Act* (Canada);
- (g) an office of a political subdivision of a foreign state that has been granted privileges and immunities under section 6 of the *Foreign Missions and International Organizations Act* (Canada) that have not been withdrawn.

[en. B.C. Reg. 205/96; am. B.C. Reg. 265/2006, s. 2.]

Transit bus – yield sign

19.15 (1) For the purposes of section 169.1 (1) (a) of the Act, a bus operated by or on behalf of British Columbia Transit or the South Coast British Columbia Transportation Authority, or by or on behalf of a person or municipality as part of an independent transit service, may be equipped with one or both of the following:

- (a) an illuminated yield sign that complies with section 4.27 (5) of this regulation;
- (b) a non-illuminated yield sign that complies with subsection (2) of this section.

(2) The non-illuminated yield sign referred to in subsection (1) (b) must

- (a) be in the form depicted in Schedule 3 to this Division, and
- (b) be mounted to the left side at the rear of the bus.

[en. B.C. Reg. 351/2008, Sch. s. 11.]

Use of flashing yield

19.16 The driver of a bus must not illuminate the yield sign referred to in section 19.15 (1) (a)

- (a) until the driver has, by activating the left turn signal of the bus, indicated the intention to exit a bus stop and enter the travelled portion of the highway adjacent to the bus stop, or

- (b) unless the bus he or she is driving is leaving a bus stop and entering the travelled portion of the highway adjacent to the bus stop.

[en. B.C. Reg. 351/2008, Sch. s. 11.]

SCHEDULE 3 – YIELD SIGN

[en. B.C. Reg. 351/2008, Sch. s. 12.]



DIVISION 20 – MOTOR VEHICLE DEALERS

Part 1 – Motor Vehicle Dealer Licences

20.01 to 20.30 Spent.

Part 2 – Demonstration Licences

Surrender of demonstration licences and number plates

- 20.31** If the registrar cancels all the dealer's licences held by a dealer, that dealer shall forthwith surrender any demonstration licences and corresponding number plates issued to him to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 752/75; am. B.C. Reg. 317/96, s. 1.]

Failure to surrender licences and plates

- 20.32** If a dealer fails to surrender his demonstration licences and corresponding number plates to the Insurance Corporation of British Columbia as required by section 40 (1) of the Act or section 20.31 of the regulations, the corporation may, in writing, authorize a peace officer or other person to recover possession of the demonstration licence and corresponding number plates.

[en. B.C. Reg. 752/75; am. B.C. Reg. 317/96, s. 1.]

DIVISION 21 – SHORT TERM LICENCES

21.01 Repealed. [B.C. Reg. 205/72, s. 12.]

MOTOR VEHICLE ACT REGULATIONSDivision 22 – Antique Motor Vehicles

Short term licences

- 21.02** For the purposes of section 60 (2) of the Act, any vehicle, except where licensed under section 38, 41, 42 or 44 of the Act, may be issued a license with a term of less than 12 months but not less than 3 months.

[en. B.C. Reg. 416/87; am. B.C. Reg. 4/92.]

DIVISION 22 – ANTIQUE MOTOR VEHICLES**Interpretation**

- 22.01** “Antique motor vehicle” means a motor vehicle 30 years of age or older maintained as nearly as possible with original component parts, and owned as a collector’s item and operated solely for use in exhibition or club activities, parades and other like functions, and for the purpose of obtaining vehicle repairs and for presentation of the vehicle at an approved motor vehicle inspection station, but not for use for general transportation.

[en. B.C. Reg. 55/66.]

Application for registration and licence

- 22.02** (1) The owner of an antique motor vehicle may make application to the Insurance Corporation of British Columbia for registration and licence on a form established by the corporation.
- (2) The application shall be accompanied by evidence satisfactory to the Insurance Corporation of British Columbia that shows the make, year of manufacture and vehicle identification number of the vehicle for which the application is made.

[en. B.C. Reg. 55/66; am. B.C. Regs. 317/91, s. 4; 317/96, s. 1; 195/2000, s. (b).]

Licence and number plates

- 22.03** (1) Upon receipt of the application and the evidence required by section 22.02 (2), and upon being satisfied of the truth of the facts stated in the application, and that the fee prescribed in the Motor Vehicle Fees Regulation has been paid, the Insurance Corporation of British Columbia shall cause to be issued to the owner
- (a) a numbered licence in the prescribed form, valid for as long as the vehicle is in existence and continues to be operated as an antique motor vehicle, which licence shall set out the conditions under which the issuance has been made, and
 - (b) a distinctive number plate or plates, which shall be mounted on the vehicle in accordance with the regulations.
- (2) Notwithstanding sections 3.05 and 3.09, a licence issued under subsection (1) may be transferred to a new owner of the vehicle, in accordance with section 17 of the Act, provided the new owner satisfies the Insurance Corporation of British Columbia that the vehicle will continue to be used solely as an antique motor vehicle.

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Division 22A – Collector Motor Vehicles

- (3) It is unlawful to display number plates issued under subsection (1) on a vehicle other than the vehicle to which the plates were assigned.

[en. B.C. Reg. 55/66; am. B.C. Regs. 518/81, s. 6; 419/90, s. 6; 317/91, s. 5; 317/96, s. 1.]

Restrictions

- 22.04** (1) An antique motor vehicle licensed under section 22.03 may be operated
- (a) on a highway in accordance with the conditions set out in the licence,
 - (b) only as a collector's item for transportation to and from and for use in exhibitions, club activities and other like functions,
 - (c) for the purpose of obtaining vehicle repairs and servicing, and
 - (d) for presentation of the vehicle at an approved motor vehicle inspection station.
- (1.1) An antique motor vehicle shall not be operated for the purpose of general transportation.
- (2) It is an offence against these regulations to operate an antique motor vehicle in contravention of the requirements of this Division or the conditions set out in a licence issued under section 22.03.
- (3) Unless an antique motor vehicle is equipped with lamps and reflectors that comply with the requirements of Division 4 of the regulations, the operation of the vehicle shall be confined to use during the period of 1/2 hour before sunrise to 1/2 hour after sunset.

[en. B.C. Reg. 55/66; am. B.C. Reg. 317/91, s. 6.]

DIVISION 22A – COLLECTOR MOTOR VEHICLES**Interpretation**

- 22A.01** (1) In this regulation, “**collector motor vehicle**” means a vehicle that
- (a) subject to subsection (2), is used solely for pleasure purposes and not for travel to and from work or school,
 - (b) the Insurance Corporation of British Columbia considers to be of collectible value, and
 - (c) is described in Item 1, 2, 3 or 4 of the following table:

Item	Vehicle	Requirements
1	25 year old vehicle	A vehicle that is (a) at least 25 years old, and (b) maintained or restored to a condition that conforms to the original manufacturer's specifications.

MOTOR VEHICLE ACT REGULATIONS

Division 22A – Collector Motor Vehicles

Item	Vehicle	Requirements
2	15 year old vehicle	A vehicle that is (a) at least 15 years old and (i) no longer produced, or (ii) of limited availability, and (b) maintained or restored to a condition that conforms to the original manufacturer's specifications.
3	Modified motor vehicle	A vehicle (a) that was manufactured in 1974 or earlier, (a.1) that is registered in British Columbia as a 1974 or earlier model, and (b) to which a person who is not a manufacturer of motor vehicles has done one or more of the following: (i) altered the body of the motor vehicle so that it resembles, but is no longer identical in appearance to, the original body of the motor vehicle; (ii) altered or replaced one or more of the following so that they differ from the manufacturer's available original equipment options for the model year of that motor vehicle: (A) the chassis; (B) the power train; (C) the steering and braking mechanical components.

MOTOR VEHICLE ACT REGULATIONS

Division 22A – Collector Motor Vehicles

Item	Vehicle	Requirements
4	Constructed motor vehicle	Subject to subsection (3), a vehicle that is one of the following: (a) a vehicle that (i) was manufactured in 1942 or earlier, (ii) is registered in British Columbia as a 1942 or earlier model, and (iii) had its original body replaced by a person who is not a manufacturer of motor vehicles and the replacement body resembles the original body of the motor vehicle; (b) a vehicle that is (i) constructed by a person who is not a manufacturer of motor vehicles to resemble a motor vehicle manufactured in 1942 or earlier, and (ii) registered in British Columbia as a 1942 or earlier model.

- (2) For the purposes of subsection (1) (a), use **“for pleasure purposes and not for travel to or from work or school”** includes use of a truck to carry a load for the purposes of a parade or exhibition, if the carrying of the load is not for gain.
- (3) A vehicle described in Item 4 of the table in subsection (1) may have one or more of the following altered or replaced so that they differ from the manufacturer’s available original equipment options for the model year of that motor vehicle:
- (a) the chassis;
 - (b) the power train;
 - (c) the steering and braking mechanical components.

[en. B.C. Reg. 139/2006; am. B.C. Reg. 105/2017.]

Licences established

22A.02 Licences for collector motor vehicles are established.

[en. B.C. Reg. 139/2006.]

Applications

- 22A.03** (1) An owner of a collector motor vehicle may apply for registration and a licence for the vehicle in accordance with section 3 (3) of the Act.
- (2) An application under subsection (1) must include evidence, including photographs of the vehicle, satisfactory to the Insurance Corporation of British Columbia, to establish that the vehicle meets the requirements of this Division.
- (3) An owner may not make an application under subsection (1) for a vehicle that is not fully assembled.

[en. B.C. Reg. 139/2006; am. B.C. Reg. 61/2017, Sch. s. 3.]

MOTOR VEHICLE ACT REGULATIONSDivision 23 – Traffic Control Devices

Use of licence and number plates for multiple vehicles

22A.04 A licence and distinctive number plate issued for a collector motor vehicle under this Division may, with the prior approval of the Insurance Corporation of British Columbia, be used for other collector motor vehicles owned by the holder of the licence.

[en. B.C. Reg. 139/2006.]

DIVISION 23 – TRAFFIC CONTROL DEVICES**Special interpretation**

23.01 In this Division:

“**authority**” means the Minister of Transportation and Infrastructure or the council of a municipality in which a traffic control signal system is placed, erected or maintained, and includes a person duly authorized by either of them;

“**indication**” means a signal lens display that is activated by internal illumination;

“**left turn signal control system**” means a protected left turn signal control system or a protected/permissive left turn signal control system;

“**protected left turn signal control system**” means a traffic control signal system that, by means of a steady green arrow indication, instructs a driver to turn left and then, by means of a circular yellow indication followed by a circular red indication, instructs him to stop until the next green arrow indication is displayed;

“**protected/permissive left turn signal control system**” means a traffic control signal system that, by means of a flashing green arrow indication in conjunction with a circular red or a circular green indication, instructs a driver to turn left and then, by means of a steady yellow arrow indication followed by a circular green indication, instructs him that he is permitted to turn left when it is safe to do so;

“**regulatory**” means a type of traffic sign which advises a motorist or pedestrian that certain action is required of him; disregard of such a sign constitutes an offence;

“**traffic control signal system**” means all of the equipment making up a traffic signal installation at any location, but does not include

- (a) a continuously flashing circular yellow or circular red light that is not in a traffic signal head,
- (b) a fire signal,
- (c) a lane use signal,
- (d) a temporary signal at a construction or maintenance project,
- (e) a freeway entrance ramp signal,
- (f) a signal at a swing or lift bridge or at a railway crossing, and
- (g) any other special purpose signal;

“traffic signal head” means that part of a traffic control signal system that consists of one set of no less than 3 lenses that are coloured red, yellow and green and are mounted on a frame;

“warning” means a type of traffic sign which warns a motorist that conditions on or adjacent to a highway are potentially hazardous to pedestrians or to vehicular traffic.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Reg. 426/87, s. 1.]

Schedule 1 signs authorized

23.02 All traffic signs corresponding to those depicted in Schedule 1 of this Division shall conform with respect to shape, colour, minimum dimensions, symbols, wording and reflectorization to the standard traffic signs shown and described in that schedule.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 301/86, s. 1; 39/2010, App. A, s. 1 and App. B, s. 1.]

Schedule 2 signs authorized

23.03 All traffic signs corresponding to those depicted in Schedule 2 of this Division, if erected after June 30, 1978, shall conform with respect to shape, colour, minimum dimensions, symbols, wording and reflectorization to the standard traffic signs shown and described in Schedule 2.

[en. B. C. Reg. 598/77, s. 1; am. B.C. Reg. 301/86, s. 1.]

23.04 Repealed. [B.C. Reg. 531/2004, s. 1.]

Traffic sign meanings

23.05 All traffic signs depicted in Schedules 1 and 2 shall have the titles and meanings accompanying each sign illustration or group of illustrations. The words “regulatory” and “warning” following the title of a sign or group of signs in a schedule designates the sign type.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 531/2004, s. 2; 39/2010, App. A, s. 2 and App. B, s. 2.]

Non-schedule signs

23.06 All regulatory or warning signs, other than those depicted in Schedules 1 and 2 shall conform in design and colour with regulatory or warning signs of similar functional type shown in those schedules.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 531/2004, s. 3; 39/2010, App. A, s. 3 and App. B, s. 3.]

Sign dimensions

23.07 Sign dimensions, as shown in Schedules 1 and 2, are the minimum dimensions that may be used. If a larger sign is used, it shall have the same proportionate shape as its minimum. For diamond shaped and triangular shaped signs, the dimensions are for the sign sides, not the diameters. Dimensions specified for any other sign shape are for the horizontal diameter followed by the vertical diameter.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 531/2004, s. 2; 39/2010, App. A, s. 4 and App. B, s. 4.]

MOTOR VEHICLE ACT REGULATIONSDivision 23 – Traffic Control Devices

Substitution

23.08 Wherever the word “reflectorized” is used in Schedules 1 and 2, the word “illuminated” may be substituted.

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 531/2004, s. 2; 39/2010, App. A, s. 4 and App. B, s. 4.]

Traffic signals

23.09 (1) An electrically operated traffic control signal system by which traffic is directed to stop and to proceed shall

(a) consist of traffic signal heads containing one circular red indication and one circular yellow indication, and may be in combination with one or more of the following:

- (i) a circular green indication;
- (ii) one or more green arrow indications;
- (iii) one yellow arrow indication;
- (iv) one white rectangle indication,

and more than one indication may be illuminated at the same time,

(b) have the lenses of the traffic signal heads vertically arranged in the following order from top to bottom:

white rectangle;
circular red;
circular yellow;
circular green;
straight through green arrow;
left turn yellow arrow;
left turn green arrow;
right turn yellow arrow;
right turn green arrow, and

(c) have at least 2 traffic signal heads for each approach direction located as follows:

- (i) for traffic control signal systems except left turn signal control systems,
 - (A) one traffic control signal head shall be suspended on the far side of each intersection over the right side of the roadway, and
 - (B) the other traffic signal head shall be located either on the far left side of each intersection or, where there is a protected left turn signal control system at that location, on the far right side of the intersection, adjacent to and clear of the roadway;
- (ii) for protected/permissive left turn signal control systems,

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- (A) one traffic signal head shall be suspended on the far side of each intersection over the furthest left lane on the right side of the roadway, and
 - (B) the other traffic signal head shall be located on the far left side of each intersection adjacent to and clear of the roadway;
- (iii) for protected left turn signal control systems,
 - (A) one traffic signal head shall be located on the far side of each intersection, either on the median island or suspended over the opposing left turn lane, and
 - (B) the other traffic signal head shall be located on the far left side of each intersection adjacent to and clear of the roadway.
- (2) For the purpose of subsection (1) (c), the lowest part of a traffic signal head shall be
 - (a) not less than 4.75 m nor more than 6.0 m above the roadway, if the traffic signal head is suspended, and
 - (b) not less than 1.25 m nor more than 4.75 m above the roadway, if the traffic signal head is located adjacent to and clear of the roadway.
- (3) Where a pedestrian signal head is installed, it shall
 - (a) contain square or rectangular lenses with white or orange written or symbolic messages, white indicating a “walk” message and orange indicating a “don’t walk” message,
 - (b) be located at the end of the crosswalk with the lowest part of the pedestrian signal head not less than 2.5 m nor more than 3 m above the roadway, and
 - (c) be separated laterally from traffic signal heads pointing in the same direction.
- (4) Repealed. [B.C. Reg. 241/88, s. 1.]
[en. B.C. Reg. 426/87, s. 2; am. B.C. Regs. 241/88, s. 1; 147/94.]

Electrically operated control signal

23.10 Where an electrically operated traffic control signal installation is installed at a location other than a simple intersection, the arrangement of the signal heads shall comply as nearly as possible with the provisions of this regulation.

[en. B.C. Reg. 598/77, s. 1.]

Protected/permissive left turn signal

23.11 An authority must not install

- (a) a traffic control system that does not comply with section 23.09 or 23.10, or
- (b) a protected/permissive left turn signal control system that does not display a steady left turn yellow arrow, or a circular yellow, indication immediately after a left turn green arrow indication, except in railway pre-emption clearance where the green arrow is used to clear vehicles from the railway

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tracks, in which case the green arrow may be followed by a circular yellow indication.

[en. B.C. Reg. 29/98.]

Traffic sign changes

23.12 (1) If a warning or regulatory sign is erected by an authority, the authority may substitute another weight, speed, distance or time for the weight, speed, distance or time set out in Schedule 1 or 2 in respect of that sign and the sign erected with this change is valid for the purpose of that Schedule.

(2) Subsection (1) does not apply to the following signs:

- (a) Maximum Speed When Approaching or Passing Neighbourhood Golf Carts (Regulatory);
- (b) 30 Kilometres Per Hour Tab (Regulatory).

[en. B.C. Reg. 113/2017, s. 1.]

SCHEDULE 1

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 301/86, s. 3; 443/88, s. 1; 55/89; 7/90; 72/90, s. 2; 35/92; 287/93, s. 2; 230/94; 12/95; 16/96; 6/2001, ss. 2 to 10; 90/2001; 319/2003, App. s. 1; 57/2006; 64/2016, s. 1; 125/2016; 113/2017, s. 2.]

Note: For any of the following signs displaying a maximum speed, the abbreviation “km/h” is optional and may, but need not, appear either on the sign itself or on a tab as shown and described below.



60 x 60 cm

STOP (Regulatory)

Come to a complete stop and only proceed when it is safe to do so.

Colour: White on red, fully reflectorized.



40 x 40 cm

STOP TRAFFIC CONTROL PADDLE (Regulatory)

Come to a complete stop and only proceed when directed by the sign operator.

Colour: White on red, fully reflectorized.

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40 x 40 cm

SLOW TRAFFIC CONTROL PADDLE (Warning)

Proceed slowly until clear of caution area.

Colour: Black on yellow, reflectorized background.

75 x 75 x 75 cm

YIELD (Regulatory)

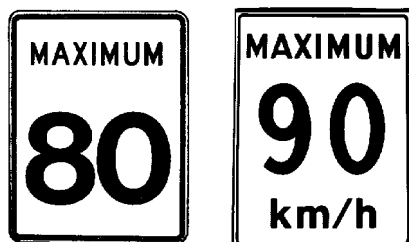
Yield the right of way to all other traffic, stopping if necessary.

Colour: White inner triangle and border on red background, fully reflectorized.

90 x 120 cm

YIELD TO ONCOMING TRAFFIC (Regulatory)

This sign indicates a single lane situation. Yield to all oncoming traffic, stopping if necessary.

Colour: Black and red on white. Red and white reflectorized.

60 x 75 cm

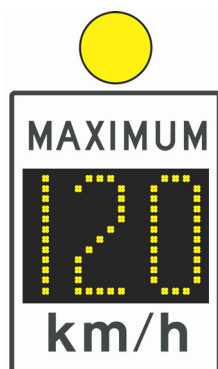
MAXIMUM SPEED (Regulatory)

This sign indicates the maximum speed permitted, in kilometres per hour, under ideal conditions.

Colour: Black on white reflectorized background.

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90 x 120 cm

MAXIMUM SPEED (Regulatory) – electronic variable speed limit sign

This sign indicates the maximum speed permitted, in kilometres per hour, under current conditions.

Colour: Amber or white numerals on black electronic display on white reflectorized background, or black numerals on white electronic display on white reflectorized background.

Flashing amber light: Where an amber light is affixed to the top or the bottom of the sign, a flashing amber light indicates that the maximum speed indicated on the sign is lower than the maximum speed previously in effect.



60 x 75 cm

MAXIMUM SPEED AHEAD

This sign gives information of lower maximum speed ahead.

Colour: Black on white reflectorized background.



60 x 75 cm

MAXIMUM SPEED UNLESS OTHERWISE POSTED (Regulatory)

This sign displayed at the boundary of a geographical area indicates the maximum speed, in kilometres per hour, permitted in that area unless there is another sign in place showing another maximum speed.

Colour: Black on white reflectorized background.

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60 x 75 cm

MAXIMUM SPEED WHEN APPROACHING OR PASSING NEIGHBOURHOOD GOLF CARTS

(Regulatory)

This sign is for use in a designated municipality as defined in section 24.211. This sign establishes a maximum speed of 30 km/h that must be observed by a motor vehicle on a highway that approaches or passes a neighbourhood golf cart, as defined in section 24.211, that is using the highway.

The maximum speed of 30 km/h does not apply if the motor vehicle is approaching or passing a neighbourhood golf cart that is

- (a) safely parked off the roadway, or
- (b) lawfully parked on the roadway and is not impeding traffic.

This sign may be erected on its own or be used below signs indicating that the operation of neighbourhood golf carts is allowed.

Colour: Black on white reflectorized background.



45 x 90 cm

CREW WORKING MAXIMUM SPEED (Regulatory)

This sign creates a temporary speed zone and indicates the maximum speed permitted of 30, 40, 50 or 70 kilometres per hour.

Colour: Top: Black on orange. Bottom: Black on white. Background reflectorized.



45 x 90 cm

SURVEY CREW MAXIMUM SPEED (Regulatory)

This sign creates a temporary speed zone and indicates the maximum speed permitted of 30, 40, 50 or 70 kilometres per hour.

Colour: Top: Black on orange. Bottom: Black on white. Background reflectorized.

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45 x 90 cm

RESUME SPEED

This sign indicates the end of a temporary speed zone.

Colour: Black on white reflectorized background.

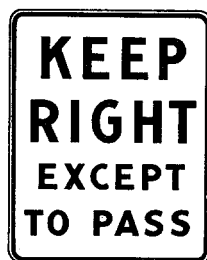


60 x 30 cm

KILOMETRES PER HOUR (km/h) TAB (Regulatory)

This tab is optional and may, but need not, be used under any of the foregoing signs displaying a maximum speed to indicate that speeds shown on the signs are in kilometres per hour.

Colour: Black on white reflectorized background.



60 x 75 cm

KEEP RIGHT EXCEPT TO PASS (Regulatory)

Vehicles must be driven in the right hand lane except when legally passing and overtaking other vehicles.

Colour: Black on white reflectorized background.



60 x 75 cm

SLOWER TRAFFIC KEEP RIGHT (Regulatory)

Vehicles proceeding at less than the normal speed of traffic must use the right hand lane.

Colour: Black on white reflectorized background.

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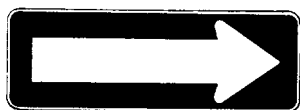


60 x 75 cm

VEHICLES INCAPABLE OF MAINTAINING 60 km/h ON FREEWAY PROHIBITED (Regulatory)

Certain vehicles, as specified on the sign, that are incapable of maintaining the indicated speed limit are prohibited on the roadway when this sign is displayed.

Colour: Black on white reflectorized background.

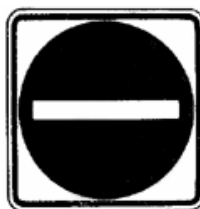


90 x 30 cm

ONE WAY (Regulatory)

This sign identifies a highway upon which traffic is allowed to travel only in the direction indicated by the arrow. "ONE WAY" text may be displayed within the arrow on the sign.

Colour: White reflectorized arrow and border on black background.



60 x 60 cm

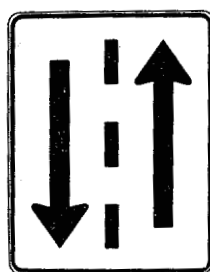


60 x 60 cm

DO NOT ENTER (Regulatory)

Vehicles must not enter a highway marked by this sign. "DO NOT ENTER" text may be displayed within the red disc on the sign.

Colour: White background and horizontal bar, red disc and black border. Red and white reflectorized.



60 x 75 cm

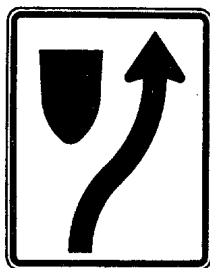
TWO WAY TRAFFIC (Regulatory)

This sign indicates a 2 lane 2 way highway on which vehicles for each direction must proceed in their right hand lane unless legally overtaking and passing other vehicles.

Colour: Black on white reflectorized background.

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60 x 75 cm

KEEP RIGHT (Regulatory)

Vehicles must keep to the right of any object upon which this sign is erected.

Colour: Black on white reflectorized background.



45 x 90 cm

NO TURN ON RED (Regulatory)

When this sign is displayed near a traffic signal, vehicles must not make a turn on a red signal. The right or left turn restriction may be displayed. A tab may be used below this sign to indicate time of day and days of week the restriction is in effect.

Colour: Black and red on white reflectorized background.



60 x 60 cm

NO BICYCLES (Regulatory)

This sign means bicycle riding is prohibited beyond this point.

Colour: Black and red on white reflectorized background.



60 x 60 cm

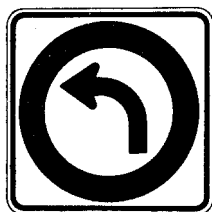
NO PASSING (Regulatory)

Vehicles are prohibited from passing. This sign may be supplemented with a tab below it reading “PASSING PROHIBITED”.

Colour: Black and red on white reflectorized background.

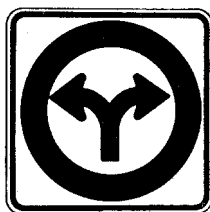
TURN CONTROL SIGNS (Regulatory)

The following 4 signs each mean that all vehicles are restricted to making only the movement or movements permitted by the sign.



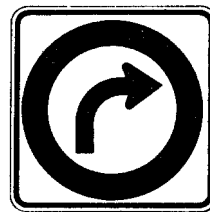
60 x 60 cm

Left Turn Only



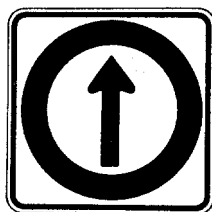
60 x 60 cm

Left or Right Turn Only



60 x 60 cm

Right Turn Only



60 x 60 cm

No Turns – Through Only

Colour: The 3 signs above and the one to the left have green rings, black arrows and borders on white backgrounds. White and green reflectorized.

The following 3 signs each mean that all vehicles are not allowed to make the movement prohibited by the sign:



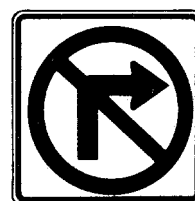
60 x 60 cm

No Left Turn



60 x 60 cm

No U Turn



60 x 60 cm

No Right Turn

Colour: The 3 signs above have red rings and diagonal bars, black arrows and borders on white backgrounds. Red and white reflectorized.

Conditional tabs may be used indicating the times and days of the week the control is in effect and what vehicle types are exempt. For example:

4:00–6:00 p.m. Mon.–Fri.

OR

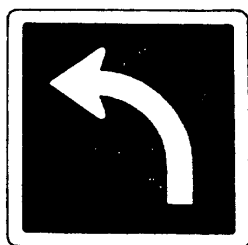
Buses Exempt.

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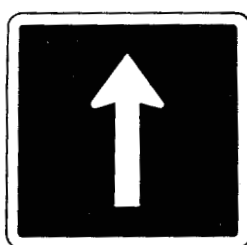
LANE USE SIGNS (Regulatory)

The following 5 signs each mean that all vehicles within a traffic lane, over which any of these signs is suspended, must make only the movement or movements indicated on the sign when arriving at the next intersection:



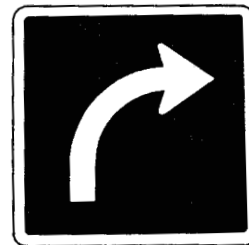
75 x 75 cm

This Lane Turn Left



75 x 75 cm

This Lane Through



75 x 75 cm

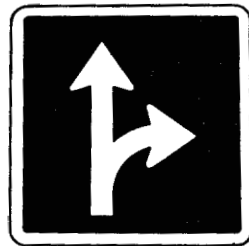
This Lane Turn Right



75 x 75 cm

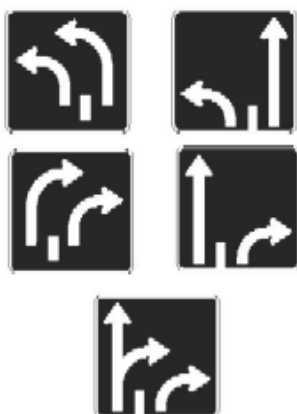
This Lane Through or Turn Left

Colour: White reflectorized arrows and borders on black backgrounds.



75 x 75 cm

This Lane Through or Turn Right



60 x 60 cm

LANE USE SIGNS (Regulatory)

These signs, when erected on the shoulder of the road, indicate the mandatory lane use arrangement at the next intersection.

Colour: White reflectorized arrows and borders on black backgrounds.

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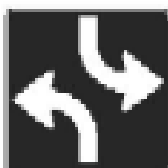
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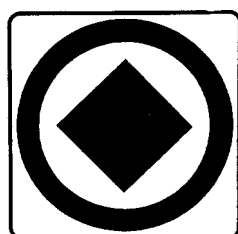
60 x 75 cm

These signs, when erected over or prior to a 2-way left turn lane, indicate that the lane is subject to two way traffic for the purpose of accessing properties along that segment of road.

Colour: White reflectorized arrows and borders on black backgrounds.



60 x 60 cm

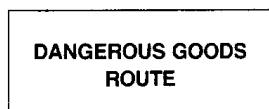


60 x 60 cm

DANGEROUS GOODS ROUTE SIGN (Regulatory)

This sign indicates that vehicles transporting dangerous goods as defined in the *Transport of Dangerous Goods Act* are permitted to travel along a street or highway.

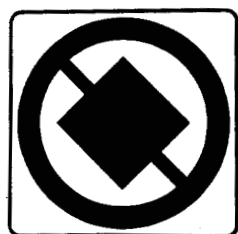
Colour: White background, green circle, black centre diamond and border. White and green reflectorized.



60 x 30 cm

This tab may be used for an educational period.

Colour: Black on white reflectorized background.



60 x 60 cm

DANGEROUS GOODS PROHIBITION SIGN (Regulatory)

This sign indicates that vehicles transporting dangerous goods as defined in the *Transport of Dangerous Goods Act* are prohibited from travelling upon a street or highway.

Colour: White background, red circle and centre slash, black centre diamond and border. White and red reflectorized.

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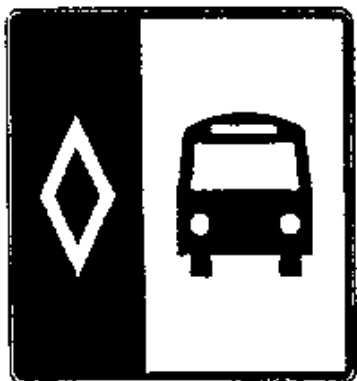


60 x 30 cm

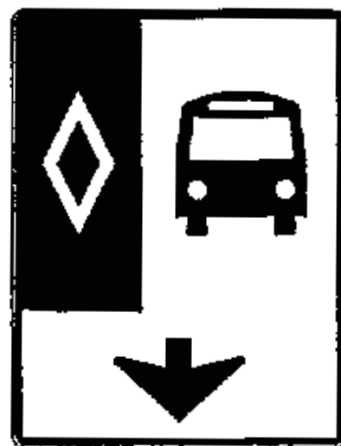
This tab may be used for an educational period.

Colour: Black on white reflectorized background.**BUS LANE SIGNS** (Regulatory)

The following are 4 examples of signs which, when any of them are erected over or adjacent to a traffic lane, mean the lane so signed and indicated is reserved for the exclusive use of buses:

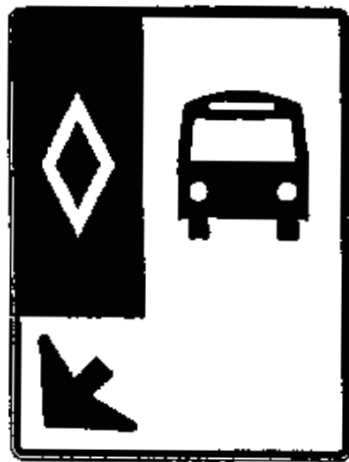


90 x 90 cm

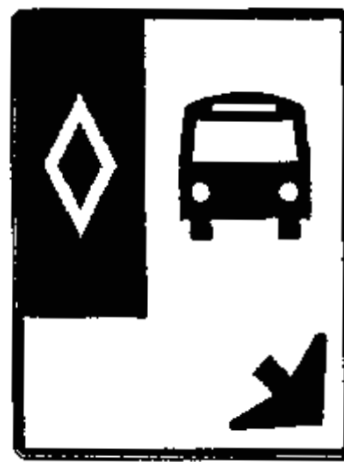
**BUSES ONLY
(IN ADVANCE OR END)**

90 x 120 cm

BUSES ONLY THIS LANE



90 x 120 cm
BUSES ONLY IN
LANE TO LEFT



90 x 120 cm
BUSES ONLY IN
LANE TO RIGHT

Colour: Black on white reflectorized background. White reflectorized diamond on black background.
Any of these signs may be modified by the addition of times and days during which the bus lane regulations are applicable.



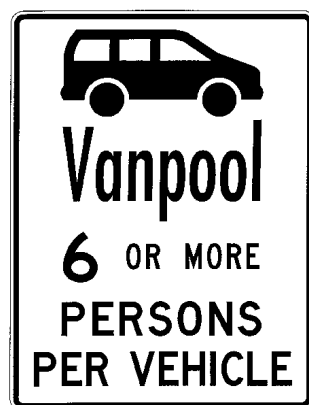
90 x 30 cm

This tab may be used above or below any bus lane sign for an educational period.

Colour: Black on white reflectorized background.

Tabs measuring 90 cm x 30 cm and bearing supplemental messages such as "AHEAD", "BEGINS", "ENDS", "LEFT LANE", "RIGHT LANE", etc., may be added above or below any bus lane sign.

Colour: Black on white reflectorized background.



90 x 120 cm

VANPOOL (Regulatory)

This sign, when erected in advance of a traffic lane, indicates the required occupancy in order for a vehicle, other than a bus, to use that lane.

Colour: Black on white reflectorized background.

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75 x 75 cm



90 x 40 cm

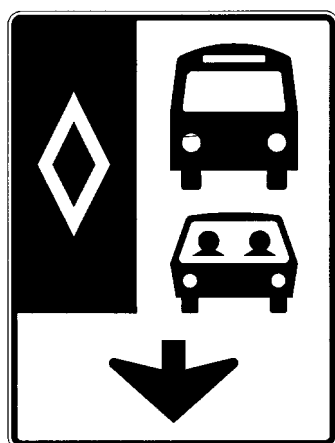
VANPOOL (Regulatory)

These signs, when erected over or adjacent to a traffic lane, indicate that vanpool vehicles are permitted to use that lane.

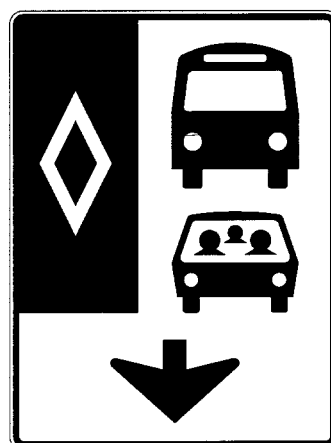
Colour: Black on white reflectorized background.
White reflectorized diamond on black background.

HIGH OCCUPANCY VEHICLE LANE SIGNS (Regulatory)

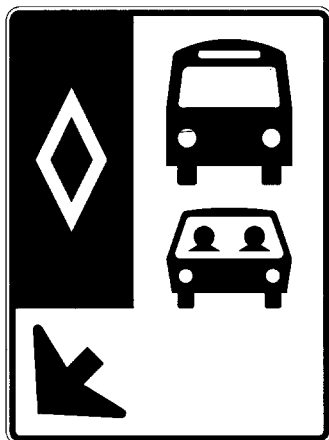
The following are 8 examples of signs which, when any of them are erected over or adjacent to a traffic lane, mean the lane so signed and indicated is reserved for the exclusive use of high occupancy vehicles and other permitted vehicles.



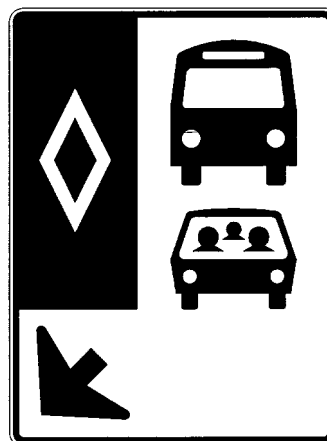
R-211 D
90 x 120 cm



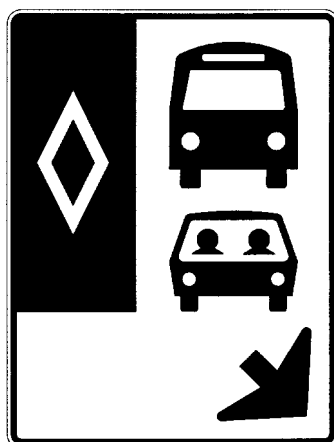
R-211 D (3)
90 x 120 cm



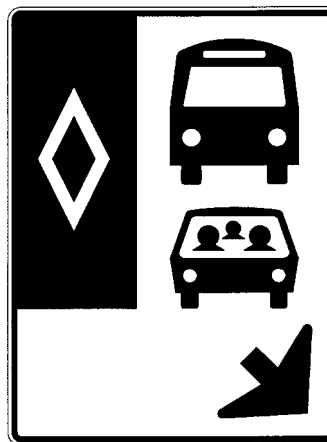
R-211 L
90 x 120 cm



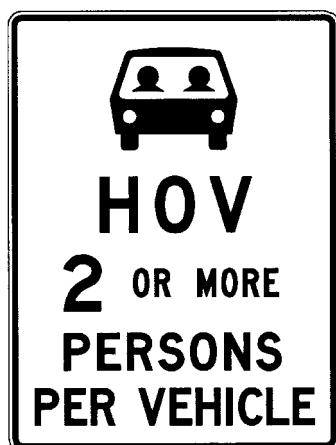
R-211 L (3)
90 x 120 cm



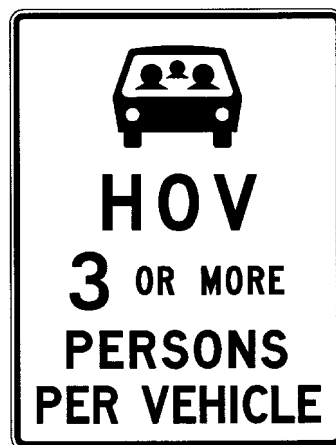
R-211 R
90 x 120 cm



R-211 R (3)
90 x 120 cm



R-240
90 x 120 cm



R-240 (3)
90 x 120 cm

Colour: Black on white reflectorized background. White reflectorized diamond on black background.
Any of these signs may be modified by the addition of times and days during which the high occupancy vehicle lane regulations are applicable.



R-226
90 x 30 cm

This tab may be used above or below any high occupancy vehicle lane sign for an educational period.

Colour: Black on white reflectorized background.

Tabs measuring 90 cm x 30 cm and bearing supplemental messages such as “AHEAD”, “BEGINS”, “ENDS”, “LEFT LANE”, “RIGHT LANE”, etc. may be added above or below any high occupancy vehicle lane sign.

Colour: Black on white reflectorized background.

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60 x 60 cm



60 x 60 cm



60 x 60 cm



60 x 60 cm

TRUCK SIGNS (Regulatory)

These signs indicate that trucks, defined as “commercial vehicles” in the *Commercial Transport Act*, are either permitted (green circle) or prohibited (red circle with diagonal line). Arrow tabs or text identifying the lanes may be used below these signs to indicate truck routes or lane designations. The truck symbol may be combined within any sign to convey information or regulation that pertains to truck traffic only. Conditional tabs may be added below these signs to specify vehicle types, time of day, day of week or Gross Vehicle Weight limits.

Colour: Black and red or green on white reflectorized background.

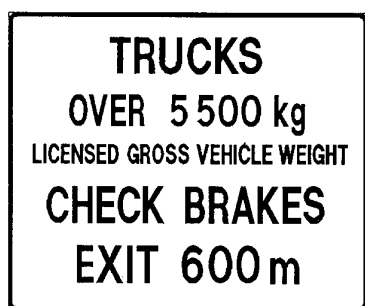
BUS SIGNS (Regulatory)

These signs indicate that buses are either permitted (green circle) or prohibited (red circle with diagonal line). Arrow tabs or text identifying the lanes may be used below these signs to indicate bus routes or lane designations. The bus symbol may be combined within any sign to convey information or regulation that pertains to bus traffic only. Conditional tabs may be added below these signs to specify vehicle types, time of day, day of week or Gross Vehicle Weight limits.

Colour: Black and red or green on white reflectorized background.

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120 x 100 cm



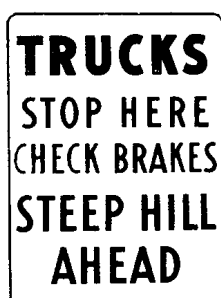
120 x 90 cm

TRUCK BRAKE CHECK

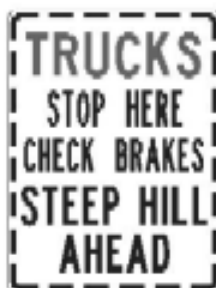
(Regulatory)

This sign mandates trucks to enter a brake check area to inspect brake systems. Signs may be displayed with or without a dashed border.

Colour: Black on white reflectorized background.



90 x 120 cm



90 x 120 cm

TRUCKS STOP HERE CHECK BRAKES

(Regulatory)

This sign is used in brake check areas to instruct truck drivers to inspect brake systems. Signs may be displayed with or without a dashed border.

Colour: Black (“TRUCKS” in red or black) on white reflectorized background.



60 x 60 cm

PEDESTRIAN (Warning)

Pedestrians may be walking along or crossing the highway at any time.

Colour: Black on yellow reflectorized background.



60 x 60 cm

SCHOOL AREA (Warning)

This sign indicates there is a school nearby and school children may be present near or on the roadway.

Colour: Black on fluorescent yellow-green background.

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60 x 60 cm

SCHOOL CROSSWALK AHEAD (Warning)

This sign warns that school children may be crossing the highway in a crosswalk ahead.

Colour: Black on fluorescent yellow-green background.

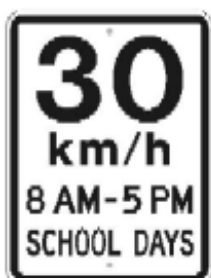


60 x 60 cm

PLAYGROUND AREA (Warning)

A playground area is located nearby. Children may be walking along or crossing over the highway.

Colour: Black on yellow reflectorized background.



45 x 60 cm

30 KILOMETRES PER HOUR TAB

(Regulatory)

When used below the "School Area (Warning)" sign this tab establishes a maximum speed zone of 30 kilometres per hour on school days between 8 a.m. and 5 p.m. or as otherwise specified. This tab may be amended with the text "8AM – 5PM SCHOOL DAYS" or other times in place of "8AM – 5PM" as specified. A period of time otherwise specified must not commence later than 8 a.m. or end earlier than 5 p.m.



45 x 45 cm

When used below the "Playground Area (Warning)" sign the tab establishes a 30 kilometre per hour zone from dawn to dusk daily.

In both cases, the back of the sign assembly for the opposite direction of travel terminates the 30 km/h speed zone.

Colour: Black on white background.



60 x 60 cm

50 KILOMETRES PER HOUR WHEN CHILDREN ON HIGHWAY TAB (Regulatory)

When used below the “School Area (Warning)” sign this tab establishes a maximum speed zone which must be observed whenever a child or children are on the travelled roadway or the shoulders, between 8:00 a.m. and 5:00 p.m. on school days, or other times as specified by additional tab. When used below the “Playground Area (Warning)” sign this tab establishes a maximum speed zone which must be observed whenever a child or children are on the travelled roadway or the shoulders, from dawn to dusk. In either case, the back of the sign assembly erected for the opposite direction of travel designates the end of the restricted zone. The symbol “km/h” placed on the tab, or on a separate tab mounted below, indicates that the maximum speed shown is in kilometres per hour.

Colour: Black on white reflectorized background.



60 x 75 cm



60 x 75 cm

PEDESTRIAN CROSSWALK (Regulatory)

These signs mark the site of a pedestrian crosswalk. Motorists are required to yield the right of way to pedestrians within the crosswalk in accordance with the law.

The pedestrian symbols on the signs shall be oriented to face toward the centre of the roadway. The motorist will face one sign on the right side or over the roadway and one sign on the left side or over the roadway.

Colour: Black on white reflectorized background.



60 x 75 cm



60 x 75 cm

SCHOOL CROSSWALK (Regulatory)

These signs mark the site of a school crosswalk. Motorists are required to yield the right of way to pedestrians within the crosswalk in accordance with the law. The school children symbols on the signs shall be oriented to face toward the centre of the roadway. The motorist will face one sign on the right side or over the roadway and one sign on the left side or over the roadway.

Colour: Black on white reflectorized background.

MOTOR VEHICLE ACT REGULATIONS

Division 23 – Traffic Control Devices



60 x 75 cm (Sign)
20 cm (Lens)
(Right Side)



60 x 75 cm (Sign)
20 cm (Lens)
(Left Side)



45 x 60 cm



90 x 120 cm

SPECIAL PEDESTRIAN CROSSWALK

(Regulatory)

These signs mark the site of a pedestrian crosswalk. Motorists are required to yield the right of way to pedestrians within the crosswalk in accordance with the law.

Two signs are to be mounted overhead per approach with each pedestrian symbol oriented to face toward the centre of the roadway. One sign shall be located over the right side of the roadway and the other sign shall be located over the left side of the roadway.

Each overhead sign shall contain internal illumination, down lighting for the crosswalk area, and one flashing yellow beacon.

The two flashing yellow beacons per approach shall flash alternately and be pedestrian activated.

Colour: White symbol and border on black background.

WALK ON LEFT FACING TRAFFIC

(Regulatory)

This sign indicates that pedestrians must walk on the extreme left hand side of the left highway shoulder.

Colour: Black on white background.

DO NOT PASS SCHOOL BUS WHEN RED LIGHTS ARE FLASHING (Regulatory)

This sign indicates that it is illegal to pass, in either direction, a stopped school bus upon which red lights are flashing alternately.

Colour: Black on white except lights are red and bus is yellow. Red, yellow and white reflectorized.

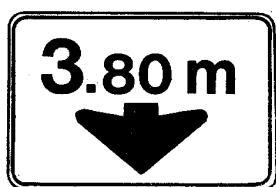


75 x 75 cm

ADVANCE LOW CLEARANCE (Warning)

This sign warns of a low overhead clearance and shows the height in metres from the roadway surface to the overhead obstruction.

Colour: Black on yellow reflectorized background.



90 x 60 cm

LOW CLEARANCE (Warning)

This sign is placed on an overhead obstruction to indicate the height in metres from the road surface to the obstruction.

Colour: Black on yellow reflectorized background.

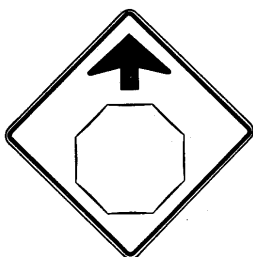


45 x 45 cm

ADVISORY SPEED TAB (Warning)

This sign is displayed below warning signs to indicate the safe speed in kilometres per hour at which it is advisable to proceed under normal driving conditions.

Colour: Black on yellow reflectorized background.

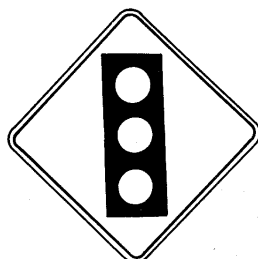


75 x 75 cm

STOP AHEAD (Warning)

This sign warns of a stop ahead.

Colour: Red octagon, black arrow and border on yellow background. Red and yellow reflectorized.



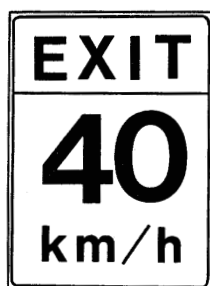
75 x 75 cm

SIGNALS AHEAD (Warning)

This sign warns of traffic signal lights ahead.

Colour: Red, yellow and green discs (top to bottom) in black vertical rectangle. Black border and yellow background. Red, yellow and green reflectorized.

MOTOR VEHICLE ACT REGULATIONSDivision 23 – Traffic Control Devices



90 x 120 cm

ADVISORY EXIT SPEED (Warning)

This sign indicates the speed, in kilometres per hour, at which it is advisable to proceed along an exit ramp, under normal conditions, after leaving a freeway roadway.

Colour: Black on yellow reflectorized background.

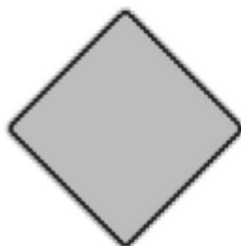


240 x 120 cm

VEHICLES OVER 5 500 kg REPORT TO SCALE (Regulatory)

This sign mandates commercial vehicles to report to the upcoming weigh scale if it is open. The vehicle weight indicated on the sign may be varied to suit conditions.

Colour: black on white reflectorized background.



60 x 60 cm

WARNING SIGNS

Warning signs have black messages on a diamond shaped, yellow reflectorized background. The minimum size for warning signs is 60 cm x 60 cm.

MOTOR VEHICLE ACT REGULATIONS

Division 23 – Traffic Control Devices

SCHEDULE 2

[en. B.C. Reg. 598/77, s. 1; am. B.C. Regs. 443/88, s. 2; 234/2016, s. 1.]



30 x 30 cm

NO STOPPING ANY TIME (Regulatory)

Vehicles must not be stopped at any time in a zone marked by signs of this type. Arrows indicate directions in which the zone applies.

Colour: Black stop symbol and arrows, red ring and diagonal bar on white background. Red and white reflectorized.



30 x 45 cm

NO STOPPING (Specified periods) (Regulatory)

Vehicles must not be stopped in a zone marked by signs of this type on the days and during the periods specified on the signs. Arrows indicate directions in which the zone applies.

Colour: Black stop symbol, arrows, numerals and letters, red ring and diagonal stroke on white background. Red and white reflectorized.



30 x 30 cm

NO PARKING ANY TIME (Regulatory)

Vehicles must not be parked at any time in a zone marked by signs of this type. Arrows indicate directions in which the zone applies.

Colour: Black letter and arrows, red ring and diagonal stroke on white background. Red and white reflectorized.



30 x 45 cm

NO PARKING (Specified periods) (Regulatory)

Vehicles must not be parked in a zone marked by signs of this type on the days and during the periods specified on the signs. Arrows indicate directions in which the zone applies.

Colour: Black arrows, letters and numerals; red ring and diagonal stroke on white background. Red and white reflectorized.

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30 x 45 cm

PARKING PERMITTED (Specified periods) (Regulatory)

Vehicles may be parked in a zone marked by signs of this type for a period not exceeding the number of minutes or hours specified on the signs. Such restriction is only in effect on the days and during the periods also specified. Arrows indicate the direction in which the zone applies.

Colour: Black arrows, letters and numerals and green ring on white background. Green and white reflectorized.



30 x 60 cm

DISABLED PARKING (Regulatory)

Only vehicles transporting or driven by a person with disabilities may park in parking spaces which display this sign.

Colour: White background throughout, red top circle and centre slash, black centre "P", green bottom circle, black centre symbol, black arrows and black border. White, red and green reflectorized.

If any signs in this schedule are so located that they are adequately illuminated during the hours of darkness by street lighting or other similar light sources, then the requirement for reflectorization may be waived.

SCHEDULE 3

Repealed. [B.C. Reg. 531/2004, s. 5.]

SCHEDULE 4

Spent.

SCHEDULE 5

Repealed. [B.C. Reg. 39/2010, App. B, s. 6.]

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

**DIVISION 24 – VEHICLES OF UNUSUAL SIZE,
WEIGHT OR OPERATING CHARACTERISTICS****Part 1 – Interpretation****Definitions and interpretation****24.01** (1) In this Division:**“beverage cart”** means a motor vehicle that,

(a) at the time it was manufactured, was not designed to conform to the standards prescribed by the *Motor Vehicle Safety Act* (Canada) for motor vehicles designed for highway use, and

(b) is designed or adapted for the purpose of serving food or beverages, or both;

“designated area” means private property, a parking lot, a campground, an airport, a ferry terminal, a golf course or a marina;**“forklift”** means a motor vehicle with one or more prongs or any similar mechanism for hoisting a load;**“gold rush snowmobile trail highway traverse”** means that portion of a highway that is traversed by the Gold Rush Snowmobile Trail;**“limited access island”** means an island that is not accessible by scheduled vehicle ferry service or by bridge;**“miniature motor vehicle”** means

(a) a motorized go-cart, skateboard or similar wheeled toy vehicle, or

(b) a motorcycle that has

(i) a wheel rim diameter of less than 250 mm,

(ii) a wheel base of less than 1 016 mm when measured from the centre of one axle to the centre of the other axle, or

(iii) a seat height, when the vehicle is unladen, of less than 650 mm;

“operation permit” means a permit issued in accordance with section 24.09;**“public works”** means operation of a motor vehicle owned, leased or rented by the Province, a municipality, a regional district, a transportation authority, a health authority or a school district for maintenance, landscaping or industrial purposes;**“travelled portion of a highway”** means the area of a highway that has a prepared surface for vehicle operation, including the shoulder;**“vessel”** means a boat, canoe, kayak or other craft used, or capable of being used, for navigation on water;**“worksite”** means the specific location where the tools, supplies or equipment carried on or in a motor vehicle are being used, or where a utility vehicle or

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

mobile equipment is being used for its utility purpose unrelated to the transportation of people or property.

- (2) The following classes of motor vehicles are prescribed for the purpose of section 3.1 (1) (c) of the Act:
- (a) beverage carts that are
 - (i) owned or leased by an owner or operator of a golf course, and
 - (ii) used or operated for the purpose of offering food or beverages, or both, on the golf course;
 - (b) miniature motor vehicles.
- (3) For the purposes of paragraph (c) of the definition of “mobile equipment” in section 1 of the Act, the following classes of devices are prescribed:
- (a) boat haulers designed and used for the primary purpose of lifting or hoisting vessels;
 - (b) devices that are
 - (i) operated by remote control, and
 - (ii) not designed and used to carry a person.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Regs. 128/2012, Sch. s. 3; 65/2017.]

Part 2 – Operation on a Highway

General restrictions and conditions

- 24.02** (1) A person must not use or operate any of the following motor vehicles on a highway except as otherwise authorized by this Division:
- (a) an air cushion vehicle;
 - (b) a golf cart;
 - (c) a neighbourhood zero emission vehicle;
 - (d) a snow vehicle;
 - (e) a snowmobile;
 - (f) a utility vehicle;
 - (g) a beverage cart;
 - (h) a miniature motor vehicle.
- (2) A person must not use or operate a miniature motor vehicle on a highway except on a route that has been designated as a parade route by a local or provincial government authority.
- (2.1) A beverage cart described in section 24.01 (2) (a) must not be used or operated on a highway unless it is used or operated only
- (a) on a parking lot or driveway of a golf course, or
 - (b) to cross a highway that intersects a golf course, for the purpose of travelling from one part of the golf course to another part of the same golf course.

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

- (3) Subject to subsection (3.1), a motor vehicle described in subsection (1) must not be used or operated on a highway unless the owner of the vehicle has
 - (a) registered and licensed the vehicle under the *Motor Vehicle Act* or *Commercial Transport Act*, and
 - (b) obtained for the vehicle an owner's certificate under the *Insurance (Vehicle) Act*.
- (3.1) Subsection (3) of this section does not apply to any vehicle to which section 3.1 of the Act applies.
- (4) A motor vehicle being used or operated on a highway as authorized by this Division must conform to the requirements set out in Part 3 of this Division.
[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. ss. 4 to 6.]

Liability insurance for exempt vehicles

- 24.02.01** (1) In this section, “**third party liability insurance coverage**” has the same meaning as in the *Insurance (Vehicle) Act*.
- (2) The owner or lessee of a vehicle to which section 3.1 of the Act applies must have third party liability insurance coverage that provides indemnity against liability imposed by law arising from bodily injury to or the death of a person, or loss of or damage to property, caused by or arising out of the use or operation of the vehicle.
 - (3) For the purposes of subsection (2), the indemnity must be in an amount not less than that which would have been required under the *Insurance (Vehicle) Act* for the vehicle had section 3.1 of the Act not applied.
[en. B.C. Reg. 128/2012, Sch. s. 7.]

Utility vehicles

- 24.03** (1) A person may use or operate a utility vehicle on a highway, subject to the conditions set out in this section, for the following purposes:
- (a) farming;
 - (b) industrial purposes;
 - (c) maintenance;
 - (d) landscaping;
 - (e) law enforcement, by a person exercising powers or performing duties under an enactment;
 - (f) transportation on a limited access island if the utility vehicle is not of a type designed to be ridden astride.
- (2) If a person uses or operates a utility vehicle on a highway for a purpose set out in subsection (1), operation of the vehicle is limited to the following:
- (a) crossing the highway;
 - (b) operation on the untravelled portion of the highway;

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

- (c) operation on the travelled portion of the highway if the vehicle is being used or operated
 - (i) on a limited access island,
 - (ii) within a designated area, or
 - (iii) within 100 m of the worksite where the vehicle is being used for the utility purpose for which it was designed.
- (3) A utility vehicle used or operated in accordance with subsection (2) (c) (iii) may be used or operated continuously on the travelled portion of the highway for more than 100 m only if the vehicle is being used for constructing or maintaining the portion of the highway immediately underneath the vehicle.
- (4) A person who uses or operates a utility vehicle on a highway for a purpose set out in subsection (1) must have an operation permit for the vehicle, unless the vehicle
 - (a) is a fork lift, or
 - (b) is used or operated
 - (i) in a designated area, by or on behalf of the owner or operator of the designated area,
 - (ii) on a highway adjoining or bisecting a designated area, if the vehicle is being used by or on behalf of the owner or operator of the designated area and the speed limit on the highway is 50 km/hr or less,
 - (iii) for public works on a highway where the speed limit is 50 km/hr or less,
 - (iv) by or on behalf of a university or college within the university or college campus,
 - (v) on a highway adjoining or bisecting a university or college campus, if the vehicle is being used by or on behalf of the university or college and the speed limit on the highway is 50 km/hr or less,
 - (vi) for law enforcement purposes, by a person exercising powers or performing duties under an enactment, or
 - (vii) on a highway located on a limited access island and the speed limit on the highway is 20 km/hr or less.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Regs. 128/2012, Sch. ss. 4, 5, 8 and 9; 153/2014, s. 1.]

Operating permits for industrial utility vehicles**24.03.01** A person who uses or operates an industrial utility vehicle

- (a) to which section 3.1 of the Act applies, and
- (b) that has a net weight of 1 600 kg or less

must have an operation permit for the vehicle, unless the vehicle is used or operated on a highway where the speed limit is 50 km/hr or less.

[en. B.C. Reg. 128/2012, Sch. s. 10.]

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

Golf carts

- 24.04** A person may use or operate a golf cart on a highway within the parking lot of a golf course, or for the purpose of carrying golfers and their equipment from one part of a golf course to another part of the same golf course.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 4.]

Snowmobiles, snow vehicles, air cushion vehicles and all terrain vehicles

- 24.05** (1) A person may use or operate a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway, subject to the conditions set out in this section.
- (2) A person who uses or operates a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway must have an operation permit for the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle.
- (2.1) Despite subsection (2) but subject to subsection (3), an operation permit is not required if a person uses or operates a snowmobile, snow vehicle or all terrain vehicle across a highway in a straight line at right angles to the travelled portion of the highway from a point where traffic crossing the highway is controlled by,
- (a) if the highway has a speed limit of 100 km/hr or less,
 - (i) a stop sign placed or erected by authority of the minister responsible for the administration of the *Transportation Act*, the council of a municipality or the governing body of a treaty first nation or a person authorized by any of them to exercise that authority, or
 - (ii) a traffic control signal, or
 - (b) if the highway has a speed limit of over 100 km/hr, a traffic control signal.
- (3) Unless specifically provided for in an operation permit, a person must not use or operate a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway between 1/2 hour after sunset and 1/2 hour before sunrise.
- (4) Subsections (2) and (3) do not apply in respect of a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle if the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle is used or operated only in a parking lot for the purpose of unloading or loading the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle from or to another motor vehicle or trailer.
- (5) This section does not apply to the use or operation of an all terrain vehicle on a highway for a purpose set out in section 24.03 (1).

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Regs. 234/2011; 128/2012, Sch. ss. 4 and 8; 153/2014, s. 2.]

Neighbourhood zero emission vehicles

- 24.06** (1) A person may use or operate a neighbourhood zero emission vehicle in unorganized areas of British Columbia
- (a) on a highway or class of highway that has a speed limit of 40 km/hr or less,

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

- (b) if authorized by a road use permit granted by the Minister of Transportation and Infrastructure under this section, on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr, or
 - (c) if the vehicle is being operated in accordance with the provisions applicable to a utility vehicle as provided for in section 24.03.
- (2) A person may use or operate a neighbourhood zero emission vehicle in a municipality
 - (a) on a highway or class of highway that has a speed limit of 40 km/hr or less,
 - (b) if authorized by bylaw of the council of the municipality, on a highway or class of highway that has a speed limit of over 40 km/h but no more than 50 km/hr, or
 - (c) if the vehicle is being operated in accordance with the provisions applicable to a utility vehicle as provided for in section 24.03.
- (3) A person who uses or operates a neighbourhood zero emission vehicle as authorized by subsection (1) or (2) may, at an intersection, cross a highway that has a speed limit that is not greater than 80 km/hr to enable the person to continue on a highway on which the person is authorized to use or operate a neighbourhood zero emission vehicle.
- (4) The Minister of Transportation and Infrastructure may, for the purposes of subsection (1) (b), grant a permit authorizing a person to use or operate a vehicle on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. ss. 4 and 8.]

Grandparenting of neighbourhood zero emission vehicles

- 24.07** (1) Section 24.06 does not apply to a neighbourhood zero emission vehicle that
- (a) was owned or leased by a person on or before June 5, 2008, and
 - (b) continues to be owned or leased by the same person after that date.
- (2) A neighbourhood zero emission vehicle referred to in subsection (1) may be used or operated on a highway in accordance with this section.
- (3) Sections 4.30 and 7B.02 to 7B.04 apply to a neighbourhood zero emission vehicle described in subsection (1) that is being used or operated on a highway.
- (4) A person who
- (a) owned or leased a neighbourhood zero emission vehicle on or before June 5, 2008, and
 - (b) continues to own or lease the vehicle after that date
- may apply to the director to exempt that vehicle from subsection (3).
- (5) Despite subsection (1), section 24.06 applies to a vehicle that has been exempted under subsection (4).

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 5.]

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Illumination of lamps

- 24.08** (1) A person may use or operate a neighbourhood zero emission vehicle, snowmobile, snow vehicle, air cushion vehicle or utility vehicle, or an industrial utility vehicle to which section 3.1 of the Act applies, on a highway at the times prescribed in subsection (3) only if
- (a) the vehicle is equipped with the head lamps and tail lamps described in section 24.12, and
 - (b) the person illuminates the vehicle lamps.
- (2) In addition to the conditions under subsection (1), a person using or operating a utility vehicle on a highway must, if the vehicle is equipped with non-rotating red or amber lights capable of operating in flashing mode, illuminate the lights in flashing mode at all times that it is being used or operated on a highway.
- (3) The hours prescribed for illumination of lamps and lights are
- (a) from 1/2 hour after sunset to 1/2 hour before sunrise, and
 - (b) at any other time when, due to insufficient light or unfavourable atmospheric conditions, objects on the highway are not clearly discernible at a distance of 150 m.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. ss. 4, 5, 11 and 12.]

Operation permit

- 24.09** (1) If an operation permit is required for a vehicle under this Division, a person using or operating the vehicle must operate the vehicle in accordance with the limitations and conditions specified in the operation permit.
- (2) An operation permit issued under this section must be in the form established by the Insurance Corporation of British Columbia.
- (3) An application for an operation permit must be made to, and may be issued by,
- (a) if the place where the vehicle is to be operated is policed by a municipal police force, a constable of that force,
 - (b) if the vehicle is a snowmobile operated on a gold rush snowmobile trail highway traverse, a member of the R.C.M.P. whose detachment is responsible for any gold rush snowmobile trail highway traverse, and
 - (c) in any other case, a member of the R.C.M.P. detachment who is stationed nearest to the place where the vehicle is to be operated.
- (4) A member of the R.C.M.P. detachment or a constable of a municipal police force who issues an operation permit may specify limitations and conditions for operation of the vehicle for which the operation permit is issued.
- (5) The operator of the vehicle for which an operation permit is required must keep the operation permit with the vehicle and present the operation permit on request of a peace officer.

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- (6) If the use of a utility vehicle, or an industrial utility vehicle to which section 3.1 of the Act applies, includes using or operating the vehicle on the untravelled portion of a highway in an unorganized area of British Columbia, the District Transportation Manager responsible for the transportation district where the vehicle is operated may require that additional limitations and conditions be added to the operation permit.
- (7) An operation permit issued under this Division may be cancelled by the following persons at the department or detachment where the permit was issued:
 - (a) in the case of a municipal police force, the chief constable of the department, or his or her delegate;
 - (b) in the case of the R.C.M.P., the detachment commander of the detachment, or his or her designate;
 - (c) the officer who issued the permit.
- (8) An operation permit expires on the earlier of
 - (a) the expiry date specified in the permit, or
 - (b) the date that is 2 years after the date the permit was issued.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Regs. 128/2012, Sch. ss. 12 and 13; 153/2014, s. 3.]

Part 2.1 – Mobile Equipment**Mobile equipment**

- 24.09.01** (1) Mobile equipment may be used or operated on a highway only for the work purposes for which the mobile equipment is designed.
- (2) Mobile equipment may be used or operated on a highway only as follows:
- (a) to cross the highway;
 - (b) on the untravelled portion of the highway;
 - (c) on the travelled portion highway if the mobile equipment is being or will be used or operated
 - (i) within a designated area, or
 - (ii) within 100 m of the worksite where the mobile equipment is being used or operated to perform work.
- (3) Despite subsection (2) (c) (ii), mobile equipment being used or operated on a highway may be used or operated continuously on the travelled portion of the highway for a distance greater than 100 m if the mobile equipment is being used or operated by or on behalf of a farmer.
- (4) Mobile equipment parked, used or operated between 1/2 hour after sunset and 1/2 hour before sunrise on a highway that is not cordoned off from motor vehicle access must have either
- (a) reflective devices or retro-reflective tape, or

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(b) one or more lighted lamps

that under normal atmospheric conditions are capable of being visible, or displaying light visible, as applicable, from a distance of at least 150 m to the front and rear of the mobile equipment respectively.

- (5) Mobile equipment that is a work platform used to raise and lower the operator of the platform, tools or supplies, or both, must not be used or operated on a highway unless the mobile equipment is marked with a clearly visible unique identifier indicating the owner and unit number.

[en. B.C. Reg. 128/2012, Sch. s. 14.]

Rights and duties of operator of mobile equipment

24.09.02 (1) In addition to the duties imposed by this section, a person operating mobile equipment on a highway has the same rights and duties as a driver of a vehicle.

- (2) If an accident occurs by which a person or property is injured, directly or indirectly, owing to the presence, use or operation of mobile equipment on a highway, the person in charge of the equipment must

- (a) remain at or immediately return to the scene of the accident,
- (b) render all possible assistance, and
- (c) give to anyone sustaining loss or injury his or her name and address and the name and address of the owner of the equipment.

[en. B.C. Reg. 128/2012, Sch. s. 14.]

Part 3 – Safety and Equipment Requirements**Definition**

24.10 In this Part, “**vehicle**” means a motor vehicle that

- (a) is
 - (i) listed in section 24.02 (1) (a) to (g), or
 - (ii) an industrial utility vehicle to which section 3.1 of the Act applies, and
- (b) is used or operated on a highway.

[en. B.C. Reg. 128/2012, Sch. s. 15.]

Neighbourhood zero emission vehicles

24.11 (1) A neighbourhood zero emission vehicle being used or operated on a highway must conform to the requirements under the *Motor Vehicle Safety Act* (Canada) that applied to the vehicle at the time it was manufactured or imported into Canada.

- (2) The equipment required under this section for neighbourhood zero emission vehicles must be maintained in good working order.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 5.]

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

General lighting requirements

- 24.12** (1) If any of the following vehicles are being used or operated at the times prescribed in section 24.08 (3), the vehicle must be equipped with the headlamps and the tail lamps required for motorcycles under sections 4.05 [*headlamps*] and 4.15 [*tail lamps*] respectively:
- (a) snowmobiles;
 - (b) snow vehicles;
 - (c) air cushion vehicles;
 - (d) utility vehicles;
 - (e) industrial utility vehicles to which section 3.1 of the Act applies.
- (2) A neighbourhood zero emission vehicle being used or operated on a highway at the times prescribed under section 24.08 (3) must be equipped with the lamps required for the vehicle by the *Motor Vehicle Safety Act* (Canada) at the time it was manufactured or imported into Canada.

[en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. ss. 5 and 16.]

Flashing lamps

- 24.13** A vehicle may be equipped with lamps that are capable of displaying flashes of light only in accordance with section 4.28 [*flashing lamps*].

[en. B.C. Reg. 351/2008, Sch. s. 13.]

Reflective devices

- 24.14** A vehicle must be equipped with reflective devices in accordance with section 4.21 [*reflective devices*].

[en. B.C. Reg. 351/2008, Sch. s. 13.]

Maintenance of lamps, lighting devices and reflectors

- 24.15** The lamps, lighting devices and reflectors required under this Part must
- (a) be maintained in good working order,
 - (b) be securely mounted on the vehicle,
 - (c) not have any cracked, broken, missing or incorrectly installed lenses and, in the case of a lamp, not have any bent or broken rims that allow water to enter the lamp, and
 - (d) not be shielded, covered or obscured by any part of the vehicle or load or by dirt or other material.

[en. B.C. Reg. 351/2008, Sch. s. 13.]

Sirens and theft alarms

- 24.16** A vehicle may be equipped with a siren, whistle or bell only in accordance with section 7.02 (2) [*sirens and theft alarms*].

[en. B.C. Reg. 351/2008, Sch. s. 13.]

MOTOR VEHICLE ACT REGULATIONSDivision 24 – Vehicles of Unusual Size, Weight or Operating Characteristics

Windshields and windows

- 24.17** (1) A person must not use or operate a vehicle if the windshield or any window of the vehicle is in such condition that the vision of the driver is impaired.
- (2) Any glass used for a windshield or window of a vehicle must be safety glass and, in the case of a windshield, must not be heat treated or case hardened glass.
- [en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 4.]

Operation of a vehicle and trailer

- 24.18** A person may use or operate a vehicle and a trailer on a highway only in accordance with section 7.07 [*trailer connections and towed vehicles*].
- [en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 4.]

Defects in pneumatic tires

- 24.19** Section 7.161 (1) applies to a vehicle with pneumatic tires in contact with the highway.
- [en. B.C. Reg. 351/2008, Sch. s. 13.]

Additional safety and equipment requirements

- 24.20** (1) Unless exempted in writing by the director under section 24.21, a vehicle must be equipped with
- (a) service brakes in accordance with section 5.02 [*stopping distances*], and
 - (b) if propelled by an internal combustion engine, an exhaust muffler consisting of a series of pipes or chambers that ensures the exhaust gases from the engine are cooled and expelled without excessive noise.
- (2) A utility vehicle being used or operated on the travelled portion of a highway as authorized under section 24.03 (2) (c) (iii) or (3) must be equipped with a slow moving vehicle warning device as required under section 7B.03 [*warning device*].
- [en. B.C. Reg. 351/2008, Sch. s. 13; am. B.C. Reg. 128/2012, Sch. s. 5.]

Exemption by director

- 24.21** (1) A person who owns or leases a vehicle may apply in writing to the director to exempt the vehicle from
- (a) a requirement under section 24.20 (1), or
 - (b) any other requirement under this Part.
- (2) The director may, in writing, unconditionally or on conditions the director considers desirable, exempt a vehicle from
- (a) a requirement under section 24.20 (1), or
 - (b) in exceptional circumstances, any other requirement under this Part.
- (3) The owner or operator of a vehicle to which an exemption applies must keep the exemption with the vehicle and present the exemption on request of a peace officer.
- [en. B.C. Reg. 351/2008, Sch. s. 13.]

Part 3.1 – Neighbourhood Golf Carts**Definitions**

24.211 In this Part:

“designated municipality” means either of the following municipalities:

- (a) Village of Chase;
- (b) Town of Qualicum Beach;

“municipal highway” means a municipal highway as defined in the *Transportation Act*;

“neighbourhood golf cart” means a golf cart that

- (a) has 2 axles and 4 wheels,
- (b) has a minimum seating capacity for 2 persons and a maximum seating capacity for 4 persons,
- (c) has a motor that is not capable of propelling the golf cart faster than 32 km/hr on a paved level surface, and
- (d) meets the equipment requirements of section 24.215 (1) and (2);

“NGC highway” means the following located in a designated municipality:

- (a) a municipal highway that
 - (i) has a maximum speed limit of 30 km/hr or less,
 - (ii) is designated, by bylaw of the council of the designated municipality, for use by neighbourhood golf carts, and
 - (iii) has signs erected by the designated municipality indicating that the operation of neighbourhood golf carts is allowed;
- (a.1) a municipal highway that
 - (i) has a maximum speed limit of over 30 km/hr but no more than 50 km/hr,
 - (ii) is designated, by bylaw of the council of the designated municipality, for use by neighbourhood golf carts,
 - (iii) has signs erected by the designated municipality indicating that the operation of neighbourhood golf carts is allowed, and
 - (iv) has Maximum Speed When Approaching or Passing Neighbourhood Golf Carts (Regulatory) signs, as set out in Schedule 1 of Division 23, erected by the designated municipality;
- (b) a private place or passageway
 - (i) to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and
 - (ii) that is immediately adjacent to a municipal highway referred to in paragraph (a) or (a.1);

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“NGC permit” means a neighbourhood golf cart permit issued under section 24.216.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 3.]

Application

24.212 (1) Despite Parts 2 and 3 of this Division, this Part authorizes the use of neighbourhood golf carts

- (a) on NGC highways in the circumstances described in section 24.213, and
- (b) to cross a municipal highway that is not an NGC highway in the circumstances described in section 24.214.

(2) Despite sections 24.213 and 24.214, this Part does not affect the use of a golf cart on a highway when the use is authorized under section 3.1 of the Act or Parts 2 and 3 of this Division.

[en. B.C. Reg. 212/2016.]

Use of neighbourhood golf carts on NGC highways

24.213 A person must not use a neighbourhood golf cart on an NGC highway unless

- (a) the designated municipality in which the golf cart is being used has issued an NGC permit for the golf cart, the permit is valid and subsisting and the permit is kept with the golf cart,
- (b) the use occurs during the period beginning 1/2 hour before sunrise and ending 1/2 hour after sunset,
- (c) the daytime running lamps on the golf cart are illuminated,
- (d) every person in the golf cart is at least 9 years of age, and
- (e) the roadway is clear of snow, ice and slush.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 4.]

Intersections

24.214 A person must not use a neighbourhood golf cart that is on an NGC highway to cross another highway that is not an NGC highway unless the other highway is

- (a) a municipal highway that has a maximum speed limit that is 30 km/hr or less,
- (b) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and the intersection is controlled by a traffic control signal,
- (c) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and the intersection is controlled by only stop signs or only yield signs, or
- (d) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and there are signs erected by the designated municipality indicating that neighbourhood golf carts may cross at the intersection.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 5.]

Equipment requirements for neighbourhood golf carts

- 24.215** (1) A neighbourhood golf cart must have the following equipment:
- (a) a steering wheel;
 - (b) service brakes;
 - (c) a parking or emergency brake that, when applied, will alone stop and hold stationary the golf cart;
 - (d) a rear view mirror;
 - (e) a horn;
 - (f) tires that do not have any of the following defects:
 - (i) a cord break or air leak;
 - (ii) cracks, cuts or snags on the tread or sidewall of the tires that exceed 2.5 cm in length and expose the ply cords;
 - (g) daytime running lamps mounted on the front of the golf cart;
 - (h) a lamp type turn signal system consisting of
 - (i) 2 lamps mounted on the front of the golf cart that are capable of displaying flashes of white or amber light that are visible to the front, and
 - (ii) 2 lamps mounted on the rear of the golf cart that are capable of displaying flashes of red or amber light that are visible to the rear;
 - (i) 2 red stop lamps that are
 - (i) illuminated exclusively on application of the service brakes, and
 - (ii) mounted on the rear of the golf cart near the sides of the golf cart;
 - (j) 2 amber reflectors mounted on the side of the golf cart near the front and 2 red reflectors mounted on the rear of the golf cart;
 - (k) a seat belt assembly, as defined in section 220 (1) of the Act, for each seat in the golf cart.
- (2) The equipment referred to in subsection (1) must be in good working order.
- (3) Divisions 4 [*Lamps*], 5 [*Brakes*], 7 [*Other Equipment*] and 7B [*Slow Moving Vehicles and Equipment*] do not apply to a neighbourhood golf cart.
- [en. B.C. Reg. 212/2016.]

NGC permit

- 24.216** (1) A designated municipality may issue a neighbourhood golf cart permit to an owner of a motor vehicle if the municipality is satisfied that
- (a) the motor vehicle is a neighbourhood golf cart, and
 - (b) the owner knows the provisions in this Part respecting the use of neighbourhood golf carts.
- (2) An NGC permit expires on the earliest of the following:
- (a) the expiry date specified in the permit;

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- (b) the transfer of ownership of the neighbourhood golf cart;
 - (c) the date that is 2 years after the date the permit is issued.
- (3) A designated municipality that issues an NGC permit for a motor vehicle may cancel the permit if
- (a) the municipality becomes aware that the motor vehicle does not meet the requirements for a neighbourhood golf cart, or
 - (b) the municipality becomes aware that the owner or a person operating the owner's neighbourhood golf cart has contravened section 24.213 or 24.214 and the municipality is satisfied that the contravention presents a safety risk.
- (4) An NGC permit issued by a designated municipality is automatically cancelled on the day that the bylaw designating municipal highways in the designated municipality for use by neighbourhood golf carts is repealed.

[en. B.C. Reg. 212/2016.]

Presentation of NGC permit

24.217 A person operating a neighbourhood golf cart on a highway in a designated municipality must, on request of a peace officer, present the NGC permit for the golf cart.

[en. B.C. Reg. 212/2016.]

Part 4 – General**General offence**

24.22 A person commits an offence who uses or operates any of the following in contravention of this Division:

- (a) air cushion vehicle;
- (b) beverage cart;
- (c) golf cart;
- (d) industrial utility vehicle;
- (e) miniature motor vehicle;
- (f) mobile equipment;
- (g) neighbourhood zero emission vehicle;
- (h) snow vehicle;
- (i) snowmobile;
- (j) utility vehicle.

[en. B.C. Reg. 128/2012, Sch. s. 17.]

DIVISION 25 – VEHICLE INSPECTION AND MAINTENANCE**Part 1 – Inspection****Interpretation and application****25.01** (1) In this Part:

“**authorized person**” means a person authorized by the director to inspect vehicles under section 217 of the Act;

“**corporation**” means the Insurance Corporation of British Columbia;

“**designated inspection facility**” means a facility designated by the director as an inspection facility under section 217 of the Act;

“**farm vehicle**” has the same meaning as in the Commercial Transport Regulations, B.C. Reg. 30/78;

“**identification card**” means a card issued by the director to an authorized person and used to imprint an inspection report;

“**identification plate**” means a plate issued by the director to a designated inspection facility and used to imprint an inspection report;

“**inspection certificate**” means an inspection certificate of approval in the form of a decal issued by the director which shows the date of expiry of the certificate, and includes an interim inspection certificate;

“**inspection report**” means an inspection report in the form required by the director;

“**owner**” in relation to a designated inspection facility, includes the person having charge of the operation of the facility;

“**standards**” means standards of safety and repair prescribed by the minister under section 217 of the Act, including the Inspection Standards (Safety and Repair) Regulation.

(2) This Part applies to

- (a) a taxi,
- (b) a bus, including a school bus in respect of which a permit has been issued under Division 11,
- (c) a commercial vehicle having a licensed gross vehicle weight of more than 8 200 kg,
- (d) a vehicle, other than a motorcycle, the operator of which is required to hold a licence under the *Motor Carrier Act* or a licence or temporary operating permit under the *Passenger Transportation Act*,
- (e) a vehicle, other than a motorcycle, owned or leased by a driver training school, and
- (f) a trailer and semi-trailer as defined under the *Commercial Transport Act*, but does not include a vehicle

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- (g) that is an industrial machine or road building machine, other than a vehicle described by body style in Schedule 1 to this Division that has a licensed gross vehicle weight greater than 17 300 kg,
 - (h) licensed under section 8, 9, 38, 41, 42 or 44 of the Act,
 - (i) owned by the Queen in Right of Canada,
 - (j) driven under a permit issued under section 6 (7) of the *Commercial Transport Act* or under Division 14 of this regulation,
 - (k) to which section 21 of the Act applies, or
 - (l) that is a commercial motor vehicle, other than a bus, having a licensed gross vehicle weight of 17 300 kg or less and that is licensed and insured as a farm vehicle.
- (3) The director may exempt a class of persons or vehicles from subsection (2) unconditionally, or on conditions the director considers desirable, and may substitute other requirements if the director considers it desirable for the purpose of promoting and securing road safety.
- (4) The director may
- (a) exempt from subsection (2) unconditionally, or on conditions the director considers desirable, persons, vehicles and equipment that the director identifies and specifies, and
 - (b) substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

[en. B.C. Reg. 304/2001; am. B.C. Regs. 135/2003, ss. 3 and 7; 447/2004, s. 6; 64/2005, s. 15.]

Identification card

- 25.02** (1) The director may issue to each authorized person an identification card suitable for imprinting an inspection report as required by the director.
- (2) The identification card is the property of the director and must be returned to the director on request.
- (3) An identification card issued under this section expires 24 months after the date of issue unless the director specifies an earlier expiry date or an alternate expiry period.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Identification plate

- 25.03** (1) The director may issue to each designated inspection facility an identification plate suitable for imprinting an inspection report as required by the director.
- (2) The identification plate is the property of the director and must be returned to the director on request.

- (3) An identification plate issued under this section expires 12 months after the date of issue unless the director specifies an earlier expiry date or an alternate expiry period.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Use of identification cards and identification plates

- 25.04** (1) An inspection report referred to in this Division must be imprinted with
- (a) the valid identification card of the authorized person who conducted the inspection, and
 - (b) the valid inspection plate of the designated inspection facility where the inspection was conducted.
- (2) A person, other than the authorized person to whom an identification card has been issued, must not use the identification card to imprint an inspection report.
- (3) A person or facility, other than the designated inspection facility to whom an identification plate has been issued, must not use the identification plate to imprint an inspection report.
- (4) A person or facility must not imprint an inspection report with an identification card or identification plate that has expired.
- (5) The director may, for a specified period of time, exempt an authorized person or designated inspection facility from the requirement to use an identification card or identification plate, or both, and may substitute other requirements and conditions.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Notification

- 25.05** (1) If an identification card is lost, stolen or damaged, the authorized person to whom the card was issued must inform the director within one business day.
- (2) If an identification plate is lost, stolen or damaged, the operator of the designated inspection facility to whom the plate was issued must inform the director within one business day.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Expired identification cards and identification plates

- 25.06** (1) An authorized person must, within one business day after the expiry date stated on an identification card issued to the person, destroy the expired identification card.
- (2) The operator of a designated inspection facility must, within one business day after the expiry date stated on an identification plate issued to the operator, destroy the expired identification plate.

[en. B.C. Reg. 304/2001.]

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Limitation on driving without inspection certificate

- 25.07** (1) Subject to this section, a person must not drive, operate or park a vehicle on a highway or cause or permit it to be so driven, operated or parked unless an unexpired inspection certificate issued for that vehicle, indicating that the vehicle complies with the standards, is conspicuously and securely affixed,
- (a) in the case of a motor vehicle, to the outside lower left hand or lower right hand corner of the windshield or the outside of the fixed glazed surface to the right of the operator, and
 - (b) in the case of a trailer, on the outside of the left or right lower front corner of the trailer.
- (2) Subsection (1) does not apply to a person driving or operating a vehicle which has been exempted by the director under these regulations.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Notifications and orders

- 25.08** (1) Despite an inspection certificate being in force, the director or a peace officer may, on having reasonable and probable grounds to believe that a vehicle may not comply with the standards, notify the owner or operator of a vehicle to present it for inspection to a designated inspection facility within the period set out in the notification.
- (2) The director or a peace officer may order the owner or operator of a vehicle, in respect of which no inspection certificate is in force, to surrender to either of them the vehicle licence or the number plates, or both, for that vehicle.
- (3) The owner or operator must comply with a notification under subsection (1) and an order under subsection (2).
- (4) After examining a vehicle presented to the designated inspection facility following a notification under subsection (1), an authorized person must revoke any unexpired certificate, issue an inspection report in the manner set out in section 25.13 and
- (a) issue a new inspection certificate of approval under section 25.13 (2), or
 - (b) issue an interim inspection certificate under section 25.13 (3)
- on being satisfied that the conditions for issuing those certificates have been met.
- (5) A notification under subsection (1) may require the owner or operator to notify the director or peace officer of the result of the required inspection.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Unauthorized inspection

- 25.09** (1) A person must not issue an inspection certificate for a vehicle unless
- (a) he or she is an authorized person for that class of vehicle, and
 - (b) the vehicle has been inspected by him or her at a designated inspection facility for that class of vehicle.

- (2) An authorized person must not issue an inspection certificate in respect of a vehicle which he or she owns or leases or which is owned or leased by a designated inspection facility at which he or she is employed unless it is a motor vehicle for sale by a person who is a motor dealer as defined in the *Motor Dealer Act*.
- (3) A person must not issue a document, certificate or decal which purports to be an inspection certificate under this Part unless it is provided for issue by the director.
[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

No registration without valid inspection report

- 25.10** (1) A person must not, for the purposes of registering or licensing a motor vehicle, present a signed inspection report certifying that the motor vehicle has passed an inspection if the report has been altered in any way.
- (2) A person who has been delegated responsibility under section 117 of the Act to register or license a motor vehicle must not register or license a motor vehicle unless he or she has received a signed inspection report that certifies that the motor vehicle has passed inspection.
 - (3) A person who is not an authorized person must not sign an inspection report.
 - (4) A person must not alter an inspection report that has been signed by an authorized person.

[en. B.C. Reg. 304/2001.]

Change of contact information

- 25.11** Every authorized person and designated inspection facility must notify the director within 10 days respecting a change in the following information:
- (a) legal name of the authorized person or designated inspection facility and, if applicable, the name under which the authorized person or designated inspection facility is doing business;
 - (b) physical location of the designated inspection facility;
 - (c) mailing address for service on or delivery to authorized persons and the designated inspection facility;
 - (d) telephone contact numbers for authorized persons and the designated inspection facility;
 - (e) telephone number for the owner/operator of the designated inspection facility;
 - (f) name of the principals of the designated inspection facility.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

General duties of operators of facilities

- 25.12** (1) The operator of a designated inspection facility must

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- (a) display in a conspicuous place that is clearly visible to customers entering the designated inspection facility
 - (i) the valid document of designation issued by the director for that facility, and
 - (ii) the certificates of qualification of authorized persons carrying out inspections at that facility,
- (b) ensure that authorized persons are the only persons who inspect vehicles for the purposes of this Division,
- (c) within 10 days from the date of an inspection report being completed, mail the first copy to the director,
- (d) keep proper records of each inspection carried out at the facility for a period of not less than 18 months after an inspection,
- (e) maintain safe custody and control of unissued inspection certificates, report in writing to the office of the director any loss, theft, disfigurement or destruction of unissued inspection certificates and generally comply with reasonable directions of the director respecting acknowledgment or delivery of certificates,
- (f) ensure that
 - (i) the facility is equipped with proper tools, appliances, devices, manuals and documents, as required by the standards, to enable operators within the facility to manage it efficiently and authorized persons to ensure that vehicles comply with the standards,
 - (ii) each authorized person at the facility conducts his or her inspection in accordance with the standards and complies with section 25.13, and
 - (iii) the facility has available on the premises
 - (A) an up-to-date copy of the Inspection Standards (Safety and Repair) Regulation, and
 - (B) the most recent publicly available copy of Division 25 of the Motor Vehicle Act Regulations,
- (g) at all times during business hours, on the request of a peace officer or person authorized in writing by the director, permit the peace officer or authorized person to enter the inspection facility for the purpose of examination of equipment necessary for inspection, records of inspection and unissued inspection certificates and to permit such persons to make copies of documents which are relevant to the functions performed under this Division,
- (h) maintain a record of issued inspection certificates including
 - (i) the inspection certificate number, and

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- (ii) the vehicle registration number or the Vehicle Identification Number (VIN) of the vehicle to which the inspection certificate was issued, and
 - (i) allow a peace officer or person designated in writing by the director to inspect the record of inspection certificates referred to in paragraph (h).
- (2) A violation by an operator of a designated inspection facility of any provision of subsection (1) is grounds for cancellation or suspension of that designation of the facility by the director either entirely or for inspection of a class of vehicle.
- (3) Upon cancellation or suspension of a designation, the operator must return to the director all unissued inspection certificates and other documents given or supplied to him or her by or on behalf of the director for the purposes of this Part.
[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, ss. 3 and 8.]

Inspections

- 25.13** (1) After every inspection, the authorized person who carried it out must
- (a) complete and sign an inspection report in the form and manner required by the director and containing particulars established by the director,
 - (b) give one copy of the inspection report to the operator of the vehicle,
 - (c) provide the operator of the designated inspection facility with one copy of the inspection report to be forwarded to the director, and
 - (d) retain a copy of the inspection report for the record of the designated inspection facility.
- (2) If the authorized person is satisfied that the vehicle meets the standards, he or she must place on the vehicle an inspection certificate of approval in the manner set out in section 25.07 (1).
- (3) If the authorized person is not satisfied that the vehicle meets the standards, he or she may, on being satisfied that the vehicle would not present a hazard to other road users, place on the vehicle an interim inspection certificate and must indicate on the inspection report issued under subsection (1)
- (a) the equipment or component of the vehicle which failed to meet the standards, and
 - (b) if the deficiency in standards affects the safety of passengers or security of load, that no passengers or load may be carried in or on the vehicle.
- (4) A person must not drive, operate or park a vehicle in respect of which an inspection certificate is in force unless a copy of the inspection report issued under subsection (1) is carried in the vehicle.
- (5) An authorized person may indicate on an inspection report issued under subsection (1) whether, in his or her opinion, the vehicle will continue to meet the standards until it is next inspected under this Division and, if not, may indicate on the report

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- (a) those standards by which, in his or her assessment, the vehicle may be deficient before it is next inspected under this Division, or
- (b) the necessity, in his or her opinion, for repair or replacement of a part or parts of the vehicle for it to continue to meet the standards.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Inspection certificate

25.14 (1) Unless otherwise specified in this Part, an inspection certificate of approval indicating that a vehicle complies with the standards expires on the last day of the sixth month following the issue of the certificate.

(2) Repealed. [B.C. Reg. 364/2004, s. (b).]

(3) An inspection certificate of approval expires on the last day of the twelfth month following the issue of the certificate for

- (a) a bus licensed and insured as a farm vehicle,
- (b) a farm vehicle having a licensed gross vehicle weight greater than 17 300 kg,
- (c) a commercial trailer, except a commercial trailer used with a logging truck or equipped with a dump box,
- (d) an emergency vehicle,
- (e) an industrial machine or a road building machine having a body style described in Schedule 1 to this Division,
- (f) a vehicle owned or leased by a driver training school,
- (g) a commercial vehicle other than a bus, taxi or logging truck having a licensed gross vehicle weight of more than 8 200 kg, but equal to or less than 17 300 kg, and
- (h) Repealed. [B.C. Reg. 364/2004, s. (e).]
- (i) a taxi that has been driven less than 40 000 km during the 12 months before the issue of the certificate.

(3.1) For the purposes of subsection (3) (i), the number of kilometres a taxi has been driven is to be determined by referring to the previous inspection report for the taxi.

(3.2) If there is no previous inspection report for a taxi, an inspection certificate of approval expires, subject to subsection (3.3), on the last day of the sixth month following the issue of the certificate for the taxi.

(3.3) If a taxi referred to in subsection (3.2) is operated as a passenger directed vehicle under a transportation network services authorization only, an inspection certificate of approval expires on the last day of the twelfth month following the issue of the certificate for the taxi.

(4) An interim inspection certificate expires 14 days after the time of issue.

[en. B.C. Reg. 304/2001; am. B.C. Regs. 364/2004; 166/2019, s. 3.]

Part 2 – Maintenance and Records**Interpretation**

25.15 In this Part, “standards” has the same meaning as in Part 1.

[en. B.C. Reg. 304/2001.]

Application

25.16 Subject to section 25.18 (3), this Part applies to all vehicles

- (a) for which a licence or permit under the *Motor Carrier Act* or the *Passenger Transportation Act* is held,
- (b) described in section 25.01 (2) (a) to (f) whether or not a licence or permit is held for them under the *Motor Carrier Act* or the *Passenger Transportation Act*, and
- (c) that are commercial vehicles whether or not a licence or permit is held for them under the *Motor Carrier Act* or the *Passenger Transportation Act*,

but does not include a vehicle

- (d) licensed under section 8, 9, 10 or 44 of the Act other than those described in Schedule 1 to this Division,
- (e) which is a road building machine as defined in the *Commercial Transport Act*, other than those described in Schedule 1 to this Division,
- (f) owned by the Queen in Right of Canada,
- (g) driven under a permit issued under Division 14, or
- (h) regulated under Division 24.

[en. B.C. Reg. 304/2001; am. B.C. Regs. 447/2004, s. 7; 64/2005, s. 17; 351/2008, Sch. s. 14.]

25.17 Repealed. [B.C. Reg. 194/2010, Sch. s. 1.]

Records

25.18 (1) Subject to subsection (2), the owner of every vehicle must, during the last 3 years of ownership and for a period of 6 months following disposal of it, maintain in safe keeping a record of

- (a) each inspection made of the vehicle and of every component of it to which the standards apply, and
- (b) every replacement and repair made to the vehicle and to each such component following each inspection.

(2) The owner of a vehicle who sells it may, with the consent of the purchaser, deliver the records of inspection, replacement and repair to the purchaser, and in that event the purchaser must retain those records as if he or she had owned the vehicle during the period covered by the records so delivered.

(3) This section does not apply to an owner of a vehicle

- (a) licensed under section 38, 41 or 42 of the Act,

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- (b) driven under a permit issued under section 6 (7) of the *Commercial Transport Act* or to which section 6 (13) of that Act applies, or
- (c) to which section 21 of the Act applies.

[en. B.C. Reg. 304/2001.]

Part 3 – Salvaged, Modified and Reconstructed Vehicles**Interpretation**

25.19 In this Part, “authorized person”, “corporation”, “designated inspection facility” and “inspection certificate” have the same meanings as in Part 1.

[en. B.C. Reg. 304/2001.]

Application

25.20 This Part applies to a vehicle that was

- (a) disposed of as salvage and subsequently rebuilt,
- (b) altered by changes to its suspension height by more than 10 cm from the original basic specification of the vehicle manufacturer,
- (c) altered so that its
 - (i) freight carrying capacity has been increased beyond the original gross vehicle weight rating of the vehicle, or by design changes other than those established by the manufacturer of the vehicle, or
 - (ii) seating capacity has been increased, or
- (d) built after January 1, 1971 from new or used parts, other than a trailer with a licensed gross vehicle weight of 1 400 kg or less, and that does not display the statement of compliance under the *Motor Vehicle Safety Act* (Canada).

[en. B.C. Reg. 304/2001.]

Limitation on operation

25.21 A person must not drive, operate or park a vehicle on a highway until it has been presented to a designated inspection facility and an approved certificate of mechanical condition in a form set by the director has been issued in respect of the vehicle by an authorized person.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Duties of authorized persons

- 25.22** (1) An authorized person must not issue a certificate under section 25.21 unless he or she is satisfied, and certifies on the certificate, that the vehicle complies with the Act and its regulations and is safe for use on the highway.
- (2) The provisions of sections 25.02 to 25.06, 25.09, 25.12 and 25.13 apply to persons issuing inspection certificates, operators of a designated inspection facility and authorized persons.

[en. B.C. Reg. 304/2001.]

Part 4 – Inspection of Motor Vehicles Imported into British Columbia**Interpretation**

25.23 In this Part, “**authorized person**”, “**corporation**”, “**designated inspection facility**”, “**inspection report**” and “**standards**” have the same meanings as in Part 1.

[en. B.C. Reg. 304/2001.]

Application

25.24 (1) This Part applies to a motor vehicle that

- (a) is registered, titled or licensed, or was previously registered, titled or licensed, at a place outside British Columbia,
- (b) is presented to the corporation for registration, and
- (c) has a net vehicle weight of not more than 3 500 kg,

but does not include a motor vehicle described in Schedule 2 to this Division.

(2) The director may exempt a class of persons or vehicles from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of promoting and securing road safety.

(3) The director may

- (a) exempt from subsection (1) unconditionally, or on conditions the director considers desirable, persons, vehicles and equipment that the director identifies and specifies, and
- (b) substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

Limitation on registration

25.25 No application will be accepted by the corporation for the registration of a motor vehicle to which this Part applies until

- (a) the motor vehicle has been presented to a designated inspection facility for a safety inspection to determine that
 - (i) the vehicle complies with the standards for motor vehicles, and
 - (ii) the frame or unibody of the motor vehicle has not been compromised,
- (b) an inspection report, in a form and containing particulars established by the director, has been issued for the motor vehicle by an authorized person, and
- (c) the motor vehicle described in the inspection report is certified as passed by the authorized person.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

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Required documentation

- 25.26** (1) Every operator of a motor vehicle presented at a designated inspection facility for an inspection under this Part must, before the inspection begins, provide to the authorized person proof of ownership of the motor vehicle presented for inspection.
- (2) If the Vehicle Identification Number (VIN) of the motor vehicle presented for inspection differs from the VIN of the motor vehicle described in the documentation provided under subsection (1), the inspection must not proceed.
- [en. B.C. Reg. 304/2001.]

Duties of authorized persons

- 25.27** (1) An authorized person must not issue an inspection report under section 25.25 that certifies that a motor vehicle has passed inspection unless the authorized person is satisfied that the motor vehicle complies with the standards and is safe for operation on the highway.
- (2) For the purposes of this Part, the provisions of sections 25.02 to 25.06, 25.09 and 25.12 apply to authorized persons, to persons who issue inspection reports and to operators of a designated inspection facility.
- [en. B.C. Reg. 304/2001.]

Inspection report

- 25.28** After every inspection, the authorized person who performs the inspection must
- (a) complete and sign an inspection report in the form and manner required by the director, and
 - (b) distribute the inspection report as follows:
 - (i) provide the original to the operator of the motor vehicle for presentation to the autoplan agent at the time of application for registration;
 - (ii) provide one copy to the operator of the motor vehicle to be kept with the motor vehicle;
 - (iii) provide one copy to the operator of the designated inspection facility, to be forwarded to the director by the operator;
 - (iv) retain one copy for the records of the designated inspection facility.
- [en. B.C. Reg. 304/2001; am. B.C. Reg. 135/2003, s. 3.]

No registration without valid inspection report

- 25.29** (1) A person must not, for the purposes of registering or licensing a motor vehicle, present a signed inspection report certifying that the motor vehicle has passed an inspection if the report has been altered in any way.
- (2) A person who has been delegated responsibility under section 117 of the Act to register or license a motor vehicle must not register or license a motor vehicle unless he or she has received a signed inspection report that certifies that the motor vehicle has passed inspection.

- (3) A person who is not an authorized person must not sign an inspection report.
- (4) A person must not alter an inspection report that has been signed by an authorized person.

[en. B.C. Reg. 304/2001.]

Part 5 – General

Powers of peace officer

- 25.30** (1) If a peace officer has reasonable and probable grounds to believe that a vehicle is, by reason of mechanical, structural or other defect, unsafe for use on a highway, whether or not the vehicle meets the standards prescribed under the Act, he or she may order the owner or operator of the vehicle, either immediately or within such time as is specified in the order, to do one or both of the following:
- (a) remove it from the highway and keep it so removed until either
 - (i) repairs as may be set out in the order of the peace officer have been implemented, or
 - (ii) the peace officer revokes the order;
 - (b) surrender the vehicle licence or number plates, or both, for that vehicle to the corporation or to the peace officer.
- (2) If a peace officer has reasonable and probable grounds to believe that a motor vehicle is not operating under the provisions of an overload permit issued under the *Commercial Transport Act* and is unsafe for use on a highway because
- (a) the motor vehicle is loaded in such manner that the gross weight carried by any of its axles exceeds the gross vehicle weight rating for that axle specified by the vehicle manufacturer, or
 - (b) the gross weight of the motor vehicle exceeds the gross vehicle weight rating for that vehicle specified by the vehicle manufacturer,
- the peace officer may order the owner or operator of the vehicle to do one or both of the following things immediately, or within the time specified in the order:
- (c) remove it from the highway until it meets the specifications of the manufacturer referred to in paragraphs (a) and (b);
 - (d) surrender the vehicle licence or number plates, or both, for that vehicle to the corporation or to the peace officer.
- (3) Subsection (2) applies only to motor vehicles
- (a) manufactured before January 1, 2001, and
 - (b) having a gross vehicle weight rating of 5 500 kg or less.
- (4) An owner or operator must comply with an order made under subsection (1) or (2).
- (5) An order under subsection (1) or (2) may require the owner or operator to notify the peace officer before the vehicle is operated on the highway that the repairs

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under subsection (1) have been carried out or the specifications under subsection (2) (c) have been met.

[en. B.C. Reg. 304/2001.]

Offences

25.31 A person who violates section 25.04 (2), (3) or (4), 25.05 (1) or (2), 25.06 (1) or (2), 25.07 (1), 25.08 (3), 25.09, 25.10, 25.11, 25.12 (1) (c) or (3), 25.13 (1) (a), (2) or (4), 25.18, 25.21, 25.22 (1), 25.27 (1), 25.28 (a), 25.29 or 25.30 (4) commits an offence.

[en. B.C. Reg. 304/2001; am. B.C. Reg. 194/2010, Sch. s. 2.]

Grounds for cancellation of authorization

25.32 (1) The director may cancel an authorization granted to a person under section 217 (1) (a) of the Act for violation of one or more of sections 25.08 (4), 25.09, 25.13 (1), (2) and (3), 25.22 (1), 25.27 (1) and 25.28.

(2) A cancellation under subsection (1) may cancel an authorization entirely or for inspection of a class of vehicle.

(3) Immediately after being notified of a cancellation under subsection (1), the person to whom it was granted must return the authorization to the director.

[en. B.C. Reg. 194/2010, Sch. s. 3.]

SCHEDULE 1

[en. B.C. Reg. 304/2001.]

1 The following motor vehicles described by body style licensed under section 10 of the Act, or road building machines as defined in the *Commercial Transport Act*, are included in this Division:

Compressor	Conveyor	Crane
Derrick	Drill	Drill Rig
Seismograph	Pumper	

SCHEDULE 2

[en. B.C. Reg. 304/2001; am. B.C. Reg. 351/2008, Sch. s. 15.]

1 The following classes of motor vehicles are exempt from the requirement to be inspected and certified under Part 4 of Division 25:

- (a) a motorcycle;
- (b) an implement of husbandry;
- (c) an all terrain vehicle as defined in the *Motor Vehicle (All Terrain) Act*;

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(d) a vehicle with body style (code):

Amphibious	(90)	Fork Lift	(KD)
Golf Cart	(92)	Ice surfer	(KT)
Snow vehicle	(94)	Lifter	(KK)
Snowmobile	(94)	Loader	(KE)
Truckster	(TR)	Mower	(KF)
Farm	(KS)	Tractor	(KJ)
		Utility vehicle	(KX)

(e) a neighbourhood zero emission vehicle.

DIVISION 26

26.01 and **26.011** Repealed. [B.C. Reg. 584/77.]

26.02 and **26.03** Repealed. [B.C. Reg. 204/80, s. (a).]

26.04 to **26.10** Repealed. [B.C. Reg. 118/2012.]

DIVISION 27 – DRIVER TRAINING**Definitions**

27.01 In this Division:

“approved driver education course” means a driver education course that is approved by the Insurance Corporation of British Columbia under section 25 (8.1) (a) of the Act;

“driver training institute” means a driver training school that is

- (a) a vocational training school operated by the government, or
- (b) a college or institute under the *College and Institute Act* or the *Institute of Technology Act*, a university, an independent school under the *Independent School Act* or a school under the *School Act* providing driver training to students;

“driver training instructor” means a person who teaches the driving or operation of a motor vehicle, but does not include a person who provides this instruction

- (a) without expectation of compensation or other consideration,
- (b) for off-highway, racetrack or closed circuit driving, or
- (c) as an employee to other employees of the same employer;

“driver training school” means a person or organization that provides to individuals a program of training or education in driving or operating motor

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vehicles, in expectation of compensation from those individuals, but does not include

- (a) a person or organization that provides instruction for off-highway, racetrack or closed circuit driving,
- (b) a person who, as an employee, provides this instruction to other employees of the same employer, or
- (c) a person who, under contract to an employer, provides this instruction to employees of the employer;

“instructor training facility” means a person or other body approved by the Insurance Corporation of British Columbia to provide a course of training or education to qualify for a driver training instructor’s licence;

“operator” means a person who directs, manages or is in charge of a driver training school or a driver training institute;

“practical driver training” means driver training conducted in or around a motor vehicle;

“retraining” means training about the operation of a motor vehicle for a person who holds a driver’s licence or for a person who wishes to re-qualify for a driver’s licence.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 229/98, s. 1; 257/98, App. 1, s. 1; 53/2008, s. 1.]

Application

27.02 Section 27.04 (1) and section 27.05 do not apply to a driver training institute.

[en. B.C. Reg. 354/94.]

Penalties

27.03 (1) A person or institute that contravenes section 27.04 (1), (2), (7) or (8), 27.05 (1), 27.06 (1), (2), (3), (9) or (11), 27.08 (3), (4) or (5), 27.09 (1), (2), (4) or (9) or 27.10 (2) (a), (b), (d), (e) or (f) commits an offence and is liable to a fine of not more than \$2 000.

(2) If a corporation commits an offence under this section, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence commits an offence.

(3) The Insurance Corporation of British Columbia may suspend, cancel or refuse to issue or renew a driver training school licence or driver training instructor’s licence for any of the following reasons:

- (a) the licensee engages in fraudulent, deceptive or unconscionable practices in the operation of a driver training school, in the conduct of driver training or in applying for a licence;
- (b) the licensee aids, abets or counsels fraudulent practices by an applicant to obtain a driver’s licence of any classification or driver training instructor’s

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licence of any classification or to requalify for a driver's licence or driver training instructor's licence;

- (c) the licensee fails to maintain or provide to the Insurance Corporation of British Columbia the records required under this Division;
 - (d) the licensee is convicted under the *Criminal Code* of an offence that is
 - (i) punishable by imprisonment for 5 years or more,
 - (ii) an offence that is sexual or indecent,
 - (iii) an offence of violence, or
 - (iv) an offence of operating, care or control of a motor vehicle,or, in a jurisdiction outside of Canada, of an analogous offence;
 - (e) failure of the applicant or licensee to comply with any requirement of this Division;
 - (f) the licensee teaches, or permits a student to be taught, the knowledge tests administered by the Insurance Corporation of British Columbia, or possesses these tests, without the consent of the Insurance Corporation of British Columbia.
- (3.1) If a licensee is charged with an offence referred to in subsection (3) (d), the Insurance Corporation of British Columbia may suspend or delay the issue or renewal of a driver training school licence or driver training instructor's licence pending the outcome of the proceeding for the offence in order to determine whether it should act under subsection (3) (d) at that later date.
- (4) The Insurance Corporation of British Columbia may suspend, cancel or refuse to issue or to renew a driver training school licence on conviction of the owner, or a person directly interested in the driver training school's business, of an offence concerning dishonesty, violence or indecency, or on cancellation of a licence of an employee of the driver training school for dishonesty, violence or indecency authorized or condoned by the owner or operator of the driver training school.
- (5) The Insurance Corporation of British Columbia must not cancel a licence under this Division until the holder is first given an opportunity to show cause why cancellation is not warranted.
- (6) If a licence is cancelled or suspended under this Division, the licensee must deliver the licence to the Insurance Corporation of British Columbia within 10 days.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 108/97, ss. 1 and 2; 413/97, App. 1, s. 20; 354/2010, Sch. s. 1; 338/2012, Sch. 2, s. 1; 64/2017, s. (a).]

Licensing

- 27.04** (1) No person or body may act as or be held out as being a driver training school except the holder of a valid and subsisting driver training school licence issued under this Division.

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- (2) No person may act, or hold himself or herself out as acting, as a driver training instructor unless the person is the holder of a valid and subsisting driver training instructor's licence issued under this Division.
- (3) The Insurance Corporation of British Columbia must cause a driver training school licence, or a driver training instructor's licence, to be issued to an applicant on being satisfied that the applicant has met the qualifications set out in this Division and has paid the fee prescribed in the Motor Vehicle Fees Regulation.
- (4) A driver training school licence must be issued for a period ending at midnight on the last day of the 11th month following the month of issuance, and any duplicate of it expires at the same time as the original.
- (5) A driver training instructor's licence must be issued for a period ending at midnight on the last day of the 23rd month following the month of issuance, and any duplicate of it expires at the same time as the original.
- (6) The Insurance Corporation of British Columbia may refuse to issue a driver training school licence or a driver training instructor's licence if the applicant is indebted to the government or to the Insurance Corporation of British Columbia.
- (7) A driver training school must apply for a driver training school licence for each place of business at which driver training is conducted.
- (8) If the name of a licensee is changed the licensee must apply for a duplicate licence within 10 days and must submit proof satisfactory to the Insurance Corporation of British Columbia of the change of name.

[en. B.C. Reg. 354/94; am. B.C. Reg. 317/96, s. 1.]

Driver training school and instructor training facility security

- 27.05** (1) Every driver training school and instructor training facility must furnish and maintain security with the Insurance Corporation of British Columbia under the *Bonding Act* and in accordance with this section.
- (2) If a driver training school provides one or more driver education courses for a Class 1, 2, 3 or 4 driver's licence or for an endorsement to operate vehicles equipped with air brakes, the security maintained by the driver training school for the courses must equal \$3 500 for each full time or part time instructor employed or retained by the school to provide one or more of those driver education courses.
 - (3) If a driver training school provides one or more driver education courses of a type not referred to in subsection (2), the security maintained by the driver training school for the courses must equal \$2 000 for each full time or part time instructor employed or retained by the school to provide one or more of those driver education courses.

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- (4) For an instructor training facility the security must equal \$3 500 for each full time or part time instructor employed or retained by the facility to provide instructor training courses.
- (5) If a driver training school or instructor training facility provides courses referred to in more than one subsection of subsections (2) to (4), the security maintained by the person or organization must be the higher of the amounts required under the applicable subsections.
- (6) The security for a driver training school or instructor training facility referred to in subsection (1) must be furnished to the Insurance Corporation of British Columbia in advance for each driver training instructor employed or retained by
 - (a) the driver training school during the term of the driver training school licence, or
 - (b) the instructor training facility for each calendar year.
- (7) The security required under subsection (1) may be in any of the following forms:
 - (a) cash;
 - (b) a bond of a person authorized under the *Financial Institutions Act* to carry on insurance business;
 - (c) a term deposit for up to 3 years registered in the name of the Insurance Corporation of British Columbia.
- (8) A driver training school that provides only driver education courses of a type not referred to in subsection (2) and an instructor training facility referred to in subsection (4) are not required to maintain security in excess of \$10 000.
- (9) The highest amount of security established during the term of the licence for a driving training school or during the calendar year for an instructor training facility must not be allowed to decrease.

[en. B.C. Reg. 53/2008, s. 2; am. B.C. Reg. 204/2011, Sch. B, s. 8.]

Standards and obligations of driver training schools

- 27.06** (1) A driver training school must post and keep posted in a conspicuous place in each place of business
- (a) Repealed. [B.C. Reg. 228/2004, s. (a).]
 - (b) the driver training school licence, and
 - (c) the driver training instructor's licence issued to each instructor employed by or under contract to provide driver training at the school.
- (2) A driver training school must provide a written statement to each student, before commencement of training and before the payment of any fees, disclosing all of the following:
- (a) the name and address of the driver training school;
 - (b) the fees for enrollment, tuition, services, equipment and vehicle rentals;

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- (c) the extra charges that might be incurred by that student;
 - (d) how many persons can be in the driver training school vehicle during the student's lesson time and their reason for being in the vehicle;
 - (e) the actual amount of practice driving time the student will receive during each lesson;
 - (f) the actual fee for each lesson;
 - (g) the refund policies of the driver training school.
- (3) A driver training school must provide to each person to whom driver training is supplied a written itemized statement of services provided or rental charged and a receipt for each payment made.
- (4) A driver training school must maintain records as required by the Insurance Corporation of British Columbia for a period of 3 years, including but not limited to
- (a) records of students trained, including student's name, driver's licence number, class of driver's licence, date, time and length of each lesson, name of instructor of each lesson, subject taught, type of training, and fee charged for each lesson,
 - (b) records of each instructor employed, including name, driver's licence number, a copy of the driver training instructor's licence, dates of refresher training given to the instructor, and
 - (c) records of all vehicles used for driver training by retaining a copy of each vehicle's registration and proof of insurance coverage.
- (5) A driver training school must, during regular business hours and all other reasonable times, permit the Insurance Corporation of British Columbia or designate to
- (a) visit premises used for operation of the driver training school,
 - (b) examine all records and other material and equipment used for operation of the driver training school,
 - (c) attend and monitor the conduct of driver training lessons, and
 - (d) copy records and other material pertaining to the operation of the driver training school.
- (6) A driver training school must not employ a person to conduct driver training on its behalf if the person does not hold a valid and subsisting driver training instructor's licence.
- (7) A driver training school must return the driver training school licence to the Insurance Corporation of British Columbia within 10 days of ceasing to carry on business as a driver training school.

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- (8) A driver training school must maintain a registered office in British Columbia at which all communications and notices may be served and at which records of the driver training school must be maintained.
- (9) If the address of the registered office of a driver training school is changed, the driver training school must notify the Insurance Corporation of British Columbia in writing within 10 days of the change.
- (10) A driver training school must, within 10 days of receipt of a request from the Insurance Corporation of British Columbia and in the form requested, update or provide further details as specified in the request concerning
 - (a) information provided at the time application was made for the school's driver training school licence, or
 - (b) records respecting the operation of the driver training school that the driver training school is required to maintain under this Division.
- (11) A driver training school must return the driver training instructor's licence to a licensee immediately on ceasing to employ the licensee.
- (12) A driver training school must use driver training course curriculum, facilities and equipment acceptable to the Insurance Corporation of British Columbia.
- (13) Repealed. [B.C. Reg. 228/2004, s. (d).]
[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 228/2004, ss. (a) to (d).]

**Standards, qualifications and procedures for
driver training instructor's licence applications**

- 27.07** (1) An applicant for a driver training instructor's licence must
- (a) have a driving record acceptable to the Insurance Corporation of British Columbia that shows less than 10 demerit points within the past 2 years, and no convictions under the *Criminal Code* concerning driving of a motor vehicle or convictions in any other jurisdiction for offences similar to those under the *Criminal Code*, as determined by the Insurance Corporation of British Columbia, concerning driving of a motor vehicle for 3 years before the application,
 - (b) provide a police check acceptable to the Insurance Corporation of British Columbia, and the application may be rejected if the police check indicates a conviction for an offence involving dishonesty, violence or indecency within the past 5 years,
 - (c) provide proof of driving experience and qualification acceptable to the Insurance Corporation of British Columbia indicating that
 - (i) if the application is for a Class 1, 2 or 3 driver training instructor's licence for practical driver training, the applicant holds a British Columbia Class 1, 2 or 3 driver's licence and has held one, or a similar driver's licence from another jurisdiction, as determined by

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- the Insurance Corporation of British Columbia, for at least 3 years and has held a driver's licence for at least 5 years,
- (ii) if the application is for a Class 4 driver training instructor's licence for practical driver training, the applicant has a Class 4 British Columbia driver's licence and has held a Class 4 or 5 driver's licence, or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, for at least 3 years,
 - (iii) if the application is for a Class 5 or 7 driver training instructor's licence for practical driver training, the applicant has a British Columbia driver's licence and has held a British Columbia Class 5 driver's licence, or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, for at least 3 years,
 - (iv) if the application is for a Class 6 or 8 driver training instructor's licence for practical driver training, the applicant has a British Columbia Class 6 driver's licence and has held one, or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, for at least 3 years,
 - (v) if the application is for a driver training instructor's licence not covering practical driver training, the applicant has, for at least 3 years, held a British Columbia driver's licence or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, and
 - (vi) if the application is for a driver training instructor's licence to teach an approved driver education course, the applicant has a British Columbia Class 5 or 6 driver training instructor's licence,
- (d) be at least 19 years of age and be the holder of a valid and subsisting British Columbia driver's licence of a class permitting operation of the class or type of vehicle for which the applicant intends to provide practical driver training, and
- (e) file a medical report acceptable to the Insurance Corporation of British Columbia, if
- (i) the application is for a driver training instructor's licence for practical driver training, and
 - (ii) the applicant did not hold a valid driver training instructor's licence for practical driver training within 24 months of the date of application.
- (2) Repealed. [B.C. Reg. 228/2004, s. (d).]
- (3) An instructor training facility must not accept an applicant for training unless the applicant meets the standards and qualifications specified in this section.

- (4) On acceptance by the instructor training facility, the applicant must complete an approved driver training instructor training course, and qualify on examinations, as required by the Insurance Corporation of British Columbia.
- (5) Subsection (4), other than the requirements under that subsection concerning examinations, does not apply if the applicant presents proof of equivalent training acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 413/97, App. 1, s. 2; 229/98, ss. 2 and 3; 257/98, App. 1, s. 2; 228/2004, ss. (d) and (e); 338/2012, Sch. 2, s. 2; 64/2017, ss. (a) and (b).]

Obligations of driver training instructor

27.08 (1) A driver training instructor must

- (a) have a driving record acceptable to the Insurance Corporation of British Columbia that shows less than 10 demerit points within the past 2 years, and no convictions under the *Criminal Code* concerning driving a motor vehicle or convictions in any other jurisdiction for offences analogous to those under the *Criminal Code* concerning driving a motor vehicle, within the past 3 years,
 - (b) provide, on request, a police check acceptable to the Insurance Corporation of British Columbia, and if the police check indicates a conviction for an offence described in section 27.03 (3) (d) the Insurance Corporation of British Columbia may suspend, cancel or refuse to issue or renew the driver training instructor's licence, and
 - (c) provide, on request, a medical report acceptable to the Insurance Corporation of British Columbia if the driver training instructor's licence permits the conduct of practical driver training.
- (1.1) If a driver training instructor is charged with an offence referred to in subsection (1) (b), the Insurance Corporation of British Columbia may delay acting under subsection (1) (b) pending the outcome of the proceeding for the offence in order to determine whether it should act under subsection (1) (b) at that later date.
 - (2) A driver training instructor must complete training courses and qualify on examinations or re-examinations from time to time as may be required by the Insurance Corporation of British Columbia.
 - (3) A driver training instructor must provide the driver training instructor's licence to the driver training school at which the driver training instructor is employed or is under contract to provide driver training.
 - (4) A driver training instructor must not provide driver training to an individual who is not enrolled at the driver training school at which the driver training instructor is employed.
 - (5) A driver training instructor or driver training school must not provide practical driver training to a person who does not have a driver's licence.

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- (6) A driver training instructor conducting practical driver training must hold a valid current British Columbia driver's licence of the appropriate classification.
- (7) A driver training instructor must use driver training course curriculum acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 108/97, ss. 3 and 4; 413/97, App. 1, s. 2; 229/98, s. 3; 338/2012, Sch. 2, s. 3.]

Driver training vehicles

- 27.09** (1) Vehicles used by a driver training school or driver training instructor for the training of persons who wish to obtain a Class 5 or 7 driver's licence must have
- (a) dual brake pedals,
 - (b) dual clutch pedals for manual transmission vehicles,
 - (c) a rear view mirror firmly mounted so as to give the instructor a clear and unobstructed view of the highway to the rear of the vehicle and separate from mirrors that the vehicle was originally equipped with when manufactured, and
 - (d) the words "student driver" in legible printed upper case letters not less than 50 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear.
 - (e) Repealed. [B.C. Reg. 228/2004, s. (f).]
- (2) Vehicles owned or leased by a driver training school or driver training instructor and in use for the training of drivers who wish to obtain a Class 4 driver's licence must have
- (a) the words "student driver" in legible printed upper case letters not less than 50 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear.
 - (b) Repealed. [B.C. Reg. 228/2004, s. (f).]
- (3) Repealed. [B.C. Reg. 228/2004, s. (f).]
- (4) Vehicles, including towed vehicles, used by a driver training school or driver training instructor for training of drivers who wish to obtain a Class 1, 2, or 3 driver's licence must have
- (a) the words "student driver" in legible printed upper case letters not less than 75 mm high with the lettering and background colours in contrasting shades displayed on the top or rear of the vehicle and visible to the rear.
 - (b) Repealed. [B.C. Reg. 228/2004, s. (f).]
- (5) Repealed. [B.C. Reg. 228/2004, s. (f).]
- (6) Vehicles used for driver training must meet inspection standards in Division 25.
- (7) A private vehicle that is used for training of persons with disabilities who wish to obtain a Class 5 or 7 driver's licence and that has modifications to its controls in

order to be operated is exempt from the requirements of this section other than subsection (1) (d).

- (8) Vehicles used for retraining are exempt from the requirements of this section.
- (9) A driver training school or driver training instructor must not provide Class 6 or 8 motorcycle practical driver training to a student on a highway if the student is not wearing a reflective vest of a type acceptable to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 1; 229/98, s. 3; 257/98, App. 1, s. 3; 228/2004, s. (f).]

Other requirements

27.10 (1) Repealed. [B.C. Reg. 228/2004, s. (f).]

- (2) A driver training school, its operators, agents or employees, or a driver training instructor, must not
 - (a) represent themselves as a representative, agent or employee of the government,
 - (b) solicit business in an office of the Insurance Corporation of British Columbia or its authorized agents,
 - (c) engage in false, deceptive or misleading advertising or make a false, deceptive or misleading statement,
 - (d) state or imply that issuance of a driver's licence is guaranteed on completion of the driver training provided,
 - (e) advertise, state or imply that the school or its employees are approved, supervised, recommended or endorsed by the Insurance Corporation of British Columbia or the government, except that
 - (i) the words "licensed under the *Motor Vehicle Act*" may be used,
 - (ii) in the case of a licensed driver training school, the words "licensed as a driver training school under the *Motor Vehicle Act*" may be used,
 - (iii) in the case of a licensed driver training instructor, the words "licensed as a driver training instructor under the *Motor Vehicle Act*" may be used, and
 - (iv) in the case of an approved driver education course, the words "driver education course approved by the Insurance Corporation of British Columbia" or "driver education course approved by ICBC" may be used, or
 - (f) advertise, or cause advertising to be issued, which does not contain the name of the driver training school or, in the case of a driver training instructor, the name of the driver training instructor.
 - (g) Repealed. [B.C. Reg. 228/2004, s. (f).]

[en. B.C. Reg. 354/94; am. B.C. Regs. 317/96, s. 5; 413/97, App. 1, s. 21; 229/98, s. 4; 228/2004, s. (f).]

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Driver training course curriculum

- 27.11** The Insurance Corporation of British Columbia may set policy guidelines for the conduct of courses of driver training and the training of driver training instructors, including curriculum, facilities and equipment, and may monitor the conduct of courses for licensees under this Division.

[en. B.C. Reg. 354/94; am. B.C. Reg. 317/96, s. 1.]

DIVISION 28 – POINT SYSTEM**Point penalties on driving record**

- 28.01** If a person is convicted of an offence, the Insurance Corporation of British Columbia must record on the driving record of that person the number of point penalties for that offence as set out in the Schedule to this Division.

[en. B.C. Reg. 413/97, App. 1, s. 22; am. B.C. Reg. 59/2016, App. 2, s. 1.]

- 28.02** Repealed. [B.C. Reg. 107/2016, s. 1.]

SCHEDULE

[en. B.C. Reg. 389/85; am. B.C. Regs. 274/86, Sch. 3, s. 1; 49/87, Sch. 2; 374/87, Sch. 2; 427/87; 428/87; 472/88; 257/98, App. 1, s. 4; 178/2000, s. 1; 173/2005, s. (b) (ii); 148/2009, s. 1; 177/2009, s. 2; 308/2009, Sch. 3; 97/2012, App. 2, s. 1; 187/2014; 116/2015, App. 1; 107/2016, ss. 2 and 3; 206/2018, ss. 2 and 3; 255/2018, App. ss. 2 and 3.]

Table 1

For breaches listed in this table, the number of point penalties recorded shall be 2.

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
1	Section 121	Driving maintenance or construction vehicle without due regard for safety
2	Section 123	Fail to obey police direction
3	Section 125	Disobey traffic control device
4	Section 127 (1) (a) (ii)	Fail to yield to pedestrian
5	Section 127 (1) (a) (iii)	Fail to yield to vehicle
6	Section 128 (1) (a)	Yellow light at intersection
6.1	Section 128 (1) (a)	Yellow light, intersection – no stop before intersection
7	Section 128 (2) (a)	Yellow light – no intersection
8	Section 129 (1)	Red light at intersection
9	Section 129 (3)	Fail to yield – right turn – red light
10	Section 129 (4) (b)	Fail to yield – left turn – red light
11	Section 129 (5) (a)	Red light – no intersection
12	Section 130 (1) (a)	Disobey green arrow
13	Section 130 (1) (a)	Fail to yield on green arrow

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13.1	Section 130 (2) (a) (i)	Fail to stop – yellow arrow – crosswalk
13.2	Section 130 (2) (a) (ii)	Fail to stop – yellow arrow – intersection
13.3	Section 130 (2) (b)	Fail to yield – yellow arrow – pedestrian
14	Section 131 (1) (a)	Flashing red light at intersection
15	Section 131 (2) (a)	Flashing red light – no intersection
16	Section 131 (3) (a)	Yellow flashing light at intersection
17	Section 131 (4) (a)	Yellow flashing light – no intersection
18	Section 131 (5) (a)	Fail to yield at green flashing light
19	Section 134	Failing to obey lane direction control signal
20	Section 143	Drive over newly painted lines
21	Section 151 (a)	Unsafe lane change
22	Section 151 (b)	Lane change solid line
23	Section 151 (c)	Change lanes without signal
24	Section 151 (d)	Left turn from wrong lane
25	Section 151 (e)	Right turn from wrong lane
26	Spent ^a	
27	Section 151 (f)	Illegal pass on laned roadway
28	Section 151 (g)	Slow moving in wrong lane
29	Section 158 (1)	Pass on right
30	Section 158 (2) (a)	Unsafe pass on right
31	Section 158 (2) (b)	Pass on right off roadway
32	Section 161	Disobey traffic sign or signal
33	Section 166	Improper left turn – no intersection
34	Section 167	Improper right turn – no intersection
35	Section 168 (a)	Unsafe U-turn
36	Section 168 (b) (iii)	Prohibited U-turn
36.1	Section 168 (b) (iv)	U-turn – intersection
36.2	Section 168 (b) (v)	U-turn – business district
37	Section 169	Unsafe start
38	Section 170 (1)	No signal on turn
39	Section 170 (2)	Inadequate signal on turn
40	Section 170 (3)	Fail to signal stop or decrease in speed
41	Section 171 (2)	Drive vehicle without signal device
42	Section 172 (2)	No proper signalling equipment for right-hand drive vehicle
43	Section 173	Fail to yield at uncontrolled intersection
44	Section 173	Disobey yield sign
45	Section 174	Fail to yield on left turn
46	Section 174	Fail to yield to left turn vehicle
47	Section 175 (1)	Fail to yield after stop

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48	Section 175 (2)	Fail to yield to vehicle leaving stop
49	Section 176 (1)	Emerging vehicle fail to stop
50	Section 176 (2)	Emerging vehicle fail to yield
51	Section 181	Failing to exercise duty to pedestrian
52	Section 185 (1)	Fail to stop at railway crossing
53	Section 185 (1)	Leave railway crossing unsafely
54	Section 185 (2)	Drive past railway crossing gate
55	Section 185 (4) (e)	Commercial vehicle – no stop at railway
56	Section 185 (5)	Fail to proceed with caution at railway crossing
57	Section 193	Reverse into intersection
58	Section 193	Reverse when unsafe
59	Section 194 (1)	Operate motorcycle – not on seat
60	Section 194 (4) (a)	Permit passenger under 16 to be unlawfully seated
61	Section 194 (10)	Operate motorcycle more than 2 abreast
62	Section 196	Improper operation of vehicle on canyon defile or on mountain road
63	Section 197	Coasting down grade illegally
64	Section 198	Follow fire truck too closely
65	Section 198	Park near fire truck
66	Section 199	Drive over fire hose
67	Section 200	Drive on sidewalk
68	Section 203 (1)	Open door while unsafe

a. Section 155 (f) of R.S.B.C. 1979, c. 288 was repealed by 1985-78-13.

Table 2

For breaches listed in this table, the number of point penalties recorded shall be 3.

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
1	Section 24 (1)	No driver's licence
2	Repealed. [B.C. Reg. 107/2016, s. 2.]	
3	Section 25 (15)	Drive contrary to driver's licence restriction
Item 3 does not apply to an offence for violating a specific driver's licence requirement, restriction or condition that is set out in another item in a table to the Schedule.		
4	Section 68	Failing to fulfill duty of driver involved in accident
5	Section 73 (1)	Fail to stop for police
6	Section 73 (2)	Fail to state name and address
7	Section 140	Disobey construction signs
8	Section 141	Disobey flagman

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9	Section 144 (1) (c)	Speed relative to conditions
10	Section 145 (1)	Slow driving
11	Section 146 (1)	Speed in municipality
12	Section 146 (1)	Speed outside municipality
13	Section 146 (3)	Speed against highway sign
14	Section 146 (5)	Speed against area sign
15	Section 146 (7)	Speed against municipal sign
16	Section 146 (11)	Speed on municipal lane
17	Section 147 (1)	Speed in school zone
18	Section 147 (2)	Speed in playground zone
18.1	Section 148 (1)	Excessive speed
19	Section 149	Fail to stop for school bus
20	Section 150 (1)	Fail to keep right
21	Section 150 (2)	Slow vehicle not on right
22	Section 150 (3)	Fail to keep right of rotary traffic island
22.1	Section 151.1 (3)	Improper use of leftmost lane
23	Section 154	Passing when meeting oncoming vehicle
24	Section 155 (1) (a)	Cross solid double line
25	Section 155 (1) (b) (i)	Fail to keep right of double broken/solid line
26	Section 155 (1) (b) (ii)	Cross solid broken line
27	Section 155 (1) (c)	Fail to keep right of single broken or solid line
28	Section 157 (1) (a)	Fail to pass at safe distance
29	Section 157 (1) (b)	Fail to complete pass safely
30	Section 157 (2) (a)	Fail to yield to passing vehicle
31	Section 157 (2) (b)	Increase speed while being passed
32	Section 159	Unsafe pass on left
33	Section 160	Pass without clear view
34	Section 162 (1)	Follow too closely
35	Section 162 (2)	Commercial vehicle – follow too closely
36	Section 162 (3)	Fail to leave sufficient space between vehicles for passing purposes
37	Section 163 (a)	Drive over highway divider
38	Section 163 (b)	Fail to keep right on divided highway
39	Section 164 (1)	Enter controlled access highway
40	Section 164 (2)	Leave controlled access highway
41	Section 165 (5)	Improper turn at intersection
42	Section 177	Fail to yield for emergency vehicle
43	Section 179 (1)	Fail to yield to pedestrian
44	Section 179 (3)	Pass vehicle yielding for pedestrian

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45	Section 179 (4)	Disobey school guard
46	Section 179 (4)	Disobey school patrol
47	Section 186	Disobey stop sign
48	Section 195 (1) (a)	Drive while control obstructed
49	Section 195 (1) (b)	Drive while view obstructed
50	Section 195 (2)	Obstruct driver
50.1 and 51	Repealed. [B.C. Reg. 107/2016, s. 2.]	

Motor Vehicle Act Regulations Description of Offence

1	Section 7A.01	Unnecessary noise
2	Section 47.02	Fail to slow down or move over near stopped official vehicle

Table 2.1

For breaches listed in this table, the number of point penalties recorded shall be 4.

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
1	Section 214.2 (1)	Use an electronic device while driving
2	Section 214.2 (2)	Email or text while driving

Motor Vehicle Act Regulations Description of Offence

1	Section 30.072 (1) (a)	Use an electronic device while driving in violation of driver's licence restriction (section 25 (15) <i>Motor Vehicle Act</i>)
2	Section 30.072 (1) (b)	Email or text while driving in violation of driver's licence restriction (section 25 (15) <i>Motor Vehicle Act</i>)

Table 3

For breaches listed in this table, the number of point penalties recorded shall be 6.

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
1	Section 144 (1) (a)	Careless driving
2	Section 144 (1) (b)	Driving without reasonable consideration
	<i>Criminal Code</i>	<u>Description of Offence</u>
1	Section 253 (3) (b)	Operation of motor vehicle with blood drug concentration in prescribed range
2	Section 320.14 (4)	Operation of motor vehicle and having blood drug concentration in prescribed range

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Table 4

For breaches listed in this table, the number of point penalties recorded shall be 10.

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
1	Section 90.4	Driving while suspended
2	Section 95	Driving while prohibited or suspended
3	Repealed. [B.C. Reg. 257/98, App. 1, s. 4.]	
4	Section 100	Failing to stop for peace officer
5	Section 102	Driving while prohibited or suspended
6	Section 103	Driving while suspended
7	Section 224	Driving with more than 80 milligrams of alcohol in blood
8	Section 226	Refusal to give blood sample
9	Section 234 (1)	Driving while suspended
	<i>Criminal Code</i>	<u>Description of Offence</u>
1	Section 220	Causing death by criminal negligence
2	Section 221	Causing injury by criminal negligence
3	Section 233 (1)	Criminal negligence
4	Section 233 (2)	Failing to fulfill duty of person having care, charge or control of vehicle involved in accident
5	Section 233 (4)	Dangerous driving
6	Section 234	Driving while ability impaired
7	Section 235	Breath sample not provided
8	Section 236	Driving with more than 80 milligrams of alcohol in blood
9	Section 236	Manslaughter
10	Section 249 (1) (a)	Dangerous operation of a motor vehicle
11	Section 249 (3)	Dangerous operation causing bodily harm
12	Section 249 (4)	Dangerous operation causing death
12.1	Section 249.1 (1)	Flight
12.2	Section 249.1 (3)	Flight causing bodily harm or death
12.3	Section 249.2	Causing death by criminal negligence (street racing)
12.4	Section 249.3	Causing bodily harm by criminal negligence (street racing)
12.5	Section 249.4	Dangerous operation of a motor vehicle while street racing
13	Section 252 (1)	Failure to stop at scene of accident
14	Section 253 (1) (a)	Operation of motor vehicle while ability impaired by alcohol or drugs
15	Section 253 (1) (b)	Operation of motor vehicle with more than 80 milligrams of alcohol in blood

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15.1	Section 253 (3) (a)	Operation of motor vehicle with blood drug concentration equal to or exceeding prescribed value
15.2	Section 253 (3) (c)	Operation of motor vehicle with blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values
16	Section 254 (5)	Failure or refusal to provide sample of breath or blood
17	Section 255 (2)	Operation of a motor vehicle while impaired causing bodily harm
17.1	Section 255 (2.1)	Causing bodily harm while driving with more than 80 milligrams of alcohol in blood
17.2	Section 255 (2.2)	Causing bodily harm and failure or refusal to provide sample of breath or blood
18	Section 255 (3)	Operation of a motor vehicle while impaired causing death
18.1	Section 255 (3.1)	Causing death while driving with more than 80 milligrams of alcohol in blood
18.2	Section 255 (3.2)	Causing death and failure or refusal to provide sample of breath or blood
19	Section 259 (4)	Operation of motor vehicle while disqualified
20	Section 320.13 (1)	Dangerous operation
21	Section 320.13 (2)	Dangerous operation causing bodily harm
22	Section 320.13 (3)	Dangerous operation causing death
23	Section 320.14 (1) (a)	Operation of motor vehicle while impaired by alcohol or a drug
24	Section 320.14 (1) (b)	Operation of motor vehicle and having blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in blood
25	Section 320.14 (1) (c)	Operation of motor vehicle and having blood drug concentration equal to or exceeding prescribed value
26	Section 320.14 (1) (d)	Operation of motor vehicle and having blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values
27	Section 320.14 (2)	Operation of motor vehicle while impaired by alcohol or a drug and causing bodily harm
28	Section 320.14 (3)	Operation of motor vehicle while impaired by alcohol or a drug and causing death
29	Section 320.15 (1)	Failure or refusal to comply with demand
30	Section 320.15 (2)	Causing accident resulting in bodily harm and failure or refusal to comply with demand
31	Section 320.15 (3)	Causing accident resulting in death and failure or refusal to comply with demand
32	Section 320.16 (1)	Failure to stop after accident

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33	Section 320.16 (2)	Failure to stop after accident resulting in bodily harm
34	Section 320.16 (3)	Failure to stop after accident resulting in death
35	Section 320.17	Flight from peace officer
36	Section 320.18 (1)	Operation while prohibited

DIVISION 29

29.01 to 29.35 Repealed. [B.C. Reg. 59/2016, App. 2, s. 2.]

DIVISION 30 – DRIVERS' LICENCES**Definitions and interpretation**

30.01 (1) In this Division:

“all terrain cycle” means a 3 wheeled motor vehicle designed for the transportation of persons, property or equipment exclusively on marshland, open country or other unprepared surfaces;

“bus” means a motor vehicle having a seating capacity of more than 10 persons, including the driver, that is operated for hire or for public transportation;

“construction vehicle” means any motor vehicle or combination of vehicles known or described as a tractor, grader, loader, shovel, roller, scraper or any other self propelled road building machine that is used for grading of highways, paving of highways or other construction work, but does not include a truck, truck tractor, mobile truck crane or truck mounted backhoe that has 3 or more axles;

“immediate family member” means a spouse, parent, grandparent, child, grandchild, sibling, step-parent, step-grandparent, step-child, step-grandchild, step-brother, step-sister, foster parent, foster grandparent, foster child, foster grandchild, foster brother or foster sister;

“learner driving experience” means the total amount of time a person has held a valid learner's licence, which licence may have been issued by another jurisdiction, and does not include any periods of time during which

- (a) the licence was suspended other than under section 90.3 of the Act,
- (b) the licence was surrendered, or
- (c) the licence holder was prohibited from driving other than under section 215 of the Act;

“learner's licence” means a driver's licence issued subject to regulations enacted under section 25 (8) of the Act;

“licensed driver training instructor” means a driver training instructor as defined in section 27.01 who is licensed under Division 27;

“mobile truck crane” means a motor vehicle with a crane permanently affixed, with or without a booster dolly or booster axles, designed and used primarily for

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Division 30 – Drivers' Licences

lifting or hoisting objects and operated or moved over a highway incidentally to its designed purpose or function;

“non-learner driving experience” means the total amount of time a person has held a valid driver's licence other than a learner's licence, which licence may have been issued by another jurisdiction, and does not include any periods of time during which

- (a) the licence was suspended other than under section 90.3 of the Act,
- (b) the licence was surrendered, or
- (c) the licence holder was prohibited from driving other than under section 215 of the Act;

“practical driver training” means practical driver training as defined in section 27.01.

(2) The classes of driver's licences and the categories of motor vehicles that the holders of each class of licence are permitted to drive are as follows:

- (a) **Class 8** licence, subject to the applicable conditions and restrictions under sections 30.10 (4), 30.11 (1) and 30.12 (1), permits operation of a motorcycle, an all terrain cycle or an all terrain vehicle;
- (b) **Class 8L** licence is a learner's licence that, subject to the applicable conditions and restrictions under sections 30.06 (4), (7) (b) and (8), 30.07 (1), 30.08 (1) and (2), 30.09 (5), 30.10 (2) and 30.11 (1), permits operation of a motor vehicle or combination of vehicles for which a Class 8 licence is required;
- (c) **Class 7** licence, subject to the applicable conditions and restrictions under sections 30.072, 30.10 (4) and 30.11 (1), permits operation of
 - (i) a 2 axle motor vehicle other than a motorcycle, but does not include a bus, school bus, special activity bus, special vehicle, taxi or ambulance, when used for its purpose as intended by design,
 - (ii) a 2 axle motor vehicle or 2 axle tow car with towed vehicles if the towed vehicles in that combination do not exceed 4 600 kg,
 - (iii) a motor home or motor home with towed vehicles if the towed vehicles in that combination do not exceed 4 600 kg,
 - (iv) a limited speed motorcycle, all terrain vehicle, all terrain cycle or utility vehicle,
 - (v) a construction vehicle, or
 - (vi) despite subparagraph (i), a school bus that
 - (A) is a passenger vehicle as defined in section 11.01 (1), and
 - (B) has a seating capacity of not more than 10 passengers including the driver;
- (d) **Class 7L** licence is a learner's licence that, subject to the applicable conditions and restrictions under sections 30.06 (1) and (2), 30.07 (3),

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- 30.072, 30.09 (3), 30.10 (2), and 30.11 (1), permits operation of a motor vehicle or combination of vehicles for which a Class 7 licence is required;
- (e) **Class 6** licence permits operation of a motor vehicle or combination of vehicles for which a Class 8 licence is required, subject to any applicable restriction under section 30.12 (1);
 - (f) **Class 6L** licence is a learner's licence that, subject to the applicable conditions and restrictions under sections 30.06 (4), (7) (a) and (8), 30.07 (1), 30.08 (1) and (2) and 30.09 (1) and (11), permits operation of a motor vehicle or combination of vehicles for which a Class 6 licence is required;
 - (g) **Class 5** licence permits
 - (i) operation of a motor vehicle or combination of vehicles for which a Class 7 licence is required, and
 - (ii) if permitted on the licence, operation of a combination of vehicles referred to in paragraph (c) (ii) or (iii) that are without air brakes even if the towed vehicles in that combination exceed 4 600 kg;
 - (h) **Class 5L** licence is a learner's licence that, subject to the applicable conditions and restrictions under sections 30.06 (1) and 30.09 (8) and (9), permits operation of a motor vehicle or combination of vehicles for which a Class 5 licence referred to in paragraph (g) (i) is required;
 - (i) **Class 4** licence permits
 - (i) operation of a motor vehicle or combination of vehicles for which a Class 5 licence is required,
 - (ii) operation of an ambulance or taxi,
 - (iii) if permitted on the licence, operation of an ambulance or taxi with towed vehicles, none of which have air brakes, even if the towed vehicles in that combination exceed 4 600 kg,
 - (iv) operation of a school bus, a special activity bus, a special vehicle or a bus with a seating capacity of not more than 25 persons including the driver, or
 - (v) if permitted on the licence, operation of a motor vehicle referred to in subparagraph (iv) with towed vehicles, none of which have air brakes, even if the towed vehicles in that combination exceed 4 600 kg;
 - (j) **Class 4L** licence is a learner's licence that, subject to subsection (3) and the applicable condition and restriction under section 30.06 (1) and (10), permits operation of a motor vehicle or combination of vehicles for which a Class 4 licence is required;
 - (k) **Class 3** licence permits operation of
 - (i) a motor vehicle or combination of vehicles for which a Class 5 licence is required,

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- (ii) a motor vehicle with 3 or more axles other than a bus when used for its purpose as intended by design,
 - (iii) a tow car and its recovered vehicle,
 - (iv) a mobile truck crane,
 - (v) a combination of vehicles if the towed vehicles in that combination do not exceed 4 600 kg, or
 - (vi) a combination of vehicles without air brakes if the towed vehicles exceed 4 600 kg;
- (l) **Class 3L** licence is a learner's licence that, subject to the applicable condition under section 30.06 (1), permits operation of a motor vehicle or combination of vehicles for which a Class 3 licence is required;
- (m) **Class 2** licence permits operation of
- (i) a motor vehicle or combination of vehicles for which a Class 4 licence is required,
 - (ii) a bus, school bus, special activity bus or special vehicle, or
 - (iii) a combination of vehicles without air brakes if the towed vehicles exceed 4 600 kg;
- (n) **Class 2L** licence is a learner's licence that, subject to the applicable condition and restriction under sections 30.06 (1) and (10), permits operation of a motor vehicle or combination of vehicles for which a Class 2 licence is required;
- (o) **Class 1** licence permits operation of any motor vehicle or combination of vehicles but does not include the operation of a motorcycle other than a limited speed motorcycle or all terrain cycle;
- (p) **Class 1L** licence is a learner's licence that, subject to the applicable condition and restriction under sections 30.06 (1) and (10), permits operation of a motor vehicle or combination of vehicles for which a Class 1 licence is required.
- (3) A Class 4L licence may not permit operation of a motor vehicle referred to in subsection (2) (g) (ii) or (i) (iii) or (v).

[en. B.C. Reg. 133/89, s. 3; am. B.C. Regs. 109/91; 274/91; 257/98, App. 1, s. 5; 235/2000, s. 1; 270/2000, s. 1; 354/2003, Sch. s. 1; 351/2008, Sch. s. 16; 308/2009, Sch. 2, s. 1 (b) and (c); 132/2010; 120/2012, Sch. ss. 1 and 2.]

Prohibition on air brakes

- 30.02** The operation of a vehicle equipped with air brakes, other than a construction vehicle, is not permitted by any class of licence referred to in section 30.01 unless specifically permitted in the licence.

[en. B.C. Reg. 133/89, s. 3.]

Exemptions

30.03 A peace officer, a person authorized to inspect vehicles pursuant to the Motor Vehicle Inspectors Authorization Regulation or a person employed by the Insurance Corporation of British Columbia as an examiner of drivers is exempt from this Division while driving or operating a motor vehicle

- (a) as a result of an accident or other emergency,
- (b) for the purpose of inspecting the motor vehicle,
- (c) for the purpose of examining the driver, or
- (d) as part of his duties.

[en. B.C. Reg. 133/89, s. 3; am. B.C. Reg. 317/96, s. 7.]

Age of driver and expiry of learner's licence

30.04 (1) The holder of a driver's licence must be at least

- (a) 16 years of age for a Class 5, 5L, 6, 6L, 7, 7L, 8 or 8L licence,
- (b) 18 years of age for a Class 3 or 3L licence, and
- (c) 19 years of age for a Class 1, 1L, 2, 2L, 4 or 4L licence.

(2) The classes of learner's licence expire as follows:

- (a) a Class 1L, 2L, 3L, 4L, 5L or 6L licence expires one year after its date of issue;
- (b) a Class 7L or Class 8L licence, if issued before October 6, 2003, expires one year after its date of issue;
- (c) a Class 7L or Class 8L licence, if issued on or after October 6, 2003, expires 2 years after its date of issue.

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Reg. 354/2003, Sch. s. 2.]

Minimum driving experience, skills and other qualifications

30.05 (1) An applicant for a Class 1, 2, 3 or 4 licence must

- (a) hold a valid and subsisting Class 1L, 2L, 3L or 4L licence, as the case may be,
- (b) have held a class 1, 2, 3 or 4 licence, as the case may be, or
- (c) hold or have held a similar class of driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience.

(2) An applicant for a Class 1L, 2L, 3L or 4L licence must

- (a) have a driving record that shows
 - (i) fewer than 4 convictions for offences listed in the Schedule to Division 28 or convictions in another jurisdiction for similar offences, as determined by the Insurance Corporation of British Columbia, in the 2 years prior to the application, and

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- (ii) no convictions for the Criminal Code offences listed in the Schedule to Division 28 or convictions in another jurisdiction for similar offences, as determined by the Insurance Corporation of British Columbia, in the 3 years prior to the application, and
- (b) either
 - (i) hold or have held a Class 1, 2, 3, 4, 5 or 6 licence, or
 - (ii) hold or have held a licence similar to a Class 1, 2, 3, 4, 5, 6, 7 or 8 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience.
- (3) An applicant for a Class 5 licence must
 - (a) hold or have held a Class 1, 2, 3 or 4 licence,
 - (b) have held a Class 5 licence,
 - (c) hold or have held a Class 7 licence issued before October 6, 2003 and have at least 18 months of non-learner driving experience, unless paragraph (c.1) or (c.2) applies,
 - (c.1) have held a Class 7 licence issued before October 6, 2003, and, if the applicant is, on that date, subject to a prohibition or suspension
 - (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) resulting from a conviction for a motor vehicle related *Criminal Code* offence, or from a conviction in any other jurisdiction for an offence that is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,have non-learner driving experience accumulated before the commencement of the prohibition or suspension, plus non-learner driving experience accumulated after the end of the prohibition or suspension that is uninterrupted by a prohibition or suspension referred to in subparagraph (i) or (ii), totalling at least 24 months,
 - (c.2) have held a Class 7 licence issued before October 6, 2003, and if the applicant is, on or after that date, prohibited or suspended
 - (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) as a result of a conviction for a motor vehicle related *Criminal Code* offence, or of a conviction in any other jurisdiction for an offence that is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,have at least 24 months of non-learner driving experience accumulated after the end of the prohibition or suspension that is uninterrupted by a prohibition or suspension referred to in subparagraph (i) or (ii),
 - (c.3) hold or have held a Class 7 licence issued on or after October 6, 2003, and have at least 24 months of non-learner driving experience that is uninterrupted by a prohibition or suspension

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- (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) as a result of a conviction for a motor vehicle related *Criminal Code* offence, or of a conviction in any other jurisdiction for an offence that is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,unless paragraph (c.1) or (c.2) applies,
 - (d) hold or have held a licence similar to a Class 1, 2, 3, 4, 5 or 7 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience, or
 - (e) hold a valid and subsisting Class 5L licence.
 - (f) Repealed. [B.C. Reg. 354/2003, Sch. s. 3 (e).]
- (4) An applicant for a Class 5L licence must
- (a) hold or have held a Class 1, 2, 3, 4, 5 or 6 licence, or
 - (b) hold or have held a licence similar to a Class 1, 2, 3, 4, 5, 6, 7 or 8 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience.
- (5) An applicant for a Class 6 licence must
- (a) have held a Class 6 licence,
 - (b) hold or have held a Class 8 licence issued before October 6, 2003 and have at least 18 months of non-learner driving experience, unless paragraph (b.1) or (b.2) applies,
- (b.1) have held a Class 8 licence issued before October 6, 2003, and, if the applicant is, on that date, subject to a prohibition or suspension
- (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) resulting from a conviction for a motor vehicle related *Criminal Code* offence, or from a conviction in any other jurisdiction for an offence that is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,
- have non-learner driving experience accumulated before the commencement of the prohibition or suspension, plus non-learner driving experience accumulated after the end of the prohibition or suspension that is uninterrupted by a prohibition or suspension referred to in subparagraph (i) or (ii), totalling at least 24 months,
- (b.2) have held a Class 8 licence issued before October 6, 2003, and if the applicant is, on or after that date prohibited or suspended
- (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) as a result of a conviction for a motor vehicle related *Criminal Code* offence, or of a conviction in any other jurisdiction for an offence that

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- is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,
- have at least 24 months of non-learner driving experience accumulated after the end of the prohibition or suspension that is uninterrupted by a prohibition or suspension referred to in subparagraph (i) or (ii),
- (b.3) hold or have held a Class 8 licence issued on or after October 6, 2003, and have at least 24 months of non-learner driving experience that is uninterrupted by a prohibition or suspension
- (i) under section 93, 94.1, 98, 99, 100, or 232 of the Act, or
 - (ii) as a result of a conviction for a motor vehicle related *Criminal Code* offence, or of a conviction in any other jurisdiction for an offence that is similar to a motor vehicle related *Criminal Code* offence, as determined by the Insurance Corporation of British Columbia,
- unless paragraph (b.1) or (b.2) applies,
- (c) hold or have held a licence similar to a Class 6 or 8 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience, or
- (d) hold a valid and subsisting Class 6L licence.
- (e) Repealed. [B.C. Reg. 354/2003, Sch. s. 3 (j).]
- (6) An applicant for a Class 6L licence must
- (a) hold or have held a Class 1, 2, 3, 4, 5 or 6 licence, or
 - (b) hold or have held a licence similar to a Class 1, 2, 3, 4, 5, 6, 7 or 8 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia, and have at least 2 years of non-learner driving experience.
- (7) An applicant for a Class 7 licence must
- (a) hold a valid and subsisting Class 7L licence,
 - (b) have held a Class 7 licence, or
 - (c) hold or have held a licence similar to a Class 7 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia.
- (8) An applicant for a Class 8 licence must
- (a) hold a valid and subsisting Class 8L licence,
 - (b) have held a Class 8 licence, or
 - (c) hold or have held a licence similar to a Class 8 licence issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia.
- (9) An applicant for a Class 8L licence must
- (a) hold a valid and subsisting Class 7 licence, or

(b) hold a valid and subsisting Class 7L licence.

(10) Repealed. [B.C. Reg. 270/2000, s. 2.]

(11) The qualifications and requirements set out in subsections (1) to (9) are in addition to and not in place of any other requirement, restriction or condition imposed under the Act or the regulations for the application.

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Regs. 158/99; 270/2000, s. 2; 354/2003, Sch. s. 3; 338/2012, Sch. 2, s. 4.]

Accompanying adult conditions and passenger restrictions for learner's licence

30.06 (1) A person to whom a Class 1L, 2L, 3L, 4L or 5L licence is issued, or a person to whom a Class 7L licence is issued before October 6, 2003, must not operate a motor vehicle of a category designated in section 30.01 (2) for the class of licence issued unless the person is accompanied by another person who

- (a) is at least 19 years of age,
- (b) holds a valid and subsisting driver's licence, other than a learner's licence or a Class 7 licence, of a class that permits him or her to operate a motor vehicle of that category, and
- (c) occupies
 - (i) the seat beside the operator, or
 - (ii) the seat or area immediately behind and to the right of the operator, in the case of a motor vehicle of the category designated for the class of licence issued in which there is no seat beside the operator.

(1.1) A person to whom a Class 7L licence is issued on or after October 6, 2003 must not operate a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence unless the person is accompanied by another person who

- (a) is at least 25 years of age or is a licensed driver training instructor engaged in providing practical driver training in accordance with Division 27,
- (b) holds a valid and subsisting driver's licence, other than a learner's licence or a Class 7 licence, of a class that permits him or her to operate a motor vehicle of that category, and
- (c) occupies
 - (i) the seat beside the operator, or
 - (ii) the seat or area immediately behind and to the right of the operator, in the case of a motor vehicle of the category designated for the class of licence issued in which there is no seat beside the operator.

(2) A person to whom a Class 7L licence is issued must not carry more than one passenger, other than the accompanying person under subsection (1), while operating a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence.

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- (3) The passenger restriction under subsection (2) does not apply in the course of the person receiving practical driver training that is being conducted in accordance with Division 27 by a licensed driver training instructor.
- (4) A person to whom a Class 6L licence is issued, or a person to whom a Class 8L licence is issued before October 6, 2003, must not operate a motorcycle unless the person is under the direct supervision of another person who
 - (a) is at least 19 years of age, and
 - (b) holds a valid and subsisting driver's licence, other than a learner's licence or a Class 8 licence, of a class that permits him or her to operate a motorcycle.
- (4.1) A person to whom a Class 8L licence is issued on or after October 6, 2003 must not operate a motorcycle unless the person is under the direct supervision of another person who
 - (a) is at least 25 years of age or is a licensed driver training instructor engaged in providing practical training in accordance with Division 27, and
 - (b) holds a valid and subsisting driver's licence, other than a learner's licence or a Class 8 licence, of a class that permits him or her to operate a motorcycle.
- (5) For the purposes of subsections (4) and (4.1), **"direct supervision"** means that the person supervising can, at all times, see the other person while the other person is operating the motorcycle.
- (6) Subject to the minimum waiting periods set out in subsection (7), the direct supervision condition under subsections (4) and (4.1) applies only until the person referred to in that subsection undertakes and successfully completes a road skills test required by the Insurance Corporation of British Columbia for this purpose.
- (7) A person to whom a Class 6L or 8L licence is issued is not entitled to submit to the road skills test referred to in subsection (6) until expiration of the following waiting period, as applicable:
 - (a) a 14 day waiting period that begins on the date the Class 6L licence is issued;
 - (b) a 30 day waiting period that begins on the date the Class 8L licence is issued.
- (8) A person to whom a Class 6L or 8L licence is issued must not carry passengers while operating a motorcycle.
- (9) The no-passenger restriction under subsection (8) does not apply in the course of the person receiving practical driver training that is being conducted in accordance with Division 27 by a licensed driver training instructor.
- (10) A person to whom a Class 1L, 2L or 4L licence is issued must not operate a bus, taxi or ambulance in which there is a passenger other than

- (a) an examiner of drivers,
- (b) a person who is at least 19 years of age and holds a valid and subsisting driver's licence of a class that permits him or her to operate a motor vehicle of the appropriate category with passengers, or
- (c) a person being trained to operate a motor vehicle of the appropriate category who holds a learner's licence that permits him or her to operate a motor vehicle of that category.

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Reg. 354/2003, Sch. ss. 4 and 5.]

Hours-of-day restrictions for Class 6L, 7L and 8L licences

- 30.07** (1) Subject to the exception set out in subsection (2), a person to whom a Class 6L or 8L licence is issued must not operate a motorcycle between sunset and sunrise each day.
- (2) The daylight-hours restriction under subsection (1) does not apply in the course of the person receiving practical driver training that is being conducted in accordance with Division 27 by a licensed driver training instructor.
- (3) A person to whom a Class 7L licence is issued must not operate, between the hours of 12:00 a.m. and 5:00 a.m. each day, a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence.

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Reg. 354/2003, Sch. s. 4.]

Accompanying adult conditions and passenger restrictions for Class 7 licence

- 30.071** (1) Subject to subsection (2), a person to whom a Class 7 licence is issued on or after October 6, 2003 must not carry more than one passenger while operating a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence unless the person is accompanied by another person who
- (a) is at least 25 years of age or is a licensed driver training instructor engaged in providing practical driver training to the person in accordance with Division 27,
 - (b) holds a valid and subsisting driver's licence, other than a learner's licence or a Class 7 licence, of a class that permits him or her to operate a motor vehicle of that category, and
 - (c) occupies
 - (i) the seat beside the operator, or
 - (ii) the seat or area immediately behind and to the right of the operator, in the case of a motor vehicle of the category designated for the class of licence issued in which there is no seat beside the operator.
- (2) Subsection (1) does not apply to a passenger who is an immediate family member of the person.

[en. B.C. Reg. 354/2003, Sch. s. 6.]

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Restriction on use of electronic device while driving

- 30.072** (1) Subject to subsection (2), a person to whom a Class 7 or 7L licence is issued must not
- (a) use an electronic device within the meaning of Part 3.1 of the Act while driving or operating a motor vehicle on a highway, or
 - (b) without limiting paragraph (a), communicate by means of an electronic device with another person or another device by electronic mail or other text-based message while driving or operating a motor vehicle on a highway.
- (2) Subsection (1) does not apply to a person referred to in that subsection if the person uses the electronic device
- (a) while operating a motor vehicle that is safely parked off the roadway or is lawfully parked on the roadway and not impeding traffic, or
 - (b) to call or send a message to a police force, fire department or ambulance service about an emergency.
- [en. B.C. Reg. 308/2009, Sch. 2, s. 1 (d).]

Speed and area restrictions for Class 6L and 8L licences

- 30.08** (1) Subject to the exceptions set out in subsection (3), a person to whom a Class 6L or 8L licence is issued must not operate a motorcycle at a speed exceeding 60 km/hr until he or she has successfully completed a road skills test required by the Insurance Corporation of British Columbia for that purpose.
- (2) Repealed. [B.C. Reg. 354/2003, Sch. s. 7 (b).]
- (3) The speed restriction under subsection (1) does not apply in the course of the person receiving practical driver training that is being conducted in accordance with Division 27 by a licensed driver training instructor.
- [en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Regs. 270/2000, s. 3; 354/2003, Sch. ss. 4 and 7.]

Minimum waiting periods imposed on learner's licences

- 30.09** (1) The period a Class 6L licence holder must wait to be eligible for a road test under section 25 (3) (a) of the Act in respect of a Class 6 licence is 30 days from the date the Class 6L licence is issued.
- (2) The waiting period set out in subsection (1) does not apply if the person has held a Class 6 licence or a licence, similar to a Class 6 or 8 licence, issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia.
- (3) The period a Class 7L licence holder must wait to be eligible for a road test under section 25 (3) (a) of the Act in respect of a Class 7 licence is
- (a) until he or she has accumulated 6 months of learner driving experience, if the Class 7L licence is issued before October 6, 2003, or
 - (b) until he or she has accumulated one year of learner driving experience, if the Class 7L licence is issued on or after October 6, 2003.

- (4) The waiting period referred to in subsection (3) does not apply if the person has held a Class 7 licence or a licence, similar to a Class 5 or 7 licence, issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia.
- (5) The period a Class 8L licence holder must wait to be eligible for a road test under section 25 (3) (a) of the Act in respect of a Class 8 licence is
 - (a) until he or she has accumulated 6 months of learner driving experience, if the Class 8L licence is issued before October 6, 2003, or
 - (b) until he or she has accumulated one year of learner driving experience, if the Class 8L licence is issued on or after October 6, 2003.
- (6) The waiting period set out in subsection (5) does not apply if the person has held a Class 8 licence or a licence, similar to a Class 6 or 8 licence, issued by another jurisdiction, as determined by the Insurance Corporation of British Columbia.

[en. B.C. Reg. 270/2000, s. 4; am. B.C. Regs. 354/2003, Sch. s. 8; 338/2012, Sch. 2, s. 5.]

New driver sign condition for Class 7L, 8L, 7 and 8 licences

- 30.10** (1) In this section, “**new driver sign**” means a sign, issued by the Insurance Corporation of British Columbia for the purposes of this section, to indicate that a motor vehicle is being driven by a person who is learning to drive or by a novice driver.
- (2) Subject to the exception set out in subsection (3), a person to whom a Class 7L or 8L licence is issued must not operate a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence unless a new driver sign depicting the letter “L” is clearly visible and prominently displayed from the rear of the motor vehicle or trailer, as the case may be.
 - (3) The new driver sign condition under subsection (2) does not apply in the course of the person receiving practical driver training conducted in accordance with Division 27 by a licensed driver training instructor, unless the practical driver training is being conducted in a private vehicle under section 27.09 (7).
 - (4) Subject to the exception set out in subsection (5), a person to whom a Class 7 or 8 licence is issued must not operate a motor vehicle of a category designated in section 30.01 (2) for that class of driver's licence unless a new driver sign depicting the letter “N” is clearly visible and prominently displayed from the rear of the motor vehicle or trailer, as the case may be.
 - (5) The new driver sign condition under subsection (4) does not apply in the course of the person receiving practical driver training conducted in accordance with Division 27 by a licensed driver training instructor, unless the practical driver training is being conducted in a private vehicle under section 27.09 (7).

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Reg. 354/2003, Sch. s. 4.]

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No-alcohol, no-drug condition for Class 7L, 8L, 7 or 8 licences

- 30.11** (1) A person to whom a Class 7L, 8L, 7 or 8 licence is issued must not operate a motor vehicle while having any of the following in the person's body:
- (a) alcohol;
 - (b) cocaine;
 - (c) tetrahydrocannabinol (THC).
- (2) For the purposes of section 90.3 of the Act, the following devices are approved screening devices:
- (a) the Alcolmeter S-L2;
 - (b) the Alcotest® 7410 GLC;
 - (c) the Alcotest® 7410 PA3;
 - (c.1) the Alco-Sensor FST;
 - (d) the Alco-Sensor IV D WF;
 - (e) the Alco-Sensor IV PWF;
 - (f) the Alco-Sûr;
 - (g) the Intoxilyzer 400D.
- (3) For the purposes of section 90.3 of the Act,
- (a) the following equipment, when used together, is approved drug screening equipment in relation to cocaine and tetrahydrocannabinol (THC):
 - (i) the Dräger DrugTest® 5000;
 - (ii) the Dräger DrugTest® 5000 STK-CA, and
 - (b) the following equipment, when used together, is approved drug screening equipment in relation to tetrahydrocannabinol (THC):
 - (i) the SoToxa™, also known as the Abbott SoToxa™ Mobile Test System;
 - (ii) the Abbott SoToxa™ Test Cartridge;
 - (iii) the Abbott SoToxa™ Oral Fluid Collection Device.
- (4) For the purposes of sections 25 (10.101) and 90.3 (2.1) (b) of the Act, the following drugs are prescribed:
- (a) cocaine;
 - (b) tetrahydrocannabinol (THC).

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Regs. 43/2015; 205/2018, App. 1; 180/2020.]

Passenger and motor vehicle restrictions for Class 6 and 8 licences

- 30.12** (1) A Class 6 or 8 licence is subject to the following licence restrictions:
- (a) if the person to whom the licence is issued qualified for the licence using a motorcycle with an engine displacement of 200 cc or less, other than a

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motor scooter, the person must not carry passengers while operating a motorcycle;

- (b) if the person qualified for the licence using a motor scooter, the person must not operate any other kind of motorcycle except a limited speed motorcycle;
- (c) if the person qualified for the licence using a limited speed motorcycle, the person must not operate any other kind of motorcycle.

- (2) Despite subsection (1) the person holding a licence on which a restriction under that subsection is imposed may apply to have the restriction removed from his or her licence by undertaking and successfully completing the appropriate fitness and ability tests under section 25 (3) of the Act for the other kinds of motorcycles that the person wishes to operate.

[en. B.C. Reg. 257/98, App. 1, s. 6; am. B.C. Reg. 270/2000, s. 5.]

30.13 Repealed. [B.C. Reg. 107/2016, s. 4.]

DIVISION 30A – DRIVERS' LICENCES – FOREIGN REPRESENTATIVES**Fee exemption**

- 30A.01** A foreign representative or the spouse or dependent of a foreign representative is exempt from the fees for a driver's licence or driver's test under item 4 (a) and (b) of the Schedule to the Motor Vehicle Fees Regulation except for fees payable for a missed test.

[en. B.C. Reg. 381/2007, s. (b).]

Driver's licence testing exemptions

- 30A.02** (1) A foreign representative or spouse of a foreign representative who applies for a Class 5 licence, and who holds a licence issued by another jurisdiction that the Insurance Corporation of British Columbia considers is similar to a Class 1, 2, 3, 4, 5 or 7 licence, is exempt from
- (a) the requirement to submit to tests required under section 25 (3) (a) of the Act [*application for licence*], and
 - (b) the requirement to provide proof of driving experience under section 30.05 (3) (d) of this regulation [*minimum driving experience, skills and other qualifications*].
- (2) A dependent of a foreign representative who applies for a Class 5 licence and who
- (a) holds a licence issued by another jurisdiction that the Insurance Corporation of British Columbia considers is similar to a Class 1, 2, 3, 4, 5 or 7 licence, and
 - (b) has at least 2 years of non-learner driving experience,
- is exempt from the requirement to submit to tests required under section 25 (3) (a) of the Act [*application for licence*].

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- (3) A dependent of a foreign representative who applies for a Class 7 licence and who
- (a) holds a licence issued by another jurisdiction that the Insurance Corporation of British Columbia considers is similar to a Class 1, 2, 3, 4, 5 or 7 licence, and
 - (b) has fewer than 2 years of non-learner driving experience
- is exempt from the requirement to submit to tests required under section 25 (3) (a) of the Act *[application for licence]*.

[en. B.C. Reg. 381/2007, s. (b); am. B.C. Reg. 338/2012, Sch. 2, s. 6.]

DIVISION 30B – DRIVERS' LICENCES – CANADIAN CITIZENSHIP**Definitions**

30B.01 In this Division, “**outstanding charge**” means a charge

- (a) in respect of which an Information has been sworn,
- (b) in respect of an offence that is an indictable offence or an offence that is being proceeded with by way of indictment, and
- (c) that has not been disposed of by a court.

[en. B.C. Reg. 147/2009, Sch. 1.]

Additional requirements for driver's licence

30B.02 For the purposes of section 25 (1.2) (d) of the Act, an applicant for a driver's licence that indicates the driver is a Canadian citizen is not eligible for the licence if

- (a) the applicant is the subject of an outstanding charge,
- (b) the applicant is subject to conditions imposed by a court or parole board that forbid the applicant to leave Canada, or
- (c) the applicant holds a BC identification card issued under section 3 (1) of the Identification Card Regulation that indicates the person is a Canadian citizen.

[en. B.C. Reg. 147/2009, Sch. 1; am. B.C. Reg. 4/2013, App. 3, s. 1.]

Continuing requirements for driver's licence and cancellation

- 30B.03** (1) For the purposes of section 25 (14.1) (b) of the Act, a person who holds a driver's licence that indicates the driver is a Canadian citizen must continue to meet the requirements for eligibility for the licence that are set out in section 30B.02.
- (2) If a person who holds a driver's licence that indicates the driver is a Canadian citizen ceases to be a Canadian citizen, the Insurance Corporation of British Columbia may cancel the licence.

[en. B.C. Reg. 147/2009, Sch. 1.]

**DIVISION 30C – DRIVERS' LICENCES – EXEMPTION FOR
NON-RESIDENT TEMPORARY WORKERS****Seasonal agricultural workers**

- 30C.01** (1) In this section, “**Seasonal Agricultural Worker Program**” means the program administered by the government of Canada and known as the “Seasonal Agricultural Worker Program”.
- (2) The Seasonal Agricultural Worker Program is specified for the purposes of section 34 (1.1) (d) (ii) of the Act.
- (3) For the purposes of section 34 (1.1) (d) (iii) of the Act, a person who meets all of the following requirements is in a prescribed class of persons:
- (a) the person is not a Canadian citizen;
 - (b) the person is not a permanent resident, as defined in the *Immigration and Refugee Protection Act* (Canada);
 - (c) the person is working in British Columbia in the agricultural sector.
- [en. B.C. Reg. 246/2010, s. (b).]

**DIVISION 30D – DRIVERS' LICENCES –
BENEFICIARY UNDER THE *MEDICARE PROTECTION ACT*****Prescribed categories**

- 30D.01** For the purposes of section 25 (1.3) of the Act, an applicant for a driver's licence that indicates the applicant is a beneficiary under the *Medicare Protection Act* is not eligible for the licence if
- (a) the applicant is a deemed resident within the meaning of section 7.4 (1) of the Medical and Health Care Services Regulation, or
 - (b) section 7 (2) of the *Medicare Protection Act* applies to the applicant, unless the Medical Services Commission, on or after February 10, 2013, renewed the applicant's enrollment as a beneficiary under section 7.2 of the *Medicare Protection Act*.
- [en. B.C. Reg. 4/2013, App. 3, s. 2.]

Additional requirements for driver's licence

- 30D.02** For the purposes of section 25 (1.3) (d) of the Act, an applicant for a driver's licence that indicates the applicant is a beneficiary under the *Medicare Protection Act* must surrender all of the following that are held by the applicant at the time of application:
- (a) a photo BC services card within the meaning of the Identification Card Regulation;
 - (b) a non-photo BC services card within the meaning of the Identification Card Regulation.
- [en. B.C. Reg. 4/2013, App. 3, s. 2.]

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Division 30E – Drivers' Licences – Medical Condition Statement
for Compliance with International Agreement

**DIVISION 30E – DRIVERS' LICENCES – MEDICAL CONDITION STATEMENT
FOR COMPLIANCE WITH INTERNATIONAL AGREEMENT****Definition**

30E.01 In this Division, “**North American Free Trade Agreement**” has the same meaning as “**Agreement**” in the *North American Free Trade Agreement Implementation Act* (Canada).

[en. B.C. Reg. 239/2013.]

Prescribed international agreement

30E.02 The North American Free Trade Agreement is prescribed for the purposes of this Division.

[en. B.C. Reg. 239/2013.]

Statement indicating certain medical conditions

30E.03 (1) The superintendent may, for the purposes of complying with the agreement prescribed in section 30E.02, instruct the Insurance Corporation of British Columbia to inscribe the statement “W” on the face of a driver’s licence if the superintendent is satisfied that

- (a) the licence is a class 1, 2, 3 or 4 licence, and
- (b) the applicant for or holder of the licence
 - (i) has epilepsy,
 - (ii) has diabetes mellitus that requires insulin, or
 - (iii) has a hearing impairment such that the average of the quietest sound at 500, 1 000 and 2 000 hertz that he or she can hear in his or her best ear, with or without a hearing aid, is greater than 40 decibels.

(2) The superintendent may instruct the Insurance Corporation of British Columbia to remove the statement “W” from a driver’s licence if the superintendent is satisfied that the holder of the licence does not have any of the conditions referred to in subsection (1) (b).

(3) The Insurance Corporation of British Columbia must comply with an instruction of the superintendent given under subsection (1) or (2).

[en. B.C. Reg. 239/2013.]

DIVISION 30F

30F.01 to 30F.03 Repealed. [B.C. Reg. 26/58, s. 30F.03.]

DIVISION 31 – TRAILERS AND MOBILE HOMES**CSA standards**

- 31.01** Trailers, mobile homes or recreational vehicles, and the equipment therein, manufactured on or after October 1, 1972, shall conform in all respects to the standards for trailers, mobile homes or recreational vehicles from time to time made by the Canadian Standards Association, now numbered CSA Standard-Z240 MH Series-92 and Z240 RV Series-M86 (R1992), respectively; and labelled in accordance with such standard.

[en. B.C. Reg. 68/71, s. 8; am. B.C. Regs. 205/72, s. 15; 333/94, s. 1.]

Exclusion

- 31.02** For the purpose of section 31.01, a recreational vehicle as defined in CSA Standard Z240 RV Series-M86 (R1992) does not include a motorhome as defined in section 1 of the Act.

[en. B.C. Reg. 224/74, s. 4; am. B.C. Reg. 333/94, s. 2.]

DIVISION 32 – SEAT BELT ASSEMBLY**Definition**

- 32.01** In this Division, “**taxi**” means a motor vehicle having a seating capacity of not more than 10 persons which, with its driver, is operated or plies for hire by members of the public.

[en. B.C. reg. 426/77; am. B.C. Reg. 56/89, s. 9.]

- 32.02** Repealed. [B.C. Reg. 166/2019, s. 4.]

Exemption – taxi driver

- 32.03** A taxi driver is exempt from the provisions of section 220 (6) of the Act while transporting a passenger for hire in a taxi unless the taxi is operated as a passenger directed vehicle under a transportation network services authorization only.

[en. B.C. Reg. 426/77; am. B.C. Reg. 166/2019, s. 5.]

Exemption – emergency vehicle

- 32.04** (1) An emergency vehicle driven by or on behalf of a peace officer in the discharge of his duty is exempt from the requirement that
- (a) upper torso restraints,
 - (b) a seat belt assembly in the centre front seat seating position, and
 - (c) seat belt assemblies in the rear seating position,
- not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness.
- (2) A person who is in the custody or care of a peace officer is exempt from section 220 (4) of the Act.

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- (3) A peace officer who, in the lawful performance of his duty, is transporting a person in his custody or care is exempt from section 220 (3), (4) and (6) of the Act.
- (4) When a peace officer has reasonable and probable grounds to believe the use of a seat belt assembly would obstruct the performance of his duties, the peace officer and any passenger is exempt from section 220 (3), (4) and (6) of the Act.
[en. B.C. Reg. 66/78.]

Exemption – sheriff escort vehicle

- 32.05** (1) A sheriff escort vehicle driven by a sheriff in the discharge of his or her duty is exempt from the requirement that seat belt assemblies in the rear seating position not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness.
- (2) A person who is in the custody or care of a sheriff is exempt from section 220 (4) of the Act.
- (3) A sheriff who, in the lawful performance of duty, is transporting a person in his or her custody or care is exempt from section 220 (3), (4) and (6) of the Act.
[en. B.C. Reg. 370/2000.]

DIVISION 33 – YEAR-ROUND MOTOR VEHICLE LICENCE RENEWAL**Varied terms of licences**

- 33.01** A licence may be issued under the Act in respect of a period of less than 12 months where
- (a) the Insurance Corporation of British Columbia considers it necessary to designate an earlier expiry date in order to spread the work of licence renewal more uniformly over the year,
 - (b) the corporation is satisfied that the licence is required for less than 12 months, or
 - (c) the corporation is satisfied that a person owns more than one vehicle, and that the licences for each should have a common expiry date,
- and where a licence is so issued, it shall expire accordingly.
[en. B.C. Reg. 147/79, s. 3; am. B.C. Reg. 317/96, s. 1.]

DIVISION 34 – PERSONALIZED NUMBER PLATES**Issuance of plates**

- 34.01** (1) Where a person holds a valid and subsisting licence in respect of a motor vehicle, and the Insurance Corporation of British Columbia has received from him
- (a) an application in the prescribed form, and
 - (b) the fee prescribed in the Motor Vehicle Fees Regulation,

the corporation may, subject to this regulation and on being satisfied as to the truth of the facts stated in the application, issue a personalized number plate to him, in respect of the vehicle, in place of the current number plate.

- (2) Where a personalized number plate has been lost, stolen, damaged or destroyed the Insurance Corporation of British Columbia may issue an identical replacement on receipt of
 - (a) an application as required by section 34.12, and
 - (b) the replacement fee prescribed in the Motor Vehicle Fees Regulation.
- (3) A licensee's right to display a personalized number plate
 - (a) issued before January 1, 1984, expires on the fifth anniversary of the day the issue of it was approved, and
 - (b) issued or renewed on or after January 1, 1984, expires on the date the licence for the motor vehicle expires.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Regs. 518/81, s. 9; 480/83, s. 2; 317/96, s. 1.]

Remission of fees

- 34.02** (1) Notwithstanding section 3.09 or 3.10, there shall be no remission of fees in respect of a personalized number plate unless
- (a) the requested combination of letters or letters and numerals is not accepted by the Insurance Corporation of British Columbia, or
 - (b) the requested combination of letters or letters and numerals previously approved for issue has, in the opinion of the corporation, subsequently gained an objectionable or misleading connotation.
- (2) There shall be no remission of fees in respect of a personalized number plate that has been cancelled or suspended.
- (3) Repealed. [B.C. Reg. 480/83, s. 3.]
- (4) A refund shall be rounded to the nearest dollar and an amount ending in 50¢ shall be raised to the next highest dollar.
- (5) Repealed. [B.C. Reg. 480/83, s. 3.]
- (6) The fees payable in respect of personalized number plates under this Division are in addition to any licence, registration or substitution fee required by the Act or the *Commercial Transport Act*.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Regs. 518/81, s. 10; 480/83, s. 3; 317/96, s. 1.]

Application for plates

- 34.03** (1) Application for personalized number plates shall be made to an office designated by the Insurance Corporation of British Columbia.
- (2) Applications for personalized number plates shall be processed in order of receipt at the central processing office of the corporation and where more than one application for the same combination of letters or numbers or both is received at

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the same time the corporation shall determine the order in which the applications may be approved.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Reg. 317/96, s. 1.]

Restrictions on content

34.04 The Insurance Corporation of British Columbia shall not issue a personalized number plate that would contain

- (a) characters in a combination identical to one already in use,
- (b) characters in a combination identical to a number plate in an existing or projected series of number plates to be issued,
- (c) characters in a combination that, in the opinion of the corporation, could create identification problems,
- (d) characters in a combination that, in the opinion of the corporation, is unseemly, vulgar, indecent or may offend any person, or
- (e) characters that, in the opinion of the corporation, might distract the drivers of other vehicles so as to reduce the level of their driving care or attention.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Reg. 317/96, s. 1.]

Restrictions on types of vehicles

34.05 (1) The Insurance Corporation of British Columbia shall not issue personalized number plates in respect of

- (a) motor vehicles licensed as farm vehicles,
- (b) antique cars that have been assigned ‘vintage’ number plates,
- (c) motor vehicles licensed pursuant to section 8, 9 or 10 of the Act,
- (d) motor vehicles licensed under the *Commercial Transport Act* with a gross vehicle weight exceeding 5 500 kg, or licensed under section 2 (e) of the Motor Vehicle Fees Regulation or section 3 (b) of the Commercial Transport Fees Regulation, or
- (e) Repealed. [B.C. Reg. 306/99.]
- (f) trailers.

- (2) Where a personalized number plate, after being issued, gains, in the opinion of the Insurance Corporation of British Columbia, an objectionable or misleading connotation, the corporation may require the licensee to surrender it.
- (3) Where a licensee who has been required to surrender his personalized number plate pursuant to this regulation fails to surrender it on request of the Insurance Corporation of British Columbia, the corporation may suspend the licence and corresponding personalized number plate.
- (4) A refund shall be rounded to the nearest dollar and an amount ending in 50¢ shall be raised to the next highest dollar.

- (5) The Insurance Corporation of British Columbia may refund a prorated amount of the personalized number plate fee, where, in the corporation's opinion, circumstances warrant a prorated refund.
- (6) The fees payable in respect of personalized number plates under this Division are in addition to any licence, registration or substitution fee required by the Act or the *Commercial Transport Act*.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Regs. 4/96; 317/96, s. 9; 306/99; 135/2007.]

Plates not transferable to another licensee

- 34.06** Personalized number plates are not transferable to any other licensee, nor can they be used on any other vehicle owned by the licensee except as stated in sections 3.06 and 34.07.

[en. B.C. Reg. 295/79, s. (c).]

Plates transferable to another vehicle of licensee

- 34.07** Notwithstanding section 3.12 or 3.13, personalized number plates may, on the transfer of the vehicle displaying personalized number plates, be retained by the licensee and may be assigned to a substitute vehicle, subject to section 3.08, so long as the holder is permitted by this regulation to display personalized number plates on the substitute vehicle.

[en. B.C. Reg. 295/79, s. (c).]

Priority on character combination

- 34.08** Where a licensee has a personalized number plate, he shall, where possible, have first priority on that combination of characters for a further term if he makes timely application for it in the manner required by this regulation.

[en. B.C. Reg. 295/79, s. (c).]

Surrender of plates – reservation of character combination

- 34.09** Where a licensee surrenders his personalized number plate to the Insurance Corporation of British Columbia, pursuant to sections 3.05 and 3.09 (b), the corporation may, on receipt of notification from the licensee, reserve that combination of characters for the remainder of the term for which the fees were paid, unless a remission has been granted pursuant to section 34.02.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Regs. 480/83, s. 4; 317/96, s. 1.]

Surrender of plates – no reservation of character combination

- 34.10** Where the licensee surrenders his personalized number plates and does not notify the Insurance Corporation of British Columbia that he wishes his approved combination of characters reserved, the corporation may issue that combination of characters to the first licensee making appropriate application.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Reg. 317/96, s. 1.]

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Reissuance where no surrender and no reservation

- 34.11** Notwithstanding section 34.10, where personalized number plates are not surrendered pursuant to section 3.04, and are not renewed within one year from the expiry of the term for which fees were paid, the Insurance Corporation of British Columbia may issue that combination of characters to the first licensee making appropriate application.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Regs. 480/83, s. 5; 317/96, s. 1.]

Replacement of lost or damaged plates

- 34.12** A person seeking a replacement for a personalized number plate that has been lost, stolen, damaged or destroyed shall, if he wishes to retain the same personalized numbers, submit to the Insurance Corporation of British Columbia

- (a) the fee specified in the regulation,
- (b) the appropriate application form and, where required by the corporation, a declaration outlining the loss, theft or destruction or surrender of both personalized number plates where damage has occurred, and
- (c) an application for assignment of interim number plates or other form of identification normally assigned to his vehicle type pending receipt and assignment of the reproduced personalized number plates together with the prescribed substitution fee.

[en. B.C. Reg. 295/79, s. (c); am. B.C. Reg. 317/96, s. 1.]

DIVISION 35 – CARGO SECUREMENT**Application**

- 35.01** (1) This Division does not apply to
- (a) a commercial vehicle engaged in highway construction, other than a paving project operating within the limits of a highway construction project, as established or as posted by the Ministry of Transportation and Infrastructure, or
 - (b) an implement of husbandry as defined in the Act.
- (2) Nothing in this Division prohibits the dropping from a vehicle of
- (a) sand to secure traction, or
 - (b) water or another substance to clean or maintain a roadway.

[en. B.C. Reg. 113/2005, Sch. 1.]

Standard adopted

- 35.02** (1) In this Division, “**Standard**” means National Safety Code Standard 10, “Cargo Securement”, recommended by the Canadian Council of Motor Transport Administrators on September 8, 2004 and approved by the Council of Ministers on September 23, 2004, as amended from time to time.

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- (2) For the purpose of promoting and securing road safety, but subject to the Act and this regulation, the Standard is
 - (a) adopted under section 212 (4) (a) of the Act, and
 - (b) deemed to be a regulation made under section 212 (3) of the Act.
- (3) Despite section 2 (1) of the Standard, the Standard only applies to a vehicle
 - (a) transporting cargo on a highway, and
 - (b) exceeding a licensed gross vehicle weight of 5 000 kg.

[en. B.C. Reg. 113/2005, Sch. 1; am. B.C. Reg. 160/2011.]

Prohibitions respecting equipment and cargo**35.03** (1) In this section:

“**business vehicle**” has the same meaning as in section 237 of the Act;

“**carrier**” has the same meaning, in relation to both business vehicles and commercial vehicles, as in section 37.01 of this regulation.

- (2) A carrier must not permit a person to drive or operate on a highway a commercial vehicle or business vehicle carrying cargo if the manner in which the vehicle is equipped or its cargo secured contravenes any of sections 35.04 to 35.07.
- (3) A person must not drive or operate on a highway a commercial vehicle or business vehicle carrying cargo if the manner in which the vehicle is equipped or its cargo secured contravenes any of sections 35.04 to 35.07.
- (4) A person must not drive or operate on a highway a vehicle, other than a commercial vehicle or business vehicle, carrying cargo if the manner in which the vehicle is equipped or its cargo secured contravenes any of sections 35.04 to 35.07.

[en. B.C. Reg. 113/2005, Sch. 1; am. B.C. Reg. 166/2019, s. 1.]

Cargo securement**35.04** Vehicles must be equipped and cargo must be contained, immobilized or secured in accordance with the applicable requirements of this Division and the Standard and so that it cannot

- (a) leak, spill, blow off, fall from, fall through or otherwise be dislodged from the vehicle, or
- (b) shift on or within the vehicle in a manner that affects the stability or manoeuvrability of the vehicle.

[en. B.C. Reg. 113/2005, Sch. 1.]

Transporting logs or poles**35.05** (1) In this section:

“**bunk lash**” means the amount of free play caused by the vertical gap between the slipper supports and the bunk rub shoes, measured when the log bunk is perpendicular to the longitudinal axis of the pole trailer and the trailer is fully loaded;

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Division 35 – Cargo Securement

“**spring lash**” means the amount of free play in leaf type suspensions caused by the vertical gap between the main spring leaf and the rebound constraints or slippers.

- (2) A person must not drive or operate on a highway a logging truck, a truck or a truck tractor and trailer combination with a flat load deck while the vehicle is transporting a load of logs or poles or both that are longer than 2.6 m placed in the longitudinal axis with the vehicle or vehicle combination unless the vehicle is
 - (a) equipped with the same bunk and stake assembly, unmodified, that it was equipped with at the time it was sold as a new vehicle and bears the National Safety Mark under the *Motor Vehicle Safety Act* (Canada) and the regulations made under it, or
 - (b) not equipped and marked as described in paragraph (a) but is equipped with bunks and stake assemblies that meet the requirements of subsection (3) and are of adequate design and construction to contain the load.
- (3) For the purpose of subsection (2) (b),
 - (a) stake extensions must be securely attached to the stakes,
 - (b) stakes, together with their stake extensions, must form an angle of 90° or less with the bunk cross member,
 - (c) stakes must be secured to the bunk cross member or to the trailer’s side flanges or rub rails
 - (i) by a method approved by a professional engineer,
 - (ii) by a pin and closed loop stake lines consisting of wire rope at least 22 mm in diameter, or
 - (iii) with properly welded gussets of adequate strength,
 - (d) bunk lash must not exceed 5 mm when the pole trailer is fully loaded, and
 - (e) log bunks carrying logs or poles must be securely attached to the structurally adequate integral part of the frame of the truck or trailer by nuts and bolts, retaining pins, chains or by welding.
- (4) If the logging truck includes a tridem pole trailer,
 - (a) the trailer bunk centreline must be located at a point forward of the longitudinal centre of the tridem axle group, and
 - (b) the trailer, if equipped with spring suspension, must not have any spring lash in excess of 5 mm when in a loaded state.
- (5) Pole trailers manufactured after January 1, 1993 and equipped with adjustable reaches must have welds, bolts, stops or some other positive means other than a friction clamp to prevent separation between any reach sections.

[en. B.C. Reg. 113/2005, Sch. 1; am. B.C. Reg. 103/2006, s. 6.]

Covering of aggregate loads

35.06 A person must not drive or operate a vehicle on a highway while the vehicle is carrying aggregate material if any of the material is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless

- (a) the material is covered in a way that prevents any of it from blowing, bouncing or dropping from the vehicle, and
- (b) the cover is securely and tightly fastened so that it is not, and cannot become, a hazard.

[en. B.C. Reg. 113/2005, Sch. 1.]

Front end structures

35.07 In addition to the requirements of Division 5 of Part 1 of the Standard, a person must not drive or operate on a highway a vehicle transporting cargo that is in contact with the front end structure of the vehicle unless the front end structure has been affixed in accordance with the manufacturer's recommendations and is

- (a) permanently marked with the name and address of its manufacturer, the model number or serial number of the front end structure and its rated capacity in terms of the cargo weight that may be transported in compliance with the Standard, or
- (b) identified by carrying in the vehicle a copy of a letter that has been signed by the manufacturer or a professional engineer certifying the model number or serial number of the front end structure and its rated capacity in terms of the cargo weight that may be transported in compliance with the Standard.

[en. B.C. Reg. 113/2005, Sch. 1.]

Operating vehicles with insecure cargo prohibited

35.08 (1) If a peace officer has reasonable and probable grounds to believe that a vehicle carrying cargo is unsafe for use on a highway because of the method of cargo securement, the peace officer may order the driver of the vehicle to stop the vehicle and secure the cargo before proceeding.

(2) A person must comply with an order given under subsection (1).

[en. B.C. Reg. 113/2005, Sch. 1.]

Carrying luggage in bus passenger compartments

35.09 (1) A person must not drive or operate on a highway a bus or school bus that is transporting passengers and carrying luggage or other equipment in the passenger compartment unless the luggage and other equipment

- (a) do not block or intrude on any aisle or exit,
- (b) are carried in overhead racks which
 - (i) are designed and adequately constructed for the purpose of carrying luggage and equipment,
 - (ii) are equipped with

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- (A) elastic rope or cord,
 - (B) doors which secure in the closed position by a positive latching mechanism, or
 - (C) a rigid vertical edge or side of a height equal to 1/2 of the remaining opening,
 - (iii) extend from the side of the bus to no further than the centreline of the aisle row of forward facing seats, and
 - (iv) are free of any projections,
 - (c) are stowed under a seat against a barrier that is constructed and placed so that it prevents the luggage and other equipment from sliding forward in the event of an emergency stop,
 - (d) are carried on a passenger's lap, or
 - (e) are carried in a luggage compartment enclosed on all sides.
- (2) For the purpose of subsection (1) (b) (iii), the centreline of the aisle row of seats on a school bus is 20 cm outboard from the inboard edge of each bench seat.
- (3) A person must not load a vehicle so as to
- (a) obscure the driver's view ahead or to the right or left side,
 - (b) interfere with the free movement of the driver's arms or legs,
 - (c) obstruct access to emergency equipment, or
 - (d) interfere with the safe operation of the vehicle in any other manner.

[en. B.C. Reg. 113/2005, Sch. 1.]

DIVISION 36 – CHILD SEATING AND RESTRAINT SYSTEMS**Definitions**

36.01 In this Division, the following definitions apply:

“booster seat” has the same meaning as “booster cushion” in the RSSR;

“child” means a person under age 9;

“designated seating position” means a seating position for which a seat belt assembly is provided or is required to be provided under the Act;

“MVSR” means the Motor Vehicle Safety Regulations, C.R.C., c. 1038, as amended from time to time;

“RSSR” means the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations, SOR/98-159, as amended from time to time.

[en. B.C. Reg. 218/2007; am. B.C. Reg. 11/2018, s. 4.]

Exemption from the Act

36.02 Section 220 (6) and (7) of the Act does not apply to the driver of a vehicle in respect of a passenger who is a child within the meaning of this Division.

[en. B.C. Reg. 218/2007.]

Obligation on driver

36.03 (1) A person must not drive or operate on a highway a motor vehicle in which there is a child unless the driver or operator does the following:

- (a) causes the child, other than a child referred to in paragraph (b), to be securely fastened in a designated seating position in the vehicle, in compliance with this Division, using
 - (i) an infant restraint system that complies with all the requirements set out in the RSSR, Schedule 4, CMVSS 213.1,
 - (ii) a child restraint system that complies with all the requirements set out in
 - (A) the RSSR, Schedule 3, CMVSS 213, if the child restraint system is not built into the vehicle, or
 - (B) the MVSr, Schedule IV, Part III, Standard 213.4, if the child restraint system is built into the vehicle,
 - (iii) a booster seat that complies with all the requirements set out in
 - (A) the RSSR, Schedule 5, CMVSS 213.2, if the booster seat is not built into the vehicle, or
 - (B) the MVSr, Schedule IV, Part III, Standard 213.4, if the booster seat is built into the vehicle, or
 - (iv) a seat belt assembly;
- (b) causes the child, if the child has special needs or mobility impairments, to be securely fastened in the vehicle, in compliance with this Division, using
 - (i) an infant restraint system for infants with special needs that complies with all the requirements set out in the RSSR, Schedule 7, CMVSS 213.5, or
 - (ii) a restraint system for disabled persons that complies with all the requirements set out in the RSSR, Schedule 6, CMVSS 213.3;
- (c) ensures that the child
 - (i) remains securely fastened, and
 - (ii) if the child is in a designated seating position, is the only occupant of that designated seating position.

(2) A child referred to in subsection (1) must be securely fastened as follows:

- (a) in a restraint system or booster seat referred to in subsection (1) (a) (i),
- (ii) (A) or (iii) (A) or (b) in accordance with the device manufacturer's instructions for that restraint system or booster seat;

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- (b) in a restraint system referred to in subsection (1) (a) (ii) (B) or (iii) (B) in accordance with the vehicle manufacturer's instructions;
- (c) in a seat belt assembly, in accordance with the vehicle manufacturer's instructions,
 - (i) with the pelvic restraint placed firmly across the hips of the child, and
 - (ii) with the upper torso restraint, if there is one, placed over the shoulder and across the chest of the child and closely against the child's body.
- (3) A restraint system referred to in subsection (1) (a) (i) or (ii) (A) or (b) must be secured in the motor vehicle in accordance with the device manufacturer's instructions for that restraint system.

[en. B.C. Reg. 218/2007.]

Infant restraint systems

- 36.04** (1) A child must be fastened in an infant restraint system used in a rearward facing position and specified by the manufacturer to be appropriate for the child's height and weight, until the child attains age one and weighs 9 kg or more.
- (2) A child who has attained age one and weighs 9 kg or more may continue to be fastened in a restraint system referred to in subsection (1) until, according to the manufacturer's specifications, the restraint system is no longer appropriate for the child's height and weight.
- (3) The restraint system referred to in subsection (1) or (2) must not be used in a designated seating position that has an active frontal airbag for that seat.

[en. B.C. Reg. 218/2007.]

Child restraint systems

- 36.05** (1) A child who
- (a) has attained age one,
 - (b) weighs 9 kg or more, and
 - (c) is not required, or permitted, to be fastened in an infant restraint system in accordance with section 36.04
- must be fastened in a child restraint system used in a forward facing position and specified by the manufacturer to be appropriate for the child's height and weight, until the child weighs 18 kg or more.
- (2) A child who has attained age one and weighs 18 kg or more may continue to be fastened in a restraint system referred to in subsection (1) until, according to the manufacturer's specifications, the restraint system is no longer appropriate for the child's height and weight.

[en. B.C. Reg. 218/2007.]

Booster seats and seat belt assemblies

- 36.06** (1) A child who is no longer required, or permitted, to be fastened in a child restraint system in accordance with section 36.05 must be fastened on a booster seat, specified by the manufacturer to be appropriate for the child's height and weight, using the vehicle's seat belt assembly until the child reaches a height of 145 cm or more.
- (2) If the vehicle has an available seat belt assembly with an upper torso restraint and a pelvic restraint, other than the driver's seat belt assembly, a child referred to in subsection (1) must be fastened on the booster seat using that seat belt assembly.
- (3) Despite subsection (1), if none of the available seat belt assemblies in the vehicle have an upper torso restraint, other than the driver's seat belt assembly, then a child referred to in subsection (1) must be fastened without a booster seat using a seat belt assembly with a pelvic restraint.
- (4) A child who has attained a height of 145 cm or more may continue to be fastened on a booster seat referred to in subsection (1) until, according to the manufacturer's specifications, the booster seat is no longer appropriate for the child's height and weight.

[en. B.C. Reg. 218/2007.]

Seat belt assemblies

- 36.07** A child who is no longer required, or permitted, to be fastened in a booster seat in accordance with section 36.06 must be fastened
- (a) in a seat belt assembly with an upper torso restraint and a pelvic restraint, if, other than the driver's seat belt assembly, there is one available in the vehicle, or
- (b) in a seat belt assembly with a pelvic restraint, if, other than the driver's seat belt assembly, there is in the vehicle no available seat belt assembly with an upper torso restraint and a pelvic restraint.

[en. B.C. Reg. 218/2007.]

**Restraint systems for infants with special needs
and children with mobility impairments**

- 36.08** (1) Despite section 36.04, a child under age one who weighs less than 9 kg and who has special needs may be fastened in a vehicle using an infant restraint system for infants with special needs that is specified by the manufacturer to be appropriate for the child's height and weight.
- (2) Despite sections 36.05 to 36.07, a child age one or older who weighs 9 kg or more and who has mobility impairments may be fastened in a vehicle using a restraint system for disabled persons that is specified by the manufacturer to be appropriate for the child's height and weight.

[en. B.C. Reg. 218/2007.]

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Exemptions

36.09 This Division does not apply to the driver or operator

- (a) of a motor vehicle licensed in a jurisdiction outside Canada if the driver or operator is using an infant or child restraint system, booster seat or seat belt assembly in compliance with the laws of that jurisdiction,
- (b) of a motor vehicle which is being operated as a taxi, as defined in section 32.01, unless the taxi is operated as a passenger directed vehicle under a transportation network services authorization only,
- (c) who is a peace officer operating the vehicle in the lawful performance of his or her duties,
- (d) who is in possession of and produces on request to a peace officer a valid and subsisting certificate issued by a medical practitioner certifying that the child is unable for medical or physical reasons to wear or be fitted into an infant or child restraint system, booster seat or seat belt assembly, including a child who does not fit within the specifications of any manufactured infant or child restraint system or booster seat that is available for purchase,
- (e) of a motor vehicle that was not required to have a seat belt assembly under the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured or imported into Canada unless the vehicle was modified so that there is a seat belt assembly for an available seating position for a child,
- (f) of an emergency vehicle, and
- (g) of a bus, other than a bus with
 - (i) a registered model year 1994 or later, and
 - (ii) a manufacturer's gross vehicle weight rating of less than 4 536 kg.

[en. B.C. Reg. 218/2007; am. B.C. Reg. 166/2019, s. 6.]

DIVISION 37 – SAFETY CODE**Part 1 – Interpretation****Definitions for Division 37**

37.01 In this Division:

“adverse driving conditions” means

- (a) snow, sleet, fog or other adverse weather conditions,
- (b) a highway covered with snow or ice, or
- (c) unusual adverse road and driving conditions,

which were not known to the driver or the person dispatching the driver before the driver began the driving time;

“applicant” means a person who applies for a safety certificate;

“carrier”, in relation to a commercial motor vehicle, means

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- (a) the owner of the commercial motor vehicle,
- (b) a person, other than the owner, who manages the commercial motor vehicle or determines the uses to which the commercial motor vehicle may be put,
- (c) the lessee of the commercial motor vehicle, if the lease has a term of one month or more, or
- (d) a person who holds a licence under the *Passenger Transportation Act* that authorizes the commercial motor vehicle to be operated as a passenger directed vehicle under a transportation network services authorization,

but a person is not a carrier only because the person is the driver of the commercial motor vehicle;

“co-driver” means a person who is present in a commercial motor vehicle because he or she has been, or is about to be, its driver;

“commercial motor vehicle” means a motor vehicle, used in the course of business for the transportation of persons or freight, that is one or more of the following:

- (a) a truck or truck tractor, including a trailer, if any, attached to the truck or truck tractor, having a licensed gross vehicle weight of more than 5 000 kg;
- (b) a bus;
- (c) a commercial passenger vehicle operated under a licence or temporary operating permit issued under the *Passenger Transportation Act*;
- (d) a business vehicle within the meaning of section 237 of the Act having a licensed gross vehicle weight of more than 5 000 kg;

“cycle” means

- (a) cycle 1, under which on-duty time is accumulated over a period of 7 days, and
- (b) cycle 2, under which on-duty time is accumulated over a period of 14 days;

“daily log” means a record in the form set out in Schedule 2 of this Part containing the information required by section 37.18.02;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“driver” means a person who drives a commercial motor vehicle;

“driving time” means the period of time that a driver is at the controls of a commercial motor vehicle when the engine of the motor vehicle is in operation;

“duty status” means, in respect of a driver,

- (a) off duty time other than off duty time under paragraph (b),
- (b) off duty time spent in a sleeper berth,
- (c) driving time, or
- (d) on duty time other than driving time;

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial motor vehicle and is capable of accurately recording,

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in accordance with section 37.18.03, each period of duty status, in whole or in part;

“home terminal” means the place of business of a carrier at which a driver ordinarily reports for work and, for the purposes of sections 37.18 to 37.18.02 and Schedule 2 of this Part, includes a temporary work site designated by the carrier;

“licensed gross vehicle weight” means the gross vehicle weight for which a commercial motor vehicle is licensed under the *Commercial Transport Act*;

“off duty time” means any period other than on duty time;

“oil well service vehicle” means a commercial motor vehicle that is

- (a) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
- (b) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;

“on duty” with respect to a driver and **“on-duty time”** means the period that begins when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver

- (a) inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle,
- (b) travelling in a commercial motor vehicle as a co-driver, when the time is not spent in the sleeper berth,
- (c) participating in the loading or unloading of a commercial motor vehicle,
- (d) inspecting or checking the load of a commercial motor vehicle,
- (e) waiting for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched,
- (f) waiting for a commercial motor vehicle or its load to be inspected,
- (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (h) resting in or occupying a commercial motor vehicle for any other purpose, except
 - (i) time counted as off-duty time in accordance with section 37.13,
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of sections 37.13.02 and 37.13.03, and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.13.03, and
- (i) performing any work for any carrier;

“principal place of business” means the place identified in writing by the carrier to the director, and approved by the director, where daily logs, supporting documents and the records required to be maintained by section 37.29 are kept by the carrier;

“safety certificate” means a certificate issued under section 37.04 or a certificate issued under the law of any jurisdiction, in or outside Canada, where the law relating to the requirements is substantially the same as in this regulation;

“sleeper berth” means an area of a commercial motor vehicle that meets the requirements of Schedule 1 of this Part;

“supporting document” means a document or information recorded or stored by any means required by the director to assess compliance with this Part;

“trip inspection report” means a record kept pursuant to section 37.23.

[en. B.C. Reg. 456/90; am. B.C. Regs. 414/99, s. 8; 380/2004; 64/2005, s. 18; 36/2007, s. 1; 166/2019, s. 7.]

Definition of “carrier” for sections 118.94, 212 (1) and 237 of Act

37.011 For the purposes of sections 118.94, 212 (1) and 237 of the Act, **“carrier”** has the same meaning as in section 37.01 of this regulation.

[en. B.C. Reg. 166/2019, s. 8.]

Definition of “commercial motor vehicle” for section 118.94 of Act

37.012 For the purposes of section 118.94 of the Act, **“commercial motor vehicle”** has the same meaning as in section 37.01 of this regulation.

[en. B.C. Reg. 166/2019, s. 8.]

Part 2 – Safety Certificate

Certificate required

37.02 (1) Subject to subsection (2), no carrier shall permit a driver to drive for the carrier, and no driver shall drive a commercial motor vehicle, unless the carrier holds a valid safety certificate issued by the director under this Division.

(2) No safety certificate is required under subsection (1) to drive

(a) a vehicle not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, or

(b) a road building machine as defined in the *Commercial Transport Act*, a farm tractor or implement of husbandry.

(3) The director may exempt persons or commercial motor vehicles from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

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- (4) A person shall not represent, in any way, that a commercial motor vehicle is operated pursuant to a safety certificate other than the one issued to the carrier.
- (5) A carrier shall maintain evidence of a valid safety certificate in all commercial motor vehicles for which the carrier is required to hold a safety certificate and shall make the evidence available for inspection on demand by a peace officer.
- (6) Where a commercial motor vehicle is not required to display a number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act*, the carrier does not require a safety certificate to operate that vehicle unless the director, for the purpose of promoting and securing road safety, restricts the use of the motor vehicle to use in conjunction with a safety certificate held by the carrier.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2 and 24; 135/2003, ss. 1 and 3.]

Application for safety certificate

- 37.03** (1) A person wishing to obtain a safety certificate from the director must first provide to the director
- (a) an application for the safety certificate in the form established by the director,
 - (b) a non-refundable application fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91,
 - (c) a transcript of the driving record of each driver employed or otherwise engaged by the person within British Columbia, issued by the responsible agency in the jurisdiction in which the driver received his or her driver's licence, and dated not later than the driver's date of employment,
 - (d) a safety plan demonstrating the establishment of and the ability to maintain practices and procedures necessary to ensure that the person complies with the Act and this regulation,
 - (e) for each of the commercial motor vehicles for which the person is required to hold a safety certificate,
 - (i) records of vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from the vehicle's manufacturer and evidence satisfactory to the director that those defects have been corrected, and
 - (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of a human being, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (f) such other information as the director may request relating to the road safety history of the person and the person's vehicles and drivers.
- (2) The director may refuse to issue a safety certificate

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- (a) to a corporation where a director or officer of the corporation has held a safety certificate that was suspended or cancelled for cause,
 - (b) to an individual where the individual has been an officer or director of a corporation and the corporation held a safety certificate that was suspended or cancelled for cause, or
 - (c) to a person whose application materials, in the opinion of the director, do not demonstrate a satisfactory road history for any of the following:
 - (i) the person making the application;
 - (ii) one or more of that person's vehicles;
 - (iii) if that person is a corporation, one or more of the directors or officers of that person;
 - (iv) one or more of the drivers employed or otherwise engaged by that person within British Columbia.
- (2.1) If the director gives notice under section 118.96 (2) of the Act in respect of a person and the person applies under section 118.97 of the Act, the director may, pending the show cause hearing and any reconsideration, defer issuing a safety certificate
- (a) to a corporation, if the person in respect of whom the notice is given is a director or officer of the corporation, or
 - (b) to an individual, if the individual has been an officer or director of a corporation and the corporation is the person in respect of whom the notice is given.
- (3) A person shall hold no more than one valid and subsisting safety certificate.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2 and 3; 48/99, s. (a); 77/99, s. 1; 89/2001, s. 1; 135/2003, ss. 1, 3, 9 and 10; 166/2019, s. 9.]

Issuance of safety certificate

- 37.04** (1) The director shall issue a safety certificate to an applicant if, in the director's opinion,
- (a) the applicant or, where the applicant is a corporation, a director or officer of the corporation,
 - (i) has knowledge of motor vehicle safety rules and regulations as they apply in British Columbia, including this regulation, and
 - (ii) where the applicant is or intends to be transporting dangerous goods, has knowledge of the *Transport of Dangerous Goods Act* and the *Transportation of Dangerous Goods Act* (Canada) and the regulations made under both those Acts,
 - (b) the applicant has a satisfactory history of commercial motor vehicle safety,
 - (c) the applicant has provided satisfactory evidence that his commercial motor vehicles are in safe mechanical condition,

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- (c.1) the applicant has provided satisfactory evidence as to the establishment of and the ability to maintain practices and procedures necessary to ensure that the applicant complies with the Act and this regulation, and
- (d) the applicant has met the requirements of this regulation.
- (2) If the director refuses to issue a safety certificate, the director must deliver written reasons to the applicant.
- (3) If the holder of a safety certificate claims, in writing, that the certificate has been lost, destroyed or wrongfully taken, the director must issue to that holder a new certificate in place of the original if the holder pays to the director the replacement certificate fee in the amount prescribed under the Motor Vehicle Fees Regulation, B.C. Reg. 334/91.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, ss. 2 and 25; 48/99, s. (b); 77/99, s. 2; 135/2003, ss. 1, 3 and 11.]

Condition

- 37.05** (1) The director is authorized and empowered to issue safety certificates with or without conditions.
- (2) The holder of a safety certificate which is subject to a condition under subsection (1) shall comply with the condition.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Changes

- 37.06** A holder of a safety certificate shall notify the director of any change in the holder's name or address within 10 days after the change.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Safety rating

- 37.061** To reflect the application of matters referred to in this Division for a carrier, the director may assign one of the following safety ratings to the carrier:

- (a) satisfactory – unaudited;
- (b) satisfactory;
- (c) conditional;
- (d) unsatisfactory.

[en. B.C. Reg. 89/2001, s. 2; am. B.C. Reg. 135/2003, s. 1.]

Profiles

- 37.07** (1) The director may monitor the safety records of carriers and of drivers, including the following:
- (a) warnings and notices given to carriers by the director, police officers and other officials who have duties respecting road safety;
 - (b) warnings and notices given to drivers by the director, the superintendent, police officers and other officials who have duties respecting road safety;

- (c) accidents reported under section 249 of the Act.
 - (2) The director may compile information and profiles of carriers with respect to
 - (a) accidents reported under section 249 of the Act,
 - (b) their compliance with the requirements of the Act and this regulation and with other enactments of British Columbia or any other jurisdiction, respecting commercial motor vehicles and road safety, and
 - (c) records described in section 37.03 (1) (e) (iii) and 37.29 (1) (c) (iii).
 - (3) The director may share information and profiles of carriers compiled under subsection (2) with
 - (a) the government of Canada,
 - (b) the government of a province, or
 - (c) an agency of (a) or (b) that is responsible for the administration or enforcement of the *National Safety Code* in that jurisdiction.
- [en. B.C. Reg. 413/97, App. 1, s. 26; am. B.C. Regs. 89/2001, s. 3; 135/2003, ss. 1 and 3; 191/2008, s. (b).]

Name of carrier to be marked on business vehicle

37.071 A carrier who holds a safety certificate must ensure that whenever a business vehicle in respect of which that safety certificate is held is being operated on a highway, the name of the carrier who holds the safety certificate for the vehicle is displayed on both sides of the vehicle

- (a) in one or both of letters and figures at least 5 cm high, and
- (b) in a manner that makes that name clearly visible to the public.

[en. B.C. Reg. 414/99, s. 9.]

Notice of safety certificate number

37.072 If a commercial motor vehicle is operated under a carrier's safety certificate,

- (a) the carrier must, promptly after the commercial motor vehicle begins to operate under the authority of that safety certificate, provide written notice, signed by the carrier, to the owner of the commercial motor vehicle of the carrier's safety certificate number,
- (b) the owner must, at the time of licensing or renewing the licence for the commercial motor vehicle, provide written notice, signed by the owner, of that safety certificate number to the Insurance Corporation of British Columbia, and
- (c) if the owner changes carriers after providing the information required under paragraph (b), the owner must, promptly after that change, provide written notice, signed by the owner, of the new carrier's safety certificate number to the Insurance Corporation of British Columbia.

[en. B.C. Reg. 414/99, s. 9.]

37.08 to 37.10 Repealed. [B.C. Reg. 135/2003, s. 12.]

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Part 3 – Hours of Service**Application of this Part**

37.11 This Part does not apply to a driver who is driving

- (a) a 2 or 3 axle commercial motor vehicle that is being used for the transportation of primary products of a farm, forest, sea, or lake where the driver or his employer is the producer of the products,
- (a.1) a 2 or 3 axle commercial motor vehicle that is being used for a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest, sea, or lake,
- (b) Repealed. [B.C. Reg. 36/2007, s. 2 (b).]
- (c) an emergency vehicle,
- (d) a commercial motor vehicle transporting passengers or goods for the purpose of providing relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster,
- (e) a road building machine as defined in the *Commercial Transport Act*, a farm tractor or an implement of husbandry,
- (f) a commercial motor vehicle that is equipped with a mounted mobile service rig, or equipment that is directly used in the operation or the transportation of a mounted mobile service rig,
- (g) a commercial motor vehicle within the definition of “commercial motor vehicle” in section 37.01 but for personal use if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 km in a day,
 - (iv) the driver makes a notation in the daily log indicating the odometer reading at the beginning and end of the personal use, and
 - (v) the driver is not the subject of an out-of-service declaration, or
- (h) vehicles and other equipment while engaged in highway or public utility construction or maintenance work on, under or over the surface of a highway while at the site of the work, but does apply to him or her while travelling to or from that site.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3; 36/2007, s. 2.]

Exemption for commercial motor vehicles of a certain weight

37.11.01 The director may

- (a) exempt from this Part, unconditionally, or on conditions the director considers desirable, commercial motor vehicles with a licensed gross vehicle weight or gross vehicular weight of over 5 000 kilograms and under 11 795 kilograms, and

- (b) substitute, if the director considers it desirable for the purpose of more effectively promoting and securing road safety, other requirements in a case in which the director grants an exemption under paragraph (a).

[en. B.C. Reg. 382/2007.]

Exemption for transport to and from motion picture production sites

37.11.02 The director may

- (a) exempt from this Part, unconditionally or on conditions the director considers desirable, commercial motor vehicles providing transportation of persons or property to or from a motion picture production site, and
- (b) substitute, if the director considers it desirable for the purpose of more effectively promoting and securing road safety, other requirements in a case in which the director grants an exemption under paragraph (a).

[en. B.C. Reg. 63/2019.]

Responsibilities of carriers, shippers, consignees and drivers

37.12 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive if

- (a) the driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive,
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,
- (c) the driver is the subject of an out-of-service declaration, or
- (d) the driver, in doing so, would not be in compliance with this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Travelling as a passenger – off-duty time

37.13 If a driver, who has, at the request of the carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger in a commercial motor vehicle to the destination at which the driver will begin driving, takes 8 consecutive hours of off-duty time before beginning to drive, the time spent as a passenger must be counted as off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Daily driving and on-duty time

37.13.01 (1) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 13 hours of driving time in a day.

- (2) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 14 hours of on-duty time in a day.

[en. B.C. Reg. 36/2007, s. 3.]

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Mandatory off-duty time

- 37.13.02** (1) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.
- (2) A carrier must not request, require or allow a driver to drive and a driver must not drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.
- (3) A carrier must not request, require or allow a driver to drive and a driver must not drive after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.
- (4) A carrier must not request, require or allow a driver to drive and a driver must not drive if the driver has not taken at least 24 consecutive hours of off-duty time in the previous 14 days.

[en. B.C. Reg. 36/2007, s. 3.]

Daily off-duty time

- 37.13.03** (1) A carrier must ensure that a driver takes and the driver must take at least 10 hours of off-duty time in a day.
- (2) Off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no fewer than 30 minutes each.
- (3) The total amount of off-duty time taken by a driver in a day must include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time required by section 37.13.02.

[en. B.C. Reg. 36/2007, s. 3.]

Deferral of daily off-duty time

37.13.04 Despite sections 37.13.01 and 37.13.03, a driver who is not splitting off-duty time in accordance with section 37.16 or 37.16.01 may defer a maximum of 2 hours of the daily off-duty time to the following day if

- (a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time,
- (b) the total off-duty time taken in the 2 days is at least 20 hours,
- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day,
- (d) the total driving time in the 2 days does not exceed 26 hours, and
- (e) there is a declaration in the “Remarks” section of the daily log that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day two of that time.

[en. B.C. Reg. 36/2007, s. 3.]

Ferries

37.14 Despite sections 37.13.02 and 37.13.03, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 consecutive hours of off-duty time if

- (a) the time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours,
- (b) the hours are recorded in the daily log as off-duty time spent in a sleeper berth,
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees, and
- (d) the supporting document coincides with the daily log entries.

[en. B.C. Reg. 36/2007, s. 3.]

Logging truck hours

37.15 (1) If a driver is driving a commercial motor vehicle designed exclusively for the transportation of logs or poles,

- (a) the driver must not drive after 13 hours of driving time or 15 hours of on-duty time unless the driver first takes at least 9 consecutive hours of off-duty time,
- (b) sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
 - (i) 15 hours have not elapsed since the end of the most recent period of 9 or more consecutive hours of off-duty time, and
 - (ii) the driver takes at least 24 consecutive hours of off-duty time at least once in every period of 7 consecutive days, and
- (c) the off-duty time referred to in paragraphs (a) and (b) is recorded in the daily log as off-duty time and as “operating under logging truck hours” in the “Remarks” section of the daily log.

(2) A carrier must not allow a driver operating under this section to drive and a driver must not drive after having completed a cycle of

- (a) 65 hours of driving time, or
- (b) 80 hours of on-duty time

during any period of 7 consecutive days.

(3) Despite section 37.16.05, a driver who drives a commercial motor vehicle in accordance with this section must not reset the cycle.

(4) Despite section 37.13.04, a driver who drives a commercial motor vehicle in accordance with this section must not defer off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

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Oil well service vehicle hours

- 37.15.01** (1) If a driver is driving an oil well service vehicle, sections 37.16.02, 37.16.03 and 37.16.04 do not apply to the carrier or the driver if
- (a) in addition to complying with daily off-duty requirements of section 37.13.03, the driver takes, in any period of 24 days, at least 3 periods of off-duty time
 - (i) each of which is at least 24 hours long, and
 - (ii) that may be taken consecutively or separated by on-duty time, and
 - (b) the driver takes at least 72 consecutive hours of off-duty time after the completion of driving in accordance with this subsection and before beginning to follow a cycle in accordance with section 37.16.02, 37.16.03 or 37.16.04.
- (2) Waiting time and standby time at an oil or natural gas well site or ancillary facility must not be included as on-duty time if
- (a) the driver performs no work during the time, and
 - (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the “Remarks” section.
- (3) The time referred to in subsection (2) must not be included in the mandatory minimum of 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Splitting of daily off-duty time – single driver

- 37.16** (1) A driver who is driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 by accumulating off-duty time in no more than 2 periods if
- (a) neither period of off-duty time is shorter than 2 hours,
 - (b) the total of the 2 periods of off-duty time is at least 10 hours,
 - (c) the off-duty time is spent resting in the sleeper berth,
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours,
 - (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty,
 - (f) none of the daily off-duty time is deferred to the next day, and
 - (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.
- (2) The 16th hour is calculated by

- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours, and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of fewer than 2 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.
- (3) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Splitting of daily off-duty time – team of drivers

- 37.16.01** (1) A team of drivers driving a commercial motor vehicle fitted with a sleeper berth that meets the requirements of Schedule 1 of this Part, may meet the mandatory off-duty time and daily off-duty time requirements of sections 37.13.02 and 37.13.03 by accumulating off-duty time in no more than 2 periods if
- (a) neither period of off-duty time is shorter than 4 hours,
 - (b) the total of the 2 periods of off-duty time is at least 8 hours,
 - (c) the off-duty time is spent resting in the sleeper berth,
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours,
 - (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty,
 - (f) none of the daily off-duty time is deferred to the next day,
 - (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour, and
 - (h) the total of off-duty time in the day is at least 10 hours.
- (2) The 16th hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours, and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,

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- (iii) all periods of fewer than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.
- (3) A carrier must not request, require or allow a driver to begin to drive again and a driver must not begin to drive again in accordance with the requirements of sections 37.13.02 and 37.13.03 without first taking at least 8 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Cycles

- 37.16.02** A carrier must require that a driver follows and the driver must follow either cycle 1 or cycle 2.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle 1

- 37.16.03** Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle 2

- 37.16.04** Subject to section 37.16.05, a carrier must not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 must not drive after the driver has accumulated

- (a) 120 hours of on-duty time during any period of 14 days or, if the driver has reset the cycle in accordance with section 37.16.05, during the period of the cycle that was ended, or
- (b) 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle reset – off-duty time

- 37.16.05** (1) A driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:
- (a) for cycle 1, at least 36 consecutive hours;
 - (b) for cycle 2, at least 72 consecutive hours.
- (2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

[en. B.C. Reg. 36/2007, s. 3.]

Cycle switching – off-duty time

37.16.06 (1) A carrier must not request, require or allow a driver to switch and a driver must not switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

[en. B.C. Reg. 36/2007, s. 3.]

Exemption for commercial motor vehicles other than oil well service vehicles

37.17 (1) The director may, by permit in writing and unconditionally or on conditions the director considers desirable, make an exemption in respect of a carrier and substitute other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety, provided that

- (a) the exemption is for no longer than one year,
- (b) the exemption relates to a commercial motor vehicle other than an oil well service vehicle,
- (c) the exemption only does one or both of the following:
 - (i) reduces the 2 hours of daily off-duty time required by section 37.13.03 (3);
 - (ii) increases driving time and on-duty time of up to a total of 2 hours,
- (d) the reduction of off-duty time or the increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach his or her home terminal or destination,
 - (ii) to allow the delivery of perishable goods, or
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the carrier, and
- (e) the safety and health of the public, the driver or the employees of the carrier are not or are not likely to be jeopardized.

(2) In order to apply for an exemption under this section, the carrier must provide to the director

- (a) an application in the form established by the director, and
- (b) information, forms and records the director requires, in the form required by the director, relating to the road safety history of the carrier and of the commercial motor vehicles and drivers of the carrier.

[en. B.C. Reg. 36/2007, s. 3.]

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Exemption by director in unforeseen event

37.17.01 Despite anything in this Part, the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of this Part in circumstances where the director can reasonably form the opinion that the carrier cannot, because of an unforeseen event or emergency or because of accident, fire, explosion, technical failure or the forces of nature, comply with the requirement.

[en. B.C. Reg. 36/2007, s. 3.]

Obligations of carrier with exemption

37.17.02 (1) A carrier to whom an exemption is given by the director must

- (a) require that a copy of the exemption is placed in each commercial motor vehicle in respect of which it applies,
- (b) provide the director with a list of the commercial motor vehicles in respect of which the exemption applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles,
- (c) make available for inspection by the director or a peace officer, immediately on request, the daily log and the supporting documents of the drivers of the commercial motor vehicles in respect of which the exemption applies, and
- (d) notify the director in writing without delay of any accident involving any of the commercial motor vehicles to which the exemption applies if it is required, by the laws of the province, state or country in which the accident occurred, to be reported to the police.

- (2) A driver who is driving in accordance with an exemption given by the director must drive, and the carrier must ensure that he or she drives, in accordance with the conditions or requirements of the exemption.

[en. B.C. Reg. 36/2007, s. 3.]

Emergencies and adverse driving conditions

37.17.03 (1) The requirements of this Part in respect of driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial motor vehicle and for other users of the road or the security of the commercial motor vehicle and its load.

- (2) A driver who encounters adverse driving conditions while operating the vehicle may extend the allowed 13 hours of driving time specified in sections 37.13.01 and 37.13.02 and reduce the 2 hours of daily off-duty time required by section 37.13.03 (3) by the amount of time needed to complete the trip if
- (a) the driving, on-duty and elapsed time in the elected cycle is not extended more than 2 hours,
 - (b) the driver still takes the required 8 consecutive hours of off-duty time, and

- (c) the trip could have been completed under normal driving conditions without the reduction.
- (3) A driver who extends his or her driving, on-duty or elapsed time because of an emergency or adverse driving conditions must record the reason for doing so in the “Remarks” section of the daily log.

[en. B.C. Reg. 36/2007, s. 3.]

Local time to be used in daily log

37.18 A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver’s home terminal.

[en. B.C. Reg. 36/2007, s. 3.]

Requirement to fill out a daily log

37.18.01 (1) A carrier must require every driver to fill out and every driver must fill out a daily log each day that accounts for all of the driver’s on-duty time and off-duty time for that day.

- (2) This section does not apply if
 - (a) the driver operates or is instructed by the carrier to operate a commercial motor vehicle within a radius of 160 km of the home terminal,
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time, and
 - (c) the carrier maintains accurate and legible records showing, for each day, the driver’s duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded.
- (3) Despite subsection (2), this section applies to an oil well service vehicle whether or not paragraphs (a) to (c) are met by the driver of and carrier for the oil well service vehicle.

[en. B.C. Reg. 36/2007, s. 3.]

Content of daily logs

37.18.02 (1) At the beginning of each day, a carrier must require that a driver enters legibly and the driver must enter legibly the following information in the daily log:

- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (b) in the case of a driver who is not driving in accordance with an oil well service vehicle exemption, the cycle that the driver is following;
- (c) the commercial motor vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial motor vehicles operated by the driver;

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- (e) the names and the addresses of the home terminal and the principal place of business of every carrier by whom the driver was employed or otherwise engaged during that day;
 - (f) in the “Remarks” section of the daily log, if the carrier or driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
 - (g) if applicable, a declaration in the “Remarks” section of the daily log that states that the driver is deferring off-duty time under section 37.13.04 and that clearly indicates whether the driver is driving under day one or day two of that time.
- (2) The carrier must require that the driver records and the driver must record in the daily log the hours in each duty status during the day covered by the daily log, in accordance with Schedule 2 of this Part, and the location of the driver each time his or her duty status changes, as that information becomes known.
- (3) At the end of each day, the carrier must require that the driver records and the driver must record the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the driver’s personal use of the vehicle, as well as the odometer reading at the end of the day, and sign the daily log attesting to the accuracy of the information recorded in it.

[en. B.C. Reg. 36/2007, s. 3.]

Use of electronic recording devices

37.18.03 A driver may use an electronic recording device for recording his or her duty status if

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format,
- (b) when requested to do so by the director or a peace officer, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a printout or any other intelligible output, or any combination of these,
- (c) the device is capable of displaying
 - (i) the driving time and other on-duty time for each day on which the device is used,
 - (ii) the total on-duty time remaining and the total on-duty time accumulated in the cycle being followed by the driver, and
 - (iii) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used,

- (d) the driver is capable, if so requested by the director or a peace officer, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used,
- (e) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences,
- (f) the device records the time spent in each duty status of the driver,
- (g) any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy, and
- (h) the carrier provides blank daily log forms in the commercial motor vehicle for the driver's use.

[en. B.C. Reg. 36/2007, s. 3.]

Possession of daily logs and supporting documents by drivers

37.18.04 A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has in his or her possession

- (a) a copy of the daily logs for the previous 14 days or, in the case of a driver to whom section 37.13 applies or who is driving an oil well service vehicle, for the previous 24 days,
- (b) the daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred, and
- (c) any supporting documents or other relevant records that the driver received in the course of the current trip.

[en. B.C. Reg. 36/2007, s. 3.]

Distribution and keeping of daily logs

37.18.05 (1) A driver must, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the carrier must ensure that the driver does so.

(2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a daily log, and the carriers must ensure that the driver forwards

- (a) the original of the daily log to the home terminal of the first carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked, and
- (b) the original supporting documents to the home terminal of the applicable carrier.

(3) The carrier must

- (a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them, and

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- (b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

[en. B.C. Reg. 36/2007, s. 3.]

Tampering

37.18.06 (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than one daily log in respect of any day.

- (2) A carrier must not request, require or allow any person to enter and a person must not enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

[en. B.C. Reg. 36/2007, s. 3.]

Monitoring by carrier

37.19 (1) A carrier must monitor the compliance with this Part of each driver.

- (2) A carrier that determines there has been non-compliance with this Part by a driver must take immediate remedial action.

- (3) A carrier referred to in subsection (2) must,

- (a) issue a notice of non-compliance to the driver, and
- (b) record the date on which the non-compliance occurred, the date of issuance of the notice of non-compliance and the action taken by the carrier.

[en. B.C. Reg. 36/2007, s. 3.]

Out-of-service declaration

37.19.01 (1) A director or peace officer may issue an out-of-service declaration in respect of a driver if

- (a) the driver contravenes section 37.12 (a) or (b),
- (b) the driver fails to comply with any of the driving time or off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption,
- (c) the driver is unable or refuses to produce his or her daily log book in accordance with section 37.20,
- (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log, or
- (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or peace officer cannot determine whether the driver has complied with the driving time and off-duty time requirements of sections 37.13.01 to 37.16.06 or the conditions or requirements of an exemption.

- (2) An out-of-service declaration applies

- (a) for 10 consecutive hours, if the driver contravenes section 37.12 (a) or (b),
 - (b) for 10 consecutive hours, if the driver contravenes section 37.13.01,
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of sections 37.13.01 to 37.16.06, and
 - (d) for 72 consecutive hours, if the driver contravenes section 37.18.06 or 37.20.
- (3) The out-of-service declaration in respect of a driver who contravenes section 37.18.06 or 37.20 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the director or peace officer so that the director or peace officer is able to determine whether the driver has complied with this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Authority to enter premises for an inspection

- 37.19.02** (1) A peace officer may at any reasonable time enter or stop and enter a commercial motor vehicle, except for its sleeper berth, for the purpose of inspecting the daily logs and supporting documents.
- (2) A peace officer may, at any reasonable time, enter the sleeper berth of a commercial motor vehicle or stop a commercial motor vehicle and enter its sleeper berth for the purpose of verifying that the sleeper berth meets the requirements of Schedule 1 of this Part.

[en. B.C. Reg. 36/2007, s. 3.]

Production of daily logs and supporting documents by driver

- 37.20** (1) At the request of a peace officer, a driver must immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the previous 14 days as well as any exemption given by the director in respect of a carrier in accordance with which the driver is driving.
- (2) If an electronic recording device is installed in the commercial motor vehicle, the driver must retrieve the information stored by the device for each day that it was used.
- (3) The driver must, at the request of a peace officer, immediately give the peace officer a copy of the daily logs, supporting documents and other relevant records for the previous 14 days, or the originals if it is not possible in the circumstances to make copies, as well as any exemption given by the director in respect of the carrier in accordance with which the driver is driving.
- (4) The peace officer must provide a receipt for the copies or originals of the daily logs, supporting documents, other relevant records and exemptions.

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- (5) In the case of a driver who is driving an oil well service vehicle, a reference in subsections (1) and (3) to 14 days must be read as a reference to 24 days.

[en. B.C. Reg. 36/2007, s. 3.]

Production of daily logs and supporting documents by carrier

37.20.01 (1) A carrier must, during business hours, at the request of the director, immediately make available for inspection at a place specified by the director daily logs, supporting documents and other relevant records as well as any exemption given by the director in respect of the carrier in accordance with which a driver is or has been driving during the period for which the director makes the request for the documents.

- (2) The director must

- (a) immediately return the exemption if it is still current and provide a receipt for any expired exemption as well as for the daily logs, supporting documents and other relevant records, and
- (b) return the expired exemption, daily logs, supporting documents and other relevant records within 14 days after receiving them.

[en. B.C. Reg. 36/2007, s. 3.]

Obstruction of director or peace officer

37.21 A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or a peace officer engaged in carrying out their duties and functions under this Part.

[en. B.C. Reg. 36/2007, s. 3.]

SCHEDULE 1

[en. B.C. Reg. 36/2007, s. 3.]

(Sections 37.01, 37.16, 37.16.01 and 37.19.02)

SLEEPER BERTHS

- 1** An area of a commercial motor vehicle is a sleeper berth if
- (a) it is designed to be used as sleeping accommodation,
 - (b) it is located in the cab of the commercial motor vehicle or immediately adjacent to the cab and is securely fixed to it,
 - (c) it is not located in or on a trailer,
 - (d) it is located in the cargo space and it is securely compartmentalized from the remainder of the cargo space,
 - (e) in the case of a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 m in length, 60 cm in width and 60 cm in height,

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- (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area,
- (f) in the case of a commercial motor vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis;
 - (ii) 60 cm in width, measured on the centre line of the transverse axis;
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area,
- (g) it is constructed so that there are no impediments to ready entrance to or exit from the area,
- (h) there is a direct and readily accessible means of passing from it into the driver's seat or compartment,
- (i) it is protected against leaks and overheating from the vehicle's exhaust system,
- (j) it is equipped to provide adequate heating, cooling and ventilation,
- (k) it is reasonably sealed against dust and rain,
- (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep, and
- (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial motor vehicle, the means being designed, installed and maintained to withstand a total force of 2 700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

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SCHEDULE 2

[en. B.C. Reg. 36/2007, s. 3.]

(Sections 37.01 and 37.18.02 (2))

DUTY STATUS

.....
 Name Date

Cycle 1 (7 days) [] OR Cycle 2 (14 days) []

..... (Hour at which day begins – Use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	24

Remarks

Total distance driven

.....
 Signature

Instructions

1 Fill out the grid as follows:

- (a) for each duty status,
 - (i) mark the beginning time and the end time, and
 - (ii) draw a continuous line between the time markers;
- (b) record the name of the municipality or give the location on a highway or in a legal subdivision and the name of the province or state where a change in duty status occurs;
- (c) if the driver is engaged in making deliveries in a municipality that result in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined;

- (d) enter on the right of the grid the total number of hours of each period of duty status, which total must equal 24 hours.

Part 4 – Trip Inspection

Pre-trip and post-trip inspections

- 37.22** (1) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the requirements of this section are met.
- (2) The driver or a person specified by the carrier shall satisfy himself or herself that the commercial motor vehicle is in a safe operating condition including, but not limited to, the operating condition of the following items:
- (a) service brakes, including trailer brake connections and brake adjustments;
 - (b) parking brake;
 - (c) steering mechanism;
 - (d) lighting devices and reflectors;
 - (e) tires;
 - (f) horn;
 - (g) windshield wipers;
 - (h) rear vision mirrors;
 - (i) coupling devices;
 - (j) wheels and rims;
 - (k) emergency equipment;
 - (l) load securement devices.
- (3) The inspection referred to in subsection (2) shall be performed daily before the first trip of the day.
- (4) If a trip lasts more than one day, the inspection required by subsection (2) shall be carried out on the second and every subsequent day of the trip no later than the first rest stop of the day.
- (5) If a commercial motor vehicle's first trip of the day is to provide relief from an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster by transporting passengers or goods, the inspection required by subsection (2) shall be carried out before the commercial motor vehicle's first trip that is not for that purpose.
- (6) The driver or the person specified under subsection (2) shall,
- (a) at the end of the final trip of the day, or
 - (b) where a trip lasts more than one day, on every subsequent day of the trip at the final rest stop of the day,

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inspect the commercial motor vehicle and record in the trip inspection report defects observed as a result of this inspection or while in charge of the commercial motor vehicle.

[en. B.C. Reg. 456/90.]

Trip inspection report

- 37.23** (1) This section applies to a commercial motor vehicle to which Part 1 of Division 25 of this regulation applies under section 25.01 (2), but does not apply to
- (a) commercial motor vehicles rented for a single trip,
 - (b) an emergency vehicle,
 - (c) a 2 axle vehicle with a licensed gross vehicle weight not exceeding 14 600 kg, excluding a bus, school bus, special activity bus or special vehicle, or
 - (d) a taxi where the carrier requires the driver of the taxi to immediately notify the carrier of defects found in the inspections under section 37.22 and defects that come to the driver's attention while operating the taxi.
- (2) A carrier shall require every driver employed or otherwise engaged by the carrier or a person specified by the carrier to prepare the trip inspection report in accordance with this section.
- (3) The driver or the person specified by the carrier under subsection (2) shall prepare, for each commercial motor vehicle driven, the trip inspection report in accordance with this section in legible writing before driving the commercial motor vehicle for the first time in a day.
- (4) The trip inspection report shall
- (a) state the licence plate or unit numbers for the commercial motor vehicle,
 - (b) specify any defect in the operation of each item listed in section 37.22 (2),
 - (b.1) specify any defect in the operation of the commercial motor vehicle if that defect, not otherwise described under paragraph (b), may affect the safe operation of the commercial motor vehicle,
 - (c) state that no defect was discovered or came to the attention of the driver, should that be the case,
 - (d) state the date the report is made, and
 - (e) contain the signature of the driver or other person making the report.
- (5) No carrier shall permit a driver to drive, and no driver shall drive, a commercial motor vehicle unless the driver has the current trip inspection report in his possession.
- (6) A driver shall, on the request of a peace officer, produce to the peace officer for inspection the current trip inspection report.
- (7) The director may exempt a class of persons or vehicles from this section unconditionally or on conditions the director considers desirable and may substitute

other requirements if the director considers it desirable for the purpose of more effectively promoting and securing road safety.

[en. B.C. Reg. 456/90; am. B.C. Regs. 20/92; 413/97, App. 1, s. 31; 135/2003, ss. 1 and 3.]

Multiple drivers

37.24 Where 2 or more drivers are employed or otherwise engaged to drive a commercial motor vehicle, only one driver is required, under section 37.23 (4) (e), to sign the trip inspection report, provided all drivers agree as to the defects to be reported, but where there is a disagreement over the defects to be reported, all drivers shall sign and indicate the nature of the disagreement.

[en. B.C. Reg. 456/90.]

Delivery of report

37.25 A driver who prepares a trip inspection report shall deliver the original report to the carrier responsible for the commercial motor vehicle referred to in the trip inspection report, or to its agent, within 20 days after completing the trip inspection report.

[en. B.C. Reg. 456/90.]

Corrective action

37.26 A carrier shall not permit a driver to drive, and a driver shall not drive, a commercial motor vehicle unless, before doing so, the carrier or the carrier's agent has

- (a) repaired or corrected items listed on the trip inspection report which may affect the safe operation of the commercial motor vehicle and certified on the trip inspection report that the defect has been corrected, or
- (b) certified on the trip inspection report that correction is unnecessary.

[en. B.C. Reg. 456/90.]

Retention of records

- 37.27** (1) A carrier shall keep the original of each trip inspection report for at least 3 months from the date the document was prepared and shall, during that period, make the document available for inspection by a peace officer.
- (2) A carrier shall, within 30 days after receiving the trip inspection report, place them at the location where the carrier retains its records relating to its drivers or at another location approved in writing by the director.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 135/2003, s. 1.]

Part 5 – Facility Audits

Application of this Part

37.28 This Part does not apply to a driver of, or the operation of, a farm tractor, an implement of husbandry or a road building machine as defined in the *Commercial Transport Act*.

[en. B.C. Reg. 456/90.]

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Maintenance of records

- 37.29** (1) Subject to subsection (2), the carrier shall maintain at its principal place of business in the Province or at another place approved by the director
- (a) a transcript of the driving record of each driver employed or otherwise engaged by that carrier within the Province, issued by the responsible agency in the jurisdiction in which the driver received his driver's licence, and dated the later of
 - (i) the driver's date of employment, and
 - (ii) one year from the date of the previous transcript,
 - (b) copies of records that are required of the carrier by the laws of any jurisdiction respecting the use of commercial motor vehicles by each driver employed or otherwise engaged by that carrier, including but not limited to
 - (i) records required under Parts 3 and 4 of this Division, and
 - (ii) records of the notification of the carrier of accidents, violations and convictions relative to each driver while in the employ of or engaged by that carrier,
 - (c) for each of the carrier's commercial motor vehicles for which the carrier is required to hold a safety certificate,
 - (i) records of vehicle inspection and maintenance required under Division 25,
 - (ii) records of all notices of defects received from vehicle manufacturers and evidence satisfactory to the director that those defects have been corrected,
 - (iii) records of all accidents in which the vehicle was involved that resulted in
 - (A) the injury or death of a human being, or
 - (B) total damage to all property, including cargo, of \$1 000 or more, based on actual costs or a reliable estimate, and
 - (d) any safety plan and any scheduled vehicle maintenance plan applicable to the carrier.
- (2) The driver shall deliver the records referred to in subsection (1) (b) (ii) to the carrier by whom the driver was employed or otherwise engaged within 15 days of the accident, violation or conviction referred to in that subsection.
- (3) The director may exempt a carrier from subsection (1) unconditionally or on conditions the director considers desirable and may substitute other requirements if the director considers it desirable for the purpose of more effectively securing and promoting road safety.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 32; 77/99, s. 3; 89/2001, s. 4; 135/2003, ss. 1 and 3.]

Retention of records

- 37.30** With the exception of records kept under Parts 3 and 4 of this Division and Division 25, a carrier shall maintain the records required to be maintained under section 37.29 and shall keep the records readily accessible for inspection and audit purposes for the calendar year in which they were made and the following 4 calendar years.

[en. B.C. Reg. 456/90.]

Inspectors

- 37.31** The director may appoint an inspector for the purpose of inspecting and auditing records referred to in section 212 (4) (c) and (f) of the Act.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 2; 77/99, s. 4; 135/2003, s. 1.]

Compliance review

- 37.32** (1) An inspector may, during business hours, enter the place where records are kept under section 37.29 and conduct a compliance review for the purpose of determining whether a carrier meets the requirements of sections 37.29 and 37.30.
- (2) No person shall obstruct an inspector conducting a compliance review under this section.

[en. B.C. Reg. 456/90.]

Audit

- 37.33** (1) An inspector may, during normal business hours, enter the place where records are kept under section 37.29 and conduct an audit for the purpose of determining whether a carrier meets the requirements of this Division.
- (2) No person shall obstruct an inspector conducting an audit under this section.

[en. B.C. Reg. 456/90; am. B.C. Reg. 89/2001, s. 5.]

Documents must be delivered

- 37.331** Without limiting sections 37.32 and 37.33, if an inspector asks a carrier to deliver, for the purposes of a compliance review or an audit, some or all of the records kept by the carrier under section 37.29, the carrier must deliver the requested records to the director's office specified by the inspector at the time and date specified and in the form approved for that purpose by the director.

[en. B.C. Reg. 77/99, s. 5; am. B.C. Regs. 89/2001, s. 6; 135/2003, s. 1.]

Carrier administered audit

- 37.34** The director may authorize a carrier to conduct verification audits of its operation, in whole or in part, upon being satisfied that the carrier has in place the systems and procedures necessary to assess its compliance with some or all aspects of this Division, and upon application being made by the carrier in a form approved by the director.

[en. B.C. Reg. 456/90; am. B.C. Regs. 413/97, App. 1, s. 3; 135/2003, ss. 1 and 3.]

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Part 6 – Offences**Unsafe vehicle**

- 37.35** A carrier shall not authorize or permit the operation of a commercial motor vehicle on a highway unless the vehicle complies with all the requirements of the Act and this regulation.

[en. B.C. Reg. 456/90.]

False records

- 37.36** (1) A person shall not alter, deface or destroy a record required to be maintained under this regulation.
- (2) A person shall not
- (a) make, participate in, assent to or acquiesce in the making of a false or deceptive statement in a record made or required by or under this regulation, or
 - (b) omit, assent to or acquiesce in the omission of an entry in a record made or required by or under this regulation.

[en. B.C. Reg. 456/90.]

Offences

- 37.37** (1) A person commits an offence who contravenes sections 37.02 (1), (4) or (5), 37.03 (3), 37.05 (2), 37.06, 37.12 (a), (b), (c) or (d), 37.13.01 (1) or (2), 37.13.02 (1), (2) (3) or (4), 37.13.03 (1) or (3), 37.15 (1) (a) or (2), 37.15.01 (1) (a) or (b), 37.15.01 (3), 37.16 (3), 37.16.01 (3), 37.16.02, 37.16.03, 37.16.04 (a) or (b), 37.16.06 (1) (a) or (b), 37.17.02 (1) (a), (b), (c) or (d) or (2), 37.17.03 (3), 37.18.01 (1), 37.18.02 (1), (2) or (3), 37.18.04 (a), (b) or (c), 37.18.05 (1) or (2) (a) or (b) or (3) (a) or (b), 37.18.06 (1) or (2), 37.19 (1), (2) or (3), 37.20 (1), (2) or (3), 37.20.01 (1) or 37.21, 37.22 (1), (2) or (6), 37.23 (2), (3), (5) or (6), 37.24, 37.25, 37.26, 37.27 (1) or (2), 37.29 (1) or (2), 37.30, 37.32 (2), 37.33 (2), 37.35 or 37.36 (1) or (2).
- (2) A person who commits an offence is liable, on conviction, to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

[en. B.C. Reg. 456/90; am. B.C. Regs. 135/2003, s. 13; 36/2007, s. 4.]

Operating a vehicle while under suspension

- 37.38** (1) Repealed. [B.C. Reg. 135/2003, s. 14 (a).]
- (2) A carrier whose safety certificate has been
- (a) suspended under section 118.95 of the Act, or
 - (b) cancelled under section 118.96 of the Act
- must not operate a commercial motor vehicle while the safety certificate is suspended or cancelled.

- (3) A carrier who contravenes subsection (2) commits an offence.

[en. B.C. Reg. 414/99, s. 9; am. B.C. Reg. 135/2003, s. 14.]

Part 7 – Required Documents

Bill of lading

- 37.39** (1) Subject to this Part, if freight is accepted for shipment by or on behalf of a carrier who operates a business vehicle within the meaning of section 237 (a) or (c) of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:

- (a) a bill of lading issued under this subsection must show the following:
 - (i) the name and address of the consignor (shipper);
 - (ii) the date of the shipment;
 - (iii) the originating point of the shipment;
 - (iv) the name of the originating carrier;
 - (v) the names of connecting carriers, if any;
 - (vi) the name and address of the consignee (receiver of goods);
 - (vii) the destination of the shipment (if different from the address of the consignee);
 - (viii) particulars of the goods in the shipment, including weight and description;
- (b) a bill of lading issued under this subsection must also contain the following:
 - (i) a provision stipulating whether the goods are received in apparent good order and condition, or otherwise;
 - (ii) a space to show the declared value of the shipment;
 - (iii) a space to indicate whether transportation charges are prepaid or collect;
 - (iv) a space in which to note any special agreement between the consignor and the carrier;
 - (v) a statement in conspicuous form to indicate (if such is the case) that the carrier's liability is limited by a term or condition of the carrier's applicable schedule of rates or by any other agreement with the consignor;
 - (vi) a statement of notice of claim as provided for by Article 12 of the Specified Conditions of Carriage set out in paragraph (c);
- (c) a bill of lading issued under this subsection must be signed by the consignor or the consignor's agent and the originating carrier or that carrier's agent

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and must contain or incorporate by reference all the following conditions of carriage:

Specified Conditions of Carriage

- Article 1: The carrier of the goods described in this bill of lading is liable for any loss or damage to the goods accepted by the carrier or the carrier's agent except as provided in these Articles.
- Article 2: In the case of a shipment handled by 2 or more carriers, the carrier issuing the bill of lading (the "originating carrier"), and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under these Articles, are, if the goods being transported are lost or damaged while they are in the custody of any other carrier to whom these goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.
- Article 3: The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay under these Articles resulting from loss or damage to the goods while they were in the custody of such other carrier.
- Article 4: Nothing in Article 2 or 3 deprives a consignor or a consignee of any remedy or right of action that the consignor or consignee may have against any carrier.
- Article 5: The carrier is not liable for
- (a) loss, damage or delay to any of the goods described in this bill of lading because of an Act of God, the Queen's or public enemies, riots, strikes or a defect or inherent vice in the goods being transported, or
 - (b) loss or damage resulting from the act or default of the consignor, the owner of the goods or the consignee, the authority of law, quarantine or differences in weights of grain, seed or other commodities caused by natural shrinkage.
- Article 6: The carrier is not bound to transport the goods referred to in this bill of lading by any particular vehicle or in time for any particular market or otherwise than with due dispatch unless by agreement specifically endorsed on this bill of lading and signed by the parties to it.
- Article 7: In case of physical necessity, the carrier has the right to forward the said goods by any conveyance or route between the point of shipment and the point of destination, but the liability of the carrier remains the same as though the entire carriage were by highway.
- Article 8: If goods are stopped and held in transit at the request of a party entitled to make such request, the goods are held at the risk of that party.
- Article 9: Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not such loss or damage results from negligence, is to be

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computed on the basis of the value of the goods at the place and time of shipment (including the freight and other charges if paid and the duty if paid or payable and not refundable) unless a lower value has been represented in writing by the consignor or has been agreed on between the parties to this bill of lading, or is determined by the classification or tariff on which the rate is based, in any of which events such lower value is the amount that governs the computation of the maximum liability of the carrier.

Article 10: The amount of any loss or damage computed under Article 9 must not exceed \$2 per pound (\$4.41 per kilogram), computed on the total weight of the shipment, unless a higher value is declared on the face of the bill of lading by the consignor.

Article 11: If it is agreed between the parties that goods are to be carried at the risk of the consignor, that agreement covers only those risks that are necessarily incidental to transportation and does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the carrier's agents or employees, and the burden of proving freedom from that negligence or omission is on the carrier.

Article 12a: The carrier is not liable for loss, damage or delay to any of the goods transported under this bill of lading unless notice of the loss, damage or delay, setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay, is given in writing to the originating carrier (or the delivering carrier) within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment of the goods.

Article 12b: The final statement of the claim must be filed within 9 months after the date of shipment, together with a copy of the paid freight bill.

Article 13: A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed in this bill of lading, the carrier is not liable for any loss or damage in excess of the maximum liability stipulated in Article 10 of these Conditions of Carriage.

Article 14a: If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, and if on inspection it is ascertained that the goods shipped are not those described in this bill of lading, the freight charges must be paid on the goods actually shipped, with any additional charges lawfully payable on those goods.

Article 14b: Should the consignor fail to indicate on this bill of lading that a shipment is to be transported prepaid, or should the consignor fail to indicate the basis on which the shipment is to be transported, the carrier is entitled to transport the shipment on a freight collect basis.

Article 15: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier or its agent of the nature of such

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goods is liable for all loss or damage caused by those explosives or dangerous goods and such goods may be warehoused at the consignor's risk and expense.

Article 16: If, through no fault of the carrier, goods cannot be delivered, the carrier after having given notice to the consignor and the consignee that delivery has not been made, and after requesting disposal instructions, may, pending receipt of such disposal instructions, store the goods in the warehouse of the carrier subject to a reasonable charge for storage, or, after notifying the consignor of the carrier's intention, may cause the goods to be removed to and stored in a public or licensed warehouse at the expense of the consignor without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

Article 17: If notice has been given by the carrier under Article 16 and no disposal instructions have been received within 10 days after the date of that notice, the carrier may return to the consignor at the consignor's expense all undelivered shipments with respect to which the notice has been given.

Article 18: Subject to Article 19, any alteration, addition or erasure in the bill of lading must be signed or initialed by the consignor or the consignor's agent and the originating carrier or that carrier's agent, and unless so acknowledged is without effect, and this bill of lading is enforceable according to its original tenor.

Article 19: It is the responsibility of the consignor to show correct shipping weights of the shipment on the bill of lading if completed by the consignor. Despite Article 18, failure to do this makes the bill of lading subject to correction in this respect by the carrier.

(2) Subject to this Part, if household goods are accepted for shipment by or on behalf of a carrier who operates a business vehicle within the meaning of section 237 (a) or (c) of the Act, the carrier must, at the time of that acceptance, issue or cause to be issued a bill of lading in accordance with the following requirements:

(a) a bill of lading issued under this subsection must show the following:

- (i) the name and address of the consignor (shipper);
- (ii) the date of the shipment;
- (iii) the originating point of the shipment;
- (iv) in a conspicuous place, the name of the original contracting carrier and the carrier's telephone number;
- (v) the name of connecting carriers, if any;
- (vi) in a conspicuous place, the name of the destination agent, if different from the original contracting carrier, and that agent's telephone number;
- (vii) the name, address and telephone number of the consignee (receiver of goods);
- (viii) the destination of the shipment;

- (ix) an inventory of the goods comprising the shipment, which inventory must be attached to, and become part of, the bill of lading;
- (b) a bill of lading issued under this subsection must also contain the following:
 - (i) a provision stipulating whether the goods are received in apparent good order and condition, except as noted on the inventory;
 - (ii) despite subparagraph (i), a statement in conspicuous form indicating that the signature of the consignee for receipt of goods does not preclude a future claim for loss or damage made within the time limit set out in the bill of lading;
 - (iii) a space to show the declared value of the shipment;
 - (iv) a space or spaces to show the actual amount of freight and all other charges to be collected by the carrier;
 - (v) a statement to indicate that the uniform conditions of carriage apply;
 - (vi) a space or spaces to note any special services or agreements between the contracting parties;
 - (vii) a space to indicate date or time period agreed on for delivery;
 - (viii) a statement in conspicuous form to indicate that the carrier's liability is limited by a term or condition of carriage;
 - (ix) a space for the signature of the consignor;
- (c) a bill of lading issued under this subsection must be signed in full by the consignor, or the consignor's agent, and the original contracting carrier, or the carrier's agent, and must contain or incorporate by reference all the following conditions of carriage:

Specified Conditions of Carriage – Household Goods

Liability of carrier

Article 1: The carrier of the goods that are described in this bill of lading is liable for any loss of or damage to goods accepted by the carrier or the carrier's agent, except as provided in this bill of lading.

Liability of originating and delivering carriers

Article 2: If a shipment is accepted for carriage by more than one carrier, the original contracting carrier and the carrier who assumes responsibility for delivery to the consignee (the "delivering carrier"), in addition to any other liability under this bill of lading, are, if the goods are lost or damaged while they are in the custody of any other carrier to whom the goods are or have been delivered, jointly and severally liable with that other carrier for that loss or damage.

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Recovery from connecting carrier

Article 3: The original contracting carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of loss or damage that the original contracting carrier or delivering carrier, as the case may be, may be required to pay under this bill of lading resulting from any loss of or damage to the goods while they were in the custody of such other carrier.

Remedy by consignor or consignee

Article 4: Nothing in Article 2 or 3 deprives a consignor or a consignee of any rights the consignor may have against any carrier.

Exception from liability

Article 5: The carrier is not liable for the following:

- (a) loss, damage or delay to any of the goods described in this bill of lading caused by an Act of God, the Queen's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the consignor, owner or consignee, authority of law or quarantine;
- (b) unless caused by the negligence of the carrier or the carrier's agent or employee:
 - (i) damage to fragile articles that are not packed and unpacked by the contracting carrier or by that carrier's agent or employee(s);
 - (ii) damage to the mechanical, electronic or other operations of radios, phonographs, clocks, appliances, musical instruments and other equipment, irrespective of who packed or unpacked such articles, unless servicing and preparation was performed by the contracting carrier or by that carrier's agent or employee(s);
 - (iii) deterioration of or damage to perishable food, plants or pets;
 - (iv) loss of contents of consignor packed articles, unless the containers used are opened for the carrier's inspection and articles are listed on this bill of lading and receipted for by the carrier;
- (c) damage to or loss of a complete set or unit when only part of such set is damaged or lost, in which event the carrier is only liable for repair or recovering of the lost or damaged piece or pieces;
- (d) damage to the goods at place or places of pick-up at which the consignor or the consignor's agent is not in attendance;
- (e) damage to the goods at place or places of delivery at which the consignee or the consignee's agent is not in attendance and cannot give receipt for goods delivered.

For the purpose of paragraph (b), the burden of proving absence of negligence is on the carrier.

Delay

- Article 6: (a) At the time of acceptance of the contract, the original contracting carrier must provide the consignor with a date or time period within which delivery is to be made. Failure by the carrier to effect delivery within the time specified on the face of the bill of lading renders the carrier liable for reasonable food and lodging expenses incurred by the consignee.
- (b) Failure by the consignee to accept delivery when tendered within the time specified on the bill of lading renders the consignee liable for reasonable storage in transit, handling and redelivery charges incurred by the carrier.

Routing by the carrier

- Article 7: If, because of physical necessity, the carrier forwards the goods by a conveyance that is not a licensed for hire vehicle, the liability of the carrier is the same as though the entire carriage were by licensed for hire vehicle.

Stoppage in transit

- Article 8: If goods are stopped or held in transit at the request of the party entitled to so request, the goods are held at the risk of that party.

Valuation

- Article 9: Subject to Article 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence of the carrier or the carrier's employees or agents, is to be computed on the basis of the value of the lost or damaged article(s) at the time and place of shipment.

Maximum liability

- Article 10: (a) The amount of any loss or damage computed under Article 9 must not exceed the greater of
- (i) the value declared by the shipper, or
 - (ii) \$4.41 per kilogram computed on the total weight of the shipment, provided that if the consignor, in writing, releases the shipment to a value of \$1.32 per kilogram per article or less the amount of any loss or damage computed under Article 9 must not exceed such lower amount.
- (b) If paragraph (a) (i) or (ii) applies, additional charges to cover the additional coverage over \$1.32 per kilogram per article must be paid by the consignor.

Consignor's risk

- Article 11: If it is agreed that the goods are carried at the risk of the consignor of the goods, that agreement covers only those risks that are necessarily incidental to transportation and the agreement does not relieve the carrier from liability for any loss or damage or delay that may result from any negligent act or omission of the carrier or the

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carrier's agents or employees, and the burden of providing absence of negligence is on the carrier.

Notice of claim

- Article 12:
- (a) A carrier is not liable for loss, damage or delay to any goods carried under this bill of lading unless notice of the loss, damage or delay setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the original contracting carrier or the delivering carrier within 60 days after delivery of the goods, or, in the case of failure to make delivery, within 9 months after the date of shipment.
 - (b) The final statement of the claim must be filed within 9 months after the date of shipment.
 - (c) Either the original contracting carrier or the delivering carrier, as the case may be, must acknowledge receipt of claim within 30 days after receipt of the claim.

Articles of extraordinary value

Article 13: A carrier is not bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed on the face of this bill of lading, the carrier is not liable for any loss or damage.

Freight charges

- Article 14:
- (a) If required by the carrier, the freight and all other lawful charges accruing on the goods must be paid before delivery, provided that, if the total actual charges exceed by more than 10% the total estimated charges, the consignee must be allowed 15 days after the day on which the goods are delivered (excluding Saturdays, Sundays and holidays) to pay the amount by which the total actual charges exceed 110% of the total estimated charges.
 - (b) The 15 days extension provided in paragraph (a) does not apply if the carrier notified the consignor of the total actual charges immediately after the goods are loaded, or if the carrier receives a waiver of the extension provision signed by the consignor.

Dangerous goods

Article 15: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, must indemnify the carrier against all loss, damage or delay caused by those explosives or dangerous goods, and such goods may be warehoused at the consignor's risk and expense.

Undelivered goods

- Article 16: (a) If, through no fault of the carrier, the goods cannot be delivered, the carrier must immediately give notice to the consignor and consignee that delivery has not been made, and must request disposal instructions.
- (b) Pending receipt of such disposal instructions,
- (i) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage, or
 - (ii) provided that the carrier has notified the consignor of the carrier's intention, the goods may be removed to, and stored in, a public or licensed warehouse, at the expense of the consignor, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

Alterations

- Article 17: Subject to Article 18, any additional limitation on the carrier's liability on the bill of lading, and any alteration or addition or erasure on the bill of lading, must be signed or initialed by the consignor or the consignor's agent and the original contracting carrier or that carrier's agent and unless so acknowledged is without effect.

Weights

- Article 18: It is the responsibility of the original contracting carrier or that carrier's agent to show the correct tare, gross and net weights on this bill of lading by use of a certified public scale, and attach the weigh scale ticket to his copy of this bill of lading. If certified public scales are not available at origin or at any point within a radius of 16 kilometres of that point, a constructive weight based on 112 kilograms per cubic metre of properly loaded van space must be used.

[en. B.C. Reg. 414/99, s. 10.]

Bills of lading – retention and filing

- 37.40** (1) Each bill of lading must be issued in triplicate or more.
- (2) The copies of a bill of lading issued in accordance with subsection (1) must be distributed as follows:
- (a) one copy must be delivered to the shipper;
 - (b) one copy must be retained by the carrier for the purposes of section 37.42 (1) and after that must be retained at the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director or by a peace officer;
 - (c) one copy must be delivered to the shipper on demand.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

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Bills of lading to be signed

- 37.41** Each bill of lading must be signed by both the shipper and the carrier as being a correct itemized list of goods in the shipment and as an acceptance of all terms and conditions contained in the bill of lading.

[en. B.C. Reg. 414/99, s. 10.]

Carriage and production of bills of lading

- 37.42** (1) A carrier referred to in section 37.39 (1) must ensure that every driver involved in the carriage of freight in respect of which a bill of lading has been issued or a letter of exemption has been provided carries a copy of that bill of lading or of a letter of exemption provided under section 37.45 (b), as the case may be, at all times while transporting that freight.
- (2) If requested to do so by the director or by a peace officer, a carrier must produce, at the time of the request, the bill of lading or the letter of exemption, as the case may be, to the person making the request.
- (3) If requested to do so by any of the persons who may make a request under subsection (2), a carrier who carries and produces a letter of exemption in response to the request made under subsection (2) must deliver the bill of lading to the director's office specified by the person making the request under this subsection at the time and date specified.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 16.]

Records in lieu of bills of lading for certain commodities

- 37.43** (1) Subject to subsection (2), a carrier need not issue a bill of lading in respect of the transportation of one or more of the following commodities:
- (a) Her Majesty's mail;
 - (b) milk (raw or pasteurized), cream (fresh), containers on regular milk routes from farms to creamery or market or return of empty containers from creamery or market;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props and fence posts;
 - (e) fuel wood or sawdust;
 - (f) coal or ore in bulk;
 - (g) earth, rock, gravel or sand in bulk;
 - (h) grain in bulk from farms to elevators and warehouses;
 - (i) hay, unbaled, or vegetables and fruit in bulk;
 - (j) fertilizer or animal manure in bulk.
- (2) A carrier who does not issue a bill of lading in respect of the transportation of commodities referred to in subsection (1) (b) to (j) must
- (a) keep a daily record, with respect to each licensed vehicle, of the freight transported in that vehicle, showing

- (i) the names of the shipper and the consignee,
 - (ii) a description and quantity of the freight,
 - (iii) the distance transported,
 - (iv) the number of hours worked,
 - (v) the rate and total amount charged for the transportation, and
 - (vi) the number of trips, and
- (b) retain that record in the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years and, during that time, make that record available for inspection by the director.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

General provisions as to bills of lading

- 37.44** (1) The freight covered by a bill of lading must be in possession or control of the carrier at the time the bill of lading is issued.
- (2) A bill of lading must cover only goods received from one shipper, picked up at one place and consigned to one consignee at one destination and delivered to one place.

[en. B.C. Reg. 414/99, s. 10.]

Electronic bills of lading

- 37.45** Despite sections 37.39 to 37.44, a carrier who accepts freight for shipment need not issue or cause to have issued a bill of lading in paper form if,
- (a) in the ordinary course of the carrier's business, the carrier uses electronic bills of lading, and
 - (b) the director has, on application of the carrier, provided to the carrier a letter exempting the carrier from the obligation to issue a bill of lading in paper form.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, s. 1.]

Part lot shipments

- 37.46** (1) Shipments in excess of 4 600 kilograms gross weight, or that are greater than the capacity of the available licensed equipment of the carrier, may be accepted on one bill of lading, if the entire shipment is in possession or control of the carrier.
- (2) Subject to subsection (3), in the case of a shipment referred to in subsection (1), at least 4 600 kilograms must be transported on the vehicle that takes the first load.
- (3) If, in the case of a shipment referred to in subsection (1), 4 600 kilograms is in excess of the licensed carrying capacity of the vehicle carrying the shipment,
- (a) the vehicle must be loaded only to full carrying capacity,

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- (b) the remainder of the shipment must be moved on a vehicle licensed in the name of the carrier who is moving the first portion of the shipment,
- (c) the shipment must not be divided into more than 2 parts,
- (d) the revenue billing must
 - (i) cover the entire shipment, and
 - (ii) show the weight, the rate assessed and the freight charges, and
- (e) a separate waybill must be issued and in possession of the driver of the vehicle carrying the second part of the shipment and must make reference to the revenue billing and give the weight and description of the second load.

[en. B.C. Reg. 414/99, s. 10.]

Records of freight carried

- 37.47** (1) Every carrier must, with respect to the operation of business vehicles as defined in section 237 (a) of the Act, keep or cause to be kept a complete daily record of all freight transported for compensation in or on every business vehicle as defined in section 237 (a) of the Act operated by the carrier.
- (2) The record kept under subsection (1) must
- (a) contain the following particulars with respect to the freight:
 - (i) the name of shipper and consignee;
 - (ii) a description and quantity of freight;
 - (iii) the distance transported, the number of trips and the rate and total amount charged for the transportation, and
 - (b) be retained at the carrier's principal place of business in British Columbia or at another place approved by the director for a period of at least 3 years during which time the carrier must make it available for inspection by the director.
- (3) Despite subsections (1) and (2), a carrier may, and if so required by the consignor must, issue a bill of lading in the manner provided by section 37.39 in respect of any shipment of freight accepted by or on behalf of the carrier.
- (4) The filing and retention by the carrier of a copy of a bill of lading referred to in subsection (3) relieves the carrier of the necessity of keeping any other record with respect to the shipment in respect of which the bill of lading was issued.

[en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 15.]

Cargo insurance

- 37.48** (1) A carrier who operates a business vehicle within the meaning of paragraph (a) or (c) of the definition of "business vehicle" in section 237 of the Act must
- (a) secure and maintain in force cargo insurance satisfactory to the director, and
 - (b) if requested to do so by the director or a peace officer, produce proof of that insurance to the person making the request at the time and date specified.

MOTOR VEHICLE ACT REGULATIONSDivision 38 – Parking Permits for Persons with Disabilities

- (2) Subsection (1) does not apply in relation to a business vehicle licensed and operated exclusively for the transportation of one or more of the following commodities:
- (a) water and snow;
 - (b) milk and cream (raw or pasteurized) in bulk or in containers (and empty containers) transported between farms and dairies;
 - (c) petroleum products in bulk or bituminous construction materials in bulk;
 - (d) logs, poles, piles, ties, shingle bolts, mine props, rough sawn lumber and fence posts;
 - (e) fuel wood, sawdust, hog fuel, pulp chips and Christmas trees;
 - (f) coal, ore and ore concentrates in bulk;
 - (g) earth, rock, gravel and sand in bulk and unset cement mix;
 - (h) grain in bulk and grain screenings;
 - (i) hay (baled or unbaled), fresh or dried fruits and vegetables, turf and peat;
 - (j) fertilizers, animal manure or refuse;
 - (k) stumps and debris from demolished buildings.
- [en. B.C. Reg. 414/99, s. 10; am. B.C. Reg. 135/2003, ss. 1 and 17.]

DIVISION 38 – PARKING PERMITS FOR PERSONS WITH DISABILITIES**Interpretation****38.01** In this Division:

- “**disabled zone**” means a parking zone identified by the disabled parking sign as set out in Schedule 2 of Division 23 of these regulations;
- “**permit**” means a parking permit issued under this Division, in the form of a decal or placard, to a person with disabilities;
- “**person with disabilities**” means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.
- [en. B.C. Reg. 472/90; am. B.C. Reg. 234/2016, s. 3.]

Application for permit

- 38.02** (1) An application for a permit may only be made by or on behalf of a person with disabilities by applying to a municipality or to an organization designated by a municipality for the purposes of this section.
- (2) If a municipality or designated organization is satisfied that an application is made by or on behalf of a person with disabilities, the municipality or designated organization may, on behalf of the Province, issue
- (a) a permit or temporary permit, or
 - (b) a substitute permit for a permit that is lost, stolen, mutilated, defaced or altered or that has become illegible.

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(3) A permit issued under subsection (2) is valid throughout the Province.

[en. B.C. Reg. 234/2016, s. 4.]

Display of permit

38.03 While a vehicle operated by a person with disabilities, or in which a person with disabilities is a passenger, is parked in a disabled zone, the person operating the vehicle must display the permit in or on the vehicle

- (a) by suspending the permit from the rearview mirror inside the vehicle so that the permit is clearly visible to a person looking through the windshield of the vehicle from the sidewalk or roadside,
- (b) by placing the permit on the dashboard in front of the driver's position, or
- (c) in the case of a motorcycle, by attaching the permit to the windshield or displaying the permit in some other conspicuous manner.

[en. B.C. Reg. 234/2016, s. 5.]

Out of Province permits

38.04 A motor vehicle with an out of Province licence and bearing valid identification issued by its resident jurisdiction to identify it as a vehicle driven by or transporting a person with disabilities is, for the purpose of this Division, deemed to be bearing a permit.

[en. B.C. Reg. 472/90; am. B.C. Reg. 234/2016, s. 6.]

Cancellation of permit

38.05 The municipality or designated organization that issued a permit may cancel the permit on being satisfied that any of the following apply:

- (a) a person has contravened a provision of this Division;
- (b) a person made a false statement in the application for the permit;
- (c) the permit is lost, stolen, mutilated, defaced or altered or has become illegible.

[en. B.C. Reg. 234/2016, s. 7.]

Notification of loss or theft

38.06 If a permit is lost, stolen, mutilated, defaced or altered or has become illegible, the person to whom the permit was issued must immediately notify the municipality or designated organization that issued the permit of the loss, theft, mutilation, defacement, alteration or illegibility.

[en. B.C. Reg. 234/2016, s. 8.]

38.07 Repealed. [B.C. Reg. 234/2016, s. 9.]

Offence

38.08 A person commits an offence who

- (a) makes a false statement in an application,

- (b) stops, leaves standing or parks in a disabled zone a vehicle displaying a permit unless the vehicle is stopped, left standing or parked for the purpose of transporting a person with disabilities,
- (c) mutilates, defaces or alters a permit,
- (d) stops, leaves standing or parks in a disabled zone a vehicle that does not display
 - (i) a permit issued under this Division, or
 - (ii) a permit of similar nature issued by another jurisdiction, or
- (e) lends or transfers a permit to another person, whether or not that person is a person with disabilities.

[en. B.C. Reg. 472/90; am. B.C. Reg. 234/2016, s. 10.]

DIVISION 39 – ROAD SAFETY

Definition

39.001 In this Division, “**designated seating position**” means a seating position for which a seat belt assembly is provided or is required to be provided under the Act.

[en. B.C. Reg. 110/2007, s. 1.]

Passenger seating requirement

39.01 A person who is 16 years of age or more and in a vehicle being driven or operated on a highway must

- (a) remain seated in a designated seating position, and
- (b) be the only occupant of that designated seating position.

[en. B.C. Reg. 110/2007, s. 2.]

Driver responsibilities

39.02 A person must not drive or operate a vehicle on a highway if

- (a) there is a person riding on the vehicle,
- (b) there is more than one person occupying a designated seating position in the vehicle,
- (c) there is a person in the vehicle who is not seated in a designated seating position,
- (d) there are more designated seating positions than were provided by the manufacturer of the vehicle when the vehicle was originally manufactured, or
- (e) there are more persons in the vehicle than there are designated seating positions.

[en. B.C. Reg. 110/2007, s. 2.]

MOTOR VEHICLE ACT REGULATIONSDivision 39 – Road Safety

Responsibilities of carrier, employer and owner

39.021 In respect of a vehicle operated on a highway, a carrier, as defined in section 37.01, an employer of the driver of a vehicle or of a passenger in the vehicle or the owner of the vehicle must not request, require or allow a person to drive or operate a vehicle

- (a) that has more people in the vehicle than there are designated seating positions,
- (b) in which for an available seating position a seat belt assembly required under the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured, assembled or imported into Canada has been removed, is partly or wholly inoperative or modified so as to reduce its effectiveness, or
- (c) that has more designated seating positions than were provided by the manufacturer of the vehicle when the vehicle was originally manufactured.

[en. B.C. Reg. 110/2007, s. 2.]

Exceptions

39.03 (1) Despite sections 39.01, 39.02 and 39.021, a person may stand while a vehicle is being operated and a driver may operate a vehicle in which a person is standing if the vehicle is being operated in accordance with section 9 of the Passenger Transportation Regulation.

(1.1) Despite sections 39.01, 39.02 and 39.021, a person may stand while a bus is being operated and a driver may operate a bus in which a person is standing if both of the following conditions are met:

- (a) the bus is
 - (i) operated by or on behalf of
 - (A) British Columbia Transit under the *British Columbia Transit Act*, or
 - (B) the South Coast British Columbia Transportation Authority under the *South Coast British Columbia Transportation Authority Act*, or
 - (ii) operated by or on behalf of a person, municipality or treaty first nation as part of an independent transit service approved by the South Coast British Columbia Transportation Authority under section 5 of the *South Coast British Columbia Transportation Authority Act*;
- (b) the number of passengers standing does not exceed the lesser of
 - (i) the number determined by applying the calculations set out in section 10.03 (2) and (3), and
 - (ii) the number of handholds, straps, rails or other pieces of equipment available in the bus to provide support for standing passengers.

(2) Sections 39.01, 39.02 (b), (c) and (e) and 39.021 (a) do not apply with respect to each of the vehicles set out in subsection (3) if

MOTOR VEHICLE ACT REGULATIONSDivision 39 – Road Safety

- (a) the vehicle was originally manufactured without seat belt assemblies for each seating position and the vehicle was not modified so that there is a seat belt assembly for each seating position, and
 - (b) every person in the vehicle is seated in a seating position provided by the original vehicle manufacturer.
- (3) The following vehicles are set out for the purposes of subsection (2):
- (a) a motor vehicle, other than a bus or a motor home, with a registered model year of 1973 or earlier;
 - (b) a bus, other than a bus with
 - (i) a registered model year of 1994 or later, and
 - (ii) a manufacturer's gross vehicle weight rating of less than 4 536 kg;
 - (c) a motor home with a registered model year of 1998 or earlier;
 - (d) a vehicle that was not required to have a seat belt assembly under the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured or imported into Canada.
- (4) Sections 39.01, 39.02 and 39.021
- (a) do not restrict a co-driver in a team of drivers from accumulating off-duty time in a sleeper berth in accordance with section 37.16,
 - (b) do not apply to a person or vehicle that is exempt by section 32.04 or 32.05 of this regulation from the application of section 220 (3) or (4) of the Act, and
 - (c) do not restrict the authority under section 25.22 to issue an inspection certificate with respect to a vehicle that has been altered so that its seating capacity has been increased, and if an inspection certificate is issued under that section with respect to such a vehicle, the vehicle is deemed, for the purposes of subsection (2) (b) of this section and sections 39.02 (d) and 39.021 (c) of this regulation, to have been manufactured with the increased number of seats.

[en. B.C. Reg. 110/2007, s. 2; am B.C. Reg. 9/2010, s. 4.]

Seating for a child

39.04 A child to whom Division 36 applies who is restrained in the manner required by that Division is deemed to be seated in the manner required by sections 39.01 and 39.02.

[en. B.C. Reg. 217/91.]

DIVISION 40

40.01 to 40.16 Repealed. [B.C. Reg. 61/2017, Sch. s. 4.]

SCHEDULE

Repealed. [B.C. Reg. 61/2017, Sch. s. 4.]

MOTOR VEHICLE ACT REGULATIONSDivision 40A – Heavy Vehicle Diesel Emission Inspections

DIVISION 40A – HEAVY VEHICLE DIESEL EMISSION INSPECTIONS**Interpretation and application****40A.01** In this Division:

“**diesel emission inspection**” means an inspection and test of a vehicle to determine whether or not the vehicle meets the diesel emission standards prescribed under the Heavy Vehicle Diesel Emission Standards Regulation, and includes a diesel emission reinspection;

“**diesel emission standards**” means the diesel emission standards prescribed under the Heavy Vehicle Diesel Emission Standards Regulation;

“**diesel engine**” means an engine that uses diesel fuel and in which internal combustion is initiated by compression instead of by a spark;

“**inspection facility**” means a facility designated by the director as an inspection facility under section 217 of the Act;

“**vehicle**” means a vehicle, powered by a diesel engine, with a licensed gross vehicle weight of more than 5 000 kg, but does not include

- (a) an implement of husbandry or a vehicle licensed under section 8, 9, 10 or 44 of the Act,
- (b) a road building machine as defined in the *Commercial Transport Act*, or
- (c) a vehicle of Her Majesty’s Forces as defined in the *National Defence Act* (Canada).

[en. B.C. Reg. 97/99, Sch.; am. B.C. Reg. 126/2007, s. 1.]

Vehicles on highways must meet diesel emission standards

40A.02 A person must not drive or operate, or cause to be driven or operated, a vehicle on a highway if the vehicle does not meet the diesel emission standards.

[en. B.C. Reg. 97/99, Sch.; am. B.C. Reg. 126/2007, s. 2.]

Roadside diesel emission inspections

40A.03 (1) If a peace officer believes on reasonable and probable grounds that a vehicle driven or operated on a highway does not meet the diesel emission standards, the peace officer may require the driver of the vehicle to stop for a diesel emission inspection of that vehicle.

(2) The driver must

- (a) immediately come to a safe stop when signalled or requested by the peace officer to stop, and
- (b) in accordance with an order or direction of the peace officer, submit the vehicle to the diesel emission inspection and comply with any other orders or vehicle operating directions given by the peace officer for the purposes of this section.

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- (3) The peace officer must, on completion of the diesel emission inspection, complete an inspection report and give a copy of that report to the driver of the vehicle inspected.
- (4) If the vehicle fails the diesel emission inspection, the peace officer
 - (a) must notify the driver or owner of the failure, and
 - (b) may order the driver or owner to present the vehicle to an inspection facility for reinspection within the period set out in the notification.
- (5) A person must comply with
 - (a) the orders and directions given by a peace officer under subsection (2), and
 - (b) an order referred to in subsection (4) (b).

[en. B.C. Reg. 97/99, Sch.; am. B.C. Reg. 126/2007, s. 3.]

40A.04 to 40A.06 Repealed. [B.C. Reg. 126/2007, s. 4.]

Offences

40A.07 A person who contravenes section 40A.02 or 40A.03 (5) (a) commits an offence.
[en. B.C. Reg. 97/99, Sch.; am. B.C. Reg. 126/2007, s. 5.]

DIVISION 40B – HEAVY VEHICLE DIESEL EMISSION CONTROL DEVICE**Interpretation and application**

40B.01 (1) In this Division:

- “**diesel engine**” means an engine that uses diesel fuel and in which internal combustion is initiated by compression instead of by a spark;
- “**inspection**” means an inspection and test of a vehicle to determine whether the vehicle is fitted with an emission control device;
- “**vehicle**” means a commercial vehicle that is registered and licensed under section 6 of the *Commercial Transport Act*, powered by a diesel engine and with a licensed gross vehicle weight of more than 8 200 kg, but does not include
 - (a) a bus,
 - (b) an emergency vehicle,
 - (c) a vehicle
 - (i) that is an industrial machine or road building machine, other than a vehicle described by body style in Schedule 1 to Division 25 that has a licensed gross vehicle weight greater than 17 300 kg,
 - (ii) licensed under section 8, 9, 10, 38, 41, 42 or 44 of the Act,
 - (iii) owned by Her Majesty the Queen in Right of Canada,
 - (iv) driven under a permit issued under section 6 (7) of the *Commercial Transport Act* or under Division 14 of this regulation,
 - (v) to which section 21 of the Act applies,

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- (vi) that is a commercial vehicle having a licensed gross vehicle weight of 17 300 kg or less and that is licensed and insured as a farm vehicle, or
 - (vii) that is exempted by the director under section 25.01 (3) or (4).
- (2) For the purposes of inspection of a vehicle that is required under this Division to be equipped with an emission control device, Division 25, except section 25.01 (2) to (4), applies to the inspection and the vehicle as if the definition of “standards” in section 25.01 (1) included the requirements of section 40B.02.

[en. B.C. Reg. 40/2010.]

Emission control device required**40B.02** (1) A vehicle

- (a) of a model year of 1989 to 1993 that has a diesel engine with a model year of 1989 to 1993, or

- (b) that has a diesel engine with a model year of 1989 to 1993

must be equipped with an emission control device that complies with subsection (3).

- (2) The model year of a vehicle’s engine must be determined as follows:

- (a) by the year indicated on the engine information label;
- (b) if there is no label as described in paragraph (a), by the year of the chassis as indicated on the manufacturer’s statement of compliance label.

- (3) An emission control device for a vehicle must reduce particulate matter emissions by at least 20%.

[en. B.C. Reg. 40/2010.]

Director may exempt from requirement

- 40B.03** (1) The director may exempt a vehicle from the requirement in section 40B.02 unconditionally or on conditions the director considers desirable, if one or more of the following circumstances exist:

- (a) the director is satisfied, based on information provided to the director, that an emission control device

- (i) is not available for the diesel engine type or model year of that vehicle, or

- (ii) cannot be installed on the vehicle for technical reasons;

- (b) use of the vehicle is required in an emergency.

- (2) For safety purposes, the director may exempt a vehicle from the requirement in section 40B.02 unconditionally or on conditions the director considers desirable.

[en. B.C. Reg. 40/2010.]

DIVISION 41 – SPEED MONITORING AND TRAFFIC LIGHT SAFETY**Devices prescribed**

41.01 (1) Repealed. [B.C. Reg. 162/2001.]

(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.

(2) For the purpose of prescribing a traffic light safety device under section 83.1 (8) (b) of the Act, the following are prescribed:

- (a) Repealed. [B.C. Reg. 353/2010, Sch. s. 1 (a).]
- (b) Repealed. [B.C. Reg. 133/2019, App. 3, s. 1 (b).]
- (c) the REDFLEXred-MK4-HDX-200-1100-RLC;
- (d) the REDFLEXred-MK6-HDX-200-1100-RLC;
- (e) the REDFLEX-HALO-FIXED-1.3-12MPDUAL.

[en. B.C. Reg. 215/99, App. 1, s. 3; am. B.C. Regs. 238/99; 162/2001; 353/2010, Sch. s. 1 (a); 211/2014; 254/2018, App. 1; 133/2019, App. 3, s. 1.]

Prescribed maximum period

41.011 The prescribed maximum period for the purposes of section 83.1 (15) of the Act is 30 days.

[en. B.C. Reg. 22/2020, App. 2, s. 1.]

Forms for section 83.2 certificates

41.02 (1) The certificates set out in Schedules A.1, A.2 and A.3 are 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.

[en. B.C. Reg. 133/2019, App. 3, s. 2; am. B.C. Reg. 22/2020, App. 2, s. 2.]

Fines for speeding offences

41.03 (1) For the purposes of section 148.1 (1) (a) and (2) (a) of the Act, the following fine amounts are prescribed:

- (a) for a contravention of section 140 of the Act, \$145;
- (b) for a contravention of section 146 (1), (3), (5) or (7) of the Act, \$95;
- (c) for a contravention of section 147 (1) or (2) of the Act, \$145;
- (d) for a contravention of section 148 (1) of the Act, \$295.

(2) For the purposes of section 148.1 (1) (b) and (2) (b) of the Act, the following supplemental fine amounts are prescribed:

- (a) for a contravention of section 140 of the Act, if the person exceeds the applicable speed limit by more than 20 km/hr but less than 41 km/hr, \$50;

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- (b) for a contravention of section 146 (1), (3), (5) or (7) of the Act, if the person exceeds the applicable speed limit by more than 20 km/hr but less than 41 km/hr, \$50;
- (c) for a contravention of section 147 (1) or (2) of the Act, if the person exceeds the applicable speed limit by more than 20 km/hr but less than 41 km/hr, \$50;
- (d) for a contravention of section 148 (1) of the Act, if the person exceeds the applicable speed limit by more than 60 km/hr, \$100.

[en. B.C. Reg. 368/97, App. 1; am. B.C. Reg. 33/2019.]

SCHEDULE A

Repealed. [B.C. Reg. 133/2019, App. 3, s. 3.]

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

SCHEDULE A.1

[en. B.C. Reg. 133/2019, App. 3, s. 3.]

[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. # _____

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

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)

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

SCHEDULE A.2

[en. B.C. Reg. 22/2020, App. 2, s. 3.]

[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
POSTED SPEED LIMIT**

Violation Ticket Number _____

**(based on presumption under section 83.1 (14) of the
Motor Vehicle Act)**

Motor Vehicle Act: Section _____ [section contravened]

_____ [short description of offence]

I, _____, am an enforcement officer as defined in the *Offence Act* and am making this certificate for the purpose of providing evidence of an offence under section _____ of the *Motor Vehicle Act* that occurred on _____ (yyyy/mm/dd), at _____ [time of offence] (24 hour clock) hours, involving a motor vehicle proceeding _____ [direction of travel] on _____ [highway name] (the "Highway") at the intersection of _____ [describe intersection] (the "Intersection") [complete one of the following alternatives and remove the other alternative from the completed certificate]
in the municipality of _____, in the Province of British Columbia,
outside a municipality near _____ [city, town or place], in the Province of British Columbia.

Pursuant to section 83.2 (2) (a) of the Act, I certify that,

1. based on my review of the site commissioning sign reports, site inspection reports and one or more road authority reports attached to this certificate,
 - (a) on a day before the offence, a speed limit sign indicating a maximum speed of _____ kilometres per hour was in place on the Highway _____ [cardinal point] of the Intersection at a location facing _____ [direction of travel] traffic,
 - (b) the sign was in place on the Highway on a day after the offence,
 - (c) the sign was not replaced or re-erected during the period between the days referred to in paragraphs (a) and (b), and
 - (d) the period between the days referred to in paragraphs (a) and (b) does not exceed 30 days, and
2. in accordance with the presumption under section 83.1 (14) of the *Motor Vehicle Act*, on the day and at the time of the offence, a speed limit sign indicating a maximum speed of _____ kilometres per hour was in place on the Highway _____ [cardinal point] of the Intersection at a location facing _____ [direction of travel] traffic.

Date Certificate Completed_____
Enforcement Officer's Signature and ITCU ID. #

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

SCHEDULE A.3

[en. B.C. Reg. 22/2020, App. 2, s. 3.]

[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
POSTED SPEED LIMIT**

Violation Ticket Number _____

Motor Vehicle Act: Section _____ [section contravened]

_____ [short description of offence]

I, _____, am an enforcement officer as defined in the *Offence Act* and am making this certificate for the purpose of providing evidence of an offence under section _____ of the *Motor Vehicle Act* that occurred on _____ (yyyy/mm/dd), at _____ [time of offence] (24 hour clock) hours, involving a motor vehicle proceeding _____ [direction of travel] on _____ [highway name] (the "Highway") at the intersection of _____ [describe intersection] (the "Intersection") [complete one of the following alternatives and remove the other alternative from the completed certificate]
 in the municipality of _____, in the Province of British Columbia,
 outside a municipality near _____ [city, town or place], in the Province of British Columbia.

Pursuant to section 83.2 (2) (a) of the Act, I certify that, based on my review of the records attached to this certificate, there is evidence that, on the day and at the time of the offence, a speed limit sign indicating a maximum speed of _____ kilometres per hour was in place on the Highway _____ [cardinal point] of the Intersection at a location facing _____ [direction of travel] traffic.

Date Certificate Completed_____
Enforcement Officer's Signature and ITCU ID. #**SCHEDULES B TO V**

Repealed. [B.C. Reg. 133/2019, App. 3, s. 3.]

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

SCHEDULE W

[en. B.C. Reg. 353/2010, Sch. s. 1 (d).]

CREST**VIOLATION TICKET NUMBER****CERTIFICATE OF ENFORCEMENT OFFICER**

MOTOR VEHICLE ACT: SECTION 129 (1)
 DISOBEY RED LIGHT AT INTERSECTION

I,....., am an enforcement officer within the meaning of the *Offence Act*, and a qualified intersection safety camera officer of the prescribed traffic light safety device, namely a (the "Device") described in this certificate. For the purpose of providing evidence of an offence under section 129 (1) of the *Motor Vehicle Act* and pursuant to section 83.2 (2) (b) of the Act, I certify that:

1. a) on(yyyy-mm-dd), at(24 hour clock) hours, a motor vehicle (the "Vehicle") proceeding on, with the licence plate number, issued in the jurisdiction of, entered the intersection at at or near in the Province of British Columbia while a clearly visible red light alone facing the Vehicle was exhibited by a traffic control signal governing the intersection, and
 - b) the traffic control signal was erected in accordance with the Motor Vehicle Act Regulations, and
 - c) the evidence of this alleged contravention was gathered through the use of the Device;
2. a) the Device gathered the evidence by photographing or capturing three images of the Vehicle and accurately and simultaneously recording data related to that Vehicle and the traffic control signal mentioned in paragraph 1. The description of data found in Images One, Two and Three is on pages 2 and 3 of this certificate, and
 - b) Image One was taken before the Vehicle entered the (marked crosswalk on the near side of the intersection/intersection) facing the red light alone exhibited by the traffic control signal, and
 - c) Image Two was taken after Image One and shows the Vehicle in the intersection mentioned in paragraph 1, and
 - d) Image Three was taken at the same time as or after Image One, and shows the Vehicle, and
 - e) Image Four is an enlargement of Image Three showing the licence plate area of the Vehicle;
3. the Device functioned properly in accordance with the manufacturer's specifications at the time of the alleged contravention;
4. a) the licence plate number on the Vehicle was identified from the evidence gathered by the Device by (method of identification), and
 - b) in this certificate all times referred to are indicated in the 24 hour clock format; and
5. the databox on the top of Images One, Two and Three was electronically and simultaneously recorded in accordance with section 83.1 (10) of the *Motor Vehicle Act*.

Date Certificate Completed:

Enforcement Officer's Signature

and ITCU ID. #:

MOTOR VEHICLE ACT REGULATIONS

Division 41 – Speed Monitoring and Traffic Light Safety

CERTIFICATE OF ENFORCEMENT OFFICER

Page 2

IMAGE ONE

Data	Description/Explanation
Date	date the image was captured (year/month/day)
Time	time the image was captured in 24 hour clock format (hour:minute)
Lane	lane number in which the Vehicle was travelling
Elapsed Time	number of seconds since Image One was captured

IMAGE TWO**CERTIFICATE OF ENFORCEMENT OFFICER**

Page 3

IMAGE THREE

Data	Description/Explanation
Date	date the image was captured (year/month/day)
Time	time the image was captured in 24 hour clock format (hour:minute)
Lane	lane number in which the Vehicle was travelling
Elapsed Time	number of seconds since Image One was captured

IMAGE FOUR (Enlargement of Licence Plate Area from Image Three)

DIVISION 42 – HIGH OCCUPANCY VEHICLES**Definitions**

42.01 In this Division:

“blood delivery vehicle” means a motor vehicle that is

- (a) owned or operated by or on behalf of the Canadian Blood Services,
- (b) clearly marked as a Canadian Blood Services vehicle, and
- (c) used to transport blood or blood products;

“cycle” means cycle as defined in section 119 of the Act;

“electric motor vehicle” means a motor vehicle that

- (a) has an electric propulsion engine and a battery storage system that can be charged from an external electric charging outlet, and
- (b) displays a permit, in a form issued by the minister responsible for the administration of the *Transportation Act*, on the vehicle’s rear bumper or rear window;

“handy dart vehicle” means a vehicle designed to transport persons with disabilities and operated by a person in the business of providing transportation services to the public;

“high occupancy vehicle” means

- (a) a bus, or
- (b) a vehicle under 5 500 kg GVW that is carrying at least the minimum number of persons specified by the applicable traffic control device;

“high occupancy vehicle lane” means a high occupancy vehicle lane as defined in section 119 of the Act;

“marked vehicle” means a vehicle that is referred to in section 4.28 (1) as authorized to be equipped with lamps that are capable of displaying flashes of light but does not include vehicles referred to in sections 4.28 (4), (5) (b) and (d), (6), 4.29 or 4.30;

“officer” means a person who is an agent for traffic direction purposes of the ministry or of the municipality in which the person is directing traffic or who is a peace officer;

“traffic control device” means a traffic control device as defined in section 119 of the Act.

[en. B.C. Reg. 215/96; am. B.C. Regs. 257/2000, s. 1; 198/2010, Sch. s. 1; 64/2016, s. 2.]

Rules for use of high occupancy lanes

42.02 (1) A person must not stop or park a vehicle or cycle in a high occupancy vehicle lane except

- (a) to comply with a traffic control device,
- (b) to comply with the instructions given by an officer,

MOTOR VEHICLE ACT REGULATIONSDivision 43 – Administrative Driving Prohibition and Vehicle Impoundment Programs

- (c) the driver of a bus in a designated bus stop, or
- (d) the driver of the following vehicles while attending to a disabled vehicle or an emergency:
 - (i) an emergency vehicle;
 - (ii) a marked vehicle.
- (2) A driver of a vehicle that is not a high occupancy vehicle must not use a high occupancy vehicle lane except if necessary
 - (a) to make a right turn from the lane, at the first intersection where the turn is permitted, to access a highway intersecting the lane or premises adjacent to the lane,
 - (b) to make a right turn from an intersecting highway or premises adjacent to the lane, at the first intersection where the turn is permitted, to access the highway in which the lane is situated, or
 - (c) to merge into an adjacent lane for the purposes of paragraph (b).
- (3) Subsection (2) does not apply to
 - (a) the driver of a marked vehicle responding to a disabled vehicle or another emergency on the highway where the high occupancy vehicle lane is located,
 - (b) the driver of an emergency vehicle,
 - (c) a peace officer on active duty,
 - (d) an operator of a cycle, motorcycle, taxi, handy dart vehicle or an electric motor vehicle, or
 - (e) the driver of a blood delivery vehicle while transporting blood or blood products.
- (4) Despite subsection (3) (d), subsection (2) applies to an operator of a cycle, motorcycle, taxi, handy dart vehicle or an electric motor vehicle if a traffic control device specifies that the operator is not to use the high occupancy vehicle lane except as specified in subsection (2).

[en. B.C. Reg. 215/96; am. B.C. Regs. 314/98, s. 1; 257/2000, s. 2; 198/2010, Sch. s. 2; 64/2016, s. 3.]

42.03 Repealed. [B.C. Reg. 64/2016, s. 4.]

DIVISION 43 – ADMINISTRATIVE DRIVING PROHIBITION AND VEHICLE IMPOUNDMENT PROGRAMS

**Prescribed blood drug concentrations and
blood alcohol concentrations**

43.001 (1) In this section, “**BDCR**” means the Blood Drug Concentration Regulations (Canada).

MOTOR VEHICLE ACT REGULATIONSDivision 43 – Administrative Driving Prohibition and Vehicle Impoundment Programs

- (2) For the purposes of sections 94.1 (1) (a.1) and 94.6 (1) (a.1) and (2) (a.1) (i) of the Act, the prescribed blood drug concentration for a drug set out in column 1 of the table in section 2 of the BDCR is set out opposite in column 2 of that table.
- (3) For the purposes of sections 94.1 (1) (a.2) and 94.6 (1) (a.2) and (2) (a.2) (i) and (ii) (C) of the Act, the prescribed blood alcohol concentration and prescribed blood drug concentration for tetrahydrocannabinol (THC) are set out in section 3 of the BDCR.

[en. B.C. Reg. 125/2019, App. s. 1.]

Prescribed requirements

43.002 For the purposes of section 94.6 (1) (a.3) (ii) and (2) (a.3) (ii) of the Act, an evaluating officer who conducts an evaluation of a person under section 320.28 (2) (a) of the *Criminal Code* must

- (a) during the evaluation of the person, conduct the tests and follow the procedures set out in section 3 of the Evaluation of Impaired Operation (Drugs and Alcohol) Regulations (Canada), and
- (b) prepare a written narrative respecting the evaluation of the person.

[en. B.C. Reg. 125/2019, App. s. 1.]

Prescribed documents or information

43.003 For the purposes of section 94.3 (b) (iii) of the Act, the following documents and information are prescribed:

- (a) a written narrative, completed by the peace officer whose opinion resulted in the notice of driving prohibition being served on the person, respecting the circumstances that resulted in the notice of driving prohibition being served on the person;
- (b) in the case of a driving prohibition resulting from the circumstances described in section 94.1 (1) (a.1) of the Act, the results of the analysis of the blood of the person that resulted in the notice of driving prohibition being served on the person;
- (c) in the case of a driving prohibition resulting from the circumstances described in section 94.1 (1) (a.2) of the Act, the results of the analysis of the breath or blood, or both, of the person that resulted in the notice of driving prohibition being served on the person;
- (d) in the case of a driving prohibition resulting from the circumstances described in section 94.1 (1) (a.3) of the Act,
 - (i) information showing that the evaluation of the person was conducted by an evaluating officer,
 - (ii) the results of the analysis of the bodily substance of the person that resulted in the notice of driving prohibition being served on the person,

MOTOR VEHICLE ACT REGULATIONSDivision 43 – Administrative Driving Prohibition and Vehicle Impoundment Programs

- (iii) the results of the tests and procedures referred to in section 43.002 (a) of this regulation respecting the evaluation of the person, and
- (iv) a copy of the narrative referred to in section 43.002 (b) of this regulation respecting the evaluation of the person.

[en. B.C. Reg. 125/2019, App. s. 1.]

Notice of driving prohibition

- 43.01** (1) The prescribed notice of driving prohibition for the purpose of section 94.1 (3) of the Act is set out in Form 1.
- (2) The prescribed notice of driving prohibition for the purpose of section 215.41 (6) of the Act is set out in Form 7.

[en. B.C. Reg. 160/97; am. B.C. Reg. 238/2010, Sch. s. 1.]

43.02 to 43.07 Repealed. [B.C. Reg. 238/2010, Sch. s. 2.]

Fees

- 43.08** (1) The prescribed hearing fee for review of a driving prohibition under section 94.4 (1) (b) (ii) or 215.48 (1) (b) of the Act is \$100.
- (2) The prescribed fee for an oral hearing under section 94.4 (5) (b) or 215.48 (5) (b) (ii) of the Act is \$200.
- (3) Repealed. [B.C. Reg. 238/2010, Sch. s. 3 (c).]
- (4) The prescribed hearing fee for the purposes of sections 256 (1) (b) and 259 (1) (b) of the Act is \$50.
- (5) The prescribed hearing fee for the purposes of sections 256 (5) (b), 262 (2) (c) and 263 (3) (c) of the Act is \$100.
- (6) and (7) Repealed. [B.C. Reg. 238/2010, Sch. s. 3 (c).]
- (8) The prescribed vehicle release fee for release of a motor vehicle on economic hardship grounds under section 262 (4) (b) of the Act is \$450.
- (9) Repealed. [B.C. Reg. 238/2010, Sch. s. 3 (c).]
- (10) The prescribed vehicle release fee for the release of a motor vehicle on compassionate grounds under section 263 (4) (b) of the Act is \$100.

[en. B.C. Reg. 160/97; am. B.C. Regs. 165/2002; 238/2010, Sch. s. 3.]

Monetary penalties – automatic roadside driving prohibitions

- 43.09** The following monetary penalties are prescribed for the purpose of section 215.44 (1) of the Act:
- (a) in the case of a 3-day driving prohibition, \$200;
 - (b) in the case of a 7-day driving prohibition, \$300;
 - (c) in the case of a 30-day driving prohibition, \$400;

(d) in the case of a 90-day driving prohibition, \$500.

[en. B.C. Reg. 238/2010, Sch. s. 4.]

FORM 1

[en. B.C. Reg. 125/2019, App. s. 2.]

[section 43.01 (1)]

FORM 1

BRITISH
COLUMBIA

NOTICE OF DRIVING PROHIBITION Section 94.1 of the Motor Vehicle Act

DO NOT WRITE ABOVE LINE

ADP No. _____

TO D R I V E R	SURNAME		GIVEN NAME(S)		YEAR		BIRTH DATE		DAY		
	ADDRESS (STREET)				CITY/TOWN		PROVINCE/STATE		POSTAL CODE		
	BC DRIVER'S LICENCE NUMBER		CLASS	EXPIRY YEAR	CLIENT NUMBER/OUT OF PROVINCE DRIVER'S LICENCE NUMBER			PROVINCE/STATE/COUNTRY			
	LICENCE PLATE NUMBER		PROVINCE/STATE	MAKE	MODEL		YEAR	COLOUR			
VEHICLE	LICENCE PLATE NUMBER		PROVINCE/STATE	MAKE	MODEL		YEAR	COLOUR			
☐		SEIZED BC DRIVER'S LICENCE									

The undersigned peace officer has reasonable grounds to believe that you operated a motor vehicle on

YEAR	MONTH	DAY

at _____ hours on _____ at or near _____, British Columbia, and

(STREET/HIGHWAY) (CITY/TOWN)

☐	94.1(1)(a)	Alcohol Breath	by reason of an analysis of your breath, you had, within 2 hours after ceasing to operate the motor vehicle, a blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , immediately prohibited from driving a motor vehicle for 90 days.
☐	94.1(1)(a)	Alcohol Blood	by reason of an analysis of your blood, you had, within 2 hours after ceasing to operate the motor vehicle, a blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , prohibited from driving a motor vehicle for 90 days, effective 7 days after the date of service.
☐	94.1(1)(a.1)	Drug Blood	by reason of an analysis of your blood, you had, within 2 hours after ceasing to operate the motor vehicle, a blood drug concentration equal to or exceeding the prescribed blood drug concentration for the drug. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , prohibited from driving a motor vehicle for 90 days, effective 7 days after the date of service.
☐	94.1(1)(a.2)	Alcohol and Drug Combined	by reason of an analysis of your breath or blood, or both, you had, within 2 hours after ceasing to operate the motor vehicle, a blood alcohol concentration and a blood drug concentration equal to or exceeding the prescribed blood alcohol concentration and the prescribed blood drug concentration for the drug. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , prohibited from driving a motor vehicle for 90 days, effective 7 days after the date of service.
☐	94.1(1)(a.3)	Evaluation	by reason of an evaluation by an evaluating officer, you operated the motor vehicle while your ability to operate the motor vehicle was impaired by a drug or by a combination of alcohol and a drug. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , prohibited from driving a motor vehicle for 90 days, effective 7 days after the date of service.
☐	94.1(1)(b)	Refusal to Comply	you failed or refused, without a reasonable excuse, to comply with a demand made under section 320.27 or 320.28 of the <i>Criminal Code</i> in respect of the operation of a motor vehicle. After you are served with this notice of driving prohibition, you are, pursuant to section 94.2 of the <i>Motor Vehicle Act</i> , immediately prohibited from driving a motor vehicle for 90 days.

PEACE OFFICER'S NAME (PRINT)		PEACE OFFICER'S SIGNATURE		PIN/BADGE NUMBER	
ENFORCEMENT AGENCY NAME (PRINT)		AGENCY FILE NUMBER		DATED	
				YEAR MONTH DAY	

RIGHT OF REVIEW

You have the right to apply to have this driving prohibition reviewed by the Superintendent of Motor Vehicles (the "superintendent") under section 94.4 of the *Motor Vehicle Act*. This right must be exercised within 7 days of the date of service of this Notice of Driving Prohibition.

REVIEW INSTRUCTIONS

Filing a review does not stay the driving prohibition. To apply for a review you must: (1) file an application in the required form with all required information with the superintendent at any Driver Licensing Office; (2) pay the required fee; and (3) if the peace officer did not take your licence or permit to operate a motor vehicle, surrender it to the Insurance Corporation of British Columbia, or, if applicable, file with the superintendent at any Driver Licensing Office a statutory declaration stating that your licence or permit has been lost, stolen or destroyed.

MOTOR VEHICLE ACT REGULATIONS

Division 43 – Administrative Driving Prohibition and Vehicle Impoundment Programs

FORMS 2 TO 6

Repealed. [B.C. Reg. 238/2010, Sch. s. 2.]

FORM 7

[en. B.C. Reg. 119/2012.]

[section 43.01 (2)]

BRITISH
COLUMBIA
**Notice of Prohibition
Immediate Roadside Prohibition
Section 215.47 (MVA)**

MV2724 (06/12)

NOTICE OF DRIVING PROHIBITION Section 215.41 (MVA)

D R I V E R	SURNAME		GIVEN NAMES		BIRTH DATE (YYYY/MM/DD)		GENDER
	ADDRESS (STREET)				CITY/TOWN	PROV/STATE	POSTAL CODE/ZIP
	BC DRIVER'S LICENCE NUMBER		CLASS	EXPIRY YR	OUT-OF-PROVINCE DRIVER'S LICENCE NUMBER		PROVINCE/STATE
	SEIZED DRIVER'S LICENCE ☐ YES ☐ NO		VEHICLE IMPOUNDED? ☐ YES (Mandatory for 30/90 day IRP) ☐ NO		VEHICLE IMPOUNDMENT NUMBER		
	YYYY MM DD						

The undersigned peace officer has reasonable grounds to believe that on

at _____ hours, on _____, at or near _____, British Columbia, you had care or control of a
 (STREET/HIGHWAY) (CITY/TOWN)
 motor vehicle on a highway or industrial road and for the reason set out below has reasonable grounds to immediately prohibit you from driving for the period set out below:

PROHIBITION PERIOD AND TYPE	REASON FOR PROHIBITION	MONETARY PENALTY*
☐ 3 days WARN	because a sample of your breath on an approved screening device registered WARN and your ability to drive is affected by alcohol.	\$200
☐ 7 days WARN	because a sample of your breath on an approved screening device registered WARN , your ability to drive is affected by alcohol, and this is your second prohibition due to a WARN reading within a five year period.	\$300
☐ 30 days WARN	because a sample of your breath on an approved screening device registered WARN , your ability to drive is affected by alcohol, and this is your third or subsequent prohibition due to a WARN reading within a five year period.	\$400
☐ 90 days FAIL	because a sample of your breath on an approved screening device registered FAIL and your ability to drive is affected by alcohol.	\$500
☐ 90 days REFUSAL	because you failed or REFUSED , without a reasonable excuse, to comply with a demand made under the Criminal Code to provide a sample of breath for analysis by means of an approved screening device.	\$500

PEACE OFFICER'S NAME (PRINT)	PEACE OFFICER'S SIGNATURE	PIN/BADGE NUMBER
ENFORCEMENT AGENCY NAME (PRINT)	AGENCY FILE NUMBER	

IMMEDIATE EFFECT OF PROHIBITION AND RIGHT OF REVIEW

You are immediately prohibited from driving for the period set out in this Notice of Driving Prohibition. You have the right to have this driving prohibition reviewed by the Superintendent of Motor Vehicles (the "Superintendent") under section 215.48 of the *Motor Vehicle Act*. An oral hearing is available only if the prohibition specified above is for 30 days or longer, and only if you specifically request one at the time you apply for a review. Filing an application for review does not stay the driving prohibition.

REVIEW INSTRUCTIONS

Within 7 days of the date of service of this Notice of Driving Prohibition you may apply to the Superintendent to review the prohibition. If you apply for a review you must: (1) file an application with the Superintendent at any Driver Licensing Centre, in the required form and manner, and containing all the required information; (2) pay all required fees; and (3) if the peace officer did not take your driver's licence or permit to operate a motor vehicle, surrender it to the Insurance Corporation of British Columbia (ICBC), or if applicable, file the required statutory declaration stating that the licence has been lost, stolen or destroyed.

When you apply for a review, the date and time for the review will be scheduled. If you intend to have a lawyer represent you, it is your responsibility to ensure the lawyer is available for the scheduled review. The scheduled review date will not be changed except in extraordinary circumstances.

When you apply for a review, copies of all available evidence concerning this prohibition will be disclosed to you unless you refuse the disclosure. If all relevant information is not available at the time of application, you must provide a fax number to which the documents can be sent, or make arrangement to collect the information or have it collected on your behalf from a Driver Licensing Centre.

You may attach to your review application any statements or other evidence that you wish the Superintendent to consider. You may also provide it separately to the Superintendent. In order to ensure that all of your written evidence is considered, you must provide the information to the Superintendent in advance of the scheduled review.

If you request an oral hearing and, without prior notice to the Superintendent, fail to appear on the date and at the time and place arranged for the hearing, your right to an oral hearing is deemed to have been waived.

***NOTICE OF MONETARY PENALTY**

Under section 215.44 of the *Motor Vehicle Act* the monetary penalty as indicated above must be paid no later than 30 days from the date this Notice is served. Under section 26 of the *Motor Vehicle Act*, ICBC may, without a hearing, refuse to issue you a driver's licence if the penalty is not paid, and any licence in your possession may be cancelled under section 26.1 of the *Motor Vehicle Act*.

SEE REVERSE FOR OTHER IMPORTANT NOTICES

CERTIFICATE OF SERVICE Section 215.47 (MVA)

I, _____, a peace officer, certify that on

YYYY MM DD

I personally served _____

(NAME OF DRIVER)

with a copy of the Notice of Driving Prohibition.

Dated:

YYYY MM DD

Peace Officer's Signature

PIN/Badge Number

DIVISION 44 – MOBILITY AID ACCESSIBLE TAXI STANDARDS**Interpretation****44.1** In this Division:

“**accessible taxi**” means a taxi having a gross vehicle weight rating of not more than 4 500 kg, which is designed and manufactured or converted for the purpose of transporting persons who use mobility aids;

“**CSA standard Z605**” means the Canadian Standards Association standard Z605, Mobility Aid Securement and Occupant Restraint (MASOR) Systems for Motor Vehicles, as amended from time to time by the Canadian Standards Association;

“**entry ramp**” means a ramp in a service entrance doorway of a vehicle;

“**mobility aid**” means a device, including a manual wheelchair, electric wheelchair and scooter, that is used to facilitate the transport, in a normally seated orientation, of a person with a physical disability.

[en. B.C. Reg. 236/2000, s. 3; am. B.C. Reg. 166/2019, s. 10.]

Application

44.2 (1) A person must not, after June 30, 2000, drive or operate on a highway an accessible taxi that does not meet the requirements of this Division.

(2) Repealed. [B.C. Reg. 26/58, s. 44.2 (3).]

(3) Repealed. [B.C. Reg. 166/2019, s. 11 (b).]

[en. B.C. Reg. 236/2000, s. 3; am. B.C. Reg. 166/2019, s. 11.]

**Part 1 – Accessible Taxis Manufactured or
Converted Before September 16, 2019****Interpretation**

44.21 In this Part, “**CSA standard D409-92**” means the Canadian Standards Association standard D409-92, Motor Vehicles for the Transportation of Persons with Physical Disabilities, as adopted and modified by section 44.3.

[en. B.C. Reg. 166/2019, s. 13.]

Application

44.22 This Part applies to accessible taxis that are manufactured or converted before September 16, 2019.

[en. B.C. Reg. 166/2019, s. 13.]

CSA standard D409-92

44.3 (1) The Canadian Standards Association standard D409-92, Motor Vehicles for the Transportation of Persons with Physical Disabilities, except clauses 6.8.1.5 (b), 6.8.1.9 (b), 6.11, 6.12.1 and 7.1.1, is adopted as amended from time to time by the Canadian Standards Association.

MOTOR VEHICLE ACT REGULATIONSDivision 44 – Mobility Aid Accessible Taxi Standards

- (2) If there is a conflict between CSA standard D409-92 and this Part, this Part prevails.
- (3) A person must not drive or operate on a highway an accessible taxi unless the vehicle and its equipment comply with CSA standard D409-92.
[en. B.C. Reg. 236/2000, s. 3; am. B.C. Reg. 166/2019, s. 14.]

Door and emergency exit requirements

- 44.4** (1) Every accessible taxi must
- (a) have an entrance door opening that is not less than 0.77 metres wide by 1.32 metres high, and
 - (b) provide a means of egress through an opening that is not less than 0.70 metres wide by 1.0 metres high, located either at the end of the vehicle or on the side opposite the entrance door.
- (2) A manual device is required for unlatching each door from the inside of an accessible taxi and the manual device must be engineered to offer protection against accidental release.
[en. B.C. Reg. 236/2000, s. 3.]

Passenger seat quick-release

- 44.5** If an accessible taxi is equipped with a passenger seat that interferes with the emergency exit, the seat must be equipped with quick-release seat anchorages to facilitate rapid seat removal and unimpeded emergency exit from the vehicle without the need to use any tools.
[en. B.C. Reg. 236/2000, s. 3.]

Inside height

- 44.6** (1) Every accessible taxi must have a minimum interior vertical clearance, measured from the floor to the interior surface of the roof, of
- (a) 1.44 metres if the mobility aid is secured in the front passenger area, and
 - (b) 1.46 metres for all other mobility aid positions.
- (2) For the purposes of subsection (1), the measurements must be taken at the point where the shoulder of a mobility aid occupant is positioned when the mobility aid is securely fastened.
[en. B.C. Reg. 236/2000, s. 3.]

Clearance requirements

- 44.7** (1) Every accessible taxi must, when operated on a highway, provide a floor space inside the vehicle for each mobility aid of not less than
- (a) 0.68 metres by 1.30 metres in side entry vehicles, and
 - (b) 0.68 metres by 1.14 metres in rear entry vehicles,
- and the longer dimension must be parallel to the vehicle's longitudinal centre line.

- (2) An accessible taxi must not have any fixed vehicle structure at a secured mobility aid position, within the zones referred to in clause 7.1.2 of CSA standard D409-92, except components described in CSA standard Z605.
- (3) Subsection (2) does not apply to the upper front quadrant area, as described in Figure 2 of CSA standard D409-92, for mobility aid positions located beside the driver in the front of the accessible taxi.

[en. B.C. Reg. 236/2000, s. 3; am. B.C. Reg. 166/2019, s. 15.]

Mobility aid securement and occupant restraint

- 44.8** (1) Every accessible taxi must be equipped with mobility aid securement devices that conform with CSA standard Z605 at the time of manufacture or conversion and before the vehicle is first put into commercial service.
- (2) An operator of an accessible taxi must, before the vehicle is put in motion, secure every occupant of a mobility aid in a forward or rearward facing orientation by a securement system and procedure that meets the requirements of CSA standard Z605.

[en. B.C. Reg. 236/2000, s. 3; am. B.C. Reg. 166/2019, s. 15.]

Entry ramp requirement and standards

- 44.9** (1) Every accessible taxi must be equipped with all of the following:
- (a) an entry ramp with the least slope practicable which must not exceed
 - (i) 1:4, if the height difference, between the vehicle floor from which the ramp is deployed and the ground where the bottom of the ramp is rested, is 0.23 metres or less,
 - (ii) 1:6, if the height difference, between the vehicle floor from which the ramp is deployed and the ground where the bottom of the ramp is rested, is greater than 0.23 metres but less than or equal to 0.30 metres,
 - (iii) 1:8, if the height difference, between the vehicle floor from which the ramp is deployed and the ground where the bottom of the ramp is rested, is greater than 0.30 metres but less than or equal to 0.38 metres, or
 - (iv) 1:10, if the height difference, between the vehicle floor from which the ramp is deployed and the ground where the bottom of the ramp is rested, is greater than 0.38 metres;
 - (b) an entry ramp threshold or transition from roadway, sidewalk, flat ground or vehicle floor to the top surface of the ramp, that consists of a beveled ramp edge with a slope no less than 1:2, if the height difference is more than 6 mm from the ramp surface to the ground;
 - (c) an entry ramp surface that is in a single plane, slip resistant, does not have protrusions from the surface greater than 6 mm in height and that is capable of accommodating both four-wheel and three-wheel mobility aids.

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- (2) Subsection (1) does not apply to an accessible taxi that is equipped with a powered mobility aid lift which meets the requirements of CSA standard D409-92.

[en. B.C. Reg. 236/2000, s. 3.]

**Part 2 – Accessible Taxis Manufactured or
Converted on or After September 16, 2019****Interpretation**

- 44.91** In this Part, “**CSA standard D409**” means the Canadian Standards Association standard D409, Motor Vehicles for the Transportation of Persons with Physical Disabilities, as amended from time to time.

[en. B.C. Reg. 166/2019, s. 16.]

Application

- 44.92** This Part applies to accessible taxis that are manufactured or converted on or after September 16, 2019.

[en. B.C. Reg. 166/2019, s. 16.]

CSA standard D409

- 44.93** A person must not drive or operate on a highway an accessible taxi unless the vehicle and its equipment comply with the CSA standard D409 in effect at the time of manufacture or conversion.

[en. B.C. Reg. 166/2019, s. 16.]

Mobility aid securement and occupant restraint

- 44.94** (1) Every accessible taxi must be equipped with mobility aid securement devices that conform with the CSA standard Z605 in effect at the time of manufacture or conversion.
- (2) An operator of an accessible taxi must, before the vehicle is put in motion, secure every occupant of a mobility aid in a forward or rearward facing orientation by a securement system and procedure that meets the requirements of CSA standard Z605.

[en. B.C. Reg. 166/2019, s. 16.]

DIVISION 45 – INDEFINITE LICENCE SUSPENSIONS**Certificate of service**

45.01 The following Certificate of Service is prescribed for the purposes of section 234 (4) (c) of the Act:

CERTIFICATE OF SERVICE	
Having satisfied myself of the identity of the person indicated in Notice of Suspension number _____ , I, _____ , certify that on the _____ day of _____ / _____ at _____ hours, I served Notice of Suspension number _____ on the person indicated therein.	
_____ SIGNATURE OF PERSON SERVING	
_____ IDENTIFICATION NUMBER	
_____ POLICE / AGENCY LOCATION	
☐ DRIVER'S LICENCE IS ATTACHED	

[en. B.C. Reg. 178/2000, s. 2.]

DIVISION 46 – REMEDIAL AND IGNITION INTERLOCK PROGRAMS**Definitions**

46.01 In this Division:

“**conviction**” means an event that is a conviction of an offence under the *Criminal Code*;

“**driving prohibition**” means a driving prohibition under the Act that is referred to in an event;

“**event**” means an event described in column 1 of the table to section 46.04;

“**ignition interlock program points**” means the ignition interlock program points specified in column 3 of the table to section 46.04, subject to sections 46.05, 46.06 and 46.07;

“**remedial program points**” means the remedial program points specified in column 2 of the table to section 46.04, subject to sections 46.05, 46.06 and 46.07.

[en. B.C. Reg. 12/2016, Sch.]

MOTOR VEHICLE ACT REGULATIONSDivision 46 – Remedial and Ignition Interlock Programs

Mandatory remedial programs

- 46.02** (1) This section sets out the conditions for the purposes of section 25.2 (1) and (2) of the Act in respect of remedial programs and components of remedial programs.
- (2) Subject to subsections (3), (4) and (6), a person must complete a remedial program or component of it specified by the superintendent each time the remedial program points that the person acquires for an event, together with the remedial program points for events that occurred during the 5 years preceding that event, total 6 to 16 points.
- (3) The remedial program points for events that occurred during the 5 years referred to in subsection (2) do not include remedial program points for a driving prohibition referred to in item 6 of the table to section 46.04 notice of which was served before June 15, 2012.
- (4) If a person acquires remedial program points as the result of an event and the person at the time of the event is already required to participate in, but has not completed, a remedial program or component of a remedial program under section 25.1 or 25.2 of the Act, the person, subject to subsection (5), is not required to complete an additional remedial program or component under section 25.2 of the Act because of that event.
- (5) The remedial program points a person acquires as the result of an event referred to in subsection (4) are included in the total remedial program points of the person if the person acquires additional remedial program points as a result of a new event that occurs within the 5 years after the event referred to in subsection (4).
- (6) No person is required in any 5 year period to complete more than 2 remedial programs or components of remedial programs under section 25.2 of the Act.

[en. B.C. Reg. 12/2016, Sch.]

Mandatory ignition interlock programs

- 46.03** (1) This section sets out the conditions for the purposes of section 25.2 (1) and (2) of the Act in respect of ignition interlock programs.
- (2) Subject to subsections (3) and (5), a person must participate in an ignition interlock program specified by the superintendent for the following periods:
- (a) a period of 6 months if the ignition interlock program points that the person acquires for an event and for events that occurred during the 5 years preceding that event total 9 to 10 points;
- (b) a period of 12 months if the ignition interlock program points that the person acquires for an event and for events that occurred during the 5 years preceding that event total 11 to 12 points;
- (c) a period of 18 months if the ignition interlock program points that the person acquires for an event and for events that occurred during the 5 years preceding that event total 13 to 14 points;

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Division 46 – Remedial and Ignition Interlock Programs

- (d) a period of 24 months if the ignition interlock program points that the person acquires for an event and for events that occurred during the 5 years preceding that event total 15 to 16 points.
- (3) The ignition interlock program points for events that occurred during the 5 years referred to in subsection (2) (a) to (d) do not include ignition interlock program points for a driving prohibition referred to in item 6 of the table to section 46.04 notice of which was served before June 15, 2012.
- (4) If, during the period that a person is required to participate in an ignition interlock program under section 25.1, 25.2 or 233 (3) of the Act, the person, because of a new event, acquires additional ignition interlock program points and is required to participate in an ignition interlock program for a period under subsection (2), the period under subsection (2) is in addition to the period for which the person is already required to participate.
- (5) No person is required in any 5 year period to participate in an ignition interlock program under section 25.2 of the Act for more than 36 months.

[en. B.C. Reg. 12/2016, Sch.]

Points for events

46.04 The following table sets out, for the purposes of sections 46.02 and 46.03, the number of remedial program points and ignition interlock program points a person acquires as a result of specified events:

Item	Column 1 Event	Column 2 Remedial Program Points	Column 3 Ignition Interlock Program Points
1	Person has been served with a notice of driving prohibition for the reason set out in section 94.1 (1) (a) of the Act <i>[has a concentration of alcohol in blood that exceeds .08]</i>	6	6
1.1	Person has been served with a notice of driving prohibition for the reason set out in section 94.1 (1) (a.1) of the Act <i>[operates a motor vehicle with a blood drug concentration equal to or exceeding a prescribed value]</i>	6	0
1.2	Person has been served with a notice of driving prohibition for the reason set out in section 94.1 (1) (a.2) of the Act <i>[operates a motor vehicle with a blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values]</i>	6	6
1.3	Person has been served with a notice of driving prohibition for the reason set out in section 94.1 (1) (a.3) of the Act <i>[operates a motor vehicle while impaired by a drug or a combination of alcohol and a drug]</i>	6	0

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Item	Column 1 Event	Column 2 Remedial Program Points	Column 3 Ignition Interlock Program Points
2	Person has been served with a notice of driving prohibition for the reason set out in section 94.1 (1) (b) of the Act <i>[fails to comply with a demand under the Criminal Code to provide a sample of breath or blood]</i>	6	6
3	Person has been served with a notice of driving prohibition under section 215 (2) of the Act <i>[ability to drive affected by alcohol]</i>	2	2
4	Person has been served with a notice of driving prohibition under section 215 (3) of the Act <i>[ability to drive affected by a drug other than alcohol]</i>	2	0
5	Person has been served with a notice of driving prohibition under section 215.41 (3.1) of the Act because the approved screening device registered a warn <i>[has a concentration of alcohol in blood that is not less than .05]</i>	3	3
6	Person has been served with a notice of driving prohibition under section 215.41 (3.1) of the Act because the approved screening device registered a fail <i>[has a concentration of alcohol in blood that is not less than .08]</i>	6	6
7	Person has been served with a notice of driving prohibition under section 215.41 (4) of the Act <i>[fails to comply with a demand under the Criminal Code to provide a sample of breath]</i>	6	6
8	Person has been convicted of an offence under section 253 (1) (a) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while impaired by alcohol or a drug]</i>	6	0
9	Person has been convicted of an offence under section 253 (1) (b) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while having a concentration of alcohol in blood that exceeds .08]</i>	6	6
9.1	Person has been convicted of an offence under section 253 (3) (a) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle with a blood drug concentration equal to or exceeding a prescribed value]</i>	6	0
9.2	Person has been convicted of an offence under section 253 (3) (b) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle with a blood drug concentration in a prescribed range]</i>	3	0

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Division 46 – Remedial and Ignition Interlock Programs

Item	Column 1 Event	Column 2 Remedial Program Points	Column 3 Ignition Interlock Program Points
9.3	Person has been convicted of an offence under section 253 (3) (c) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle with a blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values]</i>	6	6
10	Person has been convicted of an offence under section 254 (5) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[fails or refuses, after operating a motor vehicle, to comply with a demand under section 254]</i>	6	6
11	Person has been convicted of an offence under section 255 (2) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while impaired by alcohol or a drug and causes bodily harm]</i>	6	6
12	Person has been convicted of an offence under section 255 (2.1) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while having a concentration of alcohol in blood that exceeds .08 and causes an accident resulting in bodily harm]</i>	6	6
13	Person has been convicted of an offence under section 255 (2.2) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[fails or refuses, after operating a motor vehicle, to comply with a demand under section 254 and causes an accident resulting in bodily harm]</i>	6	6
14	Person has been convicted of an offence under section 255 (3) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while impaired by alcohol or a drug and causes death]</i>	6	6
15	Person has been convicted of an offence under section 255 (3.1) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[operates a motor vehicle while having a concentration of alcohol in blood that exceeds .08 and causes an accident resulting in death]</i>	6	6
16	Person has been convicted of an offence under section 255 (3.2) of the <i>Criminal Code</i> in respect of a motor vehicle <i>[fails or refuses, after operating a motor vehicle, to comply with a demand under section 254 and causes an accident resulting in death]</i>	6	6

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Division 46 – Remedial and Ignition Interlock Programs

Item	Column 1 Event	Column 2 Remedial Program Points	Column 3 Ignition Interlock Program Points
17	Person has been convicted of an offence under section 320.14 (1) (a) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle while impaired by alcohol or a drug]	6	0
18	Person has been convicted of an offence under section 320.14 (1) (b) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle and having blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in blood]	6	6
19	Person has been convicted of an offence under section 320.14 (1) (c) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle and having blood drug concentration equal to or exceeding prescribed value]	6	0
20	Person has been convicted of an offence under section 320.14 (1) (d) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle and having blood alcohol concentration and blood drug concentration equal to or exceeding prescribed values]	6	6
21	Person has been convicted of an offence under section 320.14 (2) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle while impaired by alcohol or a drug and causing bodily harm]	6	6
22	Person has been convicted of an offence under section 320.14 (3) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle while impaired by alcohol or a drug and causing death]	6	6
23	Person has been convicted of an offence under section 320.14 (4) of the <i>Criminal Code</i> in respect of a motor vehicle [operation of motor vehicle and having blood drug concentration in prescribed range]	3	0
24	Person has been convicted of an offence under section 320.15 (1) of the <i>Criminal Code</i> in respect of a motor vehicle [failure or refusal to comply with demand]	6	6
25	Person has been convicted of an offence under section 320.15 (2) of the <i>Criminal Code</i> in respect of a motor vehicle [causing accident resulting in bodily harm and failure or refusal to comply with demand]	6	6

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Item	Column 1 Event	Column 2 Remedial Program Points	Column 3 Ignition Interlock Program Points
26	Person has been convicted of an offence under section 320.15 (3) of the <i>Criminal Code</i> in respect of a motor vehicle [causing accident resulting in death and failure or refusal to comply with demand]	6	6

[en. B.C. Reg. 12/2016, Sch.; am. B.C. Regs. 206/2018, s. 4; 255/2018, App. s. 4; 25/2019; 125/2019, App. s. 3.]

Multiple events from one or related actions

- 46.05** (1) If a person is subject to a driving prohibition and to one or more convictions due to one action or related actions,
- (a) the remedial program points for only one of those events are assigned to the person and, if the remedial program points for one event are higher than the other events, the higher number of points is assigned to the person, and
 - (b) the ignition interlock program points for only one of those events are assigned to the person and, if the ignition interlock program points for one event are higher than the other events, the higher number of points is assigned to the person.
- (2) Without restricting the meaning of “related actions” in subsection (1), the following actions described in paragraphs (a) and (b) are related actions:
- (a) operating or having the care and control of a motor vehicle;
 - (b) failing or refusing to comply with a demand to provide a breath sample made as a result of the action described in paragraph (a).

[en. B.C. Reg. 12/2016, Sch.]

Driving prohibition or conviction removed from driving record

- 46.06** (1) In this section, “**driving record**” means the driving record that is kept by the Insurance Corporation of British Columbia under section 82 (10) of the Act.
- (2) If a driving prohibition or conviction is removed from a person’s driving record, the remedial program points and ignition interlock program points assigned for the driving prohibition or conviction must be subtracted from the person’s point total for the purposes of calculating totals under sections 46.02 and 46.03.

[en. B.C. Reg. 12/2016, Sch.]

Suspension of points

- 46.07** (1) If the superintendent receives a copy of an order of a court staying a driving prohibition in respect of a person, the total remedial program points and total ignition interlock program points for the person do not include the points for the

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driving prohibition until the superintendent is satisfied that the driving prohibition has been confirmed.

- (2) If the superintendent stays a driving prohibition under section 94.6 (5) (a) or 215.5 (8) (a) of the Act in respect of a person, the total remedial program points and total ignition interlock program points for the person do not include the points for the driving prohibition until the superintendent confirms or substitutes the driving prohibition.
- (3) If the superintendent receives in respect of a person who is subject to a conviction a copy of a direction of a judge made under section 261 (1) of the *Criminal Code* staying a prohibition order made as a result of the conviction, the total remedial program points and total ignition interlock program points for the person do not include the points for that conviction until the superintendent is satisfied that
 - (a) the stay is no longer in effect, or
 - (b) the conviction has been confirmed.

[en. B.C. Reg. 12/2016, Sch.]

Medical condition

- 46.08** (1) A person with a chronic medical condition that affects the person's respiratory functions so that the person cannot produce the volume of breath needed to operate an ignition interlock device specified by the superintendent under section 25.2 of the Act is exempt from having to participate in an ignition interlock program under that section.
- (2) The evidence required to establish the medical condition referred to in subsection (1) is a signed statement from a medical practitioner in a form satisfactory to the superintendent setting out that
- (a) the person has a chronic medical condition that affects the person's respiratory functions, and
 - (b) due to that medical condition, the person cannot produce the volume of breath needed to operate an ignition interlock device specified by the superintendent under section 25.2 of the Act.

[en. B.C. Reg. 12/2016, Sch.]

Completion of remedial programs

- 46.09** (1) A person who is required to participate in a remedial program under section 25.2 of the Act must complete the program within one year after the condition requiring completion of the program is added to the person's driver's licence.
- (2) The superintendent must extend the time for a person to complete a remedial program under section 25.2 of the Act if the superintendent is satisfied that the person is unable to complete the remedial program for reasons beyond the person's control, such as illness, jury duty or incarceration.

[en. B.C. Reg. 12/2016, Sch.]

Fees

- 46.10** (1) The prescribed fee for a remedial program under section 25.1 or 25.2 of the Act is \$405.
- (2) The prescribed fee for an ignition interlock program under section 25.1, 25.2 or 233 (3) of the Act is \$150.

[en. B.C. Reg. 12/2016, Sch.; am. B.C. Reg. 117/2016.]

DIVISION 47 – SPEED LIMITS AND TRAFFIC RULES IF OFFICIAL VEHICLE PARKED ON A HIGHWAY

Definition

- 47.01** (1) In this Division, “**official vehicle**” means a vehicle that
- (a) is authorized under section 4.28 to display flashes of red, blue, white or amber light, and
 - (b) is displaying flashes of red, blue, white or amber light
 - (i) in accordance with any limits or conditions set out in section 4.28 or specified by the director under section 4.28 (1) (b),
 - (ii) while the vehicle is stopped on or on the side of a highway, and
 - (iii) while the vehicle’s components are being operated, or a member of the vehicle’s crew is working, on or on the side of the highway.
- (2) Despite subsection (1), a school bus is not an official vehicle for the purposes of this Division.

[en. B.C. Reg. 227/2014, s. 1.]

When an official vehicle is stopped

- 47.02** (1) Subject to subsection (2), a person driving a motor vehicle on a highway in either direction must drive the motor vehicle at no more than the following rate of speed when approaching or passing an official vehicle:
- (a) 70 km/h, if signs on the highway limit the rate of speed to 80 km/h or more;
 - (b) 40 km/h, if signs on the highway limit the rate of speed to less than 80 km/h;
 - (c) the rate of speed indicated on the signs, if signs on the highway limit the rate of speed to less than 40 km/h.
- (2) Subsection (1) does not apply to a driver who approaches or passes an official vehicle from the opposite direction on a highway that contains a laned roadway or is divided by a median.
- (3) In addition to the requirements of subsection (1), a driver travelling in a lane adjacent to the stopped official vehicle or in the same lane in which the official vehicle is stopped must, if it is safe to do so, and unless otherwise directed by a

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peace officer, move his or her motor vehicle into another lane of the laned roadway, if any.

[en. B.C. Reg. 148/2009, s. 2; am. B.C. Reg. 227/2014, s. 2.]

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