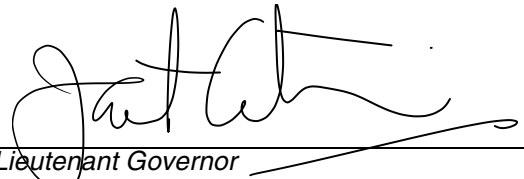


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 440


, Approved and Ordered July 6, 2024

  
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Lieutenant Governor

**Executive Council Chambers, Victoria**

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

- (a) the Zero-Emission Vehicles Regulation, B.C. Reg. 196/2020, is amended as set out in the attached Schedule 1,
- (b) effective October 1, 2024, section 13 of the *Zero-Emission Vehicles Amendment Act, 2023*, S.B.C. 2023, c. 41, is brought into force, and
- (c) effective October 1, 2024, the Zero-Emission Vehicles Regulation, B.C. Reg. 196/2020, is amended as set out in the attached Schedule 2.

  
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Minister of Energy, Mines and Low Carbon Innovation

  
\_\_\_\_\_  
Presiding Member of the Executive Council

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

**Authority under which Order is made:**

Act and section: *Zero-Emission Vehicles Act*, S.B.C. 2019, c. 29, ss. 40 to 45;  
*Zero-Emission Vehicles Amendment Act, 2023*, S.B.C. 2023, c. 41, s. 32

Other: OIC 448/2020

R10769140

## SCHEDULE 1

- 1** *Section 1 of the Zero-Emission Vehicles Regulation, B.C. Reg. 196/2020, is amended*
- (a) by repealing paragraph (b) of the definition of “EPA range” and substituting the following:*
- (b) determined by calculating the derived 5-cycle value in accordance with the method set out by the EPA in the United States Code of Federal Regulations, Title 40, Chapter I, Subchapter Q, Part 600, Subpart D, section 600.311-12, paragraph (j);, *and*
- (b) in the definition of “gross vehicle weight rating” by striking out “section 1 of the Motor Vehicle Act” and substituting “section 6 of the Act”.*
- 2** *Section 7 is repealed.*
- 3** *Section 18 (2) is repealed and the following substituted:*
- (2) A person who has provided information that is incomplete or inaccurate
- (a) in a model year report,
- (b) in a supplementary report,
- (c) in response to a request made under section 22 of the Act, or
- (d) for the purpose of entering into an initiative agreement or in a record the person is required under an initiative agreement to provide to the director
- is liable to an administrative penalty under section 27 of the Act not exceeding \$100 000.

## SCHEDULE 2

- 1** *Section 1 of the Zero-Emission Vehicles Regulation, B.C. Reg. 196/2020, is repealed and the following substituted:*

### Definitions

- 1** In this regulation:
- “**Act**” means the *Zero-Emission Vehicles Act*;
- “**battery electric vehicle**” or “**BEV**” means a zero-emission vehicle that is propelled solely by an electric motor that is powered solely by a battery that is charged solely by an external electricity source;
- “**extended range electric vehicle**” or “**EREV**” means a zero-emission vehicle with
- (a) a battery that can be charged by an external electricity source,
- (b) drive wheels that are propelled solely by an electric motor, and
- (c) an on-board internal combustion engine that is used solely as a generator to charge the battery;
- “**fuel cell electric vehicle**” or “**FCEV**” means a zero-emission vehicle that is propelled solely by an electric motor that is powered solely by a hydrogen fuel cell;

- “gross vehicle weight rating”** has the same meaning as in section 6 of the Act;
- “plug-in hybrid electric vehicle”** or **“PHEV”** means a zero-emission vehicle that
- (a) has a battery that is capable of being charged by an external electricity source,
  - (b) can be propelled solely by an electric motor that is powered by a battery, and
  - (c) is not a BEV;
- “range”** means the all-electric driving range, in kilometres, of a zero-emission vehicle, as determined in accordance with section 4.1 of this regulation;
- “reportable motor vehicle”** means a motor vehicle in the class of motor vehicles prescribed by section 5 of this regulation;
- “ZEV Class A vehicle”** means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (a) of this regulation;
- “ZEV Class B vehicle”** means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (b) of this regulation;
- “ZEV Class C vehicle”** means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (c) of this regulation.

**2     *The following section is added:***

**Determining range of zero-emission vehicles**

- 4.1**     (1) Subject to subsection (2), for the purposes of this regulation, the range of a zero-emission vehicle is to be determined
- (a) in accordance with the 5-cycle test procedure set out by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Chapter I, Subchapter Q, Part 600, Subparts B and C, as amended from time to time, or
  - (b) by calculating the derived 5-cycle value in accordance with the method set out by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Chapter I, Subchapter Q, Part 600, Subpart D, section 600.311-12, paragraph (j).
- (2) The range of a zero-emission vehicle with a gross vehicle weight rating of more than 3 856 kg may be determined using a method other than the method described in subsection (1) if
- (a) the method accounts for, at a minimum, urban and highway driving conditions, and
  - (b) the director is satisfied that the method is accurate.

**3     *Section 5 is repealed and the following substituted:***

**Prescribed vehicle class**

- 5**     (1) For the purposes of paragraph (a) of the definition of “vehicle class” in section 1 of the Act, the reportable motor vehicle class is prescribed as a class of motor vehicles.
- (2) The following motor vehicles are in the reportable motor vehicle class:

- (a) motor vehicles of the model year 2023 or an earlier model year that have a gross vehicle weight rating of no more than 3 856 kg;
  - (b) subject to subsection (3), motor vehicles of the model year 2024 or a later model year that have a gross vehicle weight rating of no more than 4 536 kg.
- (3) For the purposes of the variable “NV” in section 11 (1) and (2) of the Act, the reportable motor vehicle class excludes motor vehicles that
- (a) have a gross vehicle weight rating of more than 3 856 kg, and
  - (b) were supplied before October 1, 2024.

**4      *Section 6 is repealed and the following substituted:***

**Prescribed classes of zero-emission vehicles**

- 6**      The following classes of zero-emission vehicles are prescribed for the purposes of paragraph (a) of the definition of “ZEV class” in section 1 of the Act:
- (a) ZEV Class A;
  - (b) ZEV Class B;
  - (c) ZEV Class C.

**ZEV Class A vehicles**

- 6.1**    The following zero-emission vehicles are in ZEV Class A:
- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
    - (i) BEVs with a range of at least 80.47 km,
    - (ii) EREVs with a range of at least 121 km, or
    - (iii) FCEVs with a range of at least 80.47 km;
  - (b) zero-emission vehicles of the model year 2026 or a later model year that are
    - (i) BEVs with a range of at least 241 km, or
    - (ii) FCEVs with a range of at least 241 km.

**ZEV Class B vehicles**

- 6.2**    The following zero-emission vehicles are in ZEV Class B:
- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
    - (i) EREVs with a range of at least 16 km and less than 121 km, or
    - (ii) PHEVs with a range of at least 16 km;
  - (b) zero-emission vehicles of the model year 2026 or a later model year that are
    - (i) EREVs with a range of at least 80 km, or
    - (ii) PHEVs with a range of at least
      - (A) 55 km, in the case of a PHEV of the model year 2026,
      - (B) 65 km, in the case of a PHEV of the model year 2027, or

- (C) 80 km, in the case of a PHEV of the model year 2028 or a later model year.

#### **ZEV Class C vehicles**

**6.3** The following zero-emission vehicles are in ZEV Class C:

- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
  - (i) BEVs with a range of less than 80.47 km,
  - (ii) EREVs with a range of less than 16 km,
  - (iii) FCEVs with a range of less than 80.47 km, or
  - (iv) PHEVs with a range of less than 16 km;
- (b) zero-emission vehicles of the model year 2026 or a later model year that are
  - (i) BEVs with a range of less than 241 km,
  - (ii) EREVs with a range of less than 80 km,
  - (iii) FCEVs with a range of less than 241 km, or
  - (iv) PHEVs with a range of less than
    - (A) 55 km, in the case of a PHEV of the model year 2026,
    - (B) 65 km, in the case of a PHEV of the model year 2027, or
    - (C) 80 km, in the case of a PHEV of the model year 2028 or a later model year.

#### **5     *Section 8 is amended by***

***(a) repealing subsection (1) and substituting the following:***

- (1) In this section, “**average supply volume**” means, in relation to a supplier and a reported model year,
  - (a) in the case of a supplier who, for each of the 3 model years immediately preceding the reported model year, supplied new motor vehicles in the reportable motor vehicle class, the number determined by dividing the total number of those vehicles by 3, or
  - (b) in any other case, the number of new reportable motor vehicles of the reported model year supplied by the supplier before the compliance date for the reported model year. ,

***(b) by adding the following subsection:***

- (1.1) Despite subsection (1), in determining the average supply volume of a supplier, motor vehicles supplied before October 1, 2024 that have a gross vehicle weight rating of more than 3 856 kg are not to be counted. , ***and***

***(c) by repealing subsection (3) and substituting the following:***

- (3) A supplier is a supplier in a class set out in Column 1 of the following table for a reported model year if the average supply volume of the supplier for the reported model year is as set out in Column 2 of the table opposite the class.

Item	Column 1 Class of supplier	Column 2 Average supply volume
1	small volume supplier	less than 1 000
2	medium volume supplier	at least 1 000 and less than 5 000
3	large volume supplier	at least 5 000

**6 Sections 10 to 12 are repealed and the following substituted:**

**Balance of ZEV units – special target for large and medium volume suppliers**

- 10** For the purposes of section 10 (2) (b) [*supply of ZEVs — special targets*] of the Act,
- (a) the reportable motor vehicle class is prescribed as a vehicle class in relation to
    - (i) large volume suppliers, and
    - (ii) medium volume suppliers for the model year 2026 and later model years, and
  - (b) ZEV Class A is prescribed as a ZEV class in relation to
    - (i) large volume suppliers, and
    - (ii) medium volume suppliers for the model year 2026 and later model years.

**Compliance ratio – no specified ZEV class**

- 11** For the purposes of section 11 (1) [*compliance ratio reduction – ratio does not specify ZEV class*] of the Act, the compliance ratio set out opposite a model year in the following table is prescribed for the model year and the reportable motor vehicle class:

Item	Column 1 Model Year	Column 2 Compliance ratio
1	2019	0%
2	2020	9.5%
3	2021	12%
4	2022	14.5%
5	2023	17%
6	2024	19.5%
7	2025	22%
8	2026	26.3%
9	2027	42.6%
10	2028	58.9%
11	2029	74.8%
12	2030	91%

<b>Item</b>	<b>Column 1 Model Year</b>	<b>Column 2 Compliance ratio</b>
13	2031	93.2%
14	2032	95.2%
15	2033	97.2%
16	2034	99.3%
17	2035	100%

**Compliance ratio – ZEV Class A**

- 12** For the purposes of section 11 (2) [*compliance ratio reduction – ratio specifies ZEV class*] of the Act, the compliance ratio set out opposite a model year in the following table is prescribed for the model year and the reportable motor vehicle class:

<b>Item</b>	<b>Column 1 Model Year</b>	<b>Column 2 Compliance ratio</b>
1	2019	0%
2	2020	6%
3	2021	8%
4	2022	10%
5	2023	12%
6	2024	14%
7	2025	16%
8	2026	15.2%
9	2027	28.7%
10	2028	43.2%
11	2029	58.0%
12	2030	73.3%
13	2031	77.2%
14	2032	80.6%
15	2033	83.7%
16	2034	86.7%
17	2035	89.5%

**7 Section 13 (1) (e) is repealed and the following substituted:**

- (e) the number, by ZEV class, of credits claimed by the supplier in relation to the supply of zero-emission vehicles;
- (f) the following information about the zero-emission vehicles referred to in paragraph (e):
  - (i) the number of zero-emission vehicles of each vehicle make referred to in paragraph (b) and each ZEV class;
  - (ii) the vehicle model, vehicle identification number, model year and range of each zero-emission vehicle;
  - (iii) whether each zero-emission vehicle is a BEV, EREV, FCEV or PHEV.

8      **Section 14 is repealed and the following substituted:**

**Supply of ZEVs – issuance of credits before October 1, 2026**

- 14**      (1) In this section, “**US06 range**” means the all-electric driving range, in kilometres, of a zero-emission vehicle, determined in accordance with the method described in section G.7.3 of the document produced by the California Air Resources Board and entitled “*California Exhaust Emission Standards and Test Procedures for 2018 through 2025 Model Year Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes*”.
- (2) This section applies to an issuance of credits by the director that takes effect before October 1, 2026.
- (3) The number of credits that the director may, in relation to the supply of each new ZEV Class A vehicle, issue under section 13 (1) of the Act is the lesser of 4 and the number determined by applying the following formula:

$$\text{number of credits} = (R \times 0.006214) + 0.50$$

where

R      = the range of the zero-emission vehicle.

- (4) Subject to subsection (5), the number of credits that the director may, in relation to the supply of each new ZEV Class B vehicle, issue under section 13 (1) of the Act is determined as follows:
- (a) if the US06 range of the vehicle is less than 16 km or is unknown, by applying the following formula:

$$\text{number of credits} = (R \times 0.006214) + 0.30$$

where

R      = the range of the zero-emission vehicle;

- (b) if the US06 range of the vehicle is at least 16 km, by adding 0.20 to the number determined by applying the formula set out in paragraph (a).
- (5) The number of credits issued in relation to the supply of a ZEV Class B vehicle must not exceed the following amounts:
- (a) 1.10, in the case of a vehicle described in subsection (4) (a);
- (b) 1.30, in the case of a vehicle described in subsection (4) (b).
- (6) The number of credits determined in accordance with this section must be rounded to the second decimal place.

**Supply of ZEVs – issuance of credits on or after October 1, 2026**

- 14.1**      (1) This section applies to an issuance of credits by the director that takes effect on or after October 1, 2026, regardless of whether a supplier applied for the credits under section 13 (1) (a) of the Act before October 1, 2026.



- (2) The number of credits that the director may, in relation to the supply of each new ZEV Class A or ZEV Class B vehicle, issue under section 13 (1) of the Act is one.

**No issuance of credits for supply of certain ZEVs**

**14.2** The director may not issue credits in relation to the supply of

- (a) ZEV Class C vehicles, or
- (b) zero-emission vehicles of a model year that precedes the model year 2019.

**9 Section 15 is amended**

**(a) by repealing subsection (1) and substituting the following:**

(1) In this section:

“**affiliate**” has the same meaning as in the *Business Corporations Act*;

“**carsharing organization**” means a corporation that uses an online platform to make motor vehicles available solely to members for hire or rental, without a driver, by the minute, hour or otherwise, for a period of less than one month;

“**member**” means,

- (a) in relation to a carsharing organization that is an association as defined in the *Cooperative Association Act* or a society as defined in the *Societies Act*, a member, within the meaning of those Acts, of the association or society, or
- (b) in relation to any other carsharing organization, a person who has purchased a membership entitling the person to access carsharing services offered by the carsharing organization;

“**used ZEV**” means a zero-emission vehicle that

- (a) has been the subject of a consumer sale in any jurisdiction outside British Columbia, and
- (b) has not been the subject of a consumer sale in British Columbia. , **and**

**(b) by repealing subsection (3) and substituting the following:**

(3) The director may only enter into an agreement under section 14 (2) of the Act with a supplier in respect of the following actions:

- (a) the consumer sale in British Columbia of used ZEVs of the following types and ranges:
  - (i) BEVs with a range of at least 80.47 km;
  - (ii) EREVs with a range of at least 16 km;
  - (iii) FCEVs with a range of at least 80.47 km;
  - (iv) PHEVs with a range of at least 16 km;
- (b) the consumer sale in British Columbia of zero-emission vehicles that are not reportable motor vehicles;
- (c) the consumer sale in British Columbia of new zero-emission vehicles to a carsharing organization, other than a carsharing organization that is an affiliate of the supplier, at a discount of at least 25% as compared to the manufacturer’s suggested retail price for the zero-emission vehicles.

**10     *Section 16 (2) is repealed and the following substituted:***

- (2) For the purposes of section 15 (2) of the Act, the prescribed price per credit is the amount determined by multiplying
  - (a) the automatic penalty rate prescribed in section 17 (2) of this regulation for the model year with the most recent compliance date at the time the agreement is entered into, and
  - (b) 110%.

**11     *The following section is added to Part 2:***

**Reduction of supplier balances**

**16.01** For the purposes of section 16.1 [*reduction of supplier balances*] of the Act,

- (a) the prescribed model year is the model year 2025, and
- (b) the prescribed number is 3.5.

**12     *Section 16.1 is amended***

**(a) *by repealing subsection (2) and substituting the following:***

- (2) For the purposes of section 17 (3) (f) of the Act, the prescribed information is the information required to determine the supplier's average supply volume, as defined in section 8 of this regulation, in relation to the reported model year. , **and**

**(b) *by adding the following subsection:***

- (3) For the purposes of section 17 (4) (c) of the Act, the following information is prescribed in relation to each zero-emission vehicle supplied:
  - (a) whether the zero-emission vehicle is a BEV, EREV, FCEV or PHEV;
  - (b) the range of the zero-emission vehicle.

**13     *The following section is added to Part 2.1:***

**Forecast report**

**16.3** For the purposes of section 18.1 (1) [*forecast report*] of the Act, the following information is prescribed in relation to each of the 3 model years following the reported model year:

- (a) for each vehicle make for which a supplier is the supplier, the number of new zero-emission vehicles of the reportable motor vehicle class, by ZEV class and vehicle model, that are anticipated to be supplied by the supplier;
- (b) for each zero-emission vehicle referred to in paragraph (a),
  - (i) whether the zero-emission vehicle is anticipated to be a BEV, EREV, FCEV or PHEV, and
  - (ii) the anticipated range and interior volume, expressed in cubic feet;
- (c) the number of new reportable motor vehicles, other than zero-emission vehicles, that are anticipated to be supplied by the supplier.

**14     *Section 17 is repealed and the following substituted:***

#### **Automatic administrative penalty rate**

- 17** (1) In this section, “**annual percentage change**” means the annual percentage change in the annual average All-items Consumer Price Index for British Columbia, as published by Statistics Canada under the authority of the *Statistics Act* (Canada).
- (2) For the purposes of section 26 [*automatic administrative penalties*] of the Act, the prescribed penalty rate is as follows for all vehicle classes and ZEV classes:
- (a) for the model year 2025 and earlier model years, \$5 000;
  - (b) for the model year 2026, \$20 000;
  - (c) for the model year 2027 and later model years, the amount calculated by multiplying
    - (i) the penalty rate for the immediately preceding model year, and
    - (ii) the sum of
      - (A) one, and
      - (B) the annual percentage change for the calendar year immediately preceding the calendar year in which the compliance date for the model year occurs.