



BRITISH
COLUMBIA

Motor Vehicle Act

R.S.B.C. 1996, CHAPTER 318

[Current to last amendment, February 26, 2014]

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MOTOR VEHICLE ACT**[RSBC 1996] CHAPTER 318***[Current to last amendment, February 26, 2014]****Contents***

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Definitions**1** In this Act:

- “**accident**” includes an intentional collision;
- “**adult**” means a person who has reached 19 years of age;
- “**air contaminant**” means a solid, liquid, gas, odour or combination of any of them that contributes to air pollution;
- “**air pollution**” means the presence in the outdoor atmosphere of an air contaminant in quantities that may
- (a) cause discomfort to or endanger the health or safety of persons,
 - (b) cause injury or damage to property or to plant or animal life, or
 - (c) interfere with visibility or other normal conduct of transport or business;
- “**bus**” means a motor vehicle designed to carry more than 10 persons;
- “**certificate of insurance**” means a certificate issued under the *Insurance (Vehicle) Act* and to the holder of a licence, permit or any class of licence or permit issued under this Act, whether issued as part of the licence or permit or as a separate document;
- “**commercial vehicle**” has the same meaning as commercial vehicle in the *Commercial Transport Act*;
- “**convicted**” has the same meaning as in section 30.1 of the *Insurance (Vehicle) Act*;
- “**dangerous article**” includes inflammable or corrosive liquids and liquefied petroleum gas;
- “**dealer**” means a motor dealer as defined in the *Motor Dealer Act*;
- “**director**” means the Director of Commercial Vehicle Safety appointed under section 116.1;
- “**driver’s certificate**” means a driver’s certificate as defined in the *Insurance (Vehicle) Act*;
- “**emergency vehicle**” means any of the following:
- (a) a motor vehicle, or cycle as defined in Part 3, carrying rescue or first aid equipment if there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this Act;
 - (b) a motor vehicle, or cycle as defined in Part 3, driven by a member of a fire department in the discharge of his or her duties;
 - (c) a motor vehicle, or cycle as defined in Part 3, driven by a peace officer, constable or member of the police branch of Her Majesty’s Armed Forces in the discharge of his or her duty;
- “**farmer**” means a person who resides on a farm and makes his or her principal living by farming it;
- “**farm tractor**” means a motor vehicle designed and used primarily as an implement of husbandry for drawing agricultural equipment;
- “**financial responsibility card**” means a card issued under section 111 (1);

“fine indebtedness” means an indebtedness referred to in section 26 (1) (c);

“golf cart” means a motor vehicle originally designed and manufactured to carry golfers and their equipment;

“highway” includes

- (a) every highway within the meaning of the *Transportation Act*,
 - (b) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and
 - (c) every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited,
- but does not include an industrial road;

“implement of husbandry” means a vehicle designed and adapted exclusively for use in agricultural operations and includes a farm tractor and a trailer towed by an implement of husbandry, but does not include

- (a) a vehicle used primarily to transport persons or property on a highway, or
- (b) a bulldozer, grader or other vehicle of a similar nature designed for nonagricultural purposes, whether it is being used exclusively in connection with an agricultural operation or not;

“industrial road” means industrial road as defined in the *Industrial Roads Act*, and includes a forest service road as defined in the *Forest Act* and land designated as a development road under section 139 (1) of the *Petroleum and Natural Gas Act*;

“industrial utility vehicle” means a motor vehicle that

- (a) is used for work purposes, including industrial, maintenance or landscaping purposes, and, at the time it 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, or
- (b) is in a prescribed class of motor vehicles,

but does not include a vehicle in a class of motor vehicles excluded by regulation;

“insurance premium” means the premium established under the *Insurance (Vehicle) Act* for a motor vehicle liability policy and includes the basic premium and any additional premium, as defined in that Act;

“manufactured home” means a trailer that may or may not be placed on a foundation and is designed for use as an all season residence and for connection to utilities;

“minister” includes a person designated in writing by the minister;

“mobile equipment” means a self-propelled device that is incapable of exceeding 10 km/h and that

- (a) can be steered only by an operator walking or standing behind, walking in front of or walking alongside the device,
- (b) is a work platform used to raise and lower the following:
 - (i) the operator of the platform;
 - (ii) tools and supplies, or

- (c) is in a prescribed class of devices,
but does not include a device in a class of devices excluded by regulation; ,

“motor assisted cycle” means a device

- (a) to which pedals or hand cranks are attached that will allow for the cycle to be propelled by human power,
- (b) on which a person may ride,
- (c) to which is attached a motor of a prescribed type that has an output not exceeding the prescribed output, and
- (d) that meets the other criteria prescribed under section 182.1 (3);

“motor home” means a motor vehicle designed or used primarily for accommodation during travel or recreation, but does not include a motor vehicle that has attached to it a structure

- (a) designed or used primarily for accommodation during travel or recreation,
and
- (b) designed or intended to be detachable;

“motor vehicle” means a vehicle, not run on rails, that is designed to be self propelled or propelled by electric power obtained from overhead trolley wires, but does not include mobile equipment or a motor assisted cycle;

“motor vehicle indebtedness” has the meaning set out in paragraphs (a) to (f) of the definition of “vehicle indebtedness” in section 93.1 of the *Insurance (Vehicle) Act*;

“motor vehicle liability insurance card” means a card issued under the *Insurance (Vehicle) Act* in respect of a motor vehicle liability policy, and may be part of a certificate of insurance;

“motor vehicle liability policy” means a certificate issued under Part 1 of the *Insurance (Vehicle) Act* and the regulations under that Part;

“motor vehicle related *Criminal Code* offence” means

- (a) an offence committed before December 4, 1985 under section 203, 204, 219, 233, 234, 235 or 236 of the *Criminal Code* as it then was,
- (b) an offence committed on or after December 4, 1985 and before December 12, 1988 under section 203, 204, 219, 233, 236, 237, 238, 239 or 242 of the *Criminal Code* as it then was,
- (c) an offence committed on or after December 12, 1988 under section 220, 221, 236, 249 (1) (a), (3) or (4), 252 (1), 253 (a) or (b), 254 (5), 255 (2) or (3) or 259 (4) of the *Criminal Code*,
- (d) an offence committed under section 249.1 of the *Criminal Code* on or after a date prescribed by the Lieutenant Governor in Council,
- (e) an offence committed under section 249.2, 249.3, 249.4 or 255 (2.1), (2.2), (3.1) or (3.2) of the *Criminal Code*, or
- (f) an offence committed under a prescribed provision of the *Criminal Code*

if the offence arose out of or was related to the operation, care or control of a motor vehicle or that was committed by means of a motor vehicle;

“motorcycle” means a motor vehicle that runs on 2 or 3 wheels and has a saddle or seat for the driver to sit astride;

“number plates” means the number plates issued under this Act as well as validation decals for attachment to number plates issued under this Act;

“owner” includes a person in possession of a motor vehicle under a contract by which he or she may become its owner on full compliance with the contract;

“owner’s certificate” means an owner’s certificate as defined in the *Insurance (Vehicle) Act*;

“owner’s licence” means a licence issued under section 3, 5, 6 or 38;

“peace officer” means a constable or a person who has a constable’s powers;

“prescribed” means prescribed by this Act or by regulation of the Lieutenant Governor in Council or of the minister;

“prohibited from driving a motor vehicle” means prohibited from driving a motor vehicle on a highway or an industrial road;

“rural area” does not include treaty lands;

“school bus” means a motor vehicle used to convey children to or from school by or under a contract with the authority in charge of the school;

“station wagon” means a dual purpose vehicle designed for transporting not more than 9 persons, with a rear seat accessible from a side door, and designed so that the seats may be removed or folded out of the way to increase the property carrying space in the vehicle;

“superintendent” means the Superintendent of Motor Vehicles;

“taxi” means a motor vehicle designed to carry not more than 10 persons that, with its driver, is operated for hire;

“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;

“trailer” means a vehicle that is at any time drawn on a highway by a motor vehicle, except

- (a) an implement of husbandry,
- (b) a side car attached to a motorcycle, and
- (c) a disabled motor vehicle that is towed by a tow car,

and includes a semi-trailer as defined in the *Commercial Transport Act*;

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment or a motor assisted cycle;

“**vehicle insurance**” means vehicle insurance as defined in the *Insurance (Vehicle) Act*.

PART 1

Application of Act

- 2 (1) In this section, “**private road**” means a private road used by the public for vehicular traffic with permission of the owner or licensee of the road.
- (2) This Act does not apply to the driving or operation of a mechanically propelled invalid’s chair that is used only for the purposes for which it was designed.
- (3) Despite subsection (2), a person must not drive or operate on a highway a mechanically propelled invalid’s chair of a type or class prescribed by the Lieutenant Governor in Council as a motor vehicle unless the person complies with this Act.
- (4) [Repealed 1997-31-2.]
- (5) The provisions of this Act respecting the registration and licensing of motor vehicles and trailers and the licensing of drivers of motor vehicles do not apply to prohibit
- (a) the temporary driving, propelling, drawing or moving of an implement of husbandry on a highway by or on behalf of a farmer unless the implement is used
 - (i) to carry, on a highway, passengers or goods other than farm produce, supplies, stock, fertilizer, tools or seeds being carried from one place on a farm to another place on the same farm, or
 - (ii) to tow, on a highway, a trailer used to carry passengers or goods other than farm produce, supplies, stock, fertilizer, tools or seeds being carried from one place on a farm to another place on the same farm, or
 - (b) the use of a trailer towed by a tractor licensed under section 8 by a farmer to transport on the trailer the produce of the farmer’s farm to market and to transport supplies for that farm from market.
- (6) A motor vehicle or trailer exempted from registration and licensing under subsection (5) is deemed, for the purpose of the *Insurance (Vehicle) Act*, to be registered and licensed under this Act.
- (7) A person who is under 15 years of age must not drive or operate an implement of husbandry on a highway.
- (8) A commercial vehicle registered and licensed under a section of the *Commercial Transport Act* is deemed to be registered and licensed under the section of this Act that is identical except for the substitutions mentioned in section 4 of the *Commercial Transport Act*, and a commercial vehicle exempt from registration and licensing under the *Commercial Transport Act* is also exempt from registration and licensing under this Act.

- (9) Except under sections 95, 102 and 144, a person must not be charged with or convicted of an offence under the *Motor Vehicle Act* as the result of the driving or operation of a motor vehicle or trailer
 - (a) on a private road owned by the owner or lessee of the motor vehicle, or
 - (b) in an industrial use by an industrial user on a private road by arrangement with the owner of the road.
- (10) Despite this section, but subject to subsection (11), a person must not drive or operate a motor vehicle or trailer referred to in this section unless
 - (a) the person holds a subsisting driver's licence of a class appropriate to the category of motor vehicle driven or operated,
 - (b) the person is insured under a valid and subsisting driver's certificate, and
 - (c) the motor vehicle and the trailer, if any, are insured under a valid and subsisting motor vehicle liability policy evidenced by an owner's certificate.
- (11) Subsection (10) applies only to motor vehicles or trailers or drivers referred to in this section that are designated by order of the Lieutenant Governor in Council.
- (12) The provisions of this Act respecting registration and licensing of vehicles do not apply to a vehicle being towed on a highway by a vehicle designed or used primarily for towing, or rendering assistance to, other vehicles.
- (13) For the purposes of subsection (12), **“vehicle being towed”** does not include a manufactured home, a semi-trailer as defined in the *Commercial Transport Act* and other vehicles prescribed by the Lieutenant Governor in Council.

Registration, licence and insurance

- 3 (1) Except as otherwise provided under this Act, the owner of a motor vehicle or trailer must, before it is used or operated on a highway,
 - (a) register the motor vehicle or trailer with the Insurance Corporation of British Columbia,
 - (b) obtain a licence for its operation under this section, and
 - (c) obtain for it an owner's certificate under the *Insurance (Vehicle) Act*.
- (2) Despite subsection (1), a trailer towed by a tractor licensed under section 8 need not be licensed.
- (3) The owner must apply for
 - (a) registration and licence in the form required by the Insurance Corporation of British Columbia, and
 - (b) a motor vehicle liability policy.
- (4) The form of motor vehicle liability policy referred to in subsection (3) (b) must be signed by the owner and delivered to the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the corporation for the purposes of this section, together with the prescribed fees, the insurance premium and the amount of tax owing in respect of the motor vehicle under the *Social Service Tax Act*, the *Consumption Tax Rebate and Transition*

Act, section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada) or the *Provincial Sales Tax Act*.

- (5) For the purpose of every section of this Act requiring a person to obtain a certificate of insurance or pay an insurance premium or a premium for a driver's certificate,
- (a) a government agent, or
 - (b) a person authorized in writing under section 9.2 (3) (b) of the *Insurance Corporation Act*

may act as an agent of the Insurance Corporation of British Columbia for the purposes of the *Insurance (Vehicle) Act*, despite section 9.2 of the *Insurance Corporation Act*, but a government agent or a person so authorized is not considered to be an insurance agent or insurance salesperson under the *Financial Institutions Act* and is not required to be licensed under that Act.

- (6) For the purpose of every section requiring a person to obtain a licence or permit for a motor vehicle or to drive and operate a motor vehicle, an agent of the Insurance Corporation of British Columbia, appointed under section 9.2 of the *Insurance Corporation Act*, is deemed to be a person authorized in writing by the corporation.
- (7) On receiving the application in the form required by the Insurance Corporation of British Columbia, and on being satisfied of the truth of the facts stated in the application, and that the prescribed fees and insurance premium established under the *Insurance (Vehicle) Act* have been paid, the corporation must cause the name and address of the owner and a description of the motor vehicle or trailer to be registered in a file or index to be kept for that purpose, and must cause the following to be issued to the owner:
- (a) a numbered licence in the form established by the corporation, showing registration of the motor vehicle or trailer and authorizing its use and operation in accordance with this Act;
 - (b) one distinctive number plate in the case of a motorcycle or trailer, and 2 distinctive number plates in the case of a motor vehicle other than a motorcycle;
 - (c) an owner's certificate and motor vehicle liability insurance card.
- (8) Fees are not payable for the registration or licensing of a motor vehicle or trailer owned or used by a person who, through active service in the Armed Forces of the Crown in a war has lost a limb or is receiving a 100% disability pension, but the exemption granted by this subsection does not extend to the concurrent registration or licensing of more than one motor vehicle and one trailer for the same person, or to the insurance premium payable under subsection (4).
- (9) On an application for the registration and licensing of a motor vehicle imported into British Columbia that has been registered or licensed at a place outside British Columbia, the Insurance Corporation of British Columbia may, as a condition of issuing the licence, require the applicant to deliver to the corporation the existing

licence or certificate of registration and the current number plates issued for the motor vehicle outside British Columbia, to be retained by the corporation while the motor vehicle is used or operated in British Columbia.

- (10) The Insurance Corporation of British Columbia may refuse to issue a licence for the operation of a motor vehicle or trailer if
- (a) any fee or part of a fee for a previous licence issued under this Act for the motor vehicle or trailer is unpaid,
 - (b) any insurance premium or part of it for a previous owner's certificate issued under the *Insurance (Vehicle) Act* is unpaid, or
 - (c) any amount owing in respect of the motor vehicle under
 - (i) the *Social Service Tax Act*,
 - (ii) the *Consumption Tax Rebate and Transition Act*,
 - (iii) section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada), or
 - (iv) the *Provincial Sales Tax Act*is not paid to the corporation.

Exemptions — registration, licence and insurance

- 3.1** (1) Section 3 (1) does not apply in respect of the following vehicles if they are used or operated on a highway only in accordance with the conditions in this section and in the regulations, if any:
- (a) golf carts;
 - (b) industrial utility vehicles;
 - (c) a vehicle in a prescribed class of vehicles.
- (2) This section also applies in respect of a trailer towed by an industrial utility vehicle to which this section applies.
- (3) Section 3 (1) does not apply in respect of a golf cart or an industrial utility vehicle owned or leased by the owner or operator of a golf course if the golf cart or the industrial utility vehicle is used or operated only as follows:
- (a) on a parking lot or driveway of the golf course;
 - (b) to cross a highway that intersects the golf course, for the purpose of travelling from one part of a golf course to another part of the same golf course;
 - (c) in the case of an industrial utility vehicle,
 - (i) on the untravelled portion of a highway immediately adjacent to the golf course, and
 - (ii) on the highway immediately adjacent to a worksite where the industrial utility vehicle is being or will be used or operated to perform work, for the purpose of unloading or loading the industrial utility vehicle from or to another motor vehicle or trailer.

- (4) Section 3 (1) does not apply in respect of an industrial utility vehicle owned or leased by a person other than an owner or operator of a golf course if the industrial utility vehicle is used or operated only as follows:
- (a) on a parking lot or driveway, by or on behalf of the owner or operator of the parking lot or driveway;
 - (b) to cross a highway that intersects a worksite where the industrial utility vehicle is being used or operated to perform work;
 - (c) at a worksite on the untravelled portion of a highway;
 - (d) on the highway immediately adjacent to a worksite where the industrial utility vehicle is being or will be used or operated to perform work, for the purpose of unloading or loading the industrial utility vehicle from or to another vehicle or trailer;
 - (e) at a worksite located on a highway, provided the worksite is not accessible to the public.

Restriction on registration

- 4** (1) A registration must not be made or a licence issued under this Act in respect of a vehicle except in the name of the owner of the vehicle.
- (2) If the owner of a vehicle is not an individual, a registration or licence must not be made or issued in respect of the vehicle unless the owner is
- (a) a corporation incorporated under the laws of British Columbia,
 - (b) an extraprovincial company within the meaning of the *Business Corporations Act*, or
 - (c) an entity prescribed by or comprised in a class prescribed by the Lieutenant Governor in Council.

Repealed

- 5** [Repealed 2008-15-18.]

Payment of premium

- 6** The Insurance Corporation of British Columbia must not issue any of the following unless the appropriate insurance premium under section 3 (4) has been paid and a certificate of insurance has been issued:
- (a) a licence for a farm tractor under section 8;
 - (b) a special licence under section 9 or 10;
 - (c) a demonstration licence under section 38;
 - (d) a transporter's licence under section 41;
 - (e) a manufacturer's licence under section 42;
 - (f) a licence under the *Commercial Transport Act*.

Underage applicants

- 7** (1) An application for registration and licence of a motor vehicle or a notice of transfer of a motor vehicle licence must not be accepted if the applicant or the transferee is under 18 years of age, unless
- (a) it is also signed by a parent or guardian of the applicant or transferee, or
 - (b) if the applicant or transferee is unable to obtain the signature of a parent or guardian, the applicant proves to the Insurance Corporation of British Columbia's satisfaction that he or she is self supporting and unable to obtain the signature of a parent or guardian, or is married.
- (2) If a motor vehicle has been registered and licensed in or transferred into the name of a person under 18 years of age in accordance with subsection (1), and
- (a) the parent or guardian, in writing, withdraws his or her consent, or
 - (b) proof is produced that satisfies the Insurance Corporation of British Columbia that the person was not self supporting, or was not married,
- the corporation must suspend the licence of the motor vehicle and must not reinstate it or issue a new licence for the vehicle to that person until he or she reaches 18 years of age or subsection (1) is complied with.
- (3) The licensee of a motor vehicle for which the licence has been suspended under subsection (2) must immediately deliver the licence and its corresponding number plates to the Insurance Corporation of British Columbia.

Licences for farm tractors

- 8** (1) The Insurance Corporation of British Columbia may issue a licence for a farm tractor owned by a farmer if the tractor is used for
- (a) towing a trailer to transport the produce of the farmer's own farm to market and to transport supplies for that farm, or
 - (b) towing an implement of husbandry used by or on behalf of the farmer.
- (2) A licence issued under this section is not in force during any time the motor vehicle is operated or used on a highway otherwise than for the purpose stated in the licence.
- (3) The Insurance Corporation of British Columbia may, in the corporation's discretion and without holding a public or other hearing, cancel a licence issued under this section.
- (4) On notice of the cancellation of a licence under subsection (3), the licensee must immediately deliver the licence and its corresponding number plates to the Insurance Corporation of British Columbia.

Special licence for motor vehicles used in industry

- 9** (1) If 2 or more motor vehicles belonging to the same owner are registered under this Act and are used exclusively in the conveyance of personal property in an industry carried on by that owner, and are all ordinarily used and operated entirely on premises other than a highway, but it is necessary for purposes of

the industry that one of them occasionally be used or operated on a highway, the Insurance Corporation of British Columbia, on being satisfied as to the facts, may in the corporation's discretion cause one licence with its corresponding number plates to be issued in respect of all those motor vehicles, authorizing the use and operation of each of them in accordance with the provisions of this Act.

- (2) The form of the licence under this section and the application for it must be varied accordingly.
- (3) All the motor vehicles covered by a licence under this section, as long as they are used exclusively in the industry carried on by the owner, are deemed to be sufficiently licensed for the purposes of this Act, but only one of those motor vehicles may be operated on a highway at any one time.
- (4) The annual licence fee payable for a licence issued under this section must equal the largest annual licence fee prescribed under this Act in respect of the motor vehicles covered by the licence.

Special licence for tractors, etc.

- 10** (1) The Insurance Corporation of British Columbia may, in respect of any motor vehicle known or described as a tractor, grader, loader, shovel, roller, mixer, crane or other self-propelled construction machinery used in performing work at a worksite located in or on a mine or industrial undertaking, cause a licence to be issued permitting the operation of the motor vehicle on a highway for the purposes of
- (a) proceeding to or returning from the worksite without carrying a load, or
 - (b) if the worksite is on the highway, carrying a load at the worksite, provided the worksite is not accessible to the public.

- (1.1) The form of the licence under subsection (1) must be varied accordingly.
- (2) A licence issued under subsection (1) is not in force during any time the motor vehicle is operated or used on a highway otherwise than for the purposes stated in the licence.
- (3) The Insurance Corporation of British Columbia may, in the corporation's discretion and without holding a formal or public or other hearing, cancel a licence issued under this section.
- (4) On notice of the cancellation of a licence under subsection (3), the licensee must immediately deliver the licence and its corresponding number plates to the Insurance Corporation of British Columbia.

Carrying of licence

- 11** The licence issued for a motor vehicle or trailer, or a photocopy of it, must be carried in the motor vehicle, or in the case of a trailer, in the motor vehicle towing the trailer, at all times while the motor vehicle or trailer is on a highway.

Number plates

- 12** (1) Each number plate must bear the licence number of the motor vehicle or trailer for which it is issued, and shall be of a material and design determined by the Insurance Corporation of British Columbia, and is and remains the property of the corporation.
- (2) Instead of issuing new licence number plates, the Insurance Corporation of British Columbia may issue,
- (a) in any year, numbered decals to be attached to previously issued number plates, or
 - (b) for trailers or semi-trailers that are licensed and registered under section 6 of the *Commercial Transport Act*, non-expiring decals to be attached to previously issued number plates.
- (2.1) The decals referred to in subsection (2)
- (a) must be of a material and design determined by the corporation, and
 - (b) are and remain the property of the corporation.
- (3) The number plate or number plates issued for a motor vehicle or trailer must be displayed on it in the manner prescribed by the regulations at all times while the motor vehicle or trailer is on a highway.
- (4) If a renewal licence, in respect of a motor vehicle or trailer already licensed under this section, is obtained before the expiry date of the existing licence, the display on the motor vehicle or trailer, at any time during the month preceding the designated expiry date of the existing licence, of the number plates corresponding to the renewal licence in substitution for the number plates corresponding to the existing licence, is deemed to be sufficient compliance with this section with respect to the display at any time during that month of number plates on the motor vehicle or trailer so long as the existing licence continues to be carried in the vehicle.
- (5) Number plates and decals issued under this section before the date this subsection comes into force become the property of the Insurance Corporation of British Columbia on the date this subsection comes into force.

Offences

- 13** (1) A person commits an offence if the person drives, operates, parks or is in charge of a motor vehicle or trailer on a highway
- (a) without the licence required by this Act for the operation of that motor vehicle or trailer having been first obtained and being then in force,
 - (b) without displaying on it, in the manner prescribed, the number plates issued or designated by the Insurance Corporation of British Columbia or otherwise prescribed to be displayed on that motor vehicle or trailer for the current licence year of that motor vehicle or trailer, or
 - (c) that has displayed on it a number plate other than those issued or designated by the Insurance Corporation of British Columbia or otherwise prescribed

to be displayed on that motor vehicle or trailer for the current licence year of that motor vehicle or trailer.

- (2) Every peace officer, officer or constable of the Royal Canadian Mounted Police or the police department of a municipality or inspector authorized under section 217 (1) (a) to inspect motor vehicles may seize a number plate that he or she finds detached from a motor vehicle or trailer, or he or she finds displayed on a motor vehicle or trailer other than the one for which it was issued, or that is required under this Act or by a direction of the Insurance Corporation of British Columbia to be surrendered, and may hold it until the receipt of instructions from the corporation as to its disposal.
- (3) Subsection (2) applies in respect of number plates and motor vehicles whether on a highway or elsewhere, and for the purposes of that subsection an officer or constable of the Royal Canadian Mounted Police or the police department of a municipality may enter without warrant the land or premises of any person on or in which there is a motor vehicle or trailer.
- (4) Subsection (2) does not apply to dealers' number plates used as permitted by this Act or to number plates detached under the regulations.

Change of address or name

- 14**
- (1) If the address of the owner of a vehicle licensed under this Act is changed from the address stated in the application on which the licence was issued or as shown on the licence, the owner must, within 10 days of the change of address, notify the Insurance Corporation of British Columbia in writing or by some other means approved by the corporation of the owner's old and new address.
 - (2) In case of a change of name, by marriage or otherwise, of the owner of a vehicle licensed under this Act, the owner must within 10 days notify the Insurance Corporation of British Columbia in writing of the former name and the new name in full.

Notice of change made in motor vehicle

- 15**
- (1) If a change is made in a motor vehicle registered under this Act by
 - (a) replacing the chassis by another,
 - (b) replacing the body by another,
 - (c) changing the type of the motor vehicle for another;
 - (d) changing the style or colour of the body, or
 - (e) changing the type of fuel system,the owner of the motor vehicle must immediately deliver to the Insurance Corporation of British Columbia a notice in writing stating the nature of the change and other particulars the corporation requires.
 - (2) The last licence issued for the motor vehicle under this Act must be attached to the notice under subsection (1) for surrender to the Insurance Corporation of British Columbia, and any alteration in the amount of the annual licence fee payable for

the motor vehicle due to the change must immediately be adjusted by rebate or payment.

- (3) The Insurance Corporation of British Columbia must then issue to the owner a new licence for the operation of the motor vehicle, and may require the substitution of new number plates for those last issued for that motor vehicle and the payment of the prescribed fee for them.

New vehicle identification numbers

- 16** (1) If, with respect to a motor vehicle or trailer, any of the following circumstances exist, the owner of the motor vehicle or trailer must immediately apply to the Insurance Corporation of British Columbia for a new vehicle identification number for the motor vehicle or trailer:
 - (a) the vehicle identification number on a motor vehicle or trailer has become illegible or has been removed or obliterated;
 - (b) a vehicle identification number is not the same as any other vehicle identification number on the motor vehicle or trailer;
 - (c) the motor vehicle or trailer does not have a vehicle identification number.
- (2) On being satisfied that the applicant is the lawful owner of the motor vehicle or trailer, the Insurance Corporation of British Columbia may assign a new vehicle identification number to it, and the owner must then cause the number so assigned, with the initials "B.C." to indicate British Columbia, and the date of the assignment of the number to be applied by a method designated by the corporation on the part or parts of the motor vehicle or trailer designated by the corporation.
- (3) If the Insurance Corporation of British Columbia is satisfied that a new vehicle identification number has been assigned to and applied to a motor vehicle or trailer under this section, the corporation must cause the new number to be inserted in the registration record and licence of the motor vehicle or trailer.
- (4) This section does not apply to a trailer licensed under this Act with a licensed vehicle weight of 1400 kg or less.

Transfer of motor vehicle

- 17** (1) If the title or interest of a person in a motor vehicle or trailer registered under section 3 is transferred, whether by gift, exchange, barter, or sale, the transferor and the transferee of the title or interest must immediately sign a notice of the transfer in the form required by the Insurance Corporation of British Columbia, and the transferee must within 10 days from the day of the transfer deliver the notice to the corporation for registration by the corporation, accompanied by the prescribed fee and the insurance premium in respect of the transfer and the amount of tax owing in respect of the motor vehicle under the *Social Service Tax Act*, the *Consumption Tax Rebate and Transition Act*, section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada) or the *Provincial Sales Tax Act*.

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- (2) If there is a transfer, by operation of law, of the title or interest of an owner of a motor vehicle or trailer registered under section 3, by way of inheritance, bequest, order in bankruptcy, execution sale, repossession on default in performance of a lease or conditional sale contract, or other means than the voluntary act of the person whose title or interest is transferred,
- (a) the notice of transfer under this section must be signed by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred in place of that person, and
 - (b) the person signing must transmit to the Insurance Corporation of British Columbia evidence satisfactory to the corporation of all facts entitling that person to sign the notice of transfer.
- (3) The form of the notice of transfer under subsection (2) may be varied in accordance with the facts of the case.
- (4) All documents required to be transmitted to the Insurance Corporation of British Columbia under this section may be delivered to the corporation, a government agent or a person authorized in writing by the corporation for the purposes of this section, but in every case the person delivering the notice of transfer must at the same time surrender the licence last issued under section 3 for the motor vehicle or trailer, and the person to whom it is surrendered must endorse on it a memorandum of the notice of transfer and the date of its delivery to him or her.
- (5) The Insurance Corporation of British Columbia may refuse registration under this section if a notice of transfer is delivered to the corporation for a motor vehicle or trailer and
- (a) any fee or part of a fee for a previous licence issued for the motor vehicle or trailer under this Act is unpaid,
 - (b) the insurance premium in respect of the transfer is unpaid, or
 - (c) any amount owing in respect of the motor vehicle or trailer under any of the following is unpaid:
 - (i) the *Social Service Tax Act*;
 - (ii) the *Consumption Tax Rebate and Transition Act*;
 - (iii) section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada);
 - (iv) the *Provincial Sales Tax Act*.

Irreparable and salvage vehicles**17.1** (1) In this section:

“**irreparable vehicle**” means a motor vehicle that,

- (a) as a result of being written off by an insurer, has its title transferred to the insurer, who in turn transfers the title to a person under an agreement that states that the person may use or resell it only for parts or scrap, or

- (b) has its title transferred to a person who is in the business of wrecking used motor vehicles and who intends to use the motor vehicle for parts or scrap;
- “salvage vehicle”** means a motor vehicle that is not an irreparable vehicle and that
- (a) while unsafe to drive has its title transferred, or
 - (b) has been written off by an insurer, whether or not its title has been transferred to the insurer.
- (2) In this section a motor vehicle is “written off” if, following an insurance claim, the motor vehicle’s insurer has decided to pay the insured for the motor vehicle rather than replace or repair it or pay for its repair.
- (3) If on the transfer of a motor vehicle its status changes to that of an irreparable or salvage vehicle,
- (a) the transferor and transferee must sign a notice of transfer and change in status of the motor vehicle in the form required by the Insurance Corporation of British Columbia, and
 - (b) within 10 days after the transfer, the transferee must deliver the notice to the Insurance Corporation of British Columbia with the prescribed fee for its filing.
- (4) If the status of a motor vehicle changes to that of a salvage vehicle because the vehicle has been written off by an insurer who does not take title to the vehicle, the insurer of the motor vehicle must
- (a) sign a notice of change in status of the vehicle in the form required by the Insurance Corporation of British Columbia, and
 - (b) within 10 days after the writing off, deliver the notice to the Insurance Corporation of British Columbia with the prescribed fee for its filing.
- (5) Section 17 (3) to (5) applies to the notices required by this section.
- (6) Any person who contravenes any of the requirements under subsection (3) or (4) or a provision made applicable by subsection (5) commits an offence and is liable on conviction to a fine of up to \$2 000, to imprisonment for not more than 6 months or to both.

Transfer on death if estate small

- 18** Despite any Act, if a person registered as the holder of a licence to operate a motor vehicle or trailer dies, and another person applies for a transfer of the licence, if that person satisfies the Insurance Corporation of British Columbia that the total estate left by the deceased did not exceed \$25 000 in value, and if the person satisfies the corporation by producing the last will of the deceased, that the person entitled under it consents, or if the deceased died intestate, by showing that all persons entitled to share in the estate on intestacy consent, the corporation may accept the application for a transfer, and, subject to payment of the insurance premium under the *Insurance (Vehicle) Act* in respect of the transfer, issue a new licence in his or her name.

Registration of dissolved company suspended

- 19** At any time after the Insurance Corporation of British Columbia is satisfied that a company, within the meaning of the *Business Corporations Act*, that is a registered owner has been dissolved or has otherwise ceased to be a company, or that an extraprovincial company, within the meaning of the *Business Corporations Act*, that is a registered owner has had its registration cancelled under Part 11 or 12 of that Act, the corporation may suspend the registration and licence of any motor vehicle or trailer registered in the name of that owner and cause the numbered licence and number plate or number plates issued for the motor vehicle or trailer to be seized by a peace officer and delivered to the corporation.

Notice of removal or destruction of motor vehicle

- 20** (1) If a motor vehicle or trailer registered or licensed under this Act is
- (a) permanently removed from British Columbia,
 - (b) burned or damaged so that it cannot be again repaired or used as a motor vehicle or trailer, or
 - (c) temporarily removed from use, and
- the owner or licensee applies for a refund of insurance premium or licence fee, the owner or licensee of the motor vehicle or trailer must sign and transmit to the Insurance Corporation of British Columbia a notice in the form required by the corporation and must surrender the licence and licence plates for the motor vehicle or trailer.
- (2) On the certificate of the Insurance Corporation of British Columbia showing the surrender of the licence for the motor vehicle or trailer covered by a notice under this section, the Minister of Finance must, out of the revenue collected under this Act, refund to the licensee that part of the licence fee that is proportionate to the part of the term of the licence that is unexpired at the time of its surrender, and in the case of a licence surrendered under subsection (1) (a) or (b), the registration of the motor vehicle or trailer under section 3 must be cancelled.
- (3) Subsection (2) does not apply if the licence for a motor vehicle or trailer has been cancelled or suspended.
- (4) The amount of a refund made under this section must be rounded to the nearest dollar and a refund ending in 50¢ must be raised to the next highest dollar.
- (5) A refund must not be made under this section if the combined amount of
- (a) the licence fee to be refunded under this section, and
 - (b) the insurance premium to be refunded under the *Insurance (Vehicle) Act*, in a circumstance described in subsection (1),
- is less than \$5.

Registration of foreign motor vehicles and trailers

- 21** (1) The owner of a motor vehicle or trailer
- (a) that is duly registered outside British Columbia,
 - (b) for which the licensing requirements of the jurisdiction in which it is registered are fulfilled, and

- (c) that has displayed on it the registration number plates of that jurisdiction for the current year, or is 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 and is from a jurisdiction that does not issue registration number plates for that type of trailer,

is exempt from the requirements to register and license the motor vehicle or trailer under this Act, if

- (d) the owner or operator of the motor vehicle or trailer is in British Columbia for, and uses the motor vehicle or trailer for, touring purposes only, for a period of 6 months, or
- (e) the owner or operator of the motor vehicle or trailer is in British Columbia for, and uses the motor vehicle or trailer for, other than touring purposes, for a period of 30 days

from the date he or she began to operate the motor vehicle or trailer on a highway in British Columbia.

- (2) If a motor vehicle or trailer is owned by a person resident outside British Columbia who has complied with the laws of his or her place of residence with respect to the registration and licensing of the motor vehicle or trailer and the motor vehicle or trailer has displayed on it the registration number plates for the current year assigned under those laws for that motor vehicle or trailer and is brought into British Columbia
 - (a) for temporary use by a member of Her Majesty's Armed Forces on temporary posting in British Columbia for training purposes only for a period not exceeding 6 months, or
 - (b) by a person for the period that the person is registered as a full time student at and attends any of the following educational institutions:
 - (i) a university, as defined in the *University Act*;
 - (ii) an institution, as defined in the *College and Institute Act*;
 - (iii) [Repealed 2004-33-21.]
 - (iv) the University of Northern British Columbia;
 - (v) [Repealed 2002-35-9.]
 - (v.1) the Thompson Rivers University;
 - (vi) Royal Roads University;
 - (vii) [Repealed 2003-48-20.]
 - (viii) any other educational institution in the Province that is authorized under an enactment to grant degrees or is designated under section 3 (1) (a) of the *Canada Student Financial Assistance Act*,

then, at the earliest opportunity and in any event not later than 30 days after the motor vehicle or trailer is brought into British Columbia, the owner must cause the motor vehicle or trailer to be registered with the Insurance Corporation of British Columbia by delivering to the corporation, a government agent or a

person authorized in writing by the corporation to receive it a notice in the form required by the corporation and by giving proof of financial responsibility under sections 106 to 113.

- (3) The Lieutenant Governor in Council may order that the owner of a motor vehicle or trailer who gives proof of financial responsibility to the Insurance Corporation of British Columbia under sections 106 to 113 is, for a period the Lieutenant Governor in Council specifies, and subject to conditions set out in the order, exempt from the requirements to register or license the motor vehicle or trailer under this Act.
- (4) On receipt of the notice in the form required by the Insurance Corporation of British Columbia and proof of financial responsibility, and on being satisfied of the truth of the facts stated in the notice, the corporation must cause to be issued to the owner a certificate of registration in the form established by the corporation, together with a windshield sticker of a design approved by the corporation.
- (5) The motor vehicle or trailer, with the sticker conspicuously displayed on the lower part of its windshield in the case of a motor vehicle other than a motorcycle, while being used by the owner within British Columbia for the purpose mentioned in subsection (2) during the period named in the certificate is deemed sufficiently registered and licensed for the purposes of this Act.
- (6) A motor vehicle or trailer is not, merely because of compliance with this section, deemed to be sufficiently registered and licensed for the purposes of this Act for a longer period than that allowed by the law of the owner's place of residence for the operation there without local registration or licence of touring motor vehicles and trailers registered and licensed in British Columbia, but this subsection does not apply to permits issued under subsection (2).
- (7) A person commits an offence who
 - (a) drives or operates a motor vehicle or trailer on a highway
 - (i) after the period of 6 months permitted in subsection (1) (d),
 - (ii) after the period of 30 days permitted in subsection (1) (e),
 - (b) makes a false statement in a notice given by him or her for the purposes of this section,
 - (c) being in possession of a motor vehicle or trailer for which a certificate of registration has been issued under this section, and being requested by a peace officer or constable to exhibit the certificate, refuses or fails to do so,
 - (d) fails to give proof of financial responsibility under subsection (2), or
 - (e) 30 days or more after entry into British Columbia of a motor vehicle or trailer that is required to be registered under subsection (2) but in respect of which notice has not been delivered in accordance with subsection (2), drives or operates the motor vehicle or trailer on a highway.

Reciprocal arrangements

- 22** (1) The Lieutenant Governor in Council may make or authorize to be made a reciprocal arrangement or agreement with the executive government of any province or territory of Canada or a state or territory of the United States of America,
- (a) exempting any class of owners of motor vehicles who are ordinarily resident in that other province, state or territory from the provisions of this Act relating to
 - (i) registration and licensing of motor vehicles, and
 - (ii) carrying and displaying on motor vehicles licences and number plates issued by the Insurance Corporation of British Columbia, and
 - (b) providing for the granting by that other province, state or territory of similar exemptions and privileges to owners of motor vehicles who are ordinarily resident in British Columbia.
- (2) Every arrangement or agreement made under subsection (1) and each exemption under it is subject to
- (a) the condition that no person is entitled to an exemption or privilege under it for a motor vehicle in British Columbia unless the owner of the motor vehicle
 - (i) has complied with the law of his or her place of residence relating to the registration and licensing of motor vehicles, and
 - (ii) carries or causes to be carried on the motor vehicle the certificate or licence and the number plates prescribed by the law of that place,
 - (b) all other conditions and restrictions set out in the arrangement or agreement, and
 - (c) cancellation by the Lieutenant Governor in Council.

Classes of drivers' licences

- 23** (1) The Lieutenant Governor in Council may prescribe classes of drivers' licences, including classes of drivers' licences for persons who are learning to drive one or more categories of motor vehicles, and may designate any of the following for each class:
- (a) the minimum amount of driving experience, minimum driving skills or other qualifications that the holder of the class of licence is required to have;
 - (b) the ages of the drivers to whom a licence of that class may be issued;
 - (c) the categories of motor vehicles that the holder of the class of licence is licensed to drive.
- (2) The driving experience, driving skills or other qualifications referred to in subsection (1) (a) may be measured by one or more of the following:
- (a) the length of time a person has held a valid driver's licence issued under this Act or in another jurisdiction;
 - (b) a person's driving record, if any, from this or any other jurisdiction;

- (c) other prescribed means.
- (2.1) For the purposes of a regulation under subsection (1) (a), the Lieutenant Governor in Council may do one or more of the following:
 - (a) delegate to the Insurance Corporation of British Columbia the power to determine whether a class of driver's licence issued by another jurisdiction is similar to a class of driver's licence prescribed under this Act;
 - (b) delegate to the Insurance Corporation of British Columbia the power to determine whether an offence under a law of another jurisdiction is similar to
 - (i) an offence under this Act, or
 - (ii) a motor vehicle related offence under the *Criminal Code*;
 - (c) confer a discretion on the Insurance Corporation of British Columbia with respect to a matter described in paragraph (a) or (b).
- (3) The authority to drive conferred by each class of licence prescribed under this section is confined to the driving of motor vehicles of the category designated for that class.
- (4) A regulation made under subsection (1) does not affect a driver's licence issued to a person before the regulation is made, and the driver's licence remains in force until it expires or is suspended, revoked, cancelled or surrendered.

Offences**24**

- (1) Except when accompanied by a person authorized by the Insurance Corporation of British Columbia to examine persons as to their ability to drive and operate motor vehicles, a person must not drive or operate a motor vehicle on a highway unless, in addition to any licence or permit which he or she is otherwise required to hold under this Act, the person holds a subsisting driver's licence issued to him or her under this Act of a class appropriate to the category of motor vehicle driven or operated by him or her.
- (2) A person who contravenes subsection (1) commits an offence.
- (3) A person must not drive or operate a motor vehicle or trailer on a highway unless
 - (a) the person is insured under a valid and subsisting driver's certificate, and
 - (b) the motor vehicle and the trailer, if any, are insured under a valid and subsisting motor vehicle liability policy evidenced by an owner's certificate.
- (4) [Repealed 1997-43-3.]
- (5) A person who contravenes subsection (3) commits an offence and is liable on conviction
 - (a) if the contravention is under subsection (3) (a), to a fine of not more than \$250 or to imprisonment for not more than 3 months, or to both, and
 - (b) if the contravention is under subsection (3) (b), to a fine of not less than \$300 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.

- (6) A person commits an offence if the person
 - (a) produces to a peace officer or to the Insurance Corporation of British Columbia any of the following:
 - (i) a motor vehicle liability insurance card or a financial responsibility card purporting to show that there is in force a policy of insurance that is, in fact, not in force;
 - (ii) a financial responsibility card purporting to show that he or she is at that time maintaining in effect proof of financial responsibility as required by this Act when that is not the case;
 - (iii) a motor vehicle liability insurance card or a financial responsibility card issued in respect of insurance that does not apply to the motor vehicle he or she is driving or operating;
 - (iv) a driver's certificate in the name of another person,
 - (b) gives or loans to a person not entitled to have it a motor vehicle liability insurance card or a financial responsibility card, or
 - (c) fails to deliver to the Insurance Corporation of British Columbia for cancellation as required by section 112 a financial responsibility card.
- (7) Subsection (3) does not apply to a motor vehicle or trailer registered or owned by a person resident outside British Columbia that complies with section 21, or to a driver or operator resident outside British Columbia who complies with section 34, unless
 - (a) the Insurance Corporation of British Columbia has required proof of financial responsibility under this Act and the owner or driver has not given proof satisfactory to the corporation, or
 - (b) the licence of the owner or driver has been suspended under this Act.
 - (c) [Repealed 1997-31-5.]

Application for licence

- 25** (1) The applicant for a driver's licence and for a driver's certificate must sign an application in the form required by the Insurance Corporation of British Columbia, complete an evaluation in the form required by the superintendent and deliver the application and the completed evaluation form to
- (a) the corporation,
 - (b) a government agent, or
 - (c) a person authorized in writing by the corporation for the purposes of this section,
- accompanied by the payment of the prescribed fee and premium for the driver's certificate.
- (1.1) For the purposes of subsection (1), an applicant must provide the following:
- (a) a residential address;
 - (b) documentary proof satisfactory to the Insurance Corporation of British Columbia of the applicant's identity.

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- (1.2) An applicant for a driver's licence referred to in subsection (1) who wishes the driver's licence to indicate that the applicant is a Canadian citizen must, for the purposes of subsection (1) and in addition to the other requirements in this section,
- (a) provide documentary proof of Canadian citizenship satisfactory to the Insurance Corporation of British Columbia,
 - (b) sign an application in the form required by the Insurance Corporation of British Columbia,
 - (c) pay the prescribed fee, and
 - (d) meet the requirements set out in the regulations.
- (1.3) An applicant for a driver's licence referred to in subsection (1), other than an applicant within a prescribed category, who wishes the driver's licence to indicate that the applicant is a beneficiary under the *Medicare Protection Act* must, for the purposes of subsection (1) and in addition to the other requirements in this section,
- (a) provide proof of enrollment as a beneficiary under the *Medicare Protection Act*,
 - (b) sign an application in the form required by the Insurance Corporation of British Columbia,
 - (c) pay
 - (i) the fee prescribed under this Act, and
 - (ii) any fee prescribed under section 51 (2) (n) of the *Medicare Protection Act* that applies to an application to renew enrollment as a beneficiary under that Act, and
 - (d) meet the requirements set out in the regulations.
- (2) For the purposes of subsection (1) the Insurance Corporation of British Columbia and its employees are authorized to receive the evaluations and deal with them in accordance with the superintendent's instructions.
- (2.1) For the purposes of making an application for a driver's licence under subsection (1), the Insurance Corporation of British Columbia may require the applicant for a driver's licence and for a driver's certificate to provide information and a signature in person, and in that event
- (a) the corporation must enter the information electronically into a database for storage,
 - (b) the corporation must reproduce the information that has been stored in the database in a record that is in paper format and must give that paper record to the applicant to verify the accuracy of the entered information,
 - (c) if the applicant is satisfied that the information in the record is accurate, the applicant must
 - (i) sign the paper record, and
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- (ii) supply a signature by a means required by the corporation that allows the corporation to store the signature electronically in a database,
 - (d) a signature provided under paragraph (c) is evidence that the applicant who provided the signature also provided the information that is stored under paragraph (a), and
 - (e) a signature stored under this section may be used only
 - (i) as evidence under paragraph (d),
 - (ii) for the purpose of applying it to the driver's licence of the applicant, and
 - (iii) to compare signatures under sections 90.4 (3) and 95 (3).
- (3) For the purpose of determining an applicant's driving experience, driving skills, qualifications, fitness and ability to drive and operate any category of motor vehicle designated for that class of driver's licence for which the application is made, the applicant must
 - (a) submit to one or more, as the Insurance Corporation of British Columbia may specify, of the following: a knowledge test; a road test; a road signs and signals test,
 - (b) submit to one or more, as the superintendent may specify, of the following: a vision test; medical examinations; other examinations or tests, other than as set out in paragraph (a),
 - (b.1) provide the corporation with information required to measure the applicant's driving experience, driving skills and qualifications,
 - (c) provide the superintendent with other information he or she considers necessary to allow the superintendent to carry out his or her powers, duties and functions,
 - (d) submit to having his or her picture taken, and
 - (e) if required by or on behalf of the corporation, identify himself or herself to the corporation's satisfaction.
- (4) If the applicant for a driver's licence has at any time before making the application held a driver's licence issued under this Act or in another jurisdiction, the applicant must, at the time that he or she is issued a driver's licence under this Act, surrender the last driver's licence or duplicate of it held by him or her, unless the Insurance Corporation of British Columbia on cause shown to the corporation's satisfaction dispenses with its production.
- (5) At the same time that he or she has a driver's licence issued under this Act, a person must not have a driver's licence issued by another jurisdiction or have another driver's licence previously issued under this Act.
- (6) An applicant for a driver's licence who when requested to do so fails to demonstrate his or her ability to read and understand warning and other road signs and signals in use on a highway to the satisfaction of the Insurance Corporation of British Columbia must not be granted a licence under this Act.

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- (7) On receipt, in the respective forms required under subsection (1), (1.2) or (1.3), of the application and the evaluation, and on being satisfied of the completeness of the application and the truth of the facts stated in the application, and that the prescribed fees and premium for the driver's certificate have been paid, and, subject to subsections (9) and (9.1), on being satisfied as to the driving experience, driving skills, qualifications, fitness and ability of the applicant to drive and operate motor vehicles of the relevant category, the corporation must cause to be issued to the applicant a numbered driver's licence in the form established by the corporation authorizing the applicant to drive or operate a motor vehicle of the category designated for the class of licence applied for and a driver's certificate.
 - (8) The Lieutenant Governor in Council may make regulations respecting the issuance of a driver's licence to a person who is learning to drive one or more categories of motor vehicles, prescribing
 - (a) the circumstances in which the corporation may exercise the corporation's discretion to issue the licence,
 - (b) the duration of the licence,
 - (c) requirements additional to any restriction to which the licence is subject under subsection (10), and
 - (d) a minimum waiting period before holders of those licences may submit themselves to examinations under this section with respect to their ability to drive or operate a motor vehicle.
 - (8.1) For the purposes of subsection (8) (d), the Insurance Corporation of British Columbia may
 - (a) approve driver education courses given by a driver training school licensed under the regulations, and
 - (b) reduce the minimum waiting period prescribed under that subsection for persons who have successfully completed a driver education course approved under paragraph (a).
 - (9) In issuing any driver's licence or driver's certificate, the corporation, for those aspects of fitness and ability examined, tested or reviewed by the superintendent, must abide by the superintendent's instructions.
 - (9.1) The corporation may refuse to issue a driver's licence that indicates that the holder is a beneficiary under the *Medicare Protection Act* if it would not be practicable to do so in the circumstances.
 - (10) For a driver's licence of any class of persons, the Lieutenant Governor in Council, by regulation with respect to a class of persons, may
 - (a) restrict the hours of the day and the days of the week during which a class of persons may drive a motor vehicle,
 - (b) restrict the area in which a class of persons may drive a motor vehicle,
 - (c) restrict the motor vehicle or class of motor vehicle that a class of persons may drive,
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- (d) restrict the number of passengers that the person may carry in a motor vehicle driven by the person,
 - (e) impose other restrictions on or add any conditions to the driver's licence of a class of persons that the Lieutenant Governor in Council considers necessary for the operation of a motor vehicle by a member of that class,
 - (f) establish the length of time or the method of determining the length of time during which a restriction imposed on or a condition added to the driver's licence under this subsection is to apply, and
 - (g) empower the superintendent or the Insurance Corporation of British Columbia, in prescribed circumstances or for prescribed purposes, to exempt unconditionally or on conditions the superintendent or the corporation, as the case may be, considers desirable, a member of the class of persons from any restriction imposed on or condition added to the driver's licence of that class of persons.
- (10.1) Without limiting subsection (10), the Lieutenant Governor in Council may, by regulation, impose a condition on a class of driver's licence, or on the drivers' licences of persons who hold a licence to drive a motor vehicle of a specified category, that the holder of the licence must not operate a motor vehicle, or category of motor vehicle, while having alcohol in his or her body.
- (10.11) Without limiting subsection (10) or (10.1), the Lieutenant Governor in Council may, by regulation,
- (a) impose a restriction or condition on a class of driver's licence, or on the drivers' licences of persons who hold a licence to drive a motor vehicle of a specified category, that the holder of the licence must not use an electronic device within the meaning of Part 3.1 while driving or operating a motor vehicle on a highway, and
 - (b) set out exceptions to a restriction or condition referred to in paragraph (a) that are not inconsistent with Part 3.1.
- (10.2) [Repealed 2011-13-132.]
- (10.3) [Not in force.]
- (10.4) The Lieutenant Governor in Council may, for the purposes of complying with a prescribed international agreement, make regulations respecting requirements, restrictions or conditions for a driver's licence or respecting statements in, endorsements on or attachments to a driver's licence.
- (11) A regulation made under subsection (8), (10), (10.1) or (10.11) may specify that a requirement, restriction or condition is applicable to and conclusively deemed to be part of
- (a) any driver's licence, whether it is issued before or after the coming into force of the regulation,
 - (b) only those drivers' licences issued after the coming into force of the regulation, or

- (c) any driver's licence issued on or after a date specified in the regulation.
- (12) Despite the regulations, the superintendent may require a statement in, endorsement on, or attachment to any person's driver's licence
- (a) restricting the hours of the day and the days of the week during which the person may drive a motor vehicle,
 - (b) restricting the area in which the person may drive a motor vehicle,
 - (c) restricting the motor vehicle or class of motor vehicle that the person may drive,
 - (d) restricting the number of passengers that the person may carry in a motor vehicle driven by the person, and
 - (e) imposing other restrictions on or adding any conditions to the driver's licence of the person that the superintendent considers necessary for the operation of a motor vehicle by the person.
- (13) The Insurance Corporation of British Columbia must, as soon as practicable after a restriction or condition is imposed on a person's driver's licence, ensure that the restriction or condition is reflected on that licence by means of the appropriate statement in, endorsement on or attachment to that licence, in accordance with the requirements of the superintendent.
- (14) Despite the regulations, the Insurance Corporation of British Columbia, by statement in, endorsement on, or attachment to any person's driver's licence, may, as a result of a knowledge test, a road test or a road signs and signals test,
- (a) restrict the area in which the person may drive a motor vehicle,
 - (b) restrict the motor vehicle or class of motor vehicle that the person may drive,
 - (c) restrict the number of passengers that the person may carry in a motor vehicle driven by the person, and
 - (d) impose other restrictions on the driver's licence of the person that the corporation considers necessary for the operation of a motor vehicle by the person.
- (14.1) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) setting out additional requirements that must be met by an applicant for a driver's licence that indicates the driver is a Canadian citizen or a beneficiary under the *Medicare Protection Act*;
 - (b) setting out requirements that must be met or continue to be met by a person who holds a driver's licence that indicates the driver is a Canadian citizen or a beneficiary under the *Medicare Protection Act*;
 - (c) setting out reasons for which a driver's licence that indicates the driver is a Canadian citizen may be cancelled;
 - (d) specifying that subsection (1.2) does not apply to a class of driver's licence;

- (e) specifying that subsection (1.3) does not apply to a category of drivers, and establishing categories for this purpose;
 - (f) respecting the manner in which a driver's licence indicates that the driver is a beneficiary under the *Medicare Protection Act*.
- (15) A person who violates a requirement, restriction or condition prescribed under this section in respect of the person's driver's licence or who violates a restriction or condition stated in, endorsed on or attached to a driver's licence issued to the person under this section commits an offence.

Retention or seizure of records

- 25.01** (1) An employee of the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the corporation under section 25 (1) (c) may, for the purposes of this Act, retain or seize a record
- (a) presented to him or her as part of an application for a driver's licence or an identification card, or
 - (b) presented to him or her for the purpose of maintaining a record relating to a driver's licence or an identification card.
- (2) Subject to subsection (3), if a record is retained or seized in accordance with subsection (1), the Insurance Corporation of British Columbia may, in addition,
- (a) return the record to the person or government that issued or created it,
 - (b) return the record to the person who presented it, or
 - (c) destroy the record.
- (3) The Insurance Corporation of British Columbia must return a record to the person who presented it within 30 days unless
- (a) this Act requires that the record be surrendered, or
 - (b) the corporation determines that retention or seizure of the record for a longer period is necessary for the purposes of this Act.

Remedial courses and programs for drivers

- 25.1** (1) This section applies if a person has a driving record that in the opinion of the superintendent is unsatisfactory or the superintendent considers that, with respect to the person's driving skills, fitness or ability to drive and operate a motor vehicle, it is in the public interest for the person to attend or participate in one or more of the following:
- (a) a driver training course specified by the superintendent;
 - (b) a remedial program or a component of it specified by the superintendent;
 - (c) an ignition interlock program specified by the superintendent.
- (2) The superintendent may require a statement in, endorsement on or attachment to the person's driver's licence, adding as a condition of the driver's licence that the person must, in order to continue to hold the licence, attend or participate in and complete, to the satisfaction of the superintendent, a course or program referred to in subsection (1) if it is not, in the superintendent's opinion, contrary to the

public interest to allow the person to hold a driver's licence while attending or participating in the course or program.

- (3) The superintendent may
 - (a) as part of a condition of a driver's licence under subsection (2), specify a date by which or a period of time during which the person must complete the program, and
 - (b) at any time extend, change or cancel a date or period of time specified under paragraph (a).
- (4) Section 25 (13) applies to a condition imposed in respect of a person's driver's licence under this section.
- (5) If it is, in the superintendent's opinion, contrary to the public interest to allow the person to hold a driver's licence while attending or participating in a course or program referred to in subsection (1), the superintendent may require that the person attend and complete, to the satisfaction of the superintendent, a course or program referred to in subsection (1) (a) or (b) before being eligible to apply for a driver's licence under section 25.
- (6) A person who is required to attend or participate in and complete a program referred to in subsection (1) must pay the prescribed fees.
- (7) Nothing in this section limits the application of sections 25 (12), 29, 92 and 93.

Refusal to issue a licence, permit, etc.

- 26** (1) The Insurance Corporation of British Columbia may, without a hearing, refuse to issue a driver's licence to a person who
- (a) [Repealed 1997-43-6.]
 - (b) is indebted to the Insurance Corporation of British Columbia for any motor vehicle indebtedness,
 - (c) is indebted to the government because of his or her failure to pay a fine, or a victim's surcharge levy within the meaning of the *Victims of Crime Act*, imposed as a result of a conviction under
 - (i) a motor vehicle related *Criminal Code* offence,
 - (ii) the *Motor Vehicle Act*,
 - (iii) the *Commercial Transport Act*,
 - (iv) the *Motor Fuel Tax Act*,
 - (v) the *Highway Act* or the *Transportation Act*,
 - (v.1) the *Liquor Control and Licensing Act*, whether the indebtedness arose before or after this subparagraph comes into force,
 - (vi) the *Motor Carrier Act* or the *Passenger Transportation Act*,
 - (vii) the *Motor Vehicle (All Terrain) Act*,
 - (viii) [Repealed 2007-14-155.]

- (ix) the *South Coast British Columbia Transportation Authority Act*, whether the indebtedness arose before or after this subparagraph comes into force, or
 - (x) the *British Columbia Transit Act*, whether the indebtedness arose before or after this subparagraph comes into force,
 - (d) is prohibited from driving a motor vehicle
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was,
 - (e) is indebted to a concessionaire or the billing organization for an excessive toll debt, as those terms are defined in the *Transportation Investment Act*,
 - (f) is indebted to the authority, a subsidiary or a billing organization for an excessive toll debt, as those terms are defined in the *South Coast British Columbia Transportation Authority Act*,
 - (f.1) is indebted to the authority, as that term is defined in the *South Coast British Columbia Transportation Authority Act*, under section 250 of that Act,
 - (g) is refused a driver's licence in another province for failure to pay maintenance, support or alimony in that province,
 - (h) is indebted to the government because of his or her failure to pay a monetary penalty imposed on the person under section 215.44 of this Act, or
 - (i) was the owner of a motor vehicle at the time it was impounded under section 215.46 or 251 (1) of this Act, if the superintendent, under section 255 (11) of this Act, directs the Insurance Corporation of British Columbia to refuse the issuance.
- (2) The Insurance Corporation of British Columbia may refuse to issue a licence and corresponding number plates for a motor vehicle or trailer or both owned by a person and any permit to a person who
- (a) has not, in the current or a preceding year
 - (i) [Repealed 1997-43-6.]
 - (ii) obtained a motor vehicle liability policy for a motor vehicle or trailer owned by the person,
 - (iii) [Repealed 1997-43-6.]
 - (b) is indebted to the Insurance Corporation of British Columbia for any motor vehicle indebtedness,
 - (c) is indebted to a concessionaire or the billing organization for an excessive toll debt, as those terms are defined in the *Transportation Investment Act*,
 - (d) is indebted to the authority, a subsidiary or a billing organization for an excessive toll debt, as those terms are defined in the *South Coast British Columbia Transportation Authority Act*,

- (d.1) is indebted to the authority, as that term is defined in the *South Coast British Columbia Transportation Authority Act*, under section 250 of that Act, or
 - (e) was the owner of a motor vehicle at the time it was impounded under section 215.46 or 251 (1) of this Act, if the superintendent, under section 255 (11) (b), directs the Insurance Corporation of British Columbia to refuse the issuance.
- (3) The Insurance Corporation of British Columbia may refuse to issue
- (a) any permit to a person, and
 - (b) a licence and corresponding number plates for a motor vehicle or trailer or both owned by a person
- who is indebted to the government because of his or her failure to pay
- (c) a monetary penalty imposed under section 215.44 of this Act, or
 - (d) a fine, or a victim's surcharge levy within the meaning of the *Victims of Crime Act*, imposed as a result of a conviction under
 - (i) a motor vehicle related *Criminal Code* offence, or
 - (ii) an enactment referred to in subsection (1) (c) (ii) to (x) of this section, or
 - (e) an indebtedness arising under Part 12 of the *South Coast British Columbia Transportation Authority Act*.
- (4) Subsections (1) (c) and (d) and (3) apply in respect of
- (a) drivers' licences, licences, permits and number plates issued before, on or after the date those subsections come into force,
 - (b) convictions imposed before, on or after the date those subsections come into force, and
 - (c) prohibitions imposed before, on or after the date those subsections come into force.
- (5) Under this section, the Insurance Corporation of British Columbia may refuse to issue a licence, number plates or a permit due to a person who is indebted to the Insurance Corporation of British Columbia for reimbursement of money paid in respect of a claim, until the corporation has been repaid the amount of the indebtedness.
- (6) For the purpose of this section, a person who pays by a cheque, bill of exchange or order to pay, the payment of which is not made by the savings institution on which it is drawn when it is presented for payment, whether in person or through another savings institution, is deemed not to have paid.
- (7) For the purpose of this section, the production of a cheque, bill of exchange or order to pay on which is marked "Under clearing rules, this item must not be cleared again unless certified" or other words importing that payment was not made by the savings institution, is evidence that payment was not made.

Cancellation of driver's licence

26.1 (1) Subject to subsection (2) but despite any other provision of this Act or the regulations, if a person

- (a) is indebted to the Insurance Corporation of British Columbia for a motor vehicle indebtedness or to the government for a fine indebtedness or a monetary penalty under section 215.44, or
- (b) in respect of an application by the person for a driver's licence, or for the purpose of maintaining a record relating to the person's driver's licence,
 - (i) makes a false or misleading statement,
 - (ii) fails to disclose information that is required to be disclosed,
 - (iii) presents a fraudulent or fraudulently altered record, or
 - (iv) fraudulently uses a record,

the corporation may, with or without holding a hearing or refunding the fees for the licence, cancel the driver's licence of the person.

(2) The Insurance Corporation of British Columbia must not exercise a right referred to in subsection (1) in respect of paragraph (a) of that subsection unless

- (a) the corporation mails to the debtor, by registered mail, at the debtor's most recent address recorded in the corporation's records, a written demand for payment of that motor vehicle indebtedness or fine indebtedness together with a notice of any action the corporation intends to take under this section and of any appeal rights available to the debtor under section 118.7, and
- (b) the debtor does not, within 30 days after the date of mailing, pay the motor vehicle indebtedness or fine indebtedness or make arrangements satisfactory to the corporation for its payment.

(2.1) Despite any other provision of this Act or the regulations, the Insurance Corporation of British Columbia may, with or without a hearing or refunding the fees for the licence, cancel the driver's licence of a person who holds a driver's licence that indicates he or she is a Canadian citizen

- (a) if the person does not meet or no longer meets the requirements set out in regulations under section 25 (14.1) (b), or
- (b) for another reason set out in regulations under section 25 (14.1) (c).

(3) If a person is notified that his or her driver's licence has been cancelled under this section, the person must,

- (a) if notified of the cancellation by mail, immediately send the driver's licence to the Insurance Corporation of British Columbia, and
- (b) if notified of the cancellation by personal service by a peace officer, sheriff or person authorized by the corporation to do anything under this Act, surrender the driver's licence to the serving peace officer, sheriff or person.

Short term driver's licence

- 27** (1) The Insurance Corporation of British Columbia may issue a driver's licence, with a term of more than 90 days but less than 5 years, to a person who has entered into an arrangement with the corporation for the payment of
- (a) a fine indebtedness, or
 - (b) a motor vehicle indebtedness.
- (2) A licence issued under subsection (1) is subject to the condition that the person to whom the licence is issued complies with the arrangement referred to in that subsection.
- (3) The Insurance Corporation of British Columbia may, with or without a hearing or refunding the fees for the licence, cancel a driver's licence issued under subsection (1) if the person to whom it is issued fails to comply with the condition set out in subsection (2).
- (4) If a person is notified that the person's driver's licence has been cancelled under this section, the person must
- (a) if notified of the cancellation by mail, immediately send the driver's licence to the Insurance Corporation of British Columbia, and
 - (b) if notified of the cancellation by personal service by a peace officer, sheriff or person authorized by the Insurance Corporation of British Columbia to do anything under this Act, surrender the driver's licence to the serving peace officer, sheriff or person.

Inspection of vehicles and refusal to issue licence

- 28** (1) The Insurance Corporation of British Columbia may refuse to issue
- (a) a licence and corresponding number plates, and
 - (b) a permit
- for a motor vehicle or trailer that is required under section 216 or 219 to be presented for inspection and has not been presented for inspection or has not passed inspection.
- (2) The Insurance Corporation of British Columbia may refuse to issue a permit for a motor vehicle or trailer that is required under section 216 to be presented for inspection and has not been presented for inspection or has not passed inspection.

Not in force. Repealed.

28.1 [Not in force. Repealed 2006-33-1.]

Inspection of vehicles and refusal of licence or permit

- 28.2** The Insurance Corporation of British Columbia, for a motor vehicle or trailer that is required under section 216 or 219 to be presented for inspection and has not been presented for inspection or has not passed inspection, may refuse to issue one or both of
- (a) a licence and corresponding number plates, and
 - (b) a permit.

Refusal to issue licence and plates for irreparable and salvage vehicles

28.3 The Insurance Corporation of British Columbia must refuse to issue a licence and corresponding number plates for a vehicle if the corporation is satisfied that

- (a) notification for the vehicle has been received under section 17.1 and the vehicle is either an irreparable vehicle or a salvage vehicle, or
- (b) the vehicle is registered in another jurisdiction with a condition that the vehicle may not be licensed under any circumstances.

Examination of licensees

29 The superintendent may require a person to whom a driver's licence has been issued to attend at a time and place for one or both of the following purposes:

- (a) to submit to one or more of the following tests, to be conducted by the Insurance Corporation of British Columbia: a knowledge test; a road test; a road signs and signals test;
- (b) to be otherwise examined as to the person's fitness and ability to drive and operate motor vehicles of the category for which he or she is licensed.

No refund for driver's licence fee

30 There must be no refund of any portion of the fee prescribed for issuing a driver's licence if

- (a) the driver's licence is
 - (i) voluntarily surrendered, or
 - (ii) suspended, or
- (b) the person to whom the licence is issued is prohibited from driving a motor vehicle
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was.

Change of address or name

31 (1) If the residential address of the holder of a driver's licence issued under this Act is changed from the address stated on the driver's licence, he or she must, within 10 days of the change of residential address,

- (a) notify the Insurance Corporation of British Columbia of the change stating the number of his or her driver's licence and his or her former and new addresses, and
- (b) provide proof satisfactory to the corporation of his or her identity.

(1.1) A person who holds a driver's licence that indicates the driver is a Canadian citizen and who reports a change of address under subsection (1) must

- (a) surrender his or her existing licence to the Insurance Corporation of British Columbia and apply and pay the prescribed fee for a duplicate licence,

- (b) comply with the requirements of section 25 (1.2) (a) and (3) (d), and
 - (c) continue to meet requirements set under section 25 (1.2) (d).
- (1.2) If a person complies with subsection (1.1), the Insurance Corporation of British Columbia must issue a duplicate licence to the person.
- (2) In case of a change of name, by marriage or otherwise, of the holder of a driver's licence issued under this Act, the person must, within 10 days of the change of name, notify in person the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the corporation for the purposes of section 25 (1) of the number of the driver's licence and the former name and the new name in full.
- (3) A person who reports a change of name under subsection (2) must
 - (a) surrender his or her existing licence to the Insurance Corporation of British Columbia and apply and pay the prescribed fee for a duplicate licence in his or her new name,
 - (b) comply with the requirements of section 25 (3) (d) and (e), and
 - (c) submit proof to the Insurance Corporation of British Columbia's satisfaction of the change of name.
- (3.1) A person who holds a driver's licence that indicates the driver is a Canadian citizen and who reports a change of name under subsection (2) must, in addition to the requirements of subsection (3),
 - (a) comply with the requirements of section 25 (1.2) (a), and
 - (b) continue to meet requirements set under section 25 (1.2) (d).
- (4) If a person complies with subsection (3) or (3.1), the Insurance Corporation of British Columbia must issue a duplicate licence in the new name.

Application for minor's licence

- 32** If a driver's licence is desired by a person who is over 16 years of age but under 19 years of age, the application for the licence must be made by the parent or guardian of the minor in the form required by the Insurance Corporation of British Columbia, unless the corporation, on cause shown to the corporation's satisfaction, dispenses with that application.

Production of licence and liability card, duplicates

- 33** (1) Every person, except
- (a) a person driving or operating a motor vehicle exempted under section 2 (5) or section 8 or 10, or
 - (b) a person driving or operating a motor vehicle of a fire department of a municipality,
- must have his or her driver's licence and driver's certificate and a motor vehicle liability insurance card or financial responsibility card, issued for the motor vehicle he or she is driving or operating, in his or her possession at all times

while driving or operating that motor vehicle on a highway, and must produce the licence, certificate and card for inspection on demand of a peace officer.

- (2) If a driver's licence issued to a person under this Act is lost, mutilated or destroyed, he or she may obtain a duplicate licence on application in the form required by the Insurance Corporation of British Columbia and payment of the prescribed fee if he or she
 - (a) surrenders to the corporation his or her existing licence if it is mutilated but not lost or destroyed, and
 - (b) complies with the requirements of section 25 (3) (d) and (e).
- (2.1) If a driver's licence that indicates the driver is a Canadian citizen and that is issued to a person under this Act is lost, mutilated or destroyed, he or she may obtain a duplicate licence if, in addition to the requirements of subsection (2), he or she
 - (a) complies with the requirements of section 25 (1.2) (a), and
 - (b) continues to meet requirements set under section 25 (1.2) (d).
- (3) A person who has obtained a duplicate licence under subsection (2)
 - (a) must, on finding that the licence in place of which the duplicate was issued was not lost or destroyed, or on finding or recovering the licence in place of which the duplicate was issued, immediately surrender the licence in place of which the duplicate licence was issued to the Insurance Corporation of British Columbia, and
 - (b) must not by conduct, words or otherwise attempt to represent that the licence in place of which the duplicate was issued is his or her subsisting licence.

Exemption of non-resident and new resident drivers

- 34** (1) The exemptions provided by this section apply only while a person is driving or operating any of the following vehicles in British Columbia:
- (a) a motor vehicle registered under section 3;
 - (b) a motor vehicle registered under section 21 during the period named in the certificate of registration issued under that section;
 - (c) a motor vehicle operated under a permit issued pursuant to a regulation made under section 11 (2) (d) of the *Commercial Transport Act*;
 - (d) a motor vehicle operated under a reciprocal arrangement or agreement made under section 10 of the *Commercial Transport Act*;
 - (e) a commercial vehicle registered and licensed under the *Commercial Transport Act*;
 - (f) a motor vehicle or trailer in respect of which the owner is exempted under section 21 (1), but only for the period limited by that subsection;
 - (g) a motor vehicle operated under a permit granted under a regulation under section 210 (2) (j).

- (1.1) Subject to subsection (1.2), the following persons are exempt, for the period specified, from the requirements respecting the holding of a driver's licence issued to him or her under this Act:
- (a) a person who has a validly issued and subsisting driver's or operator's licence or permit issued according to the laws where he or she is ordinarily resident, for 6 months from the date he or she last entered British Columbia;
 - (b) a person who has become ordinarily resident in British Columbia and who has a validly issued and subsisting driver's or operator's licence or permit issued according to the laws of the jurisdiction where he or she was most recently ordinarily resident, for 90 days after he or she became ordinarily resident in British Columbia;
 - (c) a person who has a validly issued and subsisting driver's or operator's licence or permit issued according to the laws where he or she is ordinarily resident, for the period that the person is registered as a full time student at and attends any of the educational institutions listed in section 21 (2) (b);
 - (i) to (viii) [Repealed 2003-7-42.]
 - (d) a person who
 - (i) has a validly issued and subsisting driver's or operator's licence or permit issued according to the laws where he or she is ordinarily resident,
 - (ii) has entered into an agreement under which the person will work in British Columbia, as part of a program or in the circumstances specified by regulation, for a period longer than 6 months but shorter than one year, and
 - (iii) is in a prescribed class of persons,for the period during which the person works in British Columbia under the agreement.
- (1.2) A person claiming an exemption under subsection (1.1) must carry a valid and subsisting driver's or operator's licence or permit on his or her person while operating a motor vehicle referred to in subsection (1) and must produce that driver's or operator's licence or permit to a peace officer on demand.
- (2) A person exempt under subsection (1.1) is also exempt for the same period, while driving or operating in British Columbia a motor vehicle set out in subsection (1) (b), (c) or (d), from the requirements respecting the holding of a motor vehicle liability insurance card or a financial responsibility card, subject, in every case, to his or her giving the Insurance Corporation of British Columbia proof of financial responsibility under sections 106 to 113.

Repealed**35** [Repealed 2007-28-29.]

Municipal chauffeur permits

- 36** (1) In this section, “**chief of police of the municipality**”, in the case of a municipality policed by the Commissioner of Provincial Police, means the senior member of the Royal Canadian Mounted Police in that municipality.
- (2) [Repealed 2008-15-22.]
- (3) A chauffeur, within a municipality that has passed a bylaw under subsection (11), must not drive, operate or be in charge of a motor vehicle carrying passengers for hire unless he or she holds a permit for that purpose issued to him or her by the chief of police of the municipality.
- (4) A chauffeur to whom a permit is issued under subsection (3) must comply with all regulations made by the municipality that are not repugnant to this Act or the regulations.
- (5) If the police chief of the municipality, on proof to his or her satisfaction, believes that a person holding a permit under subsection (3), because of his or her use of or dealing in intoxicants or narcotic drugs or any other reason, is unfit to act as a chauffeur, the police chief may suspend or cancel the permit.
- (6) If an applicant for a chauffeur’s permit is refused or a chauffeur’s permit is suspended or cancelled by the chief of police in a municipality, the chief of police must within 24 hours after the refusal, suspension or cancellation notify the applicant or holder in writing stating the grounds.
- (7) An appeal lies to the council of the municipality from a refusal, suspension or cancellation under subsection (6).
- (8) On an appeal under subsection (7), the decision of the council is final.
- (9) A fee must not be payable for a permit issued under subsection (3).
- (10) A chauffeur who holds a permit granted or issued under this section must
- (a) have it in his or her possession at all times while driving or operating a motor vehicle on a highway, and
 - (b) produce it for inspection at any time on the demand of a peace officer or constable.
- (11) The council of a municipality may by bylaw provide for the regulation, in accordance with this section, of chauffeurs in the municipality and for the issue of permits to chauffeurs by the chief of police.

Employment of unlicensed driver

- 37** (1) A person must not hire or engage another person to drive or operate a motor vehicle where this Act requires the driver to be licensed, unless the person hired or engaged holds a driver’s licence under this Act of a class that entitles him or her to drive and operate that motor vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

Demonstration licence

- 38** (1) A demonstration licence may be issued to

- (a) a dealer, or
 - (b) a person other than a dealer who
 - (i) is engaged in the business of selling motor vehicles or trailers, and
 - (ii) establishes to the Insurance Corporation of British Columbia's satisfaction that he or she requires a demonstration licence in connection with that business.
- (2) An application for a demonstration licence must be
- (a) made in the form required by the Insurance Corporation of British Columbia,
 - (b) signed by the applicant,
 - (c) accompanied by an application in the prescribed form for a motor vehicle liability policy under the *Insurance (Vehicle) Act* in respect of each demonstration licence and number plate issued under this section,
 - (d) delivered to
 - (i) the Insurance Corporation of British Columbia,
 - (ii) a government agent, or
 - (iii) a person authorized in writing by the Insurance Corporation of British Columbia for the purposes of this section,
 - (e) accompanied by the prescribed fees and insurance premium, and
 - (f) in the case of an application by a dealer, accompanied by a copy of a valid motor dealer's licence issued under the *Motor Dealer Act*.
- (3) On receiving the application in the form required by the Insurance Corporation of British Columbia, the corporation may issue the applicant a demonstration licence and distinctive demonstration number plate authorizing him or her to operate a vehicle for all purposes relating to the business to which the application pertains.
- (4) A vehicle operated under subsection (3), until sold or operated otherwise than for purposes relating to the business to which the demonstration licence pertains, is deemed to be sufficiently licensed for the purpose of this Act and of the *Commercial Transport Act*.
- (5) For the purposes of subsections (3) and (4), **"purposes relating to the business"** includes personal use of a vehicle of the holder of the demonstration licence by him or her, his or her vehicle salespersons and members of his or her or their households, but does not include use of a vehicle for a commercial purpose not directly related to the sale of the vehicle.
- (6) The Insurance Corporation of British Columbia may suspend or cancel a demonstration licence issued under this section if the corporation believes it is in the public interest.

Inspections respecting demonstration licences

- 39** (1) A person who is the holder of a demonstration licence issued under section 38, and any other person who occupies or is in possession of the premises described in paragraph (a) or (b), must at all times during business hours, on the request of

a peace officer, permit the peace officer, for the purpose of the administration and enforcement of this Act,

- (a) to enter the place of business of the holder of the demonstration licence to inspect the holder's records, and
 - (b) subject to subsection (2), to enter any premises in which is kept or stored for the purposes of the holder of the demonstration licence a vehicle owned, possessed or controlled by the holder and inspect all vehicles on the premises.
- (2) Subsection (1) does not require the holder of a demonstration licence, or other person, to permit a peace officer access to premises described in subsection (1) that constitute a dwelling place unless required by order of the Supreme Court issued by the court on application by the Insurance Corporation of British Columbia.

Refund of fees

- 40** (1) A holder of a demonstration licence issued under section 38 who ceases to carry on the business in respect of which the demonstration licence was issued must immediately surrender the licence and corresponding number plates held by him or her to an office of the Insurance Corporation of British Columbia.
- (2) If a holder of a demonstration licence surrenders number plates under subsection (1), or for another reason, he or she is entitled to a refund of that part of the licence fee that is proportionate to that part of the term of the licence that is unexpired at the time of its surrender, and on the certificate of the Insurance Corporation of British Columbia showing the surrender, the Minister of Finance must, subject to subsection (3), make the refund out of revenue collected under this Act.
- (3) A refund must not be made under subsection (2) if the combined amount of
- (a) the licence fee to be refunded under this section, and
 - (b) the insurance premium to be refunded under the *Insurance (Vehicle) Act*, in a circumstance described in subsection (2),
- is less than \$5.

Transporters' licences

- 41** (1) In this section:
- “**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;
- “**limited freight vehicle**” means a motor vehicle operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of freight in or on the motor vehicle, but only if
- (a) the operation is carried on solely under a limited number of special or individual contracts or agreements, and
 - (b) the motor vehicle is not available for use by the general public;
- “**public freight vehicle**” means a motor vehicle, other than a limited freight vehicle, that is operated at any time on a highway by, for or on behalf of any person who

charges or collects compensation for the transportation of freight in or on the motor vehicle;

“transportation”, with respect to freight, includes the shipment, care, handling, storage and delivery of it;

“transporter” means a person regularly engaged in the business of transporting vehicles.

- (2) This section does not apply in respect of a public freight vehicle.
- (3) A transporter must not engage in the business of delivery of vehicles that are
 - (a) not the transporter’s own, and
 - (b) required to be registered and licensed under this Act or the *Commercial Transport Act*unless the transporter holds a valid and subsisting transporter’s licence issued under this section.
- (4) An application for a transporter’s licence must be
 - (a) made in the form required by the Insurance Corporation of British Columbia,
 - (b) signed by the transporter,
 - (c) delivered to
 - (i) the Insurance Corporation of British Columbia,
 - (ii) a government agent, or
 - (iii) a person authorized in writing by the Insurance Corporation of British Columbia for the purposes of this section, and
 - (d) accompanied by the prescribed fee.
- (5) On receiving the application form, the Insurance Corporation of British Columbia, if satisfied that the applicant is entitled to a transporter’s licence, must issue the applicant a transporter’s licence in the form established by the corporation, and a distinctive transporter number plate corresponding to the licence, authorizing the transporter to operate or tow any vehicle on the highway other than a vehicle owned by the transporter.
- (6) A vehicle driven or towed on a highway under authority of a transporter’s licence is deemed sufficiently registered and licensed for the purposes of this Act and the *Commercial Transport Act*.
- (7) A transporter number plate must be conspicuously displayed on every vehicle that is
 - (a) being delivered in the course of business of a transporter, and
 - (b) in direct contact with the highway.
- (8) A transporter number plate must not be used by a person other than
 - (a) a licensee, or
 - (b) an authorized person in the regular employ of the transporter.

- (9) A person driving a vehicle that displays a transporter number plate must carry on his or her person and produce on demand of a peace officer evidence that he or she
 - (a) holds a valid and subsisting licence with which the number plate was issued, or
 - (b) is the duly authorized regular employee of the person who holds a valid and subsisting licence with which the number plate was issued.
- (10) A licence issued under this section is not transferable.
- (11) A holder of a licence under this section who ceases to carry on the business of transporting vehicles must immediately transmit to the Insurance Corporation of British Columbia a notice in writing relinquishing his or her licence and all transporter number plates held by him or her.

Manufacturer's licence

- 42** (1) Subject to this section, a licence known as a manufacturer's licence may be issued to a manufacturer of vehicles.
- (2) An application for a manufacturer's licence must be
 - (a) made in the form required by the Insurance Corporation of British Columbia,
 - (b) signed by or on behalf of the manufacturer,
 - (c) delivered to
 - (i) the Insurance Corporation of British Columbia,
 - (ii) a government agent, or
 - (iii) a person authorized in writing by the Insurance Corporation of British Columbia for the purposes of this section, and
 - (d) accompanied by the prescribed fee.
- (3) On receiving the application form, the Insurance Corporation of British Columbia, if satisfied that the applicant is entitled to it, must issue the applicant a manufacturer's licence in the form established by the corporation, and a distinctive manufacturer's number plate corresponding to the licence.
- (3.1) A manufacturer's licence authorizes the use or operation on a highway of a vehicle manufactured by the manufacturer for the following purposes:
 - (a) a road test;
 - (b) delivery of the vehicle to another place of business of the manufacturer;
 - (c) delivery of the vehicle to a purchaser.
- (3.2) A vehicle referred to in subsection (3.1) (b) or (c) must be delivered without load unless
 - (a) the vehicle complies with safety standards under the *Motor Vehicle Safety Act* (Canada) and bears the national safety mark as required under that Act, and
 - (b) the load is comprised of vehicles manufactured by the manufacturer.

- (4) A vehicle driven on a highway under authority of a manufacturer's licence is deemed sufficiently registered and licensed for the purposes of this Act and the *Commercial Transport Act*.
- (5) A manufacturer's number plate must be conspicuously displayed on every vehicle being used or operated on a highway.
- (6) A manufacturer's number plate must not be used by a person other than
 - (a) the licensee,
 - (b) an authorized person in the regular employ of the manufacturer, or
 - (c) in the case of a trailer that is being delivered, either person referred to in paragraph (a) or (b) or a person authorized by the manufacturer.
- (7) A licence issued under this section is not transferable.
- (8) A holder of a licence under this section who ceases to carry on the business of manufacturing vehicles must immediately transmit to the Insurance Corporation of British Columbia a notice in writing relinquishing the manufacturer's licence and all manufacturer's number plates held by the manufacturer.

Operation of motor vehicle by customer**43** (1) If,

- (a) under section 41, a transporter is delivering a motor vehicle to a purchaser, or

- (b) under section 42, a manufacturer is delivering a motor vehicle to a purchaser,

any person who is the purchaser of the motor vehicle or an employee of the purchaser and who has in his or her possession a written consent given to him or her by the transporter or the manufacturer for the operation of the motor vehicle under this section may, for a period not exceeding 4 days from the time the written consent is given to him or her, drive and operate the motor vehicle having displayed on it the transporter's number plate or manufacturer's number plate, without being the holder of a transporter's or manufacturer's licence or being accompanied by a person holding those licences.

- (2) A consent is not sufficient for the purposes of this section unless the date and the hour of the day on which it is given and the signature of the person giving it are legibly written on it in ink.

Repairer's licence

- 44** (1) For the purpose of this section, "**repairer's garage**" means a place of business primarily designed or used for the purpose of repairing motor vehicles or trailers, but does not include a place of business from which motive fuel, lubricating oil, antifreeze or other similar products, and services incidental to them, are sold or provided except in relation to repairs.
- (2) The Insurance Corporation of British Columbia may, on receiving an application in the form the corporation requires, and payment of the prescribed fee, and payment of the insurance fee prescribed under the *Insurance (Vehicle) Act*,

issue to the owner of a repairer's garage a repairer's licence and the number of corresponding number plates that the owner applies for.

- (3) A motor vehicle or trailer being driven, operated or towed on a highway by the owner of a repairer's garage, or his or her agent or employee, for the purpose of repairing, testing or rendering a service incidental to the repairing or testing, of the motor vehicle or trailer, and that has attached to it a number plate issued to the owner under subsection (2), is deemed to be sufficiently registered and licensed for the purposes of this Act and the *Commercial Transport Act*.

Operation of demonstration cars by written consent

- 45**
- (1) A prospective purchaser of a motor vehicle, entrusted with a motor vehicle by a holder of a demonstration licence issued under section 38 for the sole purpose of demonstration, and in possession of a written consent given to him or her by the demonstration licence holder for the operation of the motor vehicle under this section, may, for a period not exceeding 48 hours from the time the written consent is given to him or her, and not occurring more than twice in any year, drive and operate the motor vehicle having displayed on it a demonstration licence plate issued to that demonstration licence holder.
 - (2) A consent is not sufficient for the purposes of this subsection unless the date and the hour of the day on which it is given and the signature of the demonstration licence holder are legibly written on it in ink by the demonstration licence holder.
 - (3) A person, who is the owner of a motor vehicle that has suffered damage through accident and is undergoing repair in the repair shop of a demonstration licence holder entrusted with a motor vehicle by the demonstration licence holder for the sole purpose of use until completion of the repairs, and in possession of a written consent given to him or her by the Insurance Corporation of British Columbia or an officer or constable of the Royal Canadian Mounted Police for the operation of the motor vehicle under this subsection, may drive and operate the motor vehicle having displayed on it a demonstration licence plate, issued to that demonstration licence holder, on a highway during the time the repairs are being made.
 - (4) A person to whom a consent for the purpose of this section is given by a demonstration licence holder, the Insurance Corporation of British Columbia or an officer or constable of the Royal Canadian Mounted Police must at all times while driving or operating on a highway the motor vehicle for which the consent is given produce the consent for inspection on demand of a peace officer or constable.
 - (5) A person who is a mechanic in the regular employ of a demonstration licence holder and is entrusted with a motor vehicle by the demonstration licence holder for the sole purpose of conditioning or testing it may drive and operate the motor vehicle having displayed on it a demonstration licence plate, issued to that demonstration licence holder, on any highway.
 - (6) A person who is in the regular employ of a demonstration licence holder, or authorized by the demonstration licence holder in writing, and entrusted with the motor vehicle by the demonstration licence holder for the sole purpose of

its transportation from a railway depot, wharf or a warehouse to a salesroom, warehouse or place of shipment, or delivery to a purchaser of the motor vehicle, may drive and operate the motor vehicle, having displayed on it a demonstration licence plate, issued to that demonstration licence holder, on any highway.

Offences

- 46** A person who drives or operates or supervises the operation on a highway of a motor vehicle having displayed on it a demonstration number plate, and who is not a prospective purchaser or a mechanic or other person entitled to drive and operate the motor vehicle under section 38 or 45, commits an offence.

Pollution control devices on motor vehicles

- 47** (1) [Repealed RS1996 (Supp)-318-10.]
- (2) A person must not operate a motor vehicle of a class or type that, by regulations made under this Act or under the *Environmental Management Act*, is required to have installed on or incorporated in it a system or device to prevent or lessen the emission into the outdoor atmosphere of an air contaminant, unless the motor vehicle has the system or device installed on or incorporated in it and makes effective use of the system or device.
- (3) A person who contravenes this section commits an offence and is liable on conviction to a fine of not less than \$50 and not more than \$500.
- (4) [Repealed RS1996 (Supp)-318-10.]

Renewal of motor vehicle licence and air pollution emission

- 48** The licence for a motor vehicle must not be renewed unless the Insurance Corporation of British Columbia is satisfied that the motor vehicle
- (a) has been certified under section 50 within 12 months before the application for the licence renewal, or
 - (b) is exempt from the requirement to be certified under section 50.

Regulation of motor vehicle air pollution emission

- 49** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the method and procedure used to test motor vehicles for compliance with the levels established under section 50 (2) (c);
 - (a.1) establishing inspection criteria to be applied that, when met, are deemed to indicate that motor vehicles comply with the levels established under section 50 (2) (c);
 - (a.2) prescribing circumstances where inspection criteria established by regulations under paragraph (a.1) may be applied;
 - (a.3) establishing the method and procedure used to determine whether the inspection criteria in paragraph (a.1) have been met;
 - (a.4) permitting the Insurance Corporation of British Columbia or the South Coast British Columbia Transportation Authority to establish guidelines for

- the purposes of the exercise of a discretion conferred by a regulation under paragraph (a.2) or (a.3);
- (b) respecting documents that must accompany a motor vehicle at the time of a test for motor vehicle compliance;
 - (c) respecting the granting of a conditional pass of the test for motor vehicle compliance and prescribing amounts spent on repairs to qualify for a conditional pass;
 - (d) respecting parts and devices that may be used to repair a motor vehicle for the purposes of a test for motor vehicle compliance;
 - (e) respecting motor vehicle engine exchange.
- (2) Regulations under subsection (1) or section 50 may provide differently for different
- (a) air contaminants,
 - (b) areas of British Columbia, and
 - (c) classes of motor vehicle as defined by equipment or by type, model, size, model year, use or similar factor.
- (3) Regulations under subsection (1) (a.2) or (a.3) may
- (a) delegate a matter to a person or a class of persons, or
 - (b) confer a discretion on a person or a class of persons.

Motor vehicle compliance with exhaust emission standards

- 50** (1) The Insurance Corporation of British Columbia may, except in those areas where it is the responsibility of the South Coast British Columbia Transportation Authority under subsection (1.2) to do so, establish a program for the certification of motor vehicle compliance with the levels established under subsection (2) (c).

(1.1) In this section:

“AirCare repair centre” means a place that employs one or more AirCare repair centre technicians and is issued a certification by the Insurance Corporation of British Columbia to perform emission control system repairs and adjustments;

“AirCare repair centre technician” means a person to whom the Insurance Corporation of British Columbia issues a certification

- (a) to perform emission control system repairs and adjustments to a motor vehicle, and
- (b) to perform other prescribed duties and functions;

“South Coast British Columbia Transportation Authority” means the authority continued under section 2 (1) of the *South Coast British Columbia Transportation Authority Act*;

“transportation service region” has the same meaning as in the *South Coast British Columbia Transportation Authority Act*.

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- (1.2) The South Coast British Columbia Transportation Authority is to establish, administer and operate, or cause to be operated, in the transportation service region a program for the certification of motor vehicle compliance with the levels established under subsection (2) (c) and may enter into and perform an agreement with the Insurance Corporation of British Columbia under which the South Coast British Columbia Transportation Authority may do one or more of establish, administer and operate, or cause to be operated, a program under this subsection in any other area of British Columbia specified by regulation of the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council may make regulations as follows:
- (a) exempting classes of motor vehicles and areas of British Columbia from the program described in subsection (1);
 - (b) specifying air contaminants;
 - (c) establishing exhaust emission standards and specifying the maximum levels of air contaminants that motor vehicles may emit into the outside atmosphere;
 - (d) prescribing circumstances in which the Insurance Corporation of British Columbia or the South Coast British Columbia Transportation Authority may certify a motor vehicle under this section even though the motor vehicle does not fully comply with regulations under paragraph (a), (b) or (c) or under section 49.
- (3) The Insurance Corporation of British Columbia or the South Coast British Columbia Transportation Authority may, in respect of a motor vehicle that fails the prescribed test for motor vehicle compliance, certify the vehicle.
- (4) The Insurance Corporation of British Columbia may issue a licence for a term of 3 months to a motor vehicle certified under subsection (3), but a licence may be issued under this subsection only once in the 12 month period following the certification of that motor vehicle.
- (5) For the purposes of section 49, this section and the regulations,
- (a) the Insurance Corporation of British Columbia or the South Coast British Columbia Transportation Authority may authorize a person to certify vehicles, and
 - (b) the Insurance Corporation of British Columbia may issue a certification to a person for an AirCare repair centre or as an AirCare repair centre technician.
- (5.1) A certification issued to a person under subsection (5) (b) as an AirCare repair centre technician may be issued by fuel type.
- (6) The South Coast British Columbia Transportation Authority may assess and collect fees that are no greater than those fees that that authority estimates are necessary to generate an annual revenue that is sufficient to satisfy the full annual costs of the programs described in subsection (1.2).
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Substitution of new licence if number plate or badge lost

- 51** (1) In case of the loss, mutilation or destruction of a number plate held by a licensee under this Act, if the licensee gives the Insurance Corporation of British Columbia an application in the form the corporation requires, accompanied by satisfactory proof of the loss, mutilation or destruction, and delivers to the corporation the licence, and, if possible, the number plates issued with it, and pays the prescribed fee, the corporation must cancel the licence and issue to the licensee a new licence with its corresponding number plates.
- (2) The Insurance Corporation of British Columbia must issue a new decal to a licensee who
- (a) furnishes satisfactory proof of loss of a decal issued to the licensee,
 - (b) applies in the form the corporation requires, and
 - (c) pays the prescribed fee.

Carrying of revenue receipt in place of licence

- 52** (1) If an application has been made for a licence for a motor vehicle under section 3, or if an existing licence has been surrendered on an application for a new or substituted licence under section 3, 17 or 51, and an official receipt has been obtained showing the payment of all fees prescribed in respect of the application, then, during the part of the year for which the licence has been applied for, or the surrendered licence was issued, elapsing between the time of application and receipt by the applicant of the licence issued under section 3 or the substituted licence issued under section 3, 17 or 51, or the receipt by the applicant of notice that the application has been refused, the obtaining, carrying and exhibition of the official receipt in place of a licence is deemed a sufficient compliance with the provisions of this Act as to the obtaining, carrying and exhibition of a licence for that motor vehicle.
- (2) If the licence issued for a motor vehicle has been surrendered to the Insurance Corporation of British Columbia in accordance with section 14 or 15, the provisions of section 11 respecting the carrying of the licence do not apply until a new licence in substitution for it is returned to the registered owner of the motor vehicle concerned.

Repealed

53 – 55 [Repealed 2010-14-5.]

Letting vehicles for hire

- 56** (1) Except when a motor vehicle is let for hire to a corporation, a person carrying on the business of letting motor vehicles for hire without drivers must not let a motor vehicle for hire without first having ascertained by inspection of a licence or permit produced by the person to whom the motor vehicle is let that he or she holds a subsisting driver's licence under this Act for the operation of that motor vehicle, or holds a subsisting driver's or operator's licence or permit referred to in section 34 (1.1) and having the person sign his or her name to an entry in a record book to be kept by the person carrying on business, showing the name and

address of the person to whom the motor vehicle is let, and the number of his or her licence or permit.

- (2) A person who is required to keep a record book under this section must produce it for inspection at any time on the demand of a peace officer or constable.

Used vehicle records and plates

- 57** (1) A person engaged in the business of buying, selling, exchanging, wrecking or otherwise dealing in second hand or used motor vehicles must
- (a) keep a record in the form prescribed by the Insurance Corporation of British Columbia of every motor vehicle bought, sold, exchanged, dismantled or broken up by the person, and
 - (b) produce the record for inspection at any time on the demand of a peace officer or constable.
- (2) A person who dismantles or breaks up a motor vehicle, or has a motor vehicle in his or her possession for the purpose of breaking it up or dismantling it, must immediately deliver to the Insurance Corporation of British Columbia the number plates of the motor vehicle.

Removal or obliteration of engine or vehicle identification number prohibited

- 58** (1) A person must not, without the written consent of the Insurance Corporation of British Columbia, remove or obliterate the manufacturer's engine number or vehicle identification number on a motor vehicle.
- (2) If, with respect to a motor vehicle, any of the circumstances referred to in section 16 (1) (a) to (c) exist and a new vehicle identification number has not been assigned to and applied on the motor vehicle under section 16, a person must not without the written consent of the Insurance Corporation of British Columbia buy, sell, exchange, dismantle or break up that motor vehicle.

Offence

- 59** Every person who contravenes section 57 or 58 commits an offence.

Term and duration of licences

- 60** (1) Subject to this section, the Insurance Corporation of British Columbia may issue a licence for a motor vehicle or trailer for a term greater than 11 months but not more than 12 months duration starting at the beginning of the day on the effective date specified in the licence or at the time and date of validation specified in the licence, whichever is later, and expiring at the end of the day on the date specified in the licence as the expiry date unless the licence
- (a) is earlier suspended, revoked, cancelled or surrendered,
 - (b) expires on an earlier date prescribed by regulation, or
 - (c) expires on an earlier date because the holder of a driver's licence is prohibited from driving a motor vehicle
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,

- (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was.
- (2) For the purpose of subsection (1), a licence issued on February 29 expires at the end of the day on February 28 of the following year.
- (3) The Insurance Corporation of British Columbia may issue a licence for a term of 11 months or less for a motor vehicle or trailer that comes within a class of motor vehicles or trailers prescribed under section 210 (2) (k) (i) and may, subject to a regulation made under section 210 (2) (k) (ii), specify on the licence the time and dates on which the term of the licence begins and expires.
- (4) Subject to subsections (5) and (6), section 27 and any regulations under this section, a driver's licence issued under this Act, other than a driver's licence issued under section 25 (8), must be for a period of 5 years from the anniversary of the birth of the applicant nearest to the date the licence is issued.
- (5) The Insurance Corporation of British Columbia may issue to a person a driver's licence with a term of more than one year and less than 5 years if the person has never before been issued a driver's licence under this Act other than a driver's licence issued under section 25 (8).
- (6) The Insurance Corporation of British Columbia, if directed by the superintendent, must issue to a person a driver's licence with a term of less than 5 years, in accordance with the direction, if
 - (a) the person is or was prohibited from driving a motor vehicle
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was,
 - (a.1) the person's driver's licence is or was suspended and the person's right to apply for or obtain a driver's licence is or was suspended,
 - (a.2) the person's driver's licence is or was cancelled under section 92 (d), or
 - (b) the superintendent considers it necessary because of the person's medical condition.
- (7) If the Lieutenant Governor in Council has prescribed a term for licences issued for antique motor vehicles, collectors' motor vehicles or motor vehicles of a similar class, a licence issued for a motor vehicle in that class must be for the term specified by that regulation.
- (8) The anniversary of the birth of a person born on February 29 for years other than leap years is deemed to be March 1.

(9) to (11) [Repealed RS1996-318-60(11).]

Cancellation of driver's licence

- 61** (1) With or without refunding the fees for the licence, the Insurance Corporation of British Columbia, at the direction of the superintendent, shall cancel a driver's licence in the circumstances referred to in section 60 (6) (a), (a.1), (a.2) or (b).
- (2) If a person is notified that his or her driver's licence has been cancelled under this section, the person must,
- (a) if notified of the cancellation by mail, immediately send his or her driver's licence to the Insurance Corporation of British Columbia, and
 - (b) if notified of the cancellation by personal service by a peace officer, sheriff or person authorized by the Insurance Corporation of British Columbia to do anything under this Act, surrender his or her driver's licence to the serving peace officer, sheriff or person.

Fees

- 62** (1) The Lieutenant Governor in Council may prescribe fees for registration and licences under this Act.
- (2) If a licence for a motor vehicle or trailer is issued for a term of less than 12 months, the licence fee must be
- (a) an amount calculated at the prescribed annual licence fee for a motor vehicle or trailer of the same class prorated for each month and fraction of a month in the term of the licence, plus a surcharge if any is prescribed under section 210 (2) (l) for the licence, and
 - (b) if no annual licence fee is prescribed for a motor vehicle or trailer of the same class, the amount determined under section 210 (2) (l).
- (3) For the purposes of subsection (2), the amount of the fee must be rounded to the nearest dollar, and an amount ending in 50¢ must be raised to the next highest dollar.

Rebate of part of licence fees

- 63** (1) Despite section 62, the Lieutenant Governor in Council may by regulation provide that for any licence year a rebate of 20% of the prescribed licence fees for motor vehicles of the private passenger type must be granted.
- (2) A rebate under subsection (1) applies both to licences for the whole of the licence year specified in the regulations and to licences for any part of it.

Recovery of licence fees

- 64** (1) The registration and licence fees required under this Act to be paid for a motor vehicle or trailer become delinquent immediately on the operation of the motor vehicle or trailer on a highway without the licence fee required under this Act first having been paid, and form a charge on the motor vehicle or trailer for which they are delinquent.

- (2) The Insurance Corporation of British Columbia may seize and sell the motor vehicle or trailer referred to in subsection (1) at public auction, and out of the proceeds of sale must satisfy the delinquent licence fee and the costs and expenses of sale, and pay any surplus to the owner or person in possession of the motor vehicle or trailer at the time of seizure.
- (3) Instead of seizure and sale of the motor vehicle under subsection (2), the delinquent licence fee may be recovered in a court of competent jurisdiction in the name of the Attorney General, with costs, as a debt due to the government by any person who under this Act should have paid the fee.
- (4) A peace officer may, on the direction of the Insurance Corporation of British Columbia, seize any number plate for the issuance of which full fees have not been paid in accordance with this Act, and must immediately deliver the plate or cause it to be delivered to the corporation.

Accounting

- 65** Subject to section 17 of the *Insurance Corporation Act*, all fees collected under this Act shall be paid into the consolidated revenue fund.

Persons authorized to take affidavits

- 66** (1) For the purposes of carrying out the powers, duties and functions under this Act of the Insurance Corporation of British Columbia, the corporation and every person authorized in writing by the corporation has power to take the affidavits required or authorized to be made under this Act.
- (1.1) For the purposes of carrying out the powers, duties and functions of the director under this Act, the director and every person authorized in writing by the director has power to take the affidavits required or authorized to be made under this Act.
- (2) For the purposes of carrying out the powers, duties and functions under this Act of the superintendent, the superintendent and every person authorized in writing by the superintendent has power to take the affidavits required or authorized to be made under this Act.
- (3) [Repealed 1999-6-21.]

Repealed

- 67** [Repealed 2008-42-78.]

Duty of driver at accident

- 68** (1) The driver or operator or any other person in charge of a vehicle that is, directly or indirectly, involved in an accident on a highway must do all of the following:
- (a) remain at or immediately return to the scene of the accident;
 - (b) render all reasonable assistance;
 - (c) produce in writing to any other driver involved in the accident and to anyone sustaining loss or injury, and, on request, to a witness
 - (i) his or her name and address,

- (ii) the name and address of the registered owner of the vehicle,
 - (iii) the licence number of the vehicle, and
 - (iv) particulars of the motor vehicle liability insurance card or financial responsibility card for that vehicle,or such of that information as is requested.
- (2) The driver or operator or any other person in charge of a vehicle that collides with an unattended vehicle must stop and must
 - (a) locate and notify in writing the person in charge of or the owner of the unattended vehicle of
 - (i) the name and address of the driver, operator or other person in charge,
 - (ii) the name and address of the registered owner, and
 - (iii) the licence numberof the vehicle that struck the unattended vehicle, or
 - (b) leave in a conspicuous place in or on the vehicle collided with a notice in writing giving the information referred to in paragraph (a).
- (3) The driver or operator or any other person in charge of a vehicle involved in an accident resulting in damage to property on or adjacent to a highway, other than a vehicle under subsection (2), must take reasonable steps to locate and notify in writing the owner or person in charge of the property of the fact of the accident and of the following:
 - (a) the name and address of the driver, operator or other person in charge of the vehicle;
 - (b) the name and address of the registered owner;
 - (c) the licence number of the vehicle.

False statements, misuse of number plates, licence, identification card or permit

- 69** (1) A person commits an offence if the person does any of the following:
- (a) makes a false statement in
 - (i) an application for registration of a motor vehicle or trailer,
 - (ii) [Repealed 2009-10-7.]
 - (iii) an application for another licence or certificate, permit or consent,
 - (iv) a notice of transfer of a motor vehicle or trailer,
 - (v) a report of an accident, or
 - (vi) a notice of relinquishment of a licence under this Act;
 - (b) being in possession or control of a number plate issued under this Act or under an Act of any province of Canada, permits another person to use the number plate on a motor vehicle or trailer other than the one for which it was issued;

- (c) being the holder of a permit, certificate or consent issued or given to him or her under this Act or under an Act of a province of Canada, permits another person to possess or use it.
- (2) A person commits an offence if the person, in
- (a) applying for a driver's licence or an identification card,
 - (b) assisting another person in applying for a driver's licence or an identification card,
 - (c) presenting records or providing information for the purpose of maintaining a record relating to a driver's licence or an identification card, or
 - (d) assisting another person in presenting records or providing information for the purpose of maintaining a record relating to a driver's licence or an identification card,
- does any of the following:
- (e) makes a false or misleading statement;
 - (f) fails to disclose information that is required to be disclosed;
 - (g) presents a fraudulent or fraudulently altered record;
 - (h) fraudulently uses a record.
- (3) A person commits an offence if the person
- (a) allows another person to use or possess a driver's licence or an identification card issued to the person under this Act or under an Act of a province of Canada,
 - (b) represents that a driver's licence or an identification card is a driver's licence or an identification card issued under this Act when the driver's licence or identification card is not issued under this Act, or
 - (c) produces or uses a facsimile of a driver's licence or an identification card without authority from the Insurance Corporation of British Columbia.
- (4) A person who contravenes subsection (2) or (3) is liable to a fine of not less than \$400 and not more than \$20 000 or to imprisonment for not more than 6 months, or to both.

Use of another's licence or permit; failure to permit inspection

- 70** (1) A person commits an offence if the person, while driving, operating or in charge of a motor vehicle on a highway does any of the following:
- (a) uses or is in possession of
 - (i) a permit, certificate, motor vehicle liability insurance card, financial responsibility card or consent issued or given under this Act and belonging to another person, or
 - (ii) a fictitious or invalid permit, certificate, motor vehicle liability insurance card, financial responsibility card or consent purporting to be issued or given under this Act;

- (b) refuses or fails to produce a subsisting driver's licence, permit, certificate, motor vehicle liability insurance card, financial responsibility card, or consent issued to him or her under this Act when requested by a peace officer or constable to do so, or refuses or fails to permit it to be taken in hand for the purpose of inspection by the peace officer or constable.
- (1.1) A person commits an offence if the person uses or is in possession of
 - (a) an identification card belonging to another person, or a fictitious or invalid identification card purporting to be issued or given under this Act, or
 - (b) a driver's licence belonging to another person, or a fictitious or invalid driver's licence purporting to be issued or given under this Act, whether while driving, operating or in charge of a motor vehicle on a highway or not.
 - (2) A person who contravenes subsection (1) (a) commits an offence and is liable to a fine of not less than \$100 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.
 - (3) A person who contravenes subsection (1.1) is liable to a fine of not less than \$400 and not more than \$20 000 or to imprisonment for not more than 6 months, or to both.

Production of motor vehicle licences

- 71** A person commits an offence if the person, being in possession or control of a motor vehicle or trailer for which a licence has been issued under this Act, and being requested by a peace officer or constable to produce or exhibit the licence, refuses or fails to do so.

Transporting animals

- 72** A person commits an offence if the person transports a living animal on the runningboard, fender, hood or other exterior part of a motor vehicle unless a suitable cage, carrier or guard rail is provided and is attached adequately to protect that animal from falling or being thrown from the vehicle.

Failing to stop and state name

- 73** (1) A peace officer may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a peace officer who is readily identifiable as a peace officer, must immediately come to a safe stop.
- (2) When requested by a peace officer, the driver of a motor vehicle or the person in charge of a motor vehicle on a highway must state correctly his or her name and address and the name and address of the owner of the motor vehicle.
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable to a fine of not less than \$100 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.

Alteration and use of fictitious number plates or documents

- 74** (1) A person commits an offence if the person
- (a) alters, obliterates or repaints a figure or letter

- (i) on a number plate issued under this Act,
 - (ii) on a numbered decal issued under section 12 (3), or
 - (iii) on any other document issued under this Act for the temporary operation of a motor vehicle or trailer,
 - (b) drives, operates or has charge of a motor vehicle or trailer having displayed on it
 - (i) a number plate, numbered decal or document referred to in paragraph (a) on which a figure or letter has been altered, obliterated or repainted, or
 - (ii) a number plate, numbered decal or other document for the temporary operation of a motor vehicle or trailer, that has not been issued under this Act but that is of a colour or design resembling or purporting to be a number plate, numbered decal or document for the temporary operation of a motor vehicle or trailer issued under this Act,
 - (c) alters a driver's licence or an identification card issued under this Act, or
 - (d) drives, operates or has charge of a motor vehicle or trailer while in possession of a driver's licence that has been altered.
- (2) Subsection (1) (b) applies to a number plate, numbered decal or other document for the temporary operation of a motor vehicle or trailer issued in another jurisdiction.
- (3) Subsection (1) (d) applies to a driver's licence issued in another jurisdiction.
- (4) A person who contravenes subsection (1) (c) or (d) is liable to a fine of not less than \$400 and not more than \$20 000 or to imprisonment for not more than 6 months, or to both.

General offence

- 75** A person who contravenes a section of this Act by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence.

No suspended sentence where minimum punishment

- 76** Despite section 89 of the *Offence Act*, if a defendant is convicted of an offence for which a minimum punishment is established under this Act, the court must not suspend the passing of sentence.

Application of fines

- 77** (1) Despite any statute, all fines imposed under this Act in prosecutions on information laid by an officer or constable of the Royal Canadian Mounted Police must, when paid or recovered, be paid to the Minister of Finance and form part of the consolidated revenue fund.

- (2) This section does not apply to a municipality for the policing of which an agreement is in force under section 39 of the *Police and Prisons Regulation Act*, R.S.B.C. 1960, c. 288.

Limitation of actions

- 78** An information for or in respect of an offence against or a contravention of this Act or the regulations must be laid within 12 months from the time when the matter of the information arose.

Arrest without warrant

- 79** An officer or constable of the Royal Canadian Mounted Police or of the police department of a municipality may arrest without warrant

- (a) a person who the officer or constable finds driving a motor vehicle, and who the officer or constable has reasonable and probable grounds to believe was driving in contravention of section 95 or 102,
- (b) a person driving a motor vehicle who the officer or constable has reasonable and probable grounds to believe is not insured as required by this Act or does not hold a valid and subsisting motor vehicle liability insurance card or financial responsibility card, and
- (c) a person who the officer or the constable has reasonable and probable grounds to believe has contravened section 68,

and may detain the person arrested until he or she can be brought before a justice to be dealt with according to law.

Onus of proof of licence

- 80** In a prosecution under this Act, if it appears the defendant or accused has done an act or has committed an act or omission for which, were he or she not licensed or insured under a valid and subsisting motor vehicle liability policy or in possession of a permit or a motor vehicle liability insurance card or a financial responsibility card, he or she would be liable to some penalty under this Act, the defendant or accused must prove he or she is licensed or insured under a valid and subsisting motor vehicle liability policy or in possession of a permit or a motor vehicle liability insurance card or a financial responsibility card.

Evidence of licence or permit

- 81** (1) The production of a licence, permit, consent or certificate, motor vehicle liability insurance card and financial responsibility card which on its face purports to be duly issued, and were it duly issued would be a lawful authority to the defendant accused of an act or omission, is evidence that the defendant is so authorized.
- (2) In all cases the signature to an instrument purporting to be a valid licence, permit, consent or certificate, motor vehicle liability insurance card and financial responsibility card is in the absence of evidence to the contrary to be taken to be genuine.

Records and proof

- 82** (1) If a record is kept by the Insurance Corporation of British Columbia, the director or the superintendent under this Act, the corporation, director or superintendent, as the case may be, may
- (a) have the record photocopied,
 - (b) have the record or its contents stored in electronic format,
 - (c) have the record or its contents reproduced on a record that enables the information to be subsequently displayed or immediately accessible in visible form, or
 - (d) keep the record or its contents in any other prescribed manner.
- (2) If information from a record to be kept by the Insurance Corporation of British Columbia, the director or the superintendent is converted into another format under subsection (1), the corporation, director or superintendent, as the case may be, may destroy the paper format of the record and the information, in the format into which it has been converted, is deemed to be the record so converted.
- (3) If records are kept by the Insurance Corporation of British Columbia, the director or the superintendent otherwise than in paper format, the corporation, director or superintendent, as the case may be, must provide, in intelligible form, any copy of those records that, under this Act, the corporation, director or superintendent, as the case may be, is required to provide.
- (4) A copy of, or extract from, a record kept in a format other than an electronic format by the Insurance Corporation of British Columbia, the director or the superintendent under this Act, certified to be a true copy or extract by an officer of the corporation or by the director or the superintendent, as the case may be, is
- (a) evidence of the record or of the part of the record extracted and of the facts stated in the record or the part of the record, and
 - (b) conclusive proof that the corporation, director or superintendent, as the case may be, is the keeper of the record, in fulfillment of the corporation's, the director's or the superintendent's responsibility under this section.
- (5) A reproduction in paper format of a record kept in electronic format by the Insurance Corporation of British Columbia, the director or the superintendent is evidence of the record and of the facts stated in the record, and is conclusive proof that the corporation, director or superintendent, as the case may be, is the keeper of the record, in fulfillment of the corporation's, the director's or the superintendent's responsibility under this section, if
- (a) the reproduction is certified to be a true copy by an officer of the corporation or by the director or the superintendent, as the case may be, or
 - (b) the reproduction contains a statement to the effect that the reproduction is an authentic reproduction of information stored in a database in electronic format by the corporation, director or superintendent, as the case may be.

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- (6) A record of information, based on the records kept by the Insurance Corporation of British Columbia, the director or the superintendent under this Act, is evidence of the facts contained in the record if
- (a) the information is contained in a certificate of an officer of the corporation, or of the director or the superintendent, as the case may be, or
 - (b) the record contains a statement to the effect that the record is an authentic reproduction of information stored in a database in electronic format by the corporation, director or superintendent, as the case may be.
- (7) Proof is not required of the signature or official position of a person certifying the truth of a copy or extract, or giving a certificate under this section, and a facsimile signature purporting to be the signature of a person required to sign or certify a record under this Act is evidence of the signature and of the authority for the use of the facsimile signature.
- (8) A certificate or other record referred to in subsection (4), (5) or (6) must be received in all courts for the purposes of those subsections without proof that the certificate or other record was kept or provided with lawful authority.
- (9) This section is in addition to and not in substitution for any provision of this or any other enactment respecting the retention, certification or use of records by the Insurance Corporation of British Columbia, the director or the superintendent including, without limitation, any provision that
- (a) allows the corporation, director or superintendent, as the case may be, to retain records in any format,
 - (b) allows for certification of records by the corporation, director or superintendent, as the case may be, in any manner, or
 - (c) allows any record to stand as evidence of any fact or matter.
- (10) The Insurance Corporation of British Columbia is responsible for keeping, and has ownership, custody and control of, the records that are prescribed for the purpose of this subsection by the Lieutenant Governor in Council and of other records pertinent to the corporation's powers, duties and functions under this Act or any other enactment.
- (10.1) The director is responsible for keeping, and has custody and control of, the records that are prescribed for the purpose of this subsection by the Lieutenant Governor in Council and other records pertinent to the director's powers, duties and functions under this Act or any other enactment.
- (11) The superintendent is responsible for keeping, and has custody and control of, the records that are prescribed for the purpose of this subsection by the Lieutenant Governor in Council and other records pertinent to the superintendent's powers, duties and functions under this Act or any other enactment.

Electronic records

- 82.1** (1) A record or an extract of a record, that

- (a) is kept in electronic format by the Insurance Corporation of British Columbia,
- (b) is necessary for law enforcement or prosecution purposes
 - (i) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2), or
 - (B) by another person under a provision referred to in section 83.1 (2) if evidence of the offence was gathered through the use of a speed monitoring device prescribed for the purpose of that section, or
 - (ii) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2.1), or
 - (B) by another person under a provision referred to in section 83.1 (2.1) if evidence of the offence was gathered through the use of a traffic light safety device prescribed for the purpose of that section,
- (c) is reproduced in electronic format or paper format, or on a record that enables the information to be subsequently displayed or immediately accessible in visible form, and
- (d) contains a statement to the effect that the record or extract is an authentic reproduction of information stored in a database in electronic format by the Insurance Corporation of British Columbia,

is evidence of the record and of the facts stated in the record and is conclusive proof that the Insurance Corporation of British Columbia is the keeper of the record, in fulfillment of the corporation's responsibility under section 82 (10).

- (2) A certificate of the Insurance Corporation of British Columbia, containing a statement based on the records kept by the corporation, that
 - (a) is kept in electronic format by the corporation,
 - (b) is necessary for law enforcement or prosecution purposes
 - (i) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2), or
 - (B) by another person under a provision referred to in section 83.1 (2) if evidence of the offence was gathered through the use of a speed monitoring device prescribed for the purpose of that section, or
 - (ii) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2.1), or
 - (B) by another person under a provision referred to in section 83.1 (2.1) if evidence of the offence was gathered through the use of a traffic light safety device prescribed for the purpose of that section,

- (c) is reproduced in electronic format or paper format, or on a record that enables the information to be subsequently displayed or immediately accessible in visible form, and
 - (d) contains a statement that it is an authentic reproduction of all the information on a certificate stored in a database in electronic format by the corporation,
- is, without proof of the signature, if any, or official position of the person giving the certificate, evidence of the facts stated in the certificate.
- (3) A record, providing a statement of information based on the records kept by the Insurance Corporation of British Columbia, that
- (a) is necessary for law enforcement or prosecution purposes
 - (i) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2), or
 - (B) by another person under a provision referred to in section 83.1 (2) if evidence of the offence was gathered through the use of a speed monitoring device prescribed for the purpose of that section, or
 - (ii) respecting an offence
 - (A) by an owner of a motor vehicle under section 83.1 (2.1), or
 - (B) by another person under a provision referred to in section 83.1 (2.1) if evidence of the offence was gathered through the use of a traffic light safety device prescribed for the purpose of that section, and
 - (b) contains a statement that it is an authentic reproduction of information stored in a database in electronic format by the corporation,
- is evidence of the facts stated in the record.
- (4) A record or extract of a record, or a certificate, referred to in subsection (1), (2) or (3) must be received in all courts for the purposes of those subsections without proof that the record, extract or certificate was kept or provided with lawful authority.
- (5) Nothing in this section limits the application of section 82.

Liability of owner for contravention of Act**83** (1) In this section:

“owner” includes

- (a) a person in possession of a motor vehicle under a contract by which the person may become the owner on full compliance with the contract, and in whose name alone the motor vehicle is registered, and
- (b) a person who rents or leases a motor vehicle from another person;

“traffic bylaws of a municipality” includes bylaws enacted under this or another Act by a municipality with respect to the parking of vehicles, or the use of parking meters.

“traffic laws of a treaty first nation” includes the laws of a treaty first nation, enacted under its final agreement, with respect to the parking of vehicles or the use of parking meters.

- (2) The owner of a motor vehicle must be held liable for any contravention of
 - (a) this Act or the regulations,
 - (b) the *Transportation Act* or the regulations under it,
 - (c) the *Firearm Act* in respect of the carrying or use of firearms in motor vehicles,
 - (d) the traffic bylaws of a municipality, or
 - (e) the traffic laws of a treaty first nation.
- (2.1) The owner of a motor vehicle must be held liable for the contravention of a prescribed enactment in relation to parking.
- (3) An owner must not be held liable under subsection (2) or (2.1) if the owner establishes that
 - (a) the person who was, at the time of the contravention, in possession of the motor vehicle was not entrusted by the owner with possession, or
 - (b) the owner exercised reasonable care and diligence when the person entrusted the motor vehicle to the person who was, at the time of the contravention, in possession of the motor vehicle.
- (4) If an owner is liable under this section, in place of the fine or term of imprisonment specified in an enactment for the offence, a fine of not more than \$2 000 may be imposed.
- (5) On a prosecution of the owner of a motor vehicle for an offence under this section, the burden is on the defendant to prove that
 - (a) the person in possession of the motor vehicle was not a person entrusted by the owner with possession, or
 - (b) the registered owner is not the owner.
- (6) An owner of a motor vehicle is liable under subsection (2) or (2.1) even if the motor vehicle, at the time of the contravention, is unattended or is not in the possession of any person.
- (7) An owner must not be held liable under subsection (2) or (2.1)
 - (a) with respect to an offence under section 24 (1), 95, 102, 224 or 226, or
 - (b) with respect to any offence where the driver has been convicted of
 - (i) the same offence, or
 - (ii) an included offencearising out of the same circumstances.

Liability of owner for speeding and traffic light violations

83.1 (1) In this section:

“owner” includes

- (a) a person in possession of a motor vehicle under a contract by which the person may become the owner on full compliance with the contract, and in whose name alone the motor vehicle is registered under this Act,
- (b) a person who rents or leases a motor vehicle from another person, and
- (c) a person who holds a licence under section 38, 41, 42 or 44;

“speed monitoring device” means a speed monitoring device prescribed under subsection (8) that is capable of photographing or capturing the image of a motor vehicle while accurately and simultaneously measuring and recording its speed;

“traffic control signal” has the same meaning as in section 119;

“traffic light safety device” means a traffic light safety device prescribed under subsection (8) that is capable of photographing or capturing one or more images of a motor vehicle and of accurately and simultaneously recording data related to the motor vehicle and a traffic control signal.

- (2) The owner of a motor vehicle is liable for the contravention of section 140, 146 (1), (3), (5) or (7), 147 or 148 (1) if evidence of the contravention was gathered through the use of a prescribed speed monitoring device.
- (2.1) The owner of a motor vehicle is liable for the contravention of section 129 (1) or (5) (a), 131 (1) (a) or (2) (a) or 134 if evidence of the contravention was gathered through the use of a prescribed traffic light safety device.
- (3) An owner is not liable under subsection (2) or (2.1) if the owner establishes that
 - (a) the person who was, at the time of the contravention, in possession of the motor vehicle was not entrusted by the owner with possession, or
 - (b) the owner exercised reasonable care and diligence in entrusting the motor vehicle to the person who was, at the time of the contravention, in possession of the motor vehicle.
- (4) If an owner is liable under this section, in place of the fine or term of imprisonment specified in an enactment for the offence, a fine of not more than \$2 000 may be imposed.
- (5) On a prosecution of the owner of a motor vehicle for an offence under this section, the burden is on the defendant to prove that
 - (a) the person in possession of the motor vehicle was not a person entrusted by the owner with possession, or
 - (b) the registered owner is not the owner.
- (6) No owner is liable under subsection (2) or (2.1) with respect to any offence if the driver has been convicted of
 - (a) the same offence, or
 - (b) an included offencearising out of the same circumstances.
- (7) [Not in force. Repealed 2001-32-25.]
- (8) The Lieutenant Governor in Council may prescribe

- (a) a speed monitoring device for the purpose of subsection (2), and
 - (b) a traffic light safety device for the purpose of subsection (2.1).
- (9) Without limiting subsection (2), (2.1) or (8), evidence that is gathered by a speed monitoring device under subsection (2) or by a traffic light safety device under subsection (2.1) may be gathered by any method that captures the image of a motor vehicle and allows the image to be reproduced including, without limitation, by film or by electronic means.
- (10) Data, which may be in an encoded form, may be electronically and simultaneously recorded on the captured image under subsection (9).
- (11) Without limiting any other provision in this section, the recorded image under subsection (10) may be converted from one format to another, transmitted, stored or reproduced by electronic or any other means that allows the recorded image to be reproduced in intelligible form including, without limitation, electronically.
- (12) If the Insurance Corporation of British Columbia has stored a recorded image in electronic format under subsection (11),
- (a) the corporation may provide the recorded image by reproducing it in electronic format or paper format, or on a record that enables the information to be subsequently displayed or immediately accessible in visible form, and
 - (b) the reproduction referred to in paragraph (a) has the same effect for all purposes as if it were an original document, if the reproduction
 - (i) is certified by an officer of the corporation under section 82, or
 - (ii) contains a statement that it is an authentic reproduction of a recorded image stored in a database in electronic format by the corporation.
- (13) For the purposes of section 83.2 (8) and subsections (11) and (12) of this section, a recorded image may include an enlargement of the area of the recorded image depicting the licence plate of the motor vehicle.

Certificate as evidence

- 83.2** (1) In this section, “**enforcement officer**” means an enforcement officer as defined in the *Offence Act*.
- (2) An enforcement officer may provide, by signing a completed certificate in the prescribed form,
- (a) evidence of an offence
 - (i) by an owner of a motor vehicle under section 83.1 (2), or
 - (ii) by another person under a provision referred to in section 83.1 (2) if evidence of the offence was gathered through the use of a speed monitoring device prescribed for the purpose of that section, or
 - (b) evidence of an offence
 - (i) by an owner of a motor vehicle under section 83.1 (2.1), or
 - (ii) by another person under a provision referred to in section 83.1 (2.1) if evidence of the offence was gathered through the use of a traffic light safety device prescribed for the purpose of that section.

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- (3) A certificate under this section is, without proof of the signature or the official position of the person signing the certificate, evidence of the facts stated in the certificate.
 - (4) A person against whom a certificate under this section is produced may, with leave of the court, require the attendance of the enforcement officer who signed the certificate, for the purpose of cross-examination.
 - (5) An enforcement officer who signs a certificate under this section must promptly send the certificate to the Insurance Corporation of British Columbia.
 - (6) The Insurance Corporation of British Columbia must keep a record of every certificate sent to the corporation under subsection (5).
 - (7) The Lieutenant Governor in Council may prescribe the form and content of a certificate for the purposes of this section.
- (7.1) For the purpose of a certificate under this section,
- (a) the certificate may be created and completed in electronic format by electronic or any other means that allows the certificate to be reproduced in intelligible form including, without limitation, electronically,
 - (b) in place of signing the certificate under subsection (2), the enforcement officer may identify himself or herself as the person making and authenticating that certificate by means of an electronic reproduction of his or her signature that is capable of being assigned to that certificate only by that enforcement officer,
 - (c) the signature referred to in paragraph (b) may be made by electronic or any other means that allows the signature to be reproduced in intelligible form including, without limitation, by electronically storing the signature by means of an electronic scanner or an electronic signature pad,
 - (d) if the certificate including the enforcement officer's signature is in electronic format, it may be converted from electronic format to paper format for all purposes including, without limitation, for the purposes of subsection (5),
 - (e) if the certificate including the enforcement officer's signature is in electronic format, it may be received, transmitted, stored or sent electronically,
 - (f) if the certificate is sent to the Insurance Corporation of British Columbia in paper format for storage, the corporation may convert it to and store it in electronic format, and
 - (g) if the Insurance Corporation of British Columbia has stored the certificate in electronic format under paragraph (e) or (f),
 - (i) the corporation may provide the certificate by reproducing it in electronic format or paper format, or on a record that enables the information to be subsequently displayed or immediately accessible in visible form, and
 - (ii) the reproduction referred to in subparagraph (i) has the same effect for all purposes as if it were an original document, if the reproduction
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- (A) is certified by an officer of the corporation under section 82, or
 - (B) contains a statement that it is an authentic reproduction of all the information on a certificate stored in a database in electronic format by the corporation.
- (8) The recorded image referred to in section 83.1 (11) may be included as part of a certificate under subsection (2) of this section.

Duty to give information

- 84** (1) If a peace officer has reason to believe that a motor vehicle has been involved in an accident or in a contravention of this Act, the *Commercial Transport Act* or the *Transportation Act*, the regulations under any of these Acts, the bylaws of a municipality or the laws of a treaty first nation, and so informs the owner or a person in the motor vehicle, it is the duty of the owner or person, as the case may be, if required by the peace officer, to give all information it is in his or her power to give relating to the identification of the driver of the motor vehicle at the relevant time or during the relevant period.
- (2) If the owner or other person fails to comply with subsection (1), or gives information that he or she knows to be false or does not believe to be true, he or she commits an offence against this Act.

Offence

- 85** A person who, being in possession or control of a motor vehicle, permits it to be driven or operated by a minor who is not the holder of a subsisting driver's licence permitting that operation commits an offence against this Act.

Responsibility of owner or lessee in certain cases

- 86** (1) In the case of a motor vehicle that is in the possession of its owner, in an action to recover for loss or damage to persons or property arising out of the use or operation of the motor vehicle on a highway, a person driving or operating the motor vehicle who
- (a) is living with, and as a member of the family of, the owner, or
 - (b) acquired possession of the motor vehicle with the consent, express or implied, of the owner,
- is deemed to be the agent or servant of, and employed as such by, that owner and to be driving or operating the motor vehicle in the course of his or her employment with that owner.
- (1.1) In the case of a motor vehicle that is in the possession of its lessee, in an action to recover for loss or damage to persons or property arising out of the use or operation of the motor vehicle on a highway, a person driving or operating the motor vehicle who
- (a) is living with, and as a member of the family of, the lessee, or
 - (b) acquired possession of the motor vehicle with the consent, express or implied, of the lessee,

is deemed to be the agent or servant of, and employed as such by, that lessee and to be driving or operating the motor vehicle in the course of his or her employment with that lessee.

(1.2) In the case of a motor vehicle that is in the possession of its lessee, in an action to recover for loss or damage to persons or property arising out of the use or operation of the motor vehicle on a highway, a person driving or operating the motor vehicle who acquired possession of the motor vehicle with the consent, express or implied, of its lessor is deemed to be the agent or servant of, and employed as such by, that lessor and to be driving or operating the motor vehicle in the course of his or her employment with that lessor.

(1.3) The liability under subsection (1.2) of a lessor is subject to the applicable limit established under section 82.1 of the *Insurance (Vehicle) Act*.

(2) Nothing in this section relieves a person deemed to be the agent or servant of the owner or lessee and to be driving or operating the motor vehicle in the course of his or her employment from the liability for such loss or damage.

(3) In this section:

“**lessee**” means a person who leases or rents a motor vehicle from a lessor for any period of time;

“**lessor**” means the following:

(a) subject to paragraph (b), a person who, under an agreement in writing and in the ordinary course of the person’s business, leases or rents a motor vehicle to another person for any period of time;

(b) if the lessor referred to in paragraph (a) has assigned the agreement, the assignee;

“**owner**”

(a) includes a purchaser of a motor vehicle who is in possession of the motor vehicle under a contract of conditional sale by which title to the motor vehicle remains in the seller, or the seller’s assignee, until the purchaser takes title on full compliance with the contract,

(b) if a purchaser of a motor vehicle is in possession of the motor vehicle, does not include the seller of that motor vehicle under a contract of conditional sale described in paragraph (a) or the assignee of that seller, and

(c) does not include a lessee of a motor vehicle who is in possession of the motor vehicle under an agreement in writing with the owner, whether or not the lessee may become its owner in compliance with the agreement.

(4) This section, as amended by section 43 of the *Miscellaneous Statutes Amendment Act (No. 2), 2007*, applies only in relation to loss or damage sustained on or after the date that section comes into force.

Liability of partners

- 87** Each member of a licensed partnership is liable to the penalties imposed against licensees for breach of this Act.

Liability of licensees for offences of employees

- 88** (1) The registered owner of a motor vehicle by means of or in respect of which motor vehicle an offence against this Act or the regulations with respect to the equipment or maintenance of the vehicle is committed by his or her employee, servant, agent or worker, or by any person entrusted by him or her with the possession of the motor vehicle, is deemed to be a party to the offence committed, and is personally liable to the penalties prescribed for the offence as a principal offender.
- (2) Nothing in this section relieves the person who actually committed the offence from liability for it.
- (3) On every prosecution of a registered owner of a motor vehicle for an offence against this Act or regulations that has been committed by means of or in respect of that motor vehicle, the burden of proving that the offence was not committed by the registered owner and that the person committing the offence was not the registered owner's employee, servant, agent or worker, or a person entrusted by the registered owner with the possession of the motor vehicle is on the defendant.

PART 2 — SUSPENSIONS OF LICENCES AND PROHIBITIONS FROM DRIVING**Deemed suspension**

- 89** (1) A person's driver's licence and his or her right to apply for or obtain a driver's licence are deemed to be suspended if the person
- (a) is prohibited from driving a motor vehicle
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was,
 - (b) pleads guilty to or is found guilty of an offence under an Act referred to in paragraph (a) of this subsection, the *Commercial Transport Act* or the *Insurance (Vehicle) Act* and is prohibited from driving a motor vehicle while waiting to be sentenced for that offence, or
 - (c) as a condition of an order of judicial interim release under the *Criminal Code*, may not drive a motor vehicle.
- (2) A judge, registrar, deputy registrar or court clerk may notify the Insurance Corporation of British Columbia if a person
- (a) is prohibited from driving a motor vehicle under the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,

- (b) pleads guilty to an offence under an Act referred to in subsection (1) (a), the *Commercial Transport Act* or the *Insurance (Vehicle) Act* and is prohibited from driving a motor vehicle while waiting to be sentenced for that offence, or
- (c) as a condition of an order of judicial interim release under the *Criminal Code*, may not drive a motor vehicle.

Suspension and cancellation of vehicle licences, etc.

90 (1) If a person

- (a) has not in the current or a preceding year
 - (i) [Repealed 1997-43-13.]
 - (ii) obtained a motor vehicle liability policy, for a motor vehicle or trailer owned by the person,
 - (iii) [Repealed 1997-43-13.]
- (b) is indebted to the Insurance Corporation of British Columbia for any motor vehicle indebtedness, or
- (c) is indebted to the government for a fine indebtedness,

the corporation may, without a hearing, suspend the licence and corresponding number plates for any motor vehicle or trailer, or both, owned by that person and any permit issued to that person.

(2) If a suspension occurs under subsection (1) due to a person not

- (a) obtaining a motor vehicle liability policy,
- (b) [Repealed 1997-43-13.]

the suspension remains in force until,

- (c) in the circumstances set out in paragraph (a), a motor vehicle liability policy is obtained.
- (d) [Repealed 1997-43-13.]

(3) If a suspension occurs under subsection (1) due to a person being indebted to the Insurance Corporation of British Columbia for any motor vehicle indebtedness or to the government for any fine indebtedness, the suspension remains in force until the amount of the indebtedness has been fully paid or until arrangements satisfactory to the corporation have been made for its payment.

(4) For the purpose of this section, a person who pays by a cheque, bill of exchange or order to pay, the payment of which is not made by the savings institution on which it is drawn when it is presented for payment whether in person or through another savings institution, is deemed not to have paid.

(5) For the purpose of this section, the production of a cheque, bill of exchange or order to pay on which is marked "Under clearing rules, this item must not be cleared again unless certified" or other words importing that payment was not made by the savings institution, is evidence that payment was not made.

- (6) If a motor vehicle liability policy for a motor vehicle or trailer is suspended, cancelled or revoked, the Insurance Corporation of British Columbia must
 - (a) in the case of suspension, suspend the licence and corresponding number plates for the motor vehicle or trailer or a permit, or all of them, until the suspension of the motor vehicle liability policy ends, and
 - (b) in the case of a cancellation or revocation, cancel the licence and corresponding number plates for the motor vehicle or trailer or the permit, or all of them.
- (7) If the Insurance Corporation of British Columbia considers that any permit, consent or certificate that the corporation has the power under this Act to issue should be cancelled or suspended, the corporation, without a hearing, may
 - (a) suspend, for a period that the corporation considers proper, or
 - (b) cancelthe permit, consent or certificate.
- (8) and (9) [Repealed 1997-31-13.]
- (10) On receipt of notice of a suspension or cancellation of a licence, permit, consent or certificate under this section or the regulations, the person to whom the licence, permit, consent or certificate was issued must forthwith deliver the licence, permit, consent, certificate, windshield sticker and any corresponding number plates to the Insurance Corporation of British Columbia.
- (11) If a person fails to comply with subsection (10), the Insurance Corporation of British Columbia may order a peace officer or any other person the corporation considers appropriate to recover the licence, permit, consent, certificate, windshield sticker or any corresponding number plates.
- (12) If the Insurance Corporation of British Columbia orders a person to recover a licence, permit, consent, certificate, windshield sticker or number plate under subsection (11) and the corporation is charged one or both of a fee and disbursements for that recovery, the person from whom the licence, permit, consent, certificate, sticker or number plate is recovered must reimburse the corporation for the fee and disbursements so charged.

Not in force. Repealed.

90.1–90.2 [Not in force. Repealed 2006-33-1.]

12 hour suspension

90.3 (1) In this section:

“approved screening device” means a device prescribed for the purposes of this section;

“driver” means a driver who holds a driver’s licence on which a condition is imposed under section 25 (10.1) and includes any such person having the care or control of a motor vehicle on a highway or industrial road whether or not the motor vehicle is in motion.

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- (2) A peace officer may, at any time or place on a highway or industrial road if the peace officer has reasonable and probable grounds to believe that a driver has alcohol in his or her body,
- (a) request the driver to drive the motor vehicle, under the direction of the peace officer, to the nearest place off the travelled portion of the highway or industrial road, and
 - (b) by demand made to that driver, require the driver to promptly provide a sample of breath that, in the opinion of the peace officer, is necessary to enable a proper analysis of the breath to be made by means of an approved screening device and, if necessary, to accompany the peace officer for the purpose of enabling that sample of breath to be taken.
- (3) If
- (a) a driver, without a reasonable excuse, fails or refuses to comply with a demand made under subsection (2) (b), or
 - (b) the peace officer, pursuant to an analysis of the breath of the driver under subsection (2) (b), has reasonable and probable grounds to believe that the driver has alcohol in his or her body,
- the peace officer may
- (c) serve the driver with a notice of licence suspension, and
 - (d) if the driver is in possession of a driver's licence, request the driver to surrender that licence.
- (4) If a peace officer requests a driver to surrender the driver's licence under subsection (3) (d), the driver must promptly surrender the driver's licence to the peace officer.
- (5) A person's driver's licence is automatically suspended for a period of 12 hours from the time the peace officer served the driver with a notice of licence suspension under subsection (3) (c).
- (6) [Repealed 2004-68-8.]
- (7) A peace officer acting under subsection (3) need not hold the opinion that the blood alcohol level of the driver exceeds 3 mg of alcohol in 100 ml of blood.
- (8) If a peace officer serves a notice of licence suspension under subsection (3) (c), the peace officer must cause a report of the suspension to be delivered to the Insurance Corporation of British Columbia.
- (9) The report referred to in subsection (8) must be in a form established by the Insurance Corporation of British Columbia.
- (10) The Lieutenant Governor in Council may prescribe an approved screening device for the purposes of this section.
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Driving while suspended

- 90.4** (1) A person who holds a driver's licence on which a condition has been imposed under section 25 (10.1) commits an offence if the person drives a motor vehicle on a highway or industrial road knowing that the person's driver's licence has been suspended under section 90.1 or 90.3.
- (2) If a person is charged with an offence under subsection (1), the court hearing the charge may admit into evidence a certificate of the Insurance Corporation of British Columbia if the offence pertains to a suspension under section 90.3, or a certificate of the superintendent if the offence pertains to a suspension under section 90.1, stating the information required by subsection (3).
- (3) If a person is charged with an offence under subsection (1), the certificate referred to in subsection (2) must state that the suspension was in effect on the date of the alleged offence and that the records of the Insurance Corporation of British Columbia or superintendent, as the case may be,
- (a) show that a notice of suspension was mailed by registered mail or certified mail to the person at the person's most recent address recorded in the records of the corporation and that the corporation or superintendent subsequently received a copy of a confirmation of delivery provided by Canada Post showing a recipient's signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person to whom the notice of suspension was sent,
 - (b) contain a document that
 - (i) indicates that the person charged
 - (A) has acknowledged that the person's driver's licence is suspended, or
 - (B) has acknowledged that the person has received from the corporation or the superintendent a notice of suspension, and
 - (ii) is signed by a signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person whose driver's licence was suspended or to whom the corporation or the superintendent mailed a notice of suspension, or
 - (c) contain a document that indicates that the person charged has surrendered the person's driver's licence to the corporation or the superintendent subsequent to receiving from the corporation a notice of suspension.
- (4) If the certificate of the Insurance Corporation of British Columbia or the superintendent, as the case may be, is admitted into evidence, it is proof that the defendant had knowledge of the suspension in effect at the time of the alleged offence.
- (5) This section applies to any document contained in the records of the Insurance Corporation of British Columbia or of the superintendent, whether that document was signed before, on or after the date this subsection comes into force.

Prohibition against driving if there is an unsatisfied judgment

- 91** (1) If a person has failed to satisfy a final judgment rendered against the person by a court in Canada or the United States of America within 30 days after the termination of all proceedings, including appeal, in an action for damages resulting from
- (a) bodily injury to or the death of another person, or
 - (b) damage to property in an amount exceeding \$400, exclusive of court costs,
- caused by or arising out of the person's ownership, operation or use of a motor vehicle, the Insurance Corporation of British Columbia may, with or without a hearing, prohibit the person from driving a motor vehicle, even though the person is or may be subject to another prohibition from driving.
- (2) The Insurance Corporation of British Columbia must not prohibit a person from driving a motor vehicle under subsection (1) until the corporation has received
- (a) a certificate of the final judgment issued by the court in which the judgment was rendered,
 - (b) evidence satisfactory to the corporation of the identity of the judgment debtor, and
 - (c) evidence of failure to satisfy the judgment.
- (3) The Insurance Corporation of British Columbia may cancel a prohibition made under this section and may reimpose a prohibition that was cancelled.

Prohibition against driving relating to fitness or ability to drive

- 92** If
- (a) a person has been required under section 29 to submit to an examination and he or she
 - (i) fails to appear and submit to the examination, or
 - (ii) fails to pay the prescribed examination fee,
 - (b) the superintendent considers that a person is unable or unfit to drive a motor vehicle or to hold a driver's licence of a certain class,
- (b.1) a person fails to comply with a condition imposed on his or her driver's licence under section 25.1 (2), or
- (b.2) a person fails to attend or participate in and complete a program referred to in section 233 to the satisfaction of the superintendent as required by the superintendent,
- then, with or without a hearing and even though the person is or may be subject to another prohibition from driving, the superintendent may
- (c) prohibit the person from driving a motor vehicle, or
 - (d) direct the Insurance Corporation of British Columbia to
 - (i) cancel the person's driver's licence and to issue a different class of driver's licence to the person, or

- (ii) cancel the person's driver's licence without issuing a different class of driver's licence to the person.

Prohibition against driving by superintendent

- 93** (1) Even though a person is or may be subject to another prohibition from driving, if the superintendent considers it to be in the public interest, the superintendent may, with or without a hearing, prohibit the person from driving a motor vehicle
- (a) if the person
 - (i) has failed to comply with this Act or the regulations, or
 - (ii) has a driving record that in the opinion of the superintendent is unsatisfactory,
 - (b) if the person's privilege of driving a motor vehicle has been suspended or cancelled in any jurisdiction in Canada or in the United States of America, or
 - (c) for any cause not referred to in paragraph (a) or (b) that relates to the use or operation of motor vehicles.
- (2) In forming an opinion as to whether a person's driving record is unsatisfactory the superintendent may consider all or any part of the person's driving record, including but not limited to any part of the driving record previously taken into account by a court or by the superintendent in making any order prohibiting the person from driving a motor vehicle.
- (3) If under this section the superintendent prohibits a person from driving a motor vehicle on the grounds of an unsatisfactory driving record, a prohibition so made must not be held invalid on the grounds that the superintendent did not examine or consider other information or evidence.

Access to driving records

- 93.1** Despite the *Freedom of Information and Protection of Privacy Act*, or any other enactment, the superintendent, for the purpose of carrying out his or her powers, duties and functions under this Act or another enactment, has access to every driver's record kept by the Insurance Corporation of British Columbia.

Notification by superintendent of prohibition action

- 93.2** (1) The superintendent must notify the Insurance Corporation of British Columbia of
- (a) the imposition, cancellation, reimposition or stay of any prohibition under section 92, 93, 94.2, 94.6, 215.43 or 251 (4), and
 - (b) the disposition of any appeal of an imposition, cancellation, reimposition or stay referred to in paragraph (a).
- (2) On receipt of notification under subsection (1), the Insurance Corporation of British Columbia must record, on the driver's record of the person affected, the imposition, cancellation, reimposition or stay of the prohibition or suspension.

Appeal of prohibition against driving

- 94** (1) A person who is prohibited from driving a motor vehicle under section 93 may, within 30 days after the person receives notice of prohibition from driving a motor vehicle, appeal the prohibition to the Supreme Court.
- (2) The appellant must, not less than one month before the hearing, serve the superintendent, either personally or by registered mail, with a copy of the notice of appeal and notice of the date of the hearing.
- (3) The court to which an appeal is made under subsection (1) must
- (a) dismiss the appeal, or
 - (b) allow the appeal and order the superintendent to terminate the prohibition imposed under section 93.

Notice of driving prohibition

- 94.1** (1) If a peace officer has reasonable and probable grounds to believe
- (a) by reason of an analysis of the breath or blood of a person, that a person operated a motor vehicle or had care or control of a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after operating or having care or control of the motor vehicle, or
 - (b) that a person failed or refused, without a reasonable excuse, to comply with a demand made on the person to supply a sample of his or her breath or blood under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle,
- the peace officer, or another peace officer, must,
- (c) if the person holds a valid licence or permit issued under this Act to operate a motor vehicle,
 - (i) take possession of the person's licence or permit if the person has it in his or her possession, and
 - (ii) serve on the person a notice of driving prohibition, or
 - (d) if the person
 - (i) holds a valid document issued in another jurisdiction that allows the person to operate a motor vehicle, or
 - (ii) does not hold a valid licence or permit to operate a motor vehicle,serve on the person a notice of driving prohibition.
- (2) If a person referred to in subsection (1) (c) is not in possession of his or her licence or permit issued under this Act to operate a motor vehicle at the time the person is served with the notice of driving prohibition, the person must promptly send the licence or permit to the Insurance Corporation of British Columbia.
- (3) The notice of driving prohibition must be in the prescribed form and must contain

- (a) a statement of the right to have the driving prohibition reviewed by the superintendent under section 94.4,
 - (b) instructions describing how to apply for that review, and
 - (c) a statement that if the person on whom the notice of driving prohibition is served does not apply for a review under section 94.4, the person will be prohibited from operating a motor vehicle for a period of 90 days.
- (4) A notice of driving prohibition must not be served on a person under this section if a notice of driving prohibition is served on the person under section 215.41.

Effect of notice of driving prohibition

94.2 (1) If a person is served with a notice of driving prohibition under

- (a) section 94.1 (1) (c),
 - (i) subject to subsection (2), the notice acts as a temporary driver's licence that expires 21 days from the date it is served, and
 - (ii) despite the fact the person is or may be subject to another prohibition from driving, the person is prohibited from operating a motor vehicle for 90 days effective on the expiration of the temporary driver's licence referred to in subparagraph (i), or
- (b) section 94.1 (1) (d), despite the fact the person is or may be subject to another prohibition from driving, the person is prohibited from operating a motor vehicle for 90 days effective 21 days from the date the notice is served.

(2) If a person is subject to a driving prohibition under section 215 at the time the person is served with a notice of driving prohibition under section 94.1, the temporary driver's licence referred to in subsection (1) (a) (i) is valid only on expiry of the driving prohibition under section 215.

(3) The temporary driver's licence referred to in subsection (1) (a) (i)

- (a) is of the same class, and
- (b) is subject to all of the same restrictions and conditions

as the licence or permit taken by the peace officer or sent to the Insurance Corporation of British Columbia under section 94.1.

Duties of peace officer

94.3 A peace officer who serves a notice of driving prohibition on a person under section 94.1 must promptly forward to the superintendent

- (a) the person's licence or permit to operate a motor vehicle, if the peace officer took the licence or permit into possession,
- (b) a copy of the notice of driving prohibition,
- (c) a certificate of service, in the form established by the superintendent, showing that the notice of driving prohibition was personally served on the person subject to the driving prohibition,

- (d) a report, in the form established by the superintendent, sworn or solemnly affirmed by the peace officer, and
- (e) a copy of any certificate of analysis under section 258 of the *Criminal Code* with respect to the person.

Review of driving prohibition

- 94.4** (1) A person may, within 7 days of being served with a notice of driving prohibition under section 94.1, apply to the superintendent for a review of the driving prohibition by
- (a) filing an application for review with the superintendent,
 - (b) paying to the superintendent the prescribed hearing fee, and
 - (c) if it has not been taken by the peace officer or sent to the superintendent under section 94.1, surrendering to the Insurance Corporation of British Columbia his or her licence or permit to operate a motor vehicle unless the person completes and files with the superintendent a statutory declaration stating that the licence or permit has been lost, stolen or destroyed.
- (2) An application for review must be in the form, contain the information and be completed in the manner required by the superintendent.
- (3) An applicant may attach to the application for review any sworn statements or other evidence that the applicant wishes the superintendent to consider.
- (4) The filing of an application for review does not stay the driving prohibition.
- (5) The superintendent is not required to hold an oral hearing unless the applicant
- (a) requests an oral hearing at the time of filing the application for review, and
 - (b) pays the prescribed oral hearing fees.
- (6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing, without prior notice to the superintendent, the right to an oral hearing is deemed to have been waived by the person.

Considerations

- 94.5** (1) In a review of a driving prohibition under section 94.4, the superintendent must consider
- (a) any relevant sworn or solemnly affirmed statements and any other relevant information,
 - (b) the report of the peace officer forwarded under section 94.3 (d),
 - (c) a copy of any certificate of analysis under section 258 of the *Criminal Code* with respect to the person served with the notice of driving prohibition,
 - (c.1) any other relevant documents and information forwarded to the superintendent, including peace officers' reports that have not been sworn or solemnly affirmed and the copy of the notice of prohibition, and
 - (d) if an oral hearing is held, in addition to the matters referred to in paragraphs (a) to (c), any relevant evidence given or representations made at the hearing.

- (2) The superintendent may consider a copy of the certificate referred to in subsection (1) (c) without proof
 - (a) of the identity and official character of the person appearing to have signed the certificate, or
 - (b) that the copy is a true copy.
- (2.1) Despite subsection (1), the superintendent may, in the superintendent's discretion, proceed with a hearing whether or not the superintendent has received at the time of the hearing all those documents required to be forwarded to the superintendent under section 94.3.
- (2.2) The superintendent may determine the weight to be given to any document or other information referred to in subsection (1) (c.1), including any document or information that is not sworn or solemnly affirmed.
- (3) In a review of a driving prohibition under section 94.4, no person may be cross examined.

Decision of the superintendent

94.6 (1) If after considering an application for review under section 94.4, the superintendent is satisfied that

- (a) the person operated or had care or control of a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after operating or having care or control of the motor vehicle, or
- (b) the person failed or refused, without a reasonable excuse, to comply with a demand made on the person to supply a sample of his or her breath or blood under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle

the superintendent must confirm the driving prohibition.

- (2) If after considering an application for review under section 94.4, the superintendent is satisfied that
 - (a) the person did not, because of alcohol consumed prior to or while operating or having care or control of a motor vehicle, have a concentration of alcohol in his or her blood that exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after operating or having care or control of the motor vehicle, or
 - (b) the person
 - (i) did not fail or refuse to comply with a demand made on the person to supply a sample of his or her breath or blood under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle, or
 - (ii) had a reasonable excuse for failing or refusing to comply with the demand referred to in subparagraph (i),

the superintendent must

- (c) revoke the driving prohibition,
 - (d) direct the Insurance Corporation of British Columbia to return any licence or permit to operate a motor vehicle taken into possession by the peace officer or sent to the corporation, and
 - (e) direct that the application and hearing fees paid be refunded to the applicant.
- (3) Subject to subsection (4), the decision of the superintendent, and the reasons for the decision, must be in writing and a copy must be sent to the applicant within 21 days of the date the notice of driving prohibition was served on the applicant under section 94.1.
- (4) If the superintendent is unable to send the decision to the applicant within the 21 day period set out in subsection (3), the superintendent may extend that period for a period determined by the superintendent.
- (5) If the superintendent extends the period for sending a decision to the applicant under subsection (4), the superintendent must
- (a) stay the driving prohibition imposed on the applicant under section 94.2 for the period of the extension determined under subsection (4), and
 - (b) if the applicant held a valid licence or permit issued under this Act to operate a motor vehicle at the time the applicant was served with the notice of driving prohibition under section 94.1, direct the Insurance Corporation of British Columbia to issue to the applicant a temporary driver's licence that
 - (i) is valid on the expiration of the temporary driver's licence referred to in section 94.2 (1) (a) (i), and
 - (ii) expires with the period of extension determined under subsection (4).
- (6) The temporary driver's licence issued under subsection (5) (b)
- (a) is of the same class, and
 - (b) is subject to all of the same restrictions and conditions
- as the licence or permit taken by the peace officer or sent to the Insurance Corporation of British Columbia under section 94.1.
- (7) The superintendent must promptly give the applicant notice of an extension made under subsection (4).
- (8) The copy referred to in subsection (3) and the notice referred to in subsection (7) must be sent to the applicant
- (a) at the last known address of the applicant as shown in the records maintained by the Insurance Corporation of British Columbia, or
 - (b) at the address shown in the application for review, if that address is different from the address in the Insurance Corporation of British Columbia's records.
- (9) A notice of extension given under subsection (7) is deemed to be a notice of prohibition for the purposes of section 95 (4) (a) or (b).

Driving while prohibited

- 95** (1) A person who drives a motor vehicle on a highway or industrial road knowing that
- (a) he or she is prohibited from driving a motor vehicle under section 91, 92, 93, 94.2, 215, 215.43 or 251 (4)
 - (b) [Repealed 2010-14-10.]
- commits an offence and is liable,
- (c) on a first conviction, to a fine of not less than \$500 and not more than \$2 000 or to imprisonment for not more than 6 months, or to both, and
 - (d) on a subsequent conviction, regardless of when the contravention occurred, to a fine of not less than \$500 and not more than \$2 000 and to imprisonment for not less than 14 days and not more than one year.
- (2) If a person is charged with an offence under subsection (1) that pertains to a prohibition under section 91 or 215, the court hearing the charge may admit into evidence
- (a) a certificate of the Insurance Corporation of British Columbia, or
 - (b) a certificate of the superintendent dated before the date this paragraph comes into force
- stating the information required by subsection (4) and if the certificate is admitted into evidence it is proof that the defendant had knowledge of the prohibition in effect at the time of the alleged offence.
- (3) If a person is charged with an offence under subsection (1) that pertains to a prohibition under section 92, 93, 94.2, 215.43 or 251 (4), the court hearing the charge may admit into evidence a certificate of the superintendent stating the information required by subsection (4), and if the certificate of the superintendent is admitted into evidence, it is proof that the defendant had knowledge of the prohibition in effect at the time of the alleged offence.
- (4) If a person is charged with an offence under subsection (1), the certificate referred to in subsection (2) or (3), as the case may be, must state that the prohibition was in effect on the date of the alleged offence and that the records of the Insurance Corporation of British Columbia or the superintendent, as the case may be,
- (a) show that a notice of the prohibition was mailed by registered mail or certified mail to the person at the person's most recent address recorded in the records of the corporation and that the corporation or superintendent subsequently received a copy of a confirmation of delivery provided by Canada Post showing a recipient's signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person to whom the notice of prohibition was sent,
 - (b) contain a document that
 - (i) indicates that the person so charged

- (A) has acknowledged that he or she is prohibited from driving a motor vehicle,
 - (B) has acknowledged that he or she has received from the corporation or the superintendent a notice of prohibition against driving a motor vehicle, or
 - (C) has surrendered his or her driver's licence to the corporation or the superintendent subsequent to receiving from the corporation or the superintendent a notice of prohibition, relating to a prohibition under section 91, 92 or 93, or a notice of suspension, and
- (ii) is signed with a signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person whom the corporation or superintendent intended to prohibit from driving a motor vehicle, or to whom the corporation or superintendent mailed a notice of prohibition, or
- (c) contain a certificate of service established under section 94.3 (c), 215.47 (c) or 251 (3) (b) showing that a notice of driving prohibition under section 94.1, 215.41 or 251 (1) (h), as applicable, was personally served on the person subject to the prohibition.
- (5) This section applies to any document contained in the records of the Insurance Corporation of British Columbia or the superintendent, whether that document was signed before, on or after the date this subsection comes into force.

Driver to surrender licence

- 96** (1) If a person is prohibited from driving a motor vehicle under section 91, 92 or 93, he or she must,
- (a) if notified of the prohibition by mail, immediately send his or her driver's licence, or any document issued in another jurisdiction that allows him or her to drive a motor vehicle, to the Insurance Corporation of British Columbia, and
 - (b) if notified by personal service by a peace officer, sheriff or person authorized by the Insurance Corporation of British Columbia or the superintendent, surrender the person's driver's licence, or any document issued in another jurisdiction that allows the person to drive a motor vehicle, to the serving peace officer, sheriff or person for forwarding to the corporation.
- (2) A person must immediately surrender his or her driver's licence, or any document issued in another jurisdiction that allows him or her to drive a motor vehicle, to the justice, court clerk or sheriff for forwarding to the Insurance Corporation of British Columbia if the person is prohibited from driving a motor vehicle
- (a) under section 98, 99 or 100 of this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (b) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or

- (c) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was.
- (3) If a person fails to comply with subsection (2), a peace officer or sheriff, at the request of the Insurance Corporation of British Columbia, may recover the driver's licence issued to that person under this Act or any document issued in another jurisdiction that allows him or her to drive a motor vehicle.
- (4) If a peace officer serves on a person, who is in control of a motor vehicle on a highway or industrial road, a document containing notice that the person is prohibited from driving a motor vehicle, the notice acts as a temporary driver's licence to expire at the time noted on its face, and the prohibition from driving starts immediately on the expiration of the temporary driver's licence.
- (5) A temporary driver's licence issued under subsection (4) is subject to all restrictions and conditions of the driver's licence of the person who is prohibited from driving a motor vehicle.
- (6) Subsection (4) does not apply if the peace officer serves a person who is already prohibited from driving a motor vehicle or if the person's driver's licence or right to apply for or obtain a driver's licence is already under suspension.

Notice of prohibition

- 97** (1) A prohibition under section 91 is not invalid and must not be held to be invalid on the grounds that the notice of prohibition sent to the person being prohibited from driving under that section is not signed by an officer of the Insurance Corporation of British Columbia.
- (2) A prohibition under section 92 or 93 is not invalid and must not be held to be invalid on the grounds that the notice of prohibition sent to the person being prohibited from driving under either of those sections is not signed by the superintendent or deputy superintendent.

Driver's licence forwarded to the Insurance Corporation of British Columbia

- 97.1** (1) If a person surrenders his or her driver's licence to the superintendent or a person authorized by the superintendent, the superintendent is to forward that driver's licence to the Insurance Corporation of British Columbia.
- (2) A person who surrenders his or her driver's licence to the superintendent is deemed to have delivered the licence at the time of the surrender to the Insurance Corporation of British Columbia.
- (3) The Insurance Corporation of British Columbia is to notify the superintendent if any person surrenders his or her driver's licence to the corporation.
- (4) If a person makes a statutory declaration to the superintendent or a person authorized by the superintendent that the person's driver's licence has been stolen, lost or destroyed, the superintendent is to forward the statutory declaration to the Insurance Corporation of British Columbia.

- (5) On receipt of a driver's licence forwarded under section 94.3 or 215.47 to the superintendent by a peace officer, the superintendent must forward the driver's licence to the Insurance Corporation of British Columbia.

Amount payable to reinstate driver's licence

97.2 If, under this Act, the *Criminal Code*, the *Youth Justice Act* (Canada) or the *Youth Criminal Justice Act* (Canada),

- (a) a person is or was prohibited from driving a motor vehicle,
 - (b) a person's driver's licence is or was suspended, or
 - (c) a person's right to apply for or obtain a driver's licence is or was suspended,
- except in the case of a licence suspension under section 90.3 or a prohibition under section 215, the amount payable to reinstate a driver's licence following the prohibition or suspension, in addition to any other fee prescribed, is \$250.

Court prohibition against driving

98 (1) For the purpose of this section, "**convicts**" includes the granting of an absolute or conditional discharge and the determination under section 123 (2) of the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, that a contravention took place.

- (2) If a court convicts a person of
- (a) an offence under this Act, or
 - (b) [Repealed 2007-14-156.]
 - (c) a motor vehicle related *Criminal Code* offence,
- the court may
- (d) consider the person's driving record, and
 - (e) even though the person is or may be subject to another prohibition from driving, prohibit the person from driving a motor vehicle for a definite period of time if the court considers that the facts of the case or the person's driving record or both the facts of the case and his or her driving record when taken together justify the prohibition.

(3) Subsection (2) does not apply if the defendant is convicted of an offence under section 83 or 83.1.

(4) If a court prohibits a person from driving a motor vehicle under this section, the court must order that the prohibition

- (a) take effect immediately,
- (b) continue for the full day of each day of the prohibition, and
- (c) continue for consecutive days.

(5) A person, who is prohibited from driving a motor vehicle under this section for a period of more than 3 years, may make an application to the court that prohibited him or her from driving for a review of the length of the prohibition, after 3 years of the prohibition have elapsed and after notifying the Insurance Corporation of British Columbia.

- (6) On an application under subsection (5), the court may, if it considers that it is not contrary to public interest, reduce the length of the prohibition or cancel the prohibition.
- (7) If the court reduces the length of a prohibition or cancels a prohibition under subsection (6), it must forthwith notify the Insurance Corporation of British Columbia of its decision.

Automatic prohibition against driving on conviction

99 (1) For the purpose of this section, “**convicted**” includes the granting of an absolute or conditional discharge.

- (2) A person who is convicted of
 - (a) an offence under section 95, 102, 224 or 226 (1), or
 - (b) a motor vehicle related *Criminal Code* offence

is automatically and without notice prohibited from driving a motor vehicle for 12 months from the date of sentencing, the date that the passing of sentence is suspended, the date of being granted an absolute or conditional discharge or the date a court imposes a sentence under the *Youth Criminal Justice Act* (Canada) or the *Youth Justice Act*.

Prohibition against driving for failing to stop

100 (1) A driver of a motor vehicle commits an offence if

- (a) he or she
 - (i) is signalled or requested to stop by a peace officer who is readily identifiable as a peace officer, and
 - (ii) fails to come to a safe stop, and
- (b) a peace officer pursues the driver in order to require him or her to stop.

(2) If a person commits an offence under subsection (1), he or she is liable to a fine of not less than \$300 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.

(3) If a person is convicted of an offence under subsection (1), the court must, even though the person is or may be subject to another prohibition from driving under this Act, prohibit the person from driving a motor vehicle for a period of 2 years from the date of sentencing if the person is also convicted of contravening any of the following provisions of the *Criminal Code* with respect to the same incident:

- (a) section 220;
- (b) section 221;
- (c) section 236;
- (d) section 249 (1) (a), (3) or (4).

(4) Section 98 (4) applies to a prohibition ordered under this section.

- (5) If a person is charged with an offence under subsection (1) and the evidence does not prove the offence but does prove a contravention of section 73 (1), the person may be convicted of contravening section 73 (1).

Stay of prohibition against driving

101 (1) In this section:

“**appellate court**” means a court to which a person who is prohibited from driving appeals a conviction;

“**conviction**” means a conviction under which a prohibition has been imposed, and includes the granting of an absolute or conditional discharge and the determination under section 123 (2) of the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, that a contravention took place;

“**licence**” means a licence authorizing a person to drive, and includes a document issued in another jurisdiction authorizing a person to drive;

“**prohibition**” means a prohibition on a person from driving a motor vehicle, imposed

- (a) under section 98, 99 or 100 of this Act,
- (b) under the *Youth Justice Act*, or
- (c) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was,

and “**prohibited from driving**” has a corresponding meaning;

“**stay**” means a stay of a prohibition, granted under subsection (2).

- (2) A judge of the appellate court may stay a prohibition for a period the judge considers appropriate if a person
- (a) appeals a conviction, and
 - (b) applies to a judge of the appellate court for an order to stay the prohibition imposed pursuant to the conviction.
- (3) An application for a stay must not be heard unless written notice has been served on the Attorney General not less than 2 days before the day the application is heard.
- (4) The Attorney General may appear as respondent on an application for a stay.
- (5) On application of
- (a) the person who applied for a stay, or
 - (b) a respondent to vary a stay,
- a judge of the appellate court may, in the judge’s discretion, vary the period of the stay, extend the stay or, where a stay has expired, grant a new stay.
- (6) If a judge of the appellate court orders a stay in respect of a person, the clerk of that court must
- (a) return that person’s licence, and
 - (b) send a copy of the order to the Insurance Corporation of British Columbia.

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- (7) On receiving a copy of an order referred to in subsection (6), the Insurance Corporation of British Columbia must return the licence to the person to whom it was issued.
 - (8) A prohibition is automatically and without notice reimposed on the day
 - (a) a stay expires, or
 - (b) an appeal from the conviction in respect of which a person is prohibited from driving is dismissed.
 - (9) If a prohibition is reimposed by subsection (8), the number of days during which the prohibition was stayed must be added to the original period of the prohibition, and the prohibition continues for that additional number of days, but
 - (a) a further stay may be ordered under subsection (2), and
 - (b) if an appeal from the conviction in respect of which the prohibition from driving was imposed is allowed, the prohibition ends.
 - (10) If a prohibition is reimposed by subsection (8) (a), the person must forthwith cause his or her licence to be sent to the Insurance Corporation of British Columbia.
 - (11) If a prohibition is reimposed by subsection (8) (b),
 - (a) the person must cause his or her licence to be surrendered to the court as soon as practicable after the dismissal, and the prohibition has effect from the date of reimposition whether or not the licence has been surrendered, and
 - (b) the court must forthwith cause
 - (i) the surrendered licence to be sent to the Insurance Corporation of British Columbia, and
 - (ii) the Insurance Corporation of British Columbia to be notified of the dismissal.
 - (12) If an appeal from a conviction is allowed, the court must forthwith cause the Insurance Corporation of British Columbia to be notified.

Driving while prohibited by court order or operation of law

- 102** A person who drives a motor vehicle on a highway or industrial road while
- (a) he or she is prohibited from driving a motor vehicle
 - (i) under section 98, 99 or 100 of this Act,
 - (ii) under the *Youth Justice Act*, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was, or
 - (b) his or her driver's licence or his or her right to apply for or obtain a driver's licence is suspended under section 82 or 92 of the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, as the section was before its repeal and replacement came into force under the *Motor Vehicle Amendment Act, 1982*,
- commits an offence and is liable,

- (c) on a first conviction, to a fine of not less than \$500 and not more than \$2 000 or to imprisonment for not more than 6 months, or to both, and
- (d) on a subsequent conviction, regardless of when the contravention occurred, to a fine of not less than \$300 and not more than \$2 000 and to imprisonment for not less than 14 days and not more than one year.

Deemed prior convictions

103 If a person who is convicted of an offence under section 95 or 102 has previously been convicted of an offence under

- (a) section 95 or 102, or
- (b) section 88.1 or 94.1 of the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, as the section was before its repeal and replacement came into force under the *Motor Vehicle Amendment Act, 1982*,

that prior conviction is conclusively deemed to be a first conviction for the purpose of determining the punishment to which the person is subject under section 95 or 102.

Reporting conviction or judgment

104 (1) A judge of any court, with respect to each conviction made by the judge for, or each conditional or absolute discharge given by the judge in respect of,

- (a) an offence under this Act,
- (b) an offence under the *Commercial Transport Act*,
- (c) an offence under the *Insurance (Vehicle) Act*, or
- (d) a motor vehicle related *Criminal Code* offence,

and every registrar, deputy registrar or court clerk must immediately send the Insurance Corporation of British Columbia a certificate, transcript, copy or record of the conviction.

(2) Every registrar, deputy registrar or court clerk, with respect to each order or judgment of the court in an action for damages resulting from bodily injury to or the death of a person or from damage to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, must immediately send the Insurance Corporation of British Columbia a certificate, transcript or certified copy of the order or judgment.

(3) A certificate, transcript, copy or record sent to the Insurance Corporation of British Columbia under subsection (1) is evidence of the conviction, appeal or proceedings to which it refers.

(4) If a person

- (a) is convicted of an offence or given an absolute or conditional discharge, and
- (b) is a resident of or has a document from another jurisdiction that allows him or her to drive a motor vehicle,

the Insurance Corporation of British Columbia must send a certificate, transcript of or certified copy of the person's conviction to the person in charge of the

registration of motor vehicles or licensing of drivers in the jurisdiction in which the person resides or from which the person has a document that allows him or her to drive a motor vehicle, as the case may be.

- (5) If the Insurance Corporation of British Columbia has received notice that a person
- (a) is or was prohibited from driving a motor vehicle, or his or her right to apply for or obtain a driver's licence is or was suspended,
 - (i) under this Act, the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (ii) before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, or
 - (iii) before April 1, 2004, under the *Young Offenders (British Columbia) Act*, as it then was, and
 - (b) is a resident of or has a document from another jurisdiction that allows him or her to drive a motor vehicle,

the corporation must send

- (c) a notice of the prohibition or suspension containing a brief statement of the reasons for it, and
- (d) the document that allows the person to drive a motor vehicle, if it is in the corporation's possession,

to the person in charge of the registration of motor vehicles or licensing of drivers in the jurisdiction in which the person resides or from which he or she has a document that allows him or her to drive a motor vehicle, as the case may be.

Repealed

104.1-105.95 [Repealed 2010-14-14.]

Proof of financial responsibility

- 106**
- (1) If proof of financial responsibility is required to be given, it must be given by a certificate under the *Insurance (Vehicle) Act*.
 - (2) A person who is not a resident of British Columbia, or is the owner or operator of an extraprovincial undertaking in respect of that undertaking, may for the purposes of this part give proof of financial responsibility
 - (a) as provided in subsection (1), or,
 - (b) subject to subsection (8), by filing a certificate in a form approved by the Insurance Corporation of British Columbia, issued by an insurer authorized to transact vehicle insurance in another province, state, territory, district or country.
 - (3) For the purposes of subsection (2), “**extraprovincial undertaking**” means a work or undertaking for the transport of passengers or goods by motor vehicle or trailer, connecting British Columbia with another or others of the provinces of Canada, or extending beyond the limits of British Columbia.

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- (4) An insurer who has issued vehicle insurance that provides third party liability insurance coverage to a person entitled under subsection (2) to give proof of financial responsibility must, at the request of the insured, file with the Insurance Corporation of British Columbia a certificate showing the particulars of the vehicle insurance.
 - (5) An insurer who files a certificate under subsection (4) must notify the Insurance Corporation of British Columbia of the cancellation of or failure to renew the vehicle insurance for which the certificate was issued at least 10 days before the date of cancellation or failure to renew.
 - (6) If an insurer fails to notify the Insurance Corporation of British Columbia, the vehicle insurance is deemed to remain in full force and effect until a date 10 days after notice is received by the corporation.
 - (7) A certificate filed with the Insurance Corporation of British Columbia under subsection (2) must be signed by a person authorized by the insurer.
 - (8) A certificate issued under paragraph (2) (b) by an insurer not authorized to carry on in British Columbia the business of vehicle insurance is not effective for the purpose of subsection (2) unless the insurer has filed with the Superintendent of Financial Institutions, in a form established by him or her,
 - (a) a power of attorney authorizing the Superintendent of Financial Institutions to accept service of notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in British Columbia, and
 - (b) an undertaking
 - (i) to appear in every action or proceeding against it or its insured arising out of a motor vehicle accident in British Columbia, and of which it has knowledge,
 - (ii) that on receipt from the Superintendent of Financial Institutions of a notice or process served on the insurer in respect of its insured or of its insured and another or others, and sent by the Superintendent of Financial Institutions to it as provided by section 108, it will immediately cause the notice or process to be personally served on its insured, and
 - (iii) not to set up a defence to a claim, action or proceeding, under vehicle insurance issued by it that provides third party liability insurance coverage, that might not be set up if the vehicle insurance had been issued in British Columbia in accordance with the law of British Columbia relating to motor vehicle liability policies, and to satisfy up to the limits of liability under the vehicle insurance, and in any event to an amount not less than the limits of liability prescribed under the *Insurance (Vehicle) Act* for a motor vehicle liability policy, any judgment rendered against it or its insured by a court in British Columbia in the action or proceeding.
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Service of unlicensed insurer

- 107** (1) If an insurer to which section 106 (2) refers is not authorized to carry on in British Columbia the business of vehicle insurance, notice or process in an action or proceeding in British Columbia against it or its insured arising out of a motor vehicle accident in British Columbia may be effectually served on the insurer or the insured, or on both, by leaving 3 copies of the notice or process with the Superintendent of Financial Institutions.
- (2) If the insurer is not a party to the action or proceeding, the person who leaves with the Superintendent of Financial Institutions the copies of the notice or process must at the same time leave with him or her a written statement, signed by the person who issued the notice or process, and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

Notice to insurer

- 108** On receipt of notice or process under section 107, the Superintendent of Financial Institutions must immediately mail 2 copies by registered mail to the insurer at its address last known to him or her.

Implied covenant

- 109** In an action or proceeding against an insurer who has given to the Superintendent of Financial Institutions an undertaking under section 106 (8) (b), the plaintiff may give evidence of the undertaking; and the undertaking, for all purposes of the action or proceeding, is deemed a covenant for valuable consideration made by the insurer with the plaintiff.

Default of insurer

- 110** (1) If an insurer that has filed the documents described in section 106 (2) defaults under them, certificates of the insurer must not after that be accepted as proof of financial responsibility so long as the default continues.
- (2) The Insurance Corporation of British Columbia must immediately notify the Superintendent of Financial Institutions and the proper officer in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or district in the United States where the certificates of the insurer are accepted as proof of financial responsibility of the default.

Issue of financial responsibility card

- 111** (1) If the owner of a motor vehicle or trailer gives proof of financial responsibility as provided in section 106 (1), the Insurance Corporation of British Columbia must issue and deliver to the owner either a financial responsibility card to be carried in the vehicle at all times, or a windshield decal or sticker of a design approved by the corporation to be affixed to the lower part of the right hand side of the windshield of the motor vehicle, which decal or sticker is deemed to be a financial responsibility card and proof of financial responsibility for all purposes.
- (2) On request of the owner referred to in subsection (1), the Insurance Corporation of British Columbia must issue and deliver to the owner an additional financial

responsibility card or windshield decal or sticker for each motor vehicle of the owner for which proof of financial responsibility is required and included in the owner's certificate.

- (3) A financial responsibility card must set out
 - (a) the name of the person or corporation giving the proof of financial responsibility;
 - (b) the particulars of the motor vehicle or trailer as set out in the motor vehicle or trailer licence relative to it issued under section 3; and
 - (c) all other particulars required by the Insurance Corporation of British Columbia.
- (4) A financial responsibility card must be in a form established by the Insurance Corporation of British Columbia.

Cancellation of financial responsibility card

- 112** If the owner of a motor vehicle to whom the Insurance Corporation of British Columbia has issued a financial responsibility card ceases to maintain, as required by this Act, the proof of financial responsibility for which the card was issued, the owner must immediately deliver to the corporation for cancellation the card and all additional cards so issued to the owner.

Garage and sales agency policy

- 113** (1) In this section, “**garage and sales agency policy**” means a policy of the type commonly known as a garage and sales agency policy, which insures a person against liability for loss or damage to persons or property occasioned by or arising out of the ownership, maintenance, operation or use by the person or the person's employees of a motor vehicle that is either owned by the person or in the person's charge.
- (2) If a person is insured by the Insurance Corporation of British Columbia under a garage and sales agency policy, and, in the opinion of the corporation, the amount in which the person is insured under the policy is adequate to satisfy all such liabilities that the person is likely to incur, subject, for each motor vehicle that at any one time may be operated or used by the person or the person's employees, to the limits as to amount and covering those benefits prescribed under the *Insurance (Vehicle) Act* for a motor vehicle liability policy, the corporation must, at the time of issue of the policy, also issue and deliver to the named insured
- (a) a financial responsibility card to be carried in the vehicle at all times, or
 - (b) a windshield decal or sticker of a design approved by the corporation to be affixed to the lower part of the right hand side of the windshield of the motor vehicle.
- (3) A decal or sticker affixed to a motor vehicle as provided in subsection (2) (b) is deemed to be a financial responsibility card and proof of financial responsibility for all purposes.

- (4) On the request of the insured, the Insurance Corporation of British Columbia must issue and deliver to the insured an additional financial responsibility card or windshield decal or sticker for each motor vehicle of the insured for which proof of financial responsibility is required and included in the certificate of insurance.
- (5) A windshield decal or sticker issued under subsection (2) must be in a form approved by the Insurance Corporation of British Columbia.
- (6) If a person to whom a windshield decal or sticker has been issued under subsection (2) ceases to keep in force the policy of insurance for which the windshield decal or sticker was issued, the person must immediately deliver to the Insurance Corporation of British Columbia for cancellation the unused decals or stickers issued to the person.

Return of security given in proof

- 114** (1) If the Minister of Finance is satisfied a person who has given security under this Act has produced satisfactory proof that the person has satisfied all claims arising out of the accident in respect of which security was given, the minister must return the security to that person.
- (2) If
- (a) one year has elapsed since the date of an accident and the driver of a motor vehicle in any manner, directly or indirectly, involved has not been named defendant in an action for damages as a result of the accident, or
 - (b) judgment in an action for damages resulting from the accident brought against or instituted by the driver has been given in his or her favour,
- the Minister of Finance, on receipt of satisfactory proof of these facts, must return the security to the person who paid it.
- (3) If the Minister of Finance is unable to locate the person or driver to return the security under this section, that minister must pay it into the consolidated revenue fund.

Information to be furnished by Insurance Corporation of British Columbia

- 115** The Insurance Corporation of British Columbia must, on the written request of a person who submits evidence that the person has been injured or the person's property damaged by a motor vehicle, furnish the person with information as to the proof of financial responsibility given by the registered owner of or the person driving or operating that motor vehicle.

Certified abstract

- 116** (1) The Insurance Corporation of British Columbia must, on payment of a prescribed fee, provide a person who requests information with respect to that person as owner, driver or otherwise with an abstract, certified by the corporation, of the record in the corporation's office during the 5 years preceding the request relating to that person and setting out particulars of any conviction, order or judgment made against that person under this Act, or referred to in this Part, and of any motor vehicle registered in that person's name.

- (2) Subsection (1) must not be construed as requiring the Insurance Corporation of British Columbia to supply an abstract or information to any person other than the person to whom the abstract or information relates, and if an abstract or information is requested by another person, the corporation may decline to supply it or may supply such parts of it as the corporation considers desirable.

Director of Commercial Vehicle Safety and staff

- 116.1** (1) A director and any employees necessary to carry out the duties and functions of the director under this Act or any other enactment may be appointed in accordance with the *Public Service Act*.
- (2) The director may delegate any or all of the powers, duties and functions of the director under this Act or any other enactment to an employee referred to in subsection (1).
 - (3) The director has access to
 - (a) every driver record, motor vehicle record or other record kept by the Insurance Corporation of British Columbia under this Act, the *Commercial Transport Act*, the *Transportation Act*, the *Passenger Transportation Act*, the *Motor Fuel Tax Act* or the *Transport of Dangerous Goods Act*, that the director requires for the purpose of carrying out the director's powers, duties and functions under this Act or any other enactment, and
 - (b) prescribed records kept by the Insurance Corporation of British Columbia that the director requires to compile information and profiles for the purposes of a regulation enacted under section 212.

Superintendent may delegate

- 117** (1) The superintendent may delegate any or all of the powers, duties and functions of the superintendent
- (a) under this Act to persons appointed in accordance with section 118 (2), or
 - (b) under this Act, except Part 2.1, to the Insurance Corporation of British Columbia.
- (2) The Insurance Corporation of British Columbia, in carrying out powers or responsibilities delegated to it under subsection (1), must act in accordance with any directives issued by the superintendent.
 - (3) For the purposes of subsection (2), the superintendent may issue general or specific directives.

Appointment of superintendent and staff

- 118** (1) An individual must be appointed as the Superintendent of Motor Vehicles under subsection (2).
- (2) The superintendent, a deputy superintendent and other officers, clerks and employees necessary to carry out the powers, duties and functions of the superintendent are to be appointed in accordance with the *Public Service Act*.

- (3) Officers and employees necessary to carry out the powers, duties and functions of the Insurance Corporation of British Columbia are to be appointed in accordance with section 4 of the *Insurance Corporation Act*.

PART 2.1 — APPEALS AND SHOW CAUSE HEARINGS

Definitions

118.1 In this Part:

- “**business day**” means a day other than Saturday, Sunday or another holiday listed in the definition of “holiday” in the *Interpretation Act*;
- “**person affected by a proposed action of the corporation**” means a person whose licence or certification is the subject of an action, described in any of paragraphs (a), (b) or (e) of section 118.4, that is proposed by the Insurance Corporation of British Columbia;
- “**superintendent**”, with reference to a particular show cause hearing or appeal, includes a person, if any, to whom the hearing or appeal is referred under section 118.2 to that hearing or appeal.

Superintendent may assign appeal officers

- 118.2** The superintendent, in writing, may refer a specified appeal or show cause hearing under this Part to be considered and decided by the individuals the superintendent considers qualified to preside at appeals and show cause hearings under this Part.

Jurisdiction

118.3 (1) The superintendent

- (a) has jurisdiction to consider and decide appeals and show cause hearings under this Part,
 - (b) may establish, subject to the regulations, his or her own practices and procedures for appeals and show cause hearings under this Part, and
 - (c) is not bound by the legal or technical rules of evidence or by decisions made under section 118.2 in appeals or show cause hearings under this Part.
- (2) An individual to whom an appeal or show cause hearing is referred under section 118.2 has all the jurisdiction and may exercise the powers and perform the duties of the superintendent, in relation to that appeal or show cause hearing.

Right to show cause to the superintendent against certain proposed actions

- 118.4** A person affected by a proposed action of the Insurance Corporation of British Columbia, which action is described in any of the following paragraphs (a), (b), and (e), must be given an opportunity to show cause why the proposed action should not be taken:

- (a) the cancellation of the person’s driver training school licence;
- (b) the cancellation of the person’s driver training instructor’s licence;
- (c) and (d) [Repealed 2003-11-8.]

- (e) the suspension, refusal to renew or cancellation of a person's certification for an AirCare repair centre or as an AirCare repair centre technician.

Show cause procedure

- 118.5** (1) The Insurance Corporation of British Columbia must deliver notice to a person affected by a proposed action of the corporation, informing the person of
- (a) the proposed action and the reasons for it, and
 - (b) the person's right under this Part to show cause, at a hearing before the superintendent, why the proposed action should not be taken.
- (2) The person affected by the proposed action may file with the superintendent, before expiry of the prescribed time limit, a notice of intention to show cause.
- (3) If the person affected by the proposed action does not file a notice of intention to show cause within the time limit prescribed for the purpose of subsection (2), the superintendent may authorize the corporation to proceed with the proposed action.
- (4) If the person affected by the proposed action files a notice of intention as set out in subsection (2), the superintendent must set the time and place for the show cause hearing and give notice of the hearing to the Insurance Corporation of British Columbia and to the person.

Show cause hearing decisions

- 118.6** After hearing the evidence of the Insurance Corporation of British Columbia and the person affected by the proposed action at the show cause hearing held under section 118.4, the superintendent may direct that the Insurance Corporation of British Columbia take or refrain from taking the proposed action that was the subject of the hearing.

Right of appeal — certain other decisions

- 118.7** A person affected by any of the following decisions of the Insurance Corporation of British Columbia may appeal the decision to the superintendent:
- (a) under section 25 (14), the imposition of a restriction or condition in respect of the person's driver's licence;
 - (b) under section 26 (1), the refusal to issue a driver's licence;
 - (b.1) under section 26.1, cancellation of the person's driver's licence;
 - (b.2) under section 27, issuance of a short term driver's licence;
 - (c) under section 91, the prohibition of the person from driving a motor vehicle;
 - (d) the refusal to issue to the person a driver training school licence or a driver training instructor's licence;
 - (d.1) the refusal to renew the person's driver training school licence or driver training instructor's licence;
 - (d.2) the suspension of the person's driver training school licence or driver training instructor's licence;
 - (e) [Repealed 2003-11-9.]

- (f) the refusal to issue to the person certification for an AirCare repair centre or as an AirCare repair centre technician;
- (g) [Repealed 2003-11-9.]
- (h) the refusal to accept proof of the person's financial responsibility in the form of a certificate referred to in section 106 (2) (b), on the grounds that the person is not an extraprovincial undertaking within the meaning of section 106 (3);
- (i) the refusal to issue to the person a financial responsibility card, decal or sticker referred to in section 111;
- (j) the cancellation of the person's financial responsibility card.

Appeal procedure

118.8 The time limit for commencing an appeal under section 118.7 is 30 business days, beginning on the day after the appellant is notified of the Insurance Corporation of British Columbia's decision.

Written submissions

- 118.9** (1) On an appeal under section 118.7, the superintendent may order the Insurance Corporation of British Columbia and the appellant to deliver written submissions.
- (2) If the appellant fails to deliver a written submission ordered under subsection (1) within the time specified in the order, the superintendent may dismiss the appeal.
- (3) The superintendent must ensure that the Insurance Corporation of British Columbia and the appellant each has the opportunity to review written submissions from the other and an opportunity to rebut the written submissions.
- (4) If the superintendent is satisfied that the matter can be disposed of on the basis of the written submissions delivered, he or she may decide the appeal on that basis without a further hearing.

Powers of superintendent on an appeal

- 118.91** On considering an appeal, the superintendent may
- (a) confirm, vary or rescind the decision appealed from,
 - (b) make any decision that the Insurance Corporation of British Columbia could have made in the first instance, or
 - (c) refer the matter back to the Insurance Corporation of British Columbia with or without directions.

Regulations

118.92 The Lieutenant Governor in Council may make regulations as follows:

- (a) governing how an appeal or a show cause hearing under this Part is to be commenced and conducted;
- (b) respecting the consequences of non-compliance with the rules governing appeals and show cause hearings under this Part;

- (c) respecting the status of decisions of the Insurance Corporation of British Columbia pending appeals to the superintendent from those decisions;
- (d) respecting service, including substitute service, of documents;
- (e) [Repealed 2002-25-59.]
- (f) prescribing fees, payable by the Insurance Corporation of British Columbia, persons affected by proposed actions of the corporation and appellants, in respect of appeals and show cause hearings under this Part, which may differ according to the type of proposed action or the type of decision that gives rise to the right of appeal or the right to show cause;
- (g) in prescribed circumstances or on prescribed conditions, exempting particular persons or classes of persons from a fee prescribed under this Part;
- (h) respecting qualifications to be possessed by individuals to whom appeals and show cause hearings may be referred under section 118.2.

Repealed

118.93 [Repealed 2003-11-10.]

PART 2.2 — SHOW CAUSE HEARINGS AND RECONSIDERATIONS ABOUT COMMERCIAL MOTOR VEHICLES

Definitions

118.94 In this Part:

“**carrier**” means, in relation to a commercial motor vehicle,

- (a) the owner of the commercial motor vehicle, including a person in possession of the commercial motor vehicle under a contract by which the person may become the owner of the commercial motor vehicle on full compliance with the contract,
- (b) any other person having management of the commercial motor vehicle or determination of the uses to which it is put, and
- (c) the lessee of the commercial motor vehicle if the lease for the commercial motor vehicle has a term of at least one month,

but a person is not a carrier merely because the person is the driver of the commercial motor vehicle;

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

- (a) truck or truck tractor with a licensed gross vehicle weight greater than 5 000 kg and includes an attached trailer,
- (b) bus,
- (c) motor vehicle whose operator is required to hold a licence under the *Passenger Transportation Act*, or

- (d) business vehicle, as defined in section 237, that has a gross vehicle weight greater than 5 000 kg;

“safety certificate” means a safety certificate issued in accordance with regulations made under section 212.

Suspensions

118.95 If the director considers it desirable in order to ensure road safety, the director may suspend a safety certificate issued to a carrier or an authorization or designation granted to a person under section 217 (1) (a) or (b) respecting inspections of vehicles.

Cancellations and restrictions

118.96 (1) The director may, on written notice, cancel an authorization or designation granted to a person under section 217 (1) (a) or (b) respecting inspections of vehicles on the grounds set out in the regulations.

- (2) If, on the basis of information or profiles referred to in section 212, the director considers it desirable in order to ensure road safety the director may, on written notice, do any or all of the following:

- (a) cancel the safety certificate issued to a carrier;
- (b) direct that some or all commercial vehicle licences or permits of commercial motor vehicles operated by a carrier be cancelled;
- (c) restrict or prohibit the use of a commercial motor vehicle by a carrier.

Right to show cause and request for reconsideration

118.97 (1) A person or a carrier who has been given notice under section 118.96 has the right, during the period specified by the director in the notice, to apply to the director to show cause why the cancellation, restriction or prohibition should not be made.

- (2) If, at a show cause hearing under subsection (1), the director confirms a cancellation, restriction or prohibition that was the subject of a notice under section 118.96, the person or carrier has the right to apply, during the period specified by the director, to the director for a reconsideration of the decision.

General reconsideration power of the director

118.98 Despite any provision of this Part, the director may at any time reconsider, vary or rescind a decision or determination made by the director under this Part.

Show cause hearings and reconsiderations

118.99 (1) Subject to this Part and the regulations, the director may establish his or her own practices and procedures for show cause hearings or reconsiderations under this Part, and is not bound by the legal or technical rules of evidence or by decisions or determinations made under this Part.

- (2) If a person or carrier seeks to show cause under section 118.97 (1) or requests a reconsideration under section 118.97 (2), the director may, if the director is satisfied that the matter can be disposed of on the basis of written submissions, decide the matter on that basis.

Direction to cancel commercial vehicle licences and permits

118.991 At the direction of the director, the Insurance Corporation of British Columbia must cancel any or all commercial vehicle licences or permits of commercial motor vehicles operated by a carrier and may, but need not, refund the fee for the licence or permit being cancelled.

Power to make regulations

118.992 The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the conduct of, and practices and procedures for, show cause hearings or reconsiderations under this Part;
- (b) respecting service, including substitute service, of documents;
- (c) prescribing fees payable by applicants for show cause hearings or reconsiderations under this Part that may be different for commercial vehicle licences, permits, safety certificates, authorizations and designations;
- (d) in prescribed circumstances or on prescribed conditions, exempting a person or class of person from a fee prescribed under this section.

PART 3

Definitions

119 (1) In this Part:

“**boulevard**” means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;

“**bus lane**” means a lane of a laned roadway in respect of which prescribed signs or markings indicate that the lane is reserved for the exclusive use of buses or other prescribed motor vehicles and devices;

“**business district**” means the territory contiguous to a portion of a highway having a length of 200 m along which there are buildings used for business, industrial or public purposes occupying

- (a) at least 100 m of frontage on one side of that portion, or
 - (b) at least 100 m collectively on both sides of that portion,
- and includes that portion of the highway;

“**combination of vehicles**” means a combination of motor vehicle and trailer or motor vehicle and trailers;

“**controlled access highway**” means a highway designated as such under Division 3 of Part 4 of the *Transportation Act*;

“**crosswalk**” means

- (a) a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface, or
- (b) the portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the

highway, or within the extension of the lateral lines of the sidewalk on one side of the highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway;

“cycle” means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or in-line roller skates;

“designated use highway” means a highway or part of a highway in respect of which a traffic control device indicates that the highway or part of a highway is reserved for the exclusive use of persons, organizations, vehicles or cycles, classes of persons, organizations, vehicles or cycles prescribed under section 209.1 or specified in a bylaw or resolution of the council of a municipality under section 124.2;

“designated use lane” means a lane of highway in respect of which a traffic control device indicates that the lane is reserved for the exclusive use of persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles prescribed under section 209.1 or specified in a bylaw or resolution of the council of a municipality under section 124.2;

“driver” means a person who drives or is in actual physical control of a vehicle;

“high occupancy vehicle lane” means a lane of a laned roadway in respect of which prescribed signs or markings indicate that the lane is reserved for the exclusive use of buses, motor vehicles that meet prescribed occupancy requirements and other prescribed motor vehicles and devices;

“intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways that join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict;

“laned roadway” means a roadway or the part of a roadway that is divided into 2 or more marked lanes for the movement of vehicular traffic in the same direction;

“owner”, with respect to a vehicle, means

- (a) the person who holds the legal title to the vehicle,
- (b) a person who is a conditional purchaser, a lessee or a mortgagor, and is entitled to be and is in possession of the vehicle, or
- (c) the person in whose name the vehicle is registered;

“park”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

“pedestrian” means a person afoot, or an invalid or child in a wheelchair or carriage;

“residence district” means the territory continuous to a portion of a highway having a length of 100 m along which there are buildings used for residence purposes only or for residence and business purposes occupying

- (a) at least 50 m of frontage on one side of that portion, or
 - (b) at least 50 m collectively on both sides of that portion,
- and includes that portion of the highway;

“roadway” means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and if a highway includes 2 or more separate roadways, the term **“roadway”** refers to any one roadway separately and not to all of them collectively;

“sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for the use of pedestrians;

“stop” or **“stand”** means,

- (a) when required, a complete cessation from movement, and
- (b) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a peace officer or traffic control device;

“through highway” means a highway or part of a highway at the entrances to which stop signs are erected under this Act;

“traffic” includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway to travel;

“traffic control device” means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with this Part, 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;

“traffic control person” means any person who is a member of a class of persons designated or assigned, in accordance with the regulations or a bylaw or resolution of the council of a municipality, to direct traffic;

“traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.

- (2) For the purpose of the definition of **“intersection”** in subsection (1), “highway” does not include a lane or way less than 5 m in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.

Application

120 Unless the context otherwise requires,

- (a) the provisions of this Part relating to pedestrians and to the operation of vehicles refer to pedestrians and to the operation of vehicles on a highway,
- (b) the provisions of this Part do not apply to persons, vehicles and other equipment while actually 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 do apply to them when travelling to or from that site, and

- (c) a person riding an animal or driving an animal driven vehicle on a highway has the rights and is subject to the duties of the driver of a vehicle under this Part.

Construction and maintenance vehicles

- 121** Despite section 120 (b), the driver of a vehicle referred to in that section must drive with due regard for safety, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic that is, or might reasonably be expected to be, on it.

Exemption for emergency vehicles

- 122** (1) Despite anything in this Part, but subject to subsections (2) and (4), a driver of an emergency vehicle may do the following:
- (a) exceed the speed limit;
 - (b) proceed past a red traffic control signal or stop sign without stopping;
 - (c) disregard rules and traffic control devices governing direction of movement or turning in specified directions;
 - (d) stop or stand.
- (2) The driver of an emergency vehicle must not exercise the privileges granted by subsection (1) except in accordance with the regulations.
- (3) [Repealed 1997-30-2.]
- (4) The driver of an emergency vehicle exercising a privilege granted by subsection (1) must drive with due regard for safety, having regard to all the circumstances of the case, including the following:
- (a) the nature, condition and use of the highway;
 - (b) the amount of traffic that is on, or might reasonably be expected to be on, the highway;
 - (c) the nature of the use being made of the emergency vehicle at the time.

Police traffic direction

- 123** If a peace officer reasonably considers it necessary to
- (a) ensure orderly movement of traffic,
 - (b) prevent injury or damage to persons or property, or
 - (c) permit proper action in an emergency,

the peace officer may direct traffic according to his or her discretion, despite anything in this Part, and everyone must obey his or her directions.

Municipal powers

- 124** (1) The council of a municipality may, by bylaw not inconsistent with or derogatory to this Part, provide for the following:
- (a) the placing or erection of traffic control devices to give effect to this Act or a bylaw adopted under this section;

- (b) the regulation, control or prohibition of pedestrian traffic, ridden or herded animals, vehicular traffic and traffic by other conveyances, either singly or together, on sidewalks, walkways or boulevards, or in or on lanes or ways separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lanes or ways, and at intersections of the lanes or ways with each other or with highways;
- (c) the regulation, control or prohibition of the stopping, standing or parking of vehicles in the municipality;
- (d) in accordance with any regulation made under section 209 (2) (h), for parking zones for persons with disabilities, on highways that are not arterial highways, including providing for a system of permits for those parking zones;
- (e) the setting apart and allotting of portions of highways adjacent to federal, Provincial or municipal public buildings for the exclusive use of officials and officers engaged in them for the parking of vehicles, and the regulation of that parking;
- (f) the erection, maintenance and operation on a highway or portion of it of automatic or other mechanical meters, for the purpose of allotting and controlling parking spaces for vehicles, and measuring and recording the duration of parking, and requiring the driver of every vehicle parked in a parking space to deposit in the appropriate meter a fee for parking in the manner and at the rate prescribed and as measured by the meter;
- (g) the removal, detention or impounding of vehicles unlawfully occupying a portion of a highway or public place, and a scale of fees, costs and expenses for that purpose;
- (h) the recovery of the fees, costs and expenses from the owner or by sale of the vehicle referred to in paragraph (g) at public auction or by action in a court of competent jurisdiction;
- (i) the establishment and use of loading, commercial and passenger zones in the municipality and their designation;
- (j) in respect of a highway in a municipality, except an arterial highway, the regulation of the width, length and height of vehicles and the width, length, height, fastenings and distribution of loads on vehicles driven or operated on them;
- (k) that on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices must be erected or placed indicating that people or equipment are working on the highway;
- (l) that on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices must be erected or placed to regulate or prohibit traffic in the vicinity of the work;
- (m) the regulation, control and prohibition of erection or maintenance, or both, of signs, advertisements or guide posts on or over highways other than arterial

highways in the municipality, and their alteration, repainting, tearing down or removal without compensation to any person for the loss or damage that results;

- (n) the regulation or prohibition of pedestrian traffic on highways other than at crosswalks;
- (o) the prohibition of pedestrian traffic in an unmarked crosswalk designated by a traffic control device;
- (p) the establishment of school crossings in the municipality and the regulation and control of pedestrian and vehicular traffic with respect to them;
- (q) the regulation of traffic passing by or in the vicinity of schools through the use of traffic patrols, and for that purpose vesting in the school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;
- (r) the establishment and use of taxi stands in the municipality and their designation;
- (s) the regulation and control of processions on highways in the municipality;
- (t) the regulation and control of persons using roller skates, sleighs, skates, skis or other similar means of conveyance on highways in the municipality and the closing of a highway or highways or part of them to permit the use of roller skates, sleighs, skates, skis or other similar means of conveyance;
- (u) the enforcement of bylaws adopted under this section by fine or imprisonment, or both, and imposing fines, penalties and costs;
- (v) the use, in places, under conditions and in circumstances specified by the bylaw, of sidewalks and crosswalks by persons riding cycles.
- (w) that a person operating or riding as a passenger on a cycle on a path or way designated under paragraph (y) must properly wear a bicycle safety helmet that
 - (i) is designated as an approved bicycle safety helmet under section 184 (4) (a), or
 - (ii) meets the standards and specifications prescribed under section 184 (4) (b);
- (x) that a parent or guardian of a person under the age of 16 years must not authorize or knowingly permit the person to operate or ride as a passenger on a cycle on a path or way designated under paragraph (y) if that person is not properly wearing a bicycle safety helmet that
 - (i) is designated as an approved bicycle safety helmet under section 184 (4) (a), or
 - (ii) meets the standards and specifications prescribed under section 184 (4) (b);
- (x.1) that a parent or guardian of a person under the age of 16 years must not authorize or knowingly permit the person to operate a motor assisted cycle on a path or way designated under paragraph (y);

- (y) the designation of paths or ways within the municipality, other than paths or ways that are highways or are located on private property, for the purposes of a bylaw made under paragraph (w), (x) or (x.1);
 - (z) the exemption of any person or class of persons from a bylaw made under paragraph (w) or (x) and prescribing conditions for those exemptions;
- (2) Despite subsection (1), if a municipality adopts a bylaw under that subsection that contains a provision directing the rate of speed at which a person may drive or operate a motor vehicle on a highway in the municipality, a person who contravenes that provision does not commit an offence against the bylaw.
 - (3) Despite subsection (1) (u), a municipality may not impose imprisonment or a fine of more than \$100 for the contravention of a bylaw made under subsection (1) (w) or (x).
 - (4) The powers conferred on the council of a municipality by this section include the power exercisable by bylaw to do the following:
 - (a) to authorize an officer or employee of the municipality to make orders in respect of the matters comprised in a bylaw adopted under subsection (1) and by those orders to exercise the powers of the municipality under that bylaw, subject to the terms and conditions prescribed in the bylaw;
 - (b) to authorize that officer or employee to rescind, revoke, amend or vary an order made by him or her, subject to the terms and conditions prescribed in the bylaw;
 - (c) to adopt, repeal and amend bylaws under this section even though authority has been given or delegated under this subsection to an officer or employee of the municipality.
 - (5) Except as otherwise provided under another statutory provision, the council of a municipality, in addition to the powers and rights conferred by subsection (1), has the same powers and rights with respect to highways, other than arterial highways, in the municipality, and their use by vehicles and persons, as are exercisable by the Lieutenant Governor in Council and the minister responsible for the administration of the *Transportation Act* and not mentioned in subsection (1).
 - (6) The council of a municipality may exercise the powers and rights referred to in subsection (5) by resolution or bylaw.
 - (7) Without limiting the scope of subsections (5) and (6), the powers and rights referred to in those subsections include the powers and rights of
 - (a) the Lieutenant Governor in Council and the minister responsible for the administration of the *Transportation Act* under section 209, and
 - (b) the minister responsible for the administration of the *Transportation Act* under sections 208 and 214.
 - (8) For certainty, the powers and rights referred to in subsections (5), (6) and (7) do not include the power or right to direct the rate of speed at which a person may

drive or operate a motor vehicle on a highway in the municipality, except the power to regulate the speed of vehicles

(a) for the protection of the highway under section 209 (1) (a), and

(b) for the time of the year and the physical condition of the highway under section 209 (1) (d).

(9) Despite subsections (5) and (6), if a municipality adopts a resolution or bylaw under those subsections that contains a provision regulating the speed of vehicles

(a) for the protection of the highway under section 209 (1) (a), or

(b) for the time of the year and the physical condition of the highway under section 209 (1) (d),

a person who contravenes that provision does not commit an offence against the bylaw.

(10) A copy of an order made under a bylaw adopted under subsection (4) that purports to be certified a true copy by the municipal corporate officer must be received in all courts as evidence of the order without further proof of the order or the signature or official character of the person by whom it is certified.

(11) A bylaw adopted under this section must not be quashed, set aside or declared ineffectual or void merely because of an informality or want of declaration of the power under which it was passed, or on the grounds of discriminatory exercise of the powers conferred by this Act.

(12) In a bylaw or order adopted or made under this section,

(a) vehicles may be classified according to their nature, type, character, weight, equipment, accessories or otherwise, and different provisions may be made for different classes,

(b) highways or portions of highways, including sidewalks and boulevards, may be classified according to widths, amount of traffic or otherwise, and different provisions may be made for different classes, and

(c) different provisions may be made applicable to different seasons of the year or to different conditions of the highway.

(13) A municipal bylaw does not apply to the regulation, control or prohibition of traffic on an arterial highway as defined in the *Transportation Act* unless its application to arterial highways has been approved by the minister responsible for the administration of the *Transportation Act*.

Not in Force

124.1 [Not in force.]

Additional municipal powers

124.2 (1) Subject to subsections (2) and (3), the council of a municipality has the same powers to make bylaws or resolutions with respect to highways, other than arterial highways, in the municipality and their use by persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles as the minister has to make regulations under section 209.1.

- (2) A bylaw or resolution may be adopted under subsection (1) only if it is approved in writing by the minister responsible for the *Transportation Act*, or a person designated in writing by that minister
 - (a) if the highway, part of the highway or lane of the highway, or
 - (b) if the designated use highway or designated use lanein respect of which the bylaw or resolution is to apply, is within 800 metres of an arterial highway or a provincial public highway, as those terms are defined in the *Transportation Act*.
- (3) A municipality must not by bylaw or resolution under subsection (1), without the written approval of the minister responsible for the *Transportation Act*, take, authorize or permit any action in respect of a highway, part of a highway, lane, designated use highway or designated use lane, that would reduce the capacity of all or any part of an arterial highway or a provincial public highway, within the meaning of the *Transportation Act*, to move people or freight.
- (4) For the purpose of subsection (3), an action would reduce the capacity of all or any part of an arterial highway or a provincial public highway to move people or freight if the action would alter traffic control conditions and traffic movement on a highway in such a way that fewer persons or less freight would be able to move on the highway in a given time period than were able to move on the highway in a comparable time period before the taking of the action.

Obeying traffic controls

- 125** Unless otherwise directed by a peace officer or a person authorized by a peace officer to direct traffic, every driver of a vehicle and every pedestrian must obey the instructions of an applicable traffic control device.

Traffic control signals inoperative

- 125.1** (1) The driver of a vehicle approaching an intersection that has traffic control signals that are inoperative must stop before entering the intersection.
- (2) If 2 vehicles have come to a stop at an intersection described in subsection (1) from different highways at approximately the same time, the driver of a vehicle must yield the right of way to the vehicle that is on the right of the vehicle that he or she is driving, but if one of the vehicles is already entering the intersection, the driver of the other vehicle must stop and yield the right of way to the entering vehicle while it is proceeding into or across the intersection.

Traffic control signals

- 126** If traffic is controlled by traffic control signals exhibiting coloured lights or arrows, only the colours mentioned in sections 127 to 134 may be used.

Green light

- 127** (1) When a green light alone is exhibited at an intersection by a traffic control signal,
- (a) the driver of a vehicle facing the green light

- (i) may cause the vehicle to proceed straight through the intersection, or to turn left or right, subject to a sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted,
 - (ii) must yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk at the time the green light is exhibited, and
 - (iii) must yield the right of way to vehicles lawfully in the intersection at the time the green light became exhibited, and
 - (b) a pedestrian facing the green light may proceed across the roadway in a marked or unmarked crosswalk, subject to special pedestrian traffic control signals directing him or her otherwise, and has the right of way for that purpose over all vehicles.
- (2) When a green light alone is exhibited at a place other than an intersection by a traffic control signal,
- (a) the driver of a vehicle
 - (i) may cause the vehicle to pass the signal, and
 - (ii) must yield the right of way to a pedestrian still in the roadway or on a crosswalk in the vicinity of the signal when the green light is exhibited,
 - (b) a pedestrian still in the roadway or on a crosswalk in the vicinity of the signal when the green light is exhibited must proceed as quickly as possible from the roadway, and
 - (c) a pedestrian must not enter the roadway in the vicinity of the signal until either
 - (i) the traffic control signal facing the vehicular traffic exhibits a red light, or
 - (ii) a traffic control signal instructs the pedestrian that he or she may cross the roadway.

Yellow light

- 128** (1) When a yellow light alone is exhibited at an intersection by a traffic control signal, following the exhibition of a green light,
- (a) the driver of a vehicle approaching the intersection and facing the yellow light must cause it to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, before entering the intersection, unless the stop cannot be made in safety,
 - (b) a pedestrian facing the yellow light must not enter the roadway, and
 - (c) a pedestrian proceeding across the roadway and facing the yellow light exhibited after he or she entered the roadway
 - (i) must proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

- (2) When a yellow light alone is exhibited at a place other than an intersection by a traffic control signal,
 - (a) the driver of a vehicle approaching the signal must cause it to stop before entering the nearest marked crosswalk in the vicinity of the signal, or if there is no marked crosswalk, before reaching the signal, unless the stop cannot be made in safety, and
 - (b) a pedestrian must not enter the roadway in the vicinity of the signal until either
 - (i) the traffic control signal facing the vehicular traffic exhibits a red light, or
 - (ii) a traffic control signal instructs the pedestrian that he or she may cross the roadway.

Red light**129**

- (1) Subject to subsection (2), when a red light alone is exhibited at an intersection by a traffic control signal, the driver of a vehicle approaching the intersection and facing the red light must cause it to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, before entering the intersection, and subject to the provisions of subsection (3), must not cause the vehicle to proceed until a traffic control signal instructs the driver that he or she is permitted to do so.
- (2) The driver of a bus approaching an intersection and facing a red light and a prescribed white rectangular indicator may cause the bus to proceed through the intersection.
- (3) Despite subsection (1), and except when a right turn permitted by this subsection is prohibited by a sign at an intersection, the driver of a vehicle facing the red light, and which in obedience to it is stopped as closely as practicable to a marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, as closely as practicable to the intersection, may cause the vehicle to make a right turn, but the driver must yield the right of way to all pedestrians and vehicles lawfully proceeding as directed by the signal at the intersection.
- (4) When a red light alone is exhibited at an intersection by a traffic control signal,
 - (a) a pedestrian facing the red light must not enter the roadway unless instructed that he or she may do so by a pedestrian traffic control signal,
 - (b) except when a left turn permitted by this paragraph is prohibited by a sign at the intersection, the driver of a vehicle facing the red light at the intersection of not more than 2 highways, and which in obedience to it is stopped as closely as practicable to a marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, as closely as practicable to the intersection, may cause the vehicle to make a left turn into a highway on which traffic is restricted to the direction in which he or she causes the vehicle to turn, but the driver must yield the right of way to all pedestrians

and vehicles lawfully proceeding as directed by the signal at the intersection, and

- (c) a pedestrian proceeding across the roadway and facing the red light exhibited after he or she entered the roadway
 - (i) must proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.
- (5) When a red light is exhibited at a place other than an intersection by a traffic control signal,
 - (a) the driver of a vehicle approaching the signal must cause it to stop before entering the nearest marked crosswalk in the vicinity of the signal, or if there is no marked crosswalk, before reaching the signal, and
 - (b) a pedestrian may proceed across the roadway.

Arrows

130

- (1) When a green arrow is exhibited at an intersection by a traffic control signal,
 - (a) the driver of a vehicle facing the green arrow may cause it to enter the intersection and to make only the movement indicated by the green arrow, but must yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk and to other vehicles lawfully in the intersection, and
 - (b) a pedestrian facing the green arrow must not enter the roadway unless a pedestrian traffic control signal or the exhibition of a green light by a traffic control signal instructs the pedestrian that he or she is permitted to do so.
- (2) When a yellow arrow is exhibited at an intersection by a traffic control signal,
 - (a) the driver of a vehicle approaching the intersection and facing a yellow arrow must cause the vehicle to stop
 - (i) before entering the marked crosswalk on the near side of the intersection, or
 - (ii) before entering the intersection, if there is no marked crosswalk, unless the stop cannot be made in safety,
 - (b) the driver of a motor vehicle approaching the intersection and facing the yellow arrow may, when a stop cannot be made in safety, proceed with caution to make the only movement indicated by the arrow but must yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk, and to other vehicles lawfully in the intersection,
 - (c) a pedestrian facing the yellow arrow must not enter the roadway, and
 - (d) a pedestrian proceeding across the roadway and facing the yellow arrow exhibited after he or she entered the roadway
 - (i) must proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

Flashing lights

- 131** (1) When rapid intermittent flashes of red light are exhibited at an intersection by a traffic control signal,
- (a) the driver of a vehicle approaching the intersection and facing the flashes of red light must cause the vehicle to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then before entering the intersection, and must not cause the vehicle to proceed until it is safe to do so, and
 - (b) a pedestrian facing the flashes of red light may proceed with caution across the roadway, in a marked or unmarked crosswalk.
- (2) When rapid intermittent flashes of red light are exhibited at a place other than an intersection by a traffic control signal,
- (a) the driver of a vehicle approaching the signal
 - (i) must cause it to stop before entering the nearest marked crosswalk in the vicinity of the signal, or if there is no marked crosswalk then before reaching the signal, and
 - (ii) may, after having caused the vehicle to stop, cause it to pass the signal and any crosswalk only if conditions of pedestrian traffic in the roadway or any crosswalk in the vicinity of the signal permit it to do so with safety, and
 - (b) a pedestrian may proceed across the roadway.
- (3) When rapid intermittent flashes of yellow light are exhibited at an intersection by a traffic control signal,
- (a) the driver of a vehicle facing the flashes of yellow light may cause it to enter the intersection and proceed only with caution, but must yield the right of way to pedestrians lawfully in the intersection or an adjacent crosswalk, and
 - (b) a pedestrian facing the flashes of yellow light may proceed with caution across the roadway, in a marked or unmarked crosswalk.
- (4) When rapid intermittent flashes of yellow light are exhibited at a place other than an intersection by a traffic control signal,
- (a) the driver of a vehicle approaching the signal may cause the vehicle to pass the signal only with caution, and must yield the right of way to pedestrians in the roadway or on any crosswalk in the vicinity of the signal, and
 - (b) a pedestrian may proceed across the roadway with caution.
- (5) When rapid intermittent flashes of green light are exhibited at an intersection or at a place other than an intersection by a traffic control signal,
- (a) the driver of a vehicle approaching the intersection or signal and facing the signal must cause it to approach the intersection or signal in such a manner that he or she is able to cause the vehicle to stop before reaching the signal or any crosswalk in the vicinity of the signal if a stop should

become necessary, and must yield the right of way to pedestrians lawfully in a crosswalk in the vicinity of the signal or in the intersection, and

- (b) a pedestrian may proceed across the roadway with caution and at an intersection only in a marked or unmarked crosswalk.

Pedestrian controls

- 132** (1) When the word “walk” or an outline of a walking person is exhibited at an intersection by a pedestrian traffic control signal, a pedestrian may proceed across the roadway in the direction of the signal in a marked or unmarked crosswalk and has the right of way over all vehicles in the intersection or any adjacent crosswalk.
- (2) When the word “walk” or an outline of a walking person is exhibited at a place other than an intersection by a pedestrian traffic control signal, a pedestrian may proceed across the roadway in the direction of the signal and has the right of way over all vehicles.
- (3) When the word “wait”, the words “don’t walk” or an outline of a raised hand are exhibited at an intersection or at a place other than an intersection by a pedestrian traffic control signal,
- (a) a pedestrian must not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the word “wait”, the words “don’t walk”, or an outline of a raised hand exhibited after he or she entered the roadway
 - (i) must proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

Pedestrian controlled signal

- 133** Where a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he or she must do so
- (a) at an intersection, only in a marked or unmarked crosswalk, and
 - (b) at a place other than an intersection, in the vicinity of which there is a marked crosswalk, only in the crosswalk.

Lane direction control signals

- 134** Where lane direction control signals are placed over individual lanes of a highway, vehicular traffic may travel in a lane over which a green signal is shown, but must not enter or travel on a lane over which a red signal is shown.

Obstruction of signal prohibited

- 135** (1) A person must not erect or maintain on or in view of a highway a device that purports to be, resembles or interferes with the effectiveness of a traffic control device, unless the person is authorized to do so by
- (a) the minister responsible for the administration of the *Transportation Act*,
 - (b) the council of the municipality in which the device is placed, erected or maintained,

- (c) the governing body of the treaty first nation in whose treaty lands the device is placed, erected or maintained, or
 - (d) a person duly authorized by a person or body referred to in paragraphs (a) to (c).
- (2) A person, other than the minister responsible for the administration of the *Transportation Act*, the council of a municipality, the governing body of a treaty first nation or a person authorized by any of them, must not place, erect or cause to be placed or erected a traffic control device on a highway.
- (3) A person must not permit or allow the erection or maintenance of a light, lighting fixture or object reflecting light that, because of the emission or reflection of light, may affect the visibility of the highway or anything on it to the driver of a vehicle.

Prohibition against obstruction of traffic light safety devices

- 135.1** A person commits an offence who, without lawful excuse, intentionally obstructs or otherwise interferes with the operation of a traffic light safety device, as defined in section 83.1 (1).

Commercial advertising

- 136** A person must not place or maintain commercial advertising on a traffic control device.

Altering signal

- 137** Except with lawful authority, a person must not alter, injure or remove, or attempt to alter, injure or remove a traffic control device or any part of it.

Work in progress

- 138** On a highway where new construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices must be erected indicating that persons or equipment are working on the highway.

Erection of speed sign

- 139** On a highway where new construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices must be erected to limit the rate of speed of vehicles or to restrict the manner in which the vehicles are to proceed on the highway.

Obedience to speed signs

- 140** Where traffic control devices as indicated in section 138 or 139 are erected or placed on the highway, a person must not drive or operate a vehicle at a greater rate of speed than, or in a manner different from, that indicated on the signs.

Obeying flagger

- 141** If a flagger is controlling the movements of traffic around the section of highway being worked on, a person must not drive or operate a vehicle other than as directed by the flagger.

Obedying traffic control person

- 141.1** (1) In this section, “**authorization**” means an authorization that is prescribed or authorized by a regulation under section 209.1 or a resolution or bylaw of the council of a municipality under section 124.2.
- (2) If a traffic control person is controlling the movements of traffic on a highway, a person must obey the directions of the traffic control person.
- (3) If a highway or lane has been designated as a designated use highway or designated use lane, as the case may be, the driver of a vehicle must, on the request of a traffic control person or peace officer, produce to the traffic control person or peace officer an authorization, and allow the authorization to be taken in hand and inspected by the traffic control person or peace officer.
- (4) If a driver or person in charge of a motor vehicle does not produce an authorization to use the designated use highway or designated use lane on the request of a traffic control person or peace officer under subsection (3), the traffic control person or peace officer may direct the driver or person in charge of the motor vehicle to remove the motor vehicle from that highway or lane immediately.

Removal of temporary sign

- 142** A person must not leave temporary traffic control devices in place on a highway after the reason for them being there no longer exists.

Newly painted lines

- 143** A person must not drive on or over a newly painted line or marking on a highway when the line is indicated by a traffic control device.

Careless driving prohibited

- 144** (1) A person must not drive a motor vehicle on a highway
- (a) without due care and attention,
 - (b) without reasonable consideration for other persons using the highway, or
 - (c) at a speed that is excessive relative to the road, traffic, visibility or weather conditions.
- (2) A person who contravenes subsection (1) (a) or (b) is liable on conviction to a fine of not less than \$100 and, subject to this minimum fine, section 4 of the *Offence Act* applies.

Slow driving

- 145** (1) A person must not drive a motor vehicle at so slow a speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- (2) If the driver of a motor vehicle is driving at so slow a speed as to impede or block the normal and reasonable movement of traffic, a peace officer may require the driver to increase his or her speed, or to remove the motor vehicle from the roadway to the nearest suitable place and to refrain from causing or allowing the motor vehicle to move from that place until directed to do so by a peace officer.

Speed limits

- 146** (1) Subject to this section, a person must not drive or operate a motor vehicle on a highway in a municipality or treaty lands at a greater rate of speed than 50 km/h, and a person must not drive or operate a motor vehicle on a highway outside a municipality at a greater rate of speed than 80 km/h.
- (2) The minister responsible for the administration of the *Transportation Act* may, by causing a sign to be erected or placed on a highway limiting the rate of speed of motor vehicles or a category of motor vehicles driven or operated on that portion of the highway, increase or decrease the rate of speed at which a person may drive or operate a motor vehicle or a category of motor vehicle on that portion of the highway.
- (3) If the minister responsible for the administration of the *Transportation Act* has caused a sign to be erected or placed on a highway limiting the rate of speed of motor vehicles or a category of motor vehicles driven or operated on that portion of the highway, a person must not, when the sign is in place on the highway, drive or operate a vehicle on that portion of the highway at a greater rate of speed than that indicated on the sign for that category of motor vehicle.
- (4) The minister responsible for the administration of the *Transportation Act* may, by notice in the Gazette, define areas in the unorganized area of British Columbia, and may by causing signs to be erected at the entrance to an area so defined direct the rate of speed at which a person may drive or operate a motor vehicle or a category of motor vehicle in that area, but the rate of speed must not be greater than 60 km/h.
- (5) If the minister responsible for the administration of the *Transportation Act* has caused signs to be erected or placed on a highway in accordance with subsection (4), a person must not, when the sign is in place on the highway, drive or operate a vehicle on a highway at a greater rate of speed than that indicated on the sign for that category of motor vehicle, unless another sign on a specific highway in the defined area so indicates.
- (6) Subject to subsections (2) and (3), a municipality may by bylaw direct the rate of speed at which a person may drive or operate a motor vehicle on a highway in the municipality.
- (7) If, under a bylaw adopted by a municipality or a law enacted by a treaty first nation, signs have been erected or placed on a highway limiting the rate of speed of motor vehicles driven or operated on a designated portion of the highway, a person must not, when the sign is in place on the highway, drive or operate a motor vehicle on that portion of the highway at a greater rate of speed than that indicated on the sign.
- (8) A municipality may by bylaw direct that the rate of speed at which a person may drive or operate a motor vehicle in the municipality on a lane not exceeding 8 m in width must not be in excess of 20 km/h.

- (9) Despite section 260 (3) [*enforcement powers*] of the *Community Charter*, a person who contravenes a bylaw made under subsection (6) or (8) does not commit an offence against the bylaw.
- (10) A municipality that has enacted a bylaw under subsection (8) and a treaty first nation that has enacted a law having the same effect are not required to erect signs designating the rate of speed at which motor vehicles may be driven or operated.
- (11) A person must not drive or operate a motor vehicle on a lane in a municipality that has enacted a bylaw under subsection (8) or in the treaty lands of a treaty first nation that has enacted a law having the same effect at a greater rate of speed than 20 km/h.

Schools and playgrounds

- 147** (1) A person driving a vehicle on a regular school day and on a highway where signs are displayed stating a speed limit of 30 km/h, or on which the numerals “30” are prominently shown, must drive at a rate of speed not exceeding 30 km/h while approaching or passing the school building and school grounds to which the signs relate, between 8 a.m. and 5 p.m., or subject to subsection (1.1), between any extended times that are stated on the signs.
- (1.1) Extended times under subsection (1) may not begin later than 8 a.m. or end earlier than 5 p.m.
- (2) A person driving a vehicle on a highway must drive the vehicle at a rate of speed not exceeding 30 km/h when approaching or passing, between dawn and dusk, a public playground for children where signs are displayed stating a speed limit of 30 km/h, or on which the numerals “30” are prominently shown.

Excessive speeding

- 148** (1) A person who drives a motor vehicle on a highway at a speed greater than 40 km/h over the applicable speed limit set under the authority of an enactment commits an offence and is liable on conviction to not less than the aggregate of the fine amount and the applicable supplemental fine amount, if any, prescribed under section 148.1 for this offence and, subject to those amounts, section 4 of the *Offence Act* applies.
- (2) If a person is charged with an offence under subsection (1) and the evidence does not prove the offence but does prove a contravention of section 140, 146 or 147, the person may be convicted of contravening section 140, 146 or 147, as the case may be, and the person is liable on that conviction to not less than the aggregate of the fine amount and the applicable supplemental fine amount, if any, prescribed under section 148.1 for that offence.

Fines for speeding offences

- 148.1** (1) In relation to a contravention of section 140, 146 (1), (3), (5) or (7), 147 or 148 (1), the Lieutenant Governor in Council may prescribe
- (a) a fine amount, and
 - (b) a supplemental fine amount.

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- (2) Without limiting subsection (1), the Lieutenant Governor in Council may prescribe
- (a) different fine amounts for the different contraventions referred to in subsection (1), and
 - (b) supplemental fine amounts that vary in relation to the degree by which a person, in committing the offence, exceeds, by a prescribed rate of speed, the applicable speed limit established under section 140, 146 (1), (3), (5) or (7), 147 or 148 (1), as the case may be.
- (3) A person who contravenes section 140, 146 (1), (3), (5) or (7), 147 or 148 (1) is liable on conviction to a minimum fine of not less than the aggregate of
- (a) the fine amount prescribed in relation to the contravention, and
 - (b) the supplemental fine amount, if any, prescribed in relation to, and applicable to the degree of, the contravention.
- (4) If, by means of a violation ticket defined in section 1 of the *Offence Act*, a person is charged with an offence under section 140, 146 (1), (3), (5) or (7), 147 or 148 (1) of this Act and the evidence proves the offence but to a different degree than that reflected by the supplemental fine amount included in the ticketed amount, as that term is defined in section 1 of the *Offence Act*,
- (a) the person may be convicted of the offence, and
 - (b) the supplemental fine amount may be varied in accordance with the amount prescribed under subsection (2) (b) to reflect the degree by which the person exceeded the applicable speed limit.
- (5) The owner of a motor vehicle who is liable under section 83.1 (2) for a contravention referred to in subsection (1) of this section is liable on conviction to a minimum fine of not less than the aggregate of
- (a) the fine amount prescribed in relation to the contravention, and
 - (b) the supplemental fine amount, if any, prescribed in relation to, and applicable to the degree of, the contravention.
- (6) If a violation ticket, defined in section 1 of the *Offence Act*, is issued to an owner of a motor vehicle in respect of an offence under section 83.1 (2) of this Act and the evidence proves the contravention of section 140, 146 (1), (3), (5) or (7), 147 or 148 (1), as the case may be, but to a different degree than that reflected by the supplemental fine amount included in the ticketed amount, as that term is defined in section 1 of the *Offence Act*,
- (a) the owner may be convicted, and
 - (b) the supplemental fine amount may be varied in accordance with the amount prescribed under subsection (2) (b) to reflect the degree by which the applicable speed limit was exceeded.

Meeting school bus

- 149** The driver of a vehicle on a highway, on meeting or overtaking a school bus

- (a) that is designated as a school bus,
- (b) that is stopped on a highway, and
- (c) on or near which a sign or signal is displayed indicating the school bus is receiving or discharging school children,

must stop the vehicle before reaching the bus and not proceed until the bus resumes motion or the driver of the bus signals to other drivers that it is safe to proceed.

Driver on right

- 150** (1) The driver of a vehicle must confine the course of the vehicle to the right hand half of the roadway if the roadway is of sufficient width and it is practicable to do so, except
- (a) when overtaking and passing a vehicle proceeding in the same direction,
 - (b) when the right hand half of the roadway is closed to traffic while under construction or repair,
 - (c) on a highway designated and marked by signs for one way traffic,
 - (d) if necessary when operating snow removing equipment, or
 - (e) if
 - (i) the movement of a vehicle, or combination of vehicles, is permitted by and is done in conformity with the terms of the oversize permit issued under the *Commercial Transport Act*, and
 - (ii) the width of a vehicle, or combination of vehicles, or the width of a load on the vehicle makes the operation of the vehicle or combination of vehicles on the right hand half of the roadway unsafe.
- (2) The driver of a vehicle proceeding at less than normal speed of traffic at the time and place and under the conditions then existing must drive the vehicle in the right hand lane then available for traffic, or as closely as practicable to the right hand curb or edge of the roadway, except when overtaking and passing a vehicle proceeding in the same direction, or when preparing for a left hand turn at an intersection or into a private road or driveway.
- (3) The driver of a vehicle passing around a rotary traffic island must drive the vehicle to the right of the island.

Driving on laned roadway

- 151** A driver who is driving a vehicle on a laned roadway
- (a) must not drive it from one lane to another when a broken line only exists between the lanes, unless the driver has ascertained that movement can be made with safety and will in no way affect the travel of another vehicle,
 - (b) must not drive it from one lane to another if that action necessitates crossing a solid line,
 - (c) must not drive it from one lane to another without first signalling his or her intention to do so by hand and arm or approved mechanical device in the manner prescribed by sections 171 and 172,

- (d) when approaching an intersection intending to turn left must drive the vehicle in the centre lane or in the lane nearest the centre of the roadway on the right hand half of the highway,
- (e) when approaching an intersection intending to turn right must drive the vehicle in the lane nearest to the right hand side of the roadway,
- (f) must not pass a vehicle on the left if that action necessitates driving on that part of the highway designated for travel in the opposite direction, and
- (g) if a traffic control device directs slow moving traffic to use a designated lane, must when driving slowly drive the vehicle in that lane only.

High occupancy vehicle lane

- 152** If a laned roadway has a high occupancy vehicle lane, a person must not drive a motor vehicle or other device in that lane unless permitted by the regulations.

Bus lane

- 153** If a laned roadway has a bus lane, a person must not drive a motor vehicle or other device in that lane unless permitted by the regulations.

Designated use highway

- 153.1** If a highway or part of a highway is a designated use highway, a person must not drive, operate, stand or park a motor vehicle on that highway or part of a highway except as authorized by a regulation under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2.

Designated use lane

- 153.2** If a highway has a designated use lane, a person must not drive, operate, stand or park a motor vehicle in that lane except as authorized by a regulation under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2.

Passing when meeting vehicle

- 154** (1) The driver of a vehicle must drive the vehicle on the right hand side of the roadway when meeting another vehicle that is moving.
- (2) The driver of a vehicle on a highway that has a width for only one line of traffic in each direction must, when meeting another vehicle that is moving, drive the vehicle so that the other vehicle is able to travel in at least 1/2 of the main travelled portion of the highway as nearly as possible.

Highway lines

- 155** (1) Despite anything in this Part, if a highway is marked with
- (a) a solid double line, the driver of a vehicle must drive it to the right of the line only,
 - (b) a double line consisting of a broken line and a solid line,
 - (i) the driver of a vehicle proceeding along the highway on the side of the broken line must drive the vehicle to the right of the double line, except when passing an overtaken vehicle, and

- (ii) the driver of a vehicle proceeding along the highway on the side of the solid line must drive the vehicle to the right of the double line, except only when finishing the passing of an overtaken vehicle, and
 - (c) one single line, broken or solid, the driver of a vehicle must drive the vehicle to the right of the line, except only when passing an overtaken vehicle.
- (2) Subsection (1) (b) (i) and (c) do not apply if a driver is avoiding an obstruction on the highway and first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle.

Suspension of sections 151 and 155

- 156** If the driver of a vehicle is causing the vehicle to enter or leave a highway and the driver has ascertained that he or she might do so with safety and does so without unreasonably affecting the travel of another vehicle, the provisions of sections 151 and 155 are suspended with respect to the driver while the vehicle is entering or leaving the highway.

Duty when overtaking

- 157** (1) Except as provided in section 158, the driver of a vehicle overtaking another vehicle
- (a) must cause the vehicle to pass to the left of the other vehicle at a safe distance, and
 - (b) must not cause or permit the vehicle to return to the right side of the highway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, a driver of an overtaken vehicle,
- (a) on hearing an audible signal given by the driver of the overtaking vehicle, must cause the vehicle to give way to the right in favour of the overtaking vehicle, and
 - (b) must not increase the speed of the vehicle until completely passed by the overtaking vehicle.

Passing on right

- 158** (1) The driver of a vehicle must not cause or permit the vehicle to overtake and pass on the right of another vehicle, except
- (a) when the vehicle overtaken is making a left turn or its driver has signalled his or her intention to make a left turn,
 - (b) when on a laned roadway there is one or more than one unobstructed lane on the side of the roadway on which the driver is permitted to drive, or
 - (c) on a one way street or a highway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and is of sufficient width for 2 or more lanes of moving vehicles.
- (2) Despite subsection (1), a driver of a vehicle must not cause the vehicle to overtake and pass another vehicle on the right

- (a) when the movement cannot be made safely, or
- (b) by driving the vehicle off the roadway.

Passing on left

159 A driver of a vehicle must not drive to the left side of the roadway in overtaking and passing another vehicle unless the driver can do so in safety.

Clear view on passing

160 A driver of a vehicle must not drive to or on the left side of the roadway, other than on a one way highway, unless the driver has a clear view of the roadway for a safe distance, having regard for all the circumstances.

Obedience to traffic control devices

- 161** Despite anything in this Act, if on or over a highway there is
- (a) one or more traffic control devices indicating the direction vehicles must proceed, a person must not drive a vehicle other than in the direction indicated,
 - (b) a traffic control device indicating that a certain vehicle movement is prohibited, a person must not drive a vehicle in a movement prohibited by the sign,
 - (c) one or more traffic control devices indicating that use, access or egress is regulated or restricted on the designated use highway, a person must not drive or operate a vehicle on the designated use highway except as authorized by a regulation under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2, and
 - (d) one or more traffic control devices indicating that the use, access or egress is prohibited on the designated use highway, a person must not drive or operate a vehicle on the designated use highway in a manner prohibited by the traffic control device except as authorized by a regulation under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2.

Following too closely

- 162**
- (1) A driver of a vehicle must not cause or permit the vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the amount and nature of traffic on and the condition of the highway.
 - (2) The driver of a commercial motor vehicle or a combination of vehicles, when driving on a roadway outside a business or residence district, must not follow within 60 m of another commercial motor vehicle or a combination of vehicles, but this must not be construed to prevent one commercial motor vehicle or a combination of vehicles overtaking and passing another.
 - (3) The driver of a motor vehicle in a caravan or motorcade, other than a funeral procession, outside a business or residence district, must leave sufficient space

between his or her vehicle and another vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

Divided highways

- 163** If a highway has been divided into 2 roadways by a physical barrier or clearly indicated dividing section constructed so that it impedes vehicular traffic, a driver must not
- (a) drive a vehicle over, across or within a barrier or dividing section, except at a crossover or intersection, or
 - (b) drive a vehicle on the left hand roadway unless directed or permitted to do so by a peace officer or a traffic control device.

Entering controlled access highway

- 164** (1) If on a controlled access highway there is a sign indicating a location at which vehicles are permitted to enter, a person must not drive a vehicle on to the highway except at that location.
- (2) If on a controlled access highway there is a sign indicating a location at which vehicles are permitted to leave, a person must not drive a vehicle from the highway except at that location.

Turning at intersections

- 165** (1) If the driver of a vehicle intends to turn it to the right at an intersection, the driver must cause it to approach the intersection and then make the turn as close as practicable to the right hand curb or edge of the roadway.
- (2) When the driver of a vehicle intends to turn it to the left at an intersection where traffic is permitted to move in both directions on each highway entering the intersection, the driver must
- (a) cause the vehicle to approach the intersection in the portion of the right side of the roadway that is nearest the marked centre line, or if there is no marked centre line, then as far as practicable in the portion of the right half of the roadway that is nearest the centre line,
 - (b) keep the vehicle to the right of the marked centre line or centre line of the roadway, as the case may be, at the place the highway enters the intersection,
 - (c) after entering the intersection, turn the vehicle to the left so that it leaves the intersection to the right of the marked centre line of the roadway being entered, or if there is no marked centre line then to the right of the centre line of the roadway being entered, and,
 - (d) when practicable, turn the vehicle in the portion of the intersection to the left of the centre of the intersection.
- (3) When the driver of a vehicle intends to turn the vehicle left at an intersection where traffic is restricted to one direction on one or more of the highways, the driver must cause the vehicle to approach the intersection in the extreme left hand lane available to traffic moving in the direction of travel of the vehicle, and after entering the intersection turn the vehicle to the left so as to leave the intersection

as nearly as practicable in the left hand lane available to traffic moving in the direction of travel of the vehicle on the highway being entered.

- (4) If at an intersection there is a traffic control device indicating the course to be travelled by vehicles turning at the intersection, a driver must turn a vehicle at the intersection in the manner directed by the traffic control device.
- (5) A person must not turn a vehicle at an intersection unless it is in the position on the highway required by this section.

Turning left other than at intersection

166 A driver of a vehicle must not turn the vehicle to the left from a highway at a place other than an intersection unless

- (a) the driver causes the vehicle to approach the place on the portion of the right hand side of the roadway that is nearest the marked centre line, or if there is no marked centre line, then as far as practicable in the portion of the right half of the roadway that is nearest the centre line,
- (b) the vehicle is in the position on the highway required by paragraph (a), and
- (c) the driver has ascertained that the movement can be made in safety, having regard to the nature, condition and use of the highway and the traffic that actually is at the time or might reasonably be expected to be on the highway.

Turning right other than at intersection

167 A driver of a vehicle must not turn the vehicle to the right from a highway at a place other than an intersection unless

- (a) the driver causes the vehicle to approach the place as closely as practicable to the right hand curb or edge of the roadway, and
- (b) the vehicle is in the position on the highway required by paragraph (a).

Reverse turn

168 Except as provided by the bylaws of a municipality or the laws of a treaty first nation, a driver must not turn a vehicle so as to proceed in the opposite direction

- (a) unless the driver can do so without interfering with other traffic, or,
- (b) when he or she is driving
 - (i) on a curve,
 - (ii) on an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 m,
 - (iii) at a place where a sign prohibits making a U-turn,
 - (iv) at an intersection where a traffic control signal has been erected, or
 - (v) in a business district, except at an intersection where no traffic control signal has been erected.

Starting vehicle

- 169** A person must not move a vehicle that is stopped, standing or parked unless the movement can be made with reasonable safety and he or she first gives the appropriate signal under section 171 or 172.

Yielding to bus

- 169.1** (1) Subject to subsection (2), the driver of a vehicle on a highway, on overtaking a bus that is stopped, standing or parked, must yield the right of way to the bus if
- (a) the bus displays a sign or other signal device requiring the driver of the vehicle to yield to the bus, and
 - (b) the bus driver has signalled an intention to move into the travelled portion of the highway.
- (2) Subsection (1) applies if, at the point on the highway where the driver overtakes the bus, the applicable speed limit is not more than 60 km/h.
- (3) Despite subsection (1), a bus driver must not move a bus into the travelled portion of the highway unless it is safe to do so.
- (4) A sign or signal device referred to in subsection (1) (a) must not be displayed on any vehicle other than a bus that is
- (a) operated by or on behalf of
 - (i) British Columbia Transit under the *British Columbia Transit Act*, or
 - (ii) the South Coast British Columbia Transportation Authority under the *South Coast British Columbia Transportation Authority Act*, or
 - (b) 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*.

Signals on turning

- 170** (1) If traffic may be affected by turning a vehicle, a person must not turn it without giving the appropriate signal under sections 171 and 172.
- (2) If a signal of intention to turn right or left is required, a driver must give it continuously for sufficient distance before making the turn to warn traffic.
- (3) If there is an opportunity to give a signal, a driver must not stop or suddenly decrease the speed of a vehicle without first giving the appropriate signal under sections 171 and 172.

Means of signalling

- 171** (1) Subject to subsection (2), if a signal is required a driver must give it by means of
- (a) his or her hand and arm,
 - (b) a signal lamp of a type approved by the director, or
 - (c) a mechanical device of a type approved by the director.

- (2) When a vehicle is constructed or loaded in a manner that makes a signal by hand and arm not visible both to its front and rear, or a body or load extends more than 60 cm to the left of the centre of the steering wheel, a driver must give signals as provided by paragraph (1) (a) or (b), and a person must not drive the motor vehicle on a highway unless it is so equipped.

Left hand drive signals

- 172** (1) When a driver of a left hand drive vehicle gives a signal by hand and arm, the driver must do so from the left side, and must signify
- (a) a left turn by extending his or her left hand and arm horizontally from the vehicle,
 - (b) a right turn by extending his or her left hand and arm out and upward from the vehicle, and
 - (c) a stop or decrease in speed by extending his or her left hand and arm out and downward from the vehicle.
- (2) A person must not drive a right hand drive vehicle on a highway unless it is equipped with a mechanical or electrical signalling device approved by the Lieutenant Governor in Council.

Yield signs

- 173** (1) Except as provided in section 175, if 2 vehicles approach or enter an intersection from different highways at approximately the same time and there are no yield signs, the driver of a vehicle must yield the right of way to the vehicle that is on the right of the vehicle that he or she is driving.
- (2) Except as provided in section 175, if 2 vehicles approach or enter an intersection from different highways at approximately the same time and there is a yield sign, the driver of a vehicle facing the sign must yield the right of way to all other traffic.

Yielding right of way on left turn

- 174** When a vehicle is in an intersection and its driver intends to turn left, the driver must yield the right of way to traffic approaching from the opposite direction that is in the intersection or so close as to constitute an immediate hazard, but having yielded and given a signal as required by sections 171 and 172, the driver may turn the vehicle to the left, and traffic approaching the intersection from the opposite direction must yield the right of way to the vehicle making the left turn.

Entering through highway

- 175** (1) If a vehicle that is about to enter a through highway has stopped in compliance with section 186,
- (a) the driver of the vehicle must yield the right of way to traffic that has entered the intersection on the through highway or is approaching so closely on it that it constitutes an immediate hazard, and
 - (b) having yielded, the driver may proceed with caution.

- (2) If a vehicle is entering a through highway in compliance with subsection (1), traffic approaching the intersection on the highway must yield the right of way to the entering vehicle while it is proceeding into or across the highway.

Emerging from alleys

- 176** (1) The driver of a vehicle in a business or residence district and emerging from an alley, driveway, building or private road must stop the vehicle immediately before driving onto the sidewalk or the sidewalk area extending across an alleyway or private driveway, and must yield the right of way to a pedestrian on the sidewalk or sidewalk area.
- (2) The driver of a vehicle about to enter or cross a highway from an alley, lane, driveway, building or private road must yield the right of way to traffic approaching on the highway so closely that it constitutes an immediate hazard.

Approach of emergency vehicle

- 177** On the immediate approach of an emergency vehicle giving an audible signal by a bell, siren or exhaust whistle, and showing a visible flashing red light, except when otherwise directed by a peace officer, a driver must yield the right of way, and immediately drive to a position parallel to and as close as possible to the nearest edge or curb of the roadway, clear of an intersection, and stop and remain in that position until the emergency vehicle has passed.

Repealed

- 178** [Repealed 2003-96-54.]

Rights of way between vehicle and pedestrian

- 179** (1) Subject to section 180, the driver of a vehicle must yield the right of way to a pedestrian where traffic control signals are not in place or not in operation when the pedestrian is crossing the highway in a crosswalk and the pedestrian is on the half of the highway on which the vehicle is travelling, or is approaching so closely from the other half of the highway that he or she is in danger.
- (2) A pedestrian must not leave a curb or other place of safety and walk or run into the path of a vehicle that is so close it is impracticable for the driver to yield the right of way.
- (3) If a vehicle is slowing down or stopped at a crosswalk or at an intersection to permit a pedestrian to cross the highway, the driver of a vehicle approaching from the rear must not overtake and pass the vehicle that is slowing down or stopped.
- (4) A pedestrian, cyclist or the driver of a motor vehicle must obey the instructions of an adult school crossing guard and of a school student acting as a member of a traffic patrol where the guards or students are
- (a) provided under the *School Act*,
 - (b) authorized by the chief of police of the municipality as defined in section 36 (1), or

- (c) if located on treaty lands, authorized by the chief of the police force responsible for policing the treaty lands.

Crossing at other than crosswalk

- 180** When a pedestrian is crossing a highway at a point not in a crosswalk, the pedestrian must yield the right of way to a vehicle.

Duty of driver

- 181** Despite sections 178, 179 and 180, a driver of a vehicle must
- (a) exercise due care to avoid colliding with a pedestrian who is on the highway,
 - (b) give warning by sounding the horn of the vehicle when necessary, and
 - (c) observe proper precaution on observing a child or apparently confused or incapacitated person on the highway.

Pedestrian walking along highway

- 182**
- (1) If there is a sidewalk that is reasonably passable on either or both sides of a highway, a pedestrian must not walk on a roadway.
 - (2) If there is no sidewalk, a pedestrian walking along or on a highway must walk only on the extreme left side of the roadway or the shoulder of the highway, facing traffic approaching from the opposite direction.
 - (3) A person must not be on a roadway to solicit a ride, employment or business from an occupant of a vehicle.
 - (4) Except for a person who solicits a ride in an emergency situation, a person who contravenes this section commits an offence.

Motor assisted cycles

- 182.1**
- (1) A person who is under the age of 16 years commits an offence if that person operates a motor assisted cycle on a highway.
 - (2) A parent or guardian of a person under the age of 16 years commits an offence if the parent or guardian authorizes or knowingly permits the person to operate a motor assisted cycle on a highway.
 - (3) The Insurance Corporation of British Columbia may make regulations respecting motor assisted cycles including, without limitation, regulations prescribing
 - (a) the criteria that must be met by a device in order for it to qualify as a motor assisted cycle for the purposes of this Act,
 - (b) the requirements that must be met in relation to operators of, and equipment attached to, motor assisted cycles, and
 - (c) restrictions on what may be attached to or carried on a motor assisted cycle.

Rights and duties of operator of cycle

- 183**
- (1) In addition to the duties imposed by this section, a person operating a cycle on a highway has the same rights and duties as a driver of a vehicle.
 - (2) A person operating a cycle

- (a) must not ride on a sidewalk unless authorized by a bylaw made under section 124 or unless otherwise directed by a sign,
 - (b) must not, for the purpose of crossing a highway, ride on a crosswalk unless authorized to do so by a bylaw made under section 124 or unless otherwise directed by a sign,
 - (c) must, subject to paragraph (a), ride as near as practicable to the right side of the highway,
 - (d) must not ride abreast of another person operating a cycle on the roadway,
 - (e) must keep at least one hand on the handlebars,
 - (f) must not ride other than on or astride a regular seat of the cycle,
 - (g) must not use the cycle to carry more persons at one time than the number for which it is designed and equipped, and
 - (h) must not ride a cycle on a highway where signs prohibit their use.
- (3) Nothing in subsection (2) (c) requires a person to ride a cycle on any part of a highway that is not paved.
- (4) Despite section 165, a person operating a cycle who intends to turn it to the left at an intersection where there is more than one lane from which left turns are permitted must
- (a) cause the cycle to approach the intersection in the lane closest to the right side of the highway from which a left turn is permitted,
 - (b) keep the cycle to the right of the line that divides the lane referred to in paragraph (a) from the lane immediately to the left of that lane,
 - (c) after entering the intersection, turn the cycle to the left so that it will leave the intersection to the right of the line referred to in paragraph (b), and
 - (d) when practicable, turn the cycle in the portion of the intersection to the left of the centre of the intersection.
- (5) A person must not ride a cycle, skate board, roller skates, in-line roller skates, sled, play vehicle or other similar means of conveyance when it is attached by the arm and hand of the rider or otherwise to a vehicle on a highway.
- (6) A cycle operated on a highway between 1/2 hour after sunset and 1/2 hour before sunrise must have the following equipment:
- (a) a lighted lamp mounted on the front and under normal atmospheric conditions capable of displaying a white light visible at least 150 m in the direction the cycle is pointed;
 - (b) a red reflector of a make or design approved by the Insurance Corporation of British Columbia for the purposes of this section;
 - (c) a lighted lamp, mounted and visible to the rear, displaying a red light.
- (7) Despite any other provision of this Act or the regulations, a cycle may be equipped with a flashing red light that is of a make or design approved by the Insurance Corporation of British Columbia for the purposes of this section.

- (8) A cycle operated on a highway must be equipped with a brake that will enable the person operating the cycle to make the braked wheels skid on dry, level and clean pavement.
- (9) If an accident occurs by which a person or property is injured, directly or indirectly, owing to the presence or operation of a cycle on a highway or a sidewalk, the person in charge of the cycle 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 cycle, and if the cycle has been licensed and registered, the licence or registration number of the cycle.
- (10) to (13) [Repealed 2008-42-83.]
- (14) A person must not operate a cycle
 - (a) on a highway without due care and attention or without reasonable consideration for other persons using the highway, or
 - (b) on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk.
- (15) If a person is convicted of an offence under this Act in respect of his or her riding or operating a cycle, the court may, in addition to or in place of any penalty otherwise prescribed, order the cycle seized, and on the expiry of that period the person entitled to it may again have possession of the cycle.
- (16) For the purpose of seizing and impounding a cycle under an order made under subsection (15), a peace officer may enter any place or building in which the cycle is located.
- (17) A person operating a cycle on a highway must signify
 - (a) a left turn by extending the person's left hand and arm horizontally from the cycle,
 - (b) a right turn by doing either of the following:
 - (i) extending the person's left hand and arm out and upward from the cycle so that the upper and lower parts of the arm are at right angles;
 - (ii) extending the person's right hand and arm horizontally from the cycle, and
 - (c) a stop or decrease in speed by extending the person's left hand and arm out and down from the cycle.

Bicycle safety helmets

- 184** (1) A person commits an offence if that person operates or rides as a passenger on a cycle on a highway and is not properly wearing a bicycle safety helmet that
- (a) is designated as an approved bicycle safety helmet under subsection (4) (a),
 - or

- (b) meets the standards and specifications prescribed under subsection (4) (b).
- (2) A parent or guardian of a person under the age of 16 years commits an offence if the parent or guardian authorizes or knowingly permits the person to operate or ride as a passenger on a cycle on a highway if that person is not properly wearing a bicycle safety helmet that
 - (a) is designated as an approved bicycle safety helmet under subsection (4) (a), or
 - (b) meets the standards and specifications prescribed under subsection (4) (b).
- (3) A person who is convicted of an offence under subsection (1) or (2) is liable to a fine of not more than \$100.
- (4) The Lieutenant Governor in Council may make regulations as follows:
 - (a) designating a helmet as an approved bicycle safety helmet for the purposes of this section;
 - (b) prescribing standards and specifications for bicycle safety helmets.
- (5) Regulations made under subsection (4) (b) may adopt by reference, in whole or in part, standards or specifications published by a national or international standards association, as amended from time to time.
- (6) The Lieutenant Governor in Council may make regulations as follows:
 - (a) providing for and requiring the identification and marking of bicycle safety helmets;
 - (b) exempting any person or class of persons from the requirements of this section and prescribing conditions for those exemptions.

Railway crossings

- 185** (1) When a driver is approaching a railway crossing at a time when
- (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train,
 - (b) a crossing gate is lowered or a flagger is giving a signal of the approach or passage of a railway train, or
 - (c) a railway train is approaching and is within approximately 500 m of a crossing or by reason of its speed or nearness to the crossing is an immediate hazard and emits an audible signal or is visible,
- the driver must stop the vehicle within 15 m but not less than 5 m from the nearest rail of the railway, and must not cause or permit the vehicle to proceed until he or she can do so safely.
- (2) A person must not drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.
 - (3) If a stop sign is erected at a railway crossing, a driver approaching the railway crossing

- (a) must stop his or her vehicle
 - (i) no closer than 5 m, and
 - (ii) no farther than 15 m from the nearest rail of the railway, and
 - (b) must not proceed until he or she can do so safely.
- (4) Except at a railway spur line or an industrial track in a business or residence district, the driver of
- (a) a bus carrying passengers for compensation,
 - (b) a school bus carrying a child,
 - (c) a vehicle carrying explosive substances or any poisonous or flammable substance as cargo, or
 - (d) a vehicle used to carry flammable liquids or gas, whether or not it is then empty,
- approaching a railway crossing that is not protected by gates or railway crossing signal lights, unless otherwise directed by a flagger, must
- (e) stop his or her vehicle
 - (i) no closer than 5 m, and
 - (ii) no farther than 15 m from the nearest rail of the railway,
 - (f) remaining stopped, must listen and look in both directions along the railway for an approaching train, and for signals indicating the approach of a train, and
 - (g) must not proceed until he or she can do so safely.
- (5) When a driver has stopped in accordance with this section, the driver must
- (a) cross the railway tracks in a gear that he or she will not need to change while crossing the tracks,
 - (b) not shift gears while so crossing, and
 - (c) not stop with a part of the vehicle on or over the tracks.
- (6) Despite this Act, the driver of a vehicle approaching the track of a railway must proceed with caution to avoid a collision between the vehicle and an approaching train.

Stopping at intersections

186 Except when a peace officer directs otherwise, if there is a stop sign at an intersection, a driver of a vehicle must stop

- (a) at the marked stop line, if any,
- (b) before entering the marked crosswalk on the near side of the intersection, or
- (c) when there is neither a marked crosswalk nor a stop line, before entering the intersection, at the point nearest the intersecting highway from which the driver has a view of approaching traffic on the intersecting highway.

Where parking prohibited

- 187** (1) Subject to subsection (3), if outside of a business or residence district it is practicable to stop, park or leave a vehicle off the roadway, a person must not stop, park or leave the vehicle either unattended or attended on the roadway.
- (2) Subject to subsection (3), a person must not park a vehicle so as to obstruct the free passage of traffic on the highway.
- (3) Subsections (1) and (2) do not apply when a vehicle is so disabled that it is not practicable to avoid stopping and temporarily leaving it on a highway.

Police may move parked vehicle

- 188** (1) If a vehicle is standing or parked
- (a) in contravention of section 190,
 - (b) in a position that causes it to interfere with removal of snow from a highway by a person authorized to do so by the minister responsible for the administration of the *Transportation Act*, a municipality or a treaty first nation,
 - (c) in a position that causes it to interfere with fire fighting,
 - (d) in a position that causes it to interfere with the normal flow of traffic on the highway,
 - (e) in a position that causes it to interfere with the construction, improvement, alteration, extension, widening, marking or repair of a highway, or
 - (e.1) in contravention of a regulation made under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2,
- a peace officer may
- (f) move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position determined by the peace officer, or
 - (g) move the vehicle or take the vehicle into his or her custody and cause it to be taken to and stored in a safe and otherwise suitable place.
- (2) When an unattended vehicle is
- (a) parked in contravention of section 187, 189 or 190,
 - (b) apparently abandoned on or near a highway,
 - (c) without proper or valid number plates, or
 - (d) stopped, standing or parked in contravention of a regulation made under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2,
- a peace officer may take it into his or her custody and cause it to be taken to and stored in a safe and otherwise suitable place.
- (3) If a vehicle is standing or parked in a position that causes it to interfere with the removal of snow from a highway by a person authorized to do so by the minister

responsible for the administration of the *Transportation Act*, a municipality or a treaty first nation, the person so authorized or a peace officer may

- (a) move the vehicle, or
 - (b) cause it to be moved.
- (3.1) If a vehicle is stopped, standing or parked in a position that causes it to interfere with or impede the use of the highway by vehicles or traffic using, accessing or egressing a designated use highway or a designated use lane in accordance with a regulation made under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2, a peace officer or traffic control person may move the vehicle or cause it to be moved.
- (4) All costs and charges for the removal, care or storage of a motor vehicle removed under this section must be paid by the owner of the motor vehicle, and constitute a lien on it in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored.
- (5) A lien under subsection (4) may be enforced by a person entitled to the lien in the manner provided by the *Repairers Lien Act* or the *Warehouse Lien Act*.

When vehicle stopping prohibited

- 189** (1) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of a peace officer or traffic control device, a person must not stop, stand or park a vehicle as follows:
- (a) on a sidewalk or boulevard;
 - (b) in front of a public or private driveway;
 - (c) in an intersection, except as permitted by a sign;
 - (d) within 5 m of a fire hydrant measured from a point in the curb or edge of the roadway that is closest to the fire hydrant;
 - (e) on a crosswalk;
 - (f) within 6 m of the approach side of a crosswalk;
 - (g) within 6 m on the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (h) within 6 m either side of the entrance to or exit from a hotel, theatre, public meeting place, dance hall, fire hall or playground in rural area;
 - (i) within 15 m of the nearest rail of a railway crossing;
 - (j) subject to subsection (4), on a highway for the principal purpose of
 - (i) displaying a vehicle for sale,
 - (ii) advertising, greasing, painting, wrecking, storing or repairing a vehicle, unless repairs are necessitated by an emergency,
 - (iii) displaying signs, or
 - (iv) selling flowers, fruit, vegetables, sea foods or other commodities or articles;

- (k) alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
 - (l) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
 - (m) on a bridge or other elevated structure on a highway, or in a highway tunnel, except as permitted by a traffic control device;
 - (n) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted;
 - (o) in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of the minister responsible for the administration of the *Transportation Act*, a municipality or a treaty first nation.
- (2) A person must not move a vehicle that is not lawfully under his or her control into a place mentioned in subsection (1).
- (3) Despite subsection (1) (f), a municipality may provide by bylaw that if authorized by a sign posted by the municipality a person may park a cycle or motorcycle within 6 m of the approach side of a crosswalk if the cycle or motorcycle is
- (a) of a size that, and
 - (b) parked so that
- it does not obstruct a motorist's view of the crosswalk or an intersection.
- (3.1) If a municipality enacts a bylaw referred to in subsection (3), or a treaty first nation enacts a law having the same effect, a person may park a cycle or motorcycle in accordance with the bylaw or law.
- (4) Subsection (1) (j) does not apply to a person acting under and in accordance with an authorization given under section 62 (2) or (6) of the *Transportation Act*.

Manner of parking

- 190** Except when a municipality, a treaty first nation or the minister responsible for the administration of the *Transportation Act* permits, a driver must not stop, stand or park a vehicle on a roadway other than on the right side of the roadway and with the right hand wheels parallel to that side, and where there is a curb, within 30 cm of the curb.

Leaving parked vehicle

- 191** (1) A motor vehicle must be equipped with a lock or other device to prevent the unauthorized use of the motor vehicle.
- (2) A driver must not permit a motor vehicle to stand unattended or parked unless the driver has
- (a) locked it or made it secure in a manner that prevents its unauthorized use, and
 - (b) if the motor vehicle is standing on a grade, turned the front wheels of the vehicle to the curb or side of the highway.

Parking on private property

- 192** (1) If a motor vehicle or trailer is left without the occupier's consent on private property in a municipality or treaty lands or for a period exceeding 72 hours on private property not in a municipality or treaty lands, the owner of the motor vehicle or trailer is deemed to have authorized and empowered the occupier to be the owner's agent for the purpose of towing it to a place of storage and of storing it.
- (2) The agent has a lien against the motor vehicle or trailer for all reasonable advances made or charges incurred in connection with the towing and storing of it in the course of the agency.
- (3) The procedure respecting enforcement of the lien must be governed by the *Warehouse Lien Act*.

Caution in backing vehicle

- 193** The driver of a vehicle must not cause the vehicle to move backwards into an intersection or over a crosswalk, and must not in any event or at any place cause a vehicle to move backwards unless the movement can be made in safety.

Motorcycles

- 194** (1) A person must not operate a motorcycle on a highway unless seated astride the driver's seat of the motorcycle.
- (2) A person, other than the operator, must not ride on a motorcycle on a highway unless
- (a) the motorcycle is designed and equipped to carry more than one person,
 - (b) the other person rides
 - (i) astride the permanent and regular seat if designed for 2 persons, behind the operator,
 - (ii) astride another seat firmly attached to the motorcycle behind the seat occupied by the operator, or
 - (iii) on or in another seat firmly attached to one side of the motorcycle, and
 - (c) in the case of paragraph (b) (i) or (ii), the other person has both of his or her feet positioned on the foot pegs or floorboards of the motorcycle.
- (3) A person must not operate or ride as a passenger on a motorcycle on a highway if the person is not wearing a motorcycle safety helmet that
- (a) is designated in regulations under subsection (6) (a) as an approved motorcycle safety helmet, or
 - (b) meets the standards and specifications prescribed under subsection (6) (b).
- (4) A person who is operating a motorcycle must not permit another person under the age of 16 to ride on the motorcycle in contravention of
- (a) subsection (2), or
 - (b) subsection (3).

- (5) Despite subsections (2) and (3), a person under the age of 16 who contravenes subsection (2) or (3) does not commit an offence.
- (6) The Lieutenant Governor in Council may make regulations as follows:
 - (a) designating a helmet as an approved motorcycle safety helmet for the purposes of this section;
 - (b) prescribing standards and specifications for motorcycle safety helmets;
 - (c) exempting a person or class of persons from the requirements of subsection (3) and setting out conditions for the exemption.
- (7) Without limiting section 210 (7), regulations under subsection (6) of this section may incorporate by reference, with or without modification, in whole or in part, a standard or specification or an approval, certification or designation associated with a standard or specification of or published by a national or international standards association, as amended from time to time before or after the making of the regulation.
- (8) Without a warrant, a peace officer may
 - (a) demand that a person produce a motorcycle safety helmet to allow the peace officer to determine whether the motorcycle safety helmet complies with subsection (3), and
 - (b) seize the motorcycle safety helmet if, on production of the motorcycle safety helmet, the peace officer has reasonable grounds to believe that a person has contravened subsection (3) or (4).
- (9) A person commits an offence if the person obstructs or attempts to obstruct a peace officer acting under the authority of subsection (8).
- (10) Except when overtaking and passing other motorcycles, more than 2 operators of motorcycles must not operate their motorcycles side by side in the same direction in the same traffic lane.

Requirements for moving vehicle

- 195** (1) A person must not cause a vehicle to move on a highway if
- (a) the control of the driver over the driving mechanism of the vehicle, or
 - (b) the view of the driver to the front or sides of the vehicle
- is obstructed.
- (2) A passenger in a vehicle must not occupy a position in it that interferes with the driver's view ahead or with his or her control over the driving mechanisms of the vehicle.

Travelling through canyons

- 196** When travelling through defiles or canyons or on mountain highways, the driver of a motor vehicle must hold the motor vehicle under control and as near the right hand edge of the highway as reasonably possible, and on approaching a curve where the

view is obstructed within a distance of 60 m along the highway, must give audible warning with the horn of the motor vehicle.

Coasting down grade

- 197** When travelling down grade a driver must not coast with the gears of the vehicle in neutral or the clutch disengaged.

Following fire vehicle

- 198** A driver other than that of an emergency vehicle must not follow fire apparatus closer than 150 m or drive or park within 150 m of the place on the same highway on which fire apparatus has stopped in answer to a fire alarm.

Driving over fire hose

- 199** Unless he or she has received consent of the fire department official in command or a peace officer, a person must not drive a vehicle over an unprotected hose of a fire department when laid down on a highway or private driveway at a fire or an alarm of fire.

Driving on sidewalk

- 200** A driver must not drive on a sidewalk, walkway or boulevard, except when entering or leaving a driveway or lane or when entering or leaving land adjacent to a highway, or by permission granted under a bylaw made under section 124.

Sign as evidence

- 201** The existence of a sign permitted by this Act and purporting to regulate the use of the highway in any manner is evidence the sign was duly erected and maintained by the proper authority under this Act and in accordance with this Act and the regulations.

Repealed

- 202** [Repealed 2003-96-55.]

When opening door prohibited

- 203** (1) A person must not open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so.
- (2) A person must not leave a door open on the side of a vehicle available to moving traffic for longer than is necessary to load or unload passengers.

Depositing articles on highway

- 204** (1) A person must not throw, deposit, drop or leave on a highway a glass bottle, glass, nail, tack, wire, can or other thing or substance likely to injure a person, animal or vehicle on the highway.
- (2) A person must not place, deposit or dump, or cause to be placed, deposited or dumped, garbage, swill, cans, bottles, papers, ashes, refuse, the carcass of a dead animal, offal, trash, rubbish or a noisome, nauseous or offensive matter in or on a highway, including a portion of the right of way of it.
- (3) A person must not place, deposit or dump, or cause to be placed, deposited or dumped, rocks or dirt in or on a highway, including a portion of the right of

way of it, without the consent of the party with jurisdiction over the highway at issue, which may be either 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 one of them to exercise the jurisdiction.

Repealed

205 [Repealed 2006-15-28.]

Transporting explosives

- 206** (1) A person operating a vehicle transporting explosive cargo on a highway must at all times comply with this section.
- (2) [Repealed 2000-9-36.]
- (3) Every vehicle transporting explosives must be equipped with not less than 2 fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle.
- (4) The Lieutenant Governor in Council may make regulations governing the transportation of explosives and other dangerous articles by vehicles on the highways.

Warning devices

- 207** (1) For the purpose of this section, “**darkness**” means the period from 1/2 hour after sunset to 1/2 hour before sunrise and any other occasion when there is not sufficient light to render clearly discernible a substantial object on the highway at a distance of 60 m, and “**daylight**” means the balance of the 24 hour day.
- (2) A person must not drive or operate on a highway a motor home licensed under this Act, or a commercial vehicle or combination of vehicles licensed under the *Commercial Transport Act*, that has a seating capacity of more than 10 passengers or where the overall width of the vehicle and the vehicle’s load or the combination of vehicles’ and the vehicle’s load exceeds 2.3 m, unless there is carried in the driver’s compartment of the vehicle, in a readily accessible location, warning devices
- (a) of a type approved by the director to warn the travelling public of an emergency breakdown during darkness, and
- (b) at least 2 red flags, of a minimum size of 30 x 30 cm, or 2 warning devices of a type approved by the director, for a warning during daylight.
- (3) Every operator of a vehicle of a type referred to in subsection (2), when the vehicle becomes and so long as it remains disabled on a public highway
- (a) during daylight, must place and retain 2 red flags or 2 warning devices of a type approved by the director on the highway, one at a distance of approximately 30 m in front of the vehicle and one at a distance of approximately 30 m behind the vehicle, and
- (b) during darkness, must place and retain 2 approved warning devices appropriate for use during darkness, as provided in subsection (2), on the

highway at the same distance in front and behind the vehicle as under paragraph (a).

Safety equipment

- 208** (1) For the purpose of this section, “**winter tire**” means a tire that is
- (a) advertised or represented by its manufacturer or a person in the business of selling tires to be a tire intended principally for winter use, and that provides, or is designed to provide, adequate traction in snow or mud; and
 - (b) in the condition respecting tread wear and other particulars the regulations prescribe.
- (2) The minister responsible for the administration of the *Transportation Act* may, by public notice or by placing signs, prohibit vehicles from being driven or operated on a highway that are not equipped with chains, winter tires or sanding devices, or a combination of these the minister considers adequate and necessary in view of prevailing road conditions.
- (3) For the purposes of a prosecution under this section, the onus is on the defendant to prove that a tire alleged not to be a winter tire is in fact a winter tire.

Regulations respecting highways

- 209** (1) The Lieutenant Governor in Council, on the recommendation of the minister responsible for the administration of the *Transportation Act*, may make regulations in respect of vehicles driven, used or operated on, and pedestrians using, highways in rural area or arterial highways, within the meaning of the *Transportation Act*, in a municipality, deemed necessary or advisable for
- (a) regulating, in respect of a highway or class of highways, the speed of vehicles for the protection of the highway; the gross weight of vehicle or loads; the weight on an axle, tire or wheel; the number of axles or wheels; the wheel base, width, length and height of vehicles; the width, length, height and distribution of loads; the kind, width, size and inflation of tire; and the system of load suspension, either separately or in relation to any or all of the other matters enumerated in this paragraph, and either generally or in respect of the time of the year and the physical condition of the highway;
 - (b) regulating the use of chains, cleats, ribs, clamps, flanges or other devices on the tires of vehicles;
 - (c) prescribing the lights to be carried and displayed on vehicles other than motor vehicles and trailers;
 - (d) regulating, for a designated highway or class of highway, the speed of vehicles for the time of the year and the physical condition of the highway;
 - (e) regulating the gauge or width of vehicles from centre to centre of runners or wheels;
 - (f) regulating or prohibiting the parking or standing of vehicles on a highway, and providing for the display of additional warning signs or lights in defined cases in respect of vehicles on a highway;

- (g) providing for the marking on a portion of a highway distinguishing lines to guide traffic, and prescribing the type of marking and the rule of the road with respect to it;
 - (h) providing for the designation of highways on which vehicles must, during all or certain named hours of the day, proceed in one direction, and for making those highways with conspicuous signs or signals to indicate the rule and the direction the vehicles must proceed;
 - (i) providing for and compelling the weighing of vehicles and their loads and the furnishing of satisfactory evidence of their weight, and the removal from a vehicle of a load or part of it that is found to be in excess of the weight prescribed by the regulations and for the redistribution of the load;
 - (j) establishing, for a designated highway, pedestrian crossings for the use of pedestrians;
 - (k) prescribing the manner in which a pedestrian crossing must be marked on a highway and in which signs or notices must be erected on a highway to indicate to the drivers of motor vehicles that they are approaching a pedestrian crossing;
 - (l) prescribing the use of a pedestrian crossing by pedestrians, and regulating pedestrian traffic on a crossing;
 - (m) prohibiting pedestrians from crossing designated portions of a highway except at a pedestrian crossing;
 - (n) prescribing penalties for the enforcement of a regulation made under this section;
 - (o) prohibiting the use of or presence on a designated highway, or part of it, by or of a designated animal or vehicle, or species or type of them, or by or of pedestrians, either at all times or at designated times;
 - (p) providing for the use of traffic control devices on a highway where the highway is intersected by a private road as defined in section 2 (1);
 - (q) providing for high occupancy vehicle lanes and bus lanes and the use and occupation of those lanes by prescribed motor vehicles or classes of motor vehicles or by prescribed devices or classes of devices, and allowing, prohibiting or restricting the use of high occupancy vehicle lanes and bus lanes in prescribed circumstances.
- (2) The Lieutenant Governor in Council, on the recommendation of the minister responsible for the administration of the *Transportation Act*, may make regulations providing for
- (a) the erection and maintenance on highways of signs and guide posts approved by the minister responsible for the administration of the *Transportation Act*;
 - (b) the preservation of signs and guide posts erected on highways;
 - (c) the granting of permits by the minister responsible for the administration of the *Transportation Act*, in the minister's discretion subject to the conditions

the minister prescribes, for the erection and maintenance of cattle guards, fences and gates across highways;

- (d) the granting of permits or authorizations by the minister responsible for the administration of the *Transportation Act*, in the minister's discretion, or subject to conditions that may be prescribed, for the doing of anything that is under the *Commercial Transport Act*, the *Transportation Act* or this Act prohibited or made unlawful without a permit or authorization;
- (e) forms, including forms in electronic format;
- (f) fees for anything done or permitted to be done under the regulations;
- (g) the designing, manufacture and location of traffic control devices and determining the instructions given by them;
- (h) parking zones for persons with disabilities, including providing for a system of permits for those parking zones.
- (i) [Repealed 2003-11-14.]

(3) [Repealed 2009-23-2.]

Ministerial regulations

209.1 (1) The minister may make regulations as follows:

- (a) allowing, regulating, restricting or prohibiting the use of, access to or egress from designated use highways or designated use lanes generally or by persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles;
 - (b) respecting the use of, access to or egress from designated use highways or designated use lanes by persons, organizations, vehicles or cycles, or classes of persons, organizations, vehicles or cycles or vehicles referred to in paragraph (a);
 - (c) respecting authorizations to use a designated use highway or designated use lane, and applicable terms and conditions for those authorizations;
 - (d) respecting the designation, qualifications, authority and duties of traffic control persons.
- (2) Classes of vehicles or cycles prescribed under subsection (1) may be based on ownership, use, nature, type, character, size or weight of or equipment or accessories in or on vehicles or cycles, or any other criteria that the minister otherwise considers necessary or advisable.
- (3) Without limiting subsection (1), a regulation under that subsection may
- (a) provide differently for different cases or classes of cases, different persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles,
 - (b) exempt from its application, in whole or in part or otherwise in accordance with its terms, persons, organizations, vehicles, cycles or classes of persons, organizations, vehicles or cycles,

- (c) provide differently in relation to periods of time, hours of the day, days of the week, specified dates and any other criteria the minister considers necessary or advisable,
- (d) delegate a matter to a person or to a class of persons, and
- (e) confer a discretion on a person or on a class of persons.

Power to make regulations

- 210** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the equipment required for vehicles and providing for the inspection, testing, adjustment, display and use of that equipment;
 - (a.1) prescribing classes of devices or vehicles for the purposes of the definitions of “industrial utility vehicle” and “mobile equipment”, respectively;
 - (a.2) prescribing classes of vehicles for the purposes of section 3.1 (1) (c);
 - (a.3) respecting the use and operation of
 - (i) mobile equipment, and
 - (ii) vehicles to which section 3.1 applies;
 - (a.4) respecting insurance for vehicles to which section 3.1 applies, including regulations specifying the minimum amount of insurance required;
 - (b) regulating or prohibiting the use on a highway of a vehicle or class of vehicles that may be a hazard to other users by reason of unusual size, weight or operating characteristics;
 - (c) respecting the training of drivers of motor vehicles and the persons and firms engaged in the training of drivers of motor vehicles, including, without limitation, regulations that do either or both of the following:
 - (i) confer a discretion on the Insurance Corporation of British Columbia;
 - (ii) delegate a matter to the Insurance Corporation of British Columbia;
 - (d) preventing the making of excessive noise by motor vehicles, setting maximum noise levels and preventing the sale, distribution or use in British Columbia of a vehicle or vehicle engine not designed, manufactured or equipped so that those levels will not be exceeded;
 - (e) classifying motor vehicles according to their estimated safe carrying capacity, prescribing the maximum load of goods or passengers that may be carried by the respective classes and prescribing safety standards for the carriage of passengers on certain classes of commercial motor vehicles;
 - (f) regulating the repairing of motor vehicles on highways;
 - (g) providing for the carrying of licences on motor vehicles;

- (h) prohibiting the operation of a motor vehicle or trailer where a peace officer has reasonable and probable grounds to believe that, because of a mechanical, structural or other defect, it is unsafe for use on a highway;
- (i) providing for the transfer of licences from one holder to another and from one motor vehicle or trailer to another;
- (j) providing for the grant of a permit for the temporary operation on a highway of a motor vehicle or trailer, with or without load, without the necessity of its being registered or licensed under this Act;
- (k) prescribing
 - (i) classes of vehicles for which a licence may be issued for a term of less than 12 months, and
 - (ii) the duration of licences for particular classes of those vehicles;
- (l) prescribing surcharges payable for licences issued under section 60 (3) or classes of those licences and, for the purpose of section 62 (2) (b), determining the amount of the licence fees;
- (m) prescribing fees and remission of fees for anything done or permitted to be done under the regulations;
- (n) prescribing the method of determining any fact necessary to compute any fee payable under this Act, and the person or official by whom the fact must be determined;
- (o) providing for the keeping of a record in all motor vehicle repair shops and garages of repairs made to the body, hood, radiator, fenders, running board or wheels of any motor vehicle, and for the giving of notices and the supplying of information to any police officer or constable respecting those repairs so made, including notices of motor vehicles on which marks are found that in any way resemble bullet marks or blood stains;
- (p) prescribing with respect to motor vehicles or a class of motor vehicles that are let for hire without drivers that the motor vehicles must be equipped with approved automatic speed controls or governors that will prevent them from being driven or operated at a greater rate of speed than 60 km/h;
- (q) regulating the construction, equipment and operation on a highway of buses, school buses and taxis and authorizing the director
 - (i) to grant, on conditions required by the director, a permit for the operation of a motor vehicle as a bus, school bus or taxi, and
 - (ii) to cancel or suspend a permit for the operation of a motor vehicle as a bus, school bus or taxi;
- (r) respecting the manner in which records or their contents may be kept by the corporation, the director or the superintendent;
- (s) regulating, in respect of a highway or class of highways, the fastening of loads and every aspect of the capability of a vehicle to retain or contain its load;

- (t) establishing the minimum clearance from the surface of a level roadway that is required of a vehicle, or of a part of a vehicle, operated on a highway;
 - (u) exempting a person or class of persons, in respect of the issue of a class of driver's licence, from a requirement under this Act to
 - (i) pay a fee or a class of fee,
 - (ii) undergo testing or a class of testing, or
 - (iii) have a minimum amount of driving experience, minimum driving skills or other qualifications,if the person
 - (iv) is not a Canadian citizen or a permanent resident of Canada as defined in the *Immigration and Refugee Protection Act* (Canada), and
 - (v) is a foreign representative or the spouse or a dependent of a foreign representative who has been granted privileges, immunities or benefits under the *Foreign Missions and International Organizations Act* (Canada) that have not been withdrawn;
 - (v) setting out circumstances when an exemption referred to in paragraph (u) does not apply to a person or class of persons referred to in that paragraph;
 - (w) specifying programs and circumstances for the purposes of section 34(1.1)(d)(ii) and prescribing classes of persons for the purposes of section 34(1.1)(d)(iii);
 - (x) exempting the following persons, in the circumstances set out in the regulation, from holding a subsisting licence of a class of drivers' licences appropriate to the category of motor vehicle driven by the person, or from any requirement, restriction or condition prescribed under section 23 or 25 in respect of the person's driver's licence:
 - (i) any peace officer;
 - (ii) any person employed by the Insurance Corporation of British Columbia as an examiner of drivers;
 - (y) defining any word or expression used but not defined in this Act.
- (2.1) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations respecting a remedial program or an ignition interlock program, including, without limitation, as follows:
- (a) defining the program;
 - (b) authorizing a person or class of persons to provide the program;
 - (c) prescribing the components of the program;
 - (d) establishing the requirements of the program;
 - (e) governing the operation of the program;
 - (f) requiring a person or class of persons providing the program to prepare and submit reports to the superintendent and specifying the contents and purpose of the reports;

- (g) respecting documents or information that may be required by the superintendent to satisfy him or her with respect to compliance with or completion of the program by a person;
 - (h) respecting a person or class of persons engaged in providing the program;
 - (i) prescribing fees or categories of fees that must be paid for the program by a person, and specifying to whom the fees, or a category of the fees, must be paid;
 - (j) providing that the failure of a person to comply with a requirement of the program is an offence.
- (2.2) In making a regulation under subsection (2.1), the Lieutenant Governor in Council may do either or both of the following:
- (a) confer a discretion on the superintendent;
 - (b) delegate a matter to the superintendent.
- (2.3) A regulation under subsection (2) (u) may
- (a) confer a discretion on the Insurance Corporation of British Columbia, or
 - (b) delegate a matter to the Insurance Corporation of British Columbia.
- (3) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) providing that, despite this Act, the Insurance Corporation of British Columbia must issue only one distinctive number plate for a motor vehicle for which a licence is issued under section 3, and the display of that single number plate in the manner prescribed by the regulations is sufficient compliance for all purposes with every provision of this Act requiring the display of 2 number plates, and every reference in this Act to the 2 number plates mentioned in section 3 is deemed to be a reference to one number plate, and making similar provisions in respect of demonstration number plates referred to in section 38, and making incidental provisions necessitated by the substitution of one number plate for 2;
 - (b) requiring that the name and address of the owner or operator, the type of vehicle licence and the capacity or licensed gross vehicle weight be identified on a motor vehicle in the prescribed manner or that any other means of identification be used in conjunction with number plates;
 - (c) providing for issuing duplicate and interim vehicle licences;
 - (d) providing that, despite section 2 of the *Document Disposal Act*, the superintendent may, subject to the requirements and approvals required by that Act, dispose by destruction or otherwise of the documents deposited in connection with the records and administration of the *Motor Vehicle Act* that are not considered of sufficient value to justify their preservation and have been on deposit for 5 years or longer;
 - (e) providing for the furnishing of security by dealers in amounts, in a form and on conditions that are considered necessary to secure the honest and lawful

- conduct by dealers and their salespersons of the business of dealers in motor vehicles and trailers;
- (f) the licensing of the drivers of taxis kept or operated in rural area;
 - (g) the establishment and administration of a point system in respect of the driving record of drivers committing
 - (i) prescribed offences, or
 - (ii) contraventions of traffic rules under this Act;
 - (h) prescribing penalties for unsatisfactory driving records or in relation to the number of point penalties recorded against the driving record;
 - (i) prescribing the standards required for safety helmets that are sold, offered for sale, exposed or displayed for sale, or delivered to a purchaser for use;
 - (j) providing for the safety, protection, comfort and convenience of persons travelling in buses and taxis;
 - (k) providing for the conduct of drivers and passengers travelling on buses;
 - (l) providing for
 - (i) grants to be paid to a class of driver or owner of a vehicle to encourage and reward the safe operation of vehicles on the highway, and
 - (ii) the amount and conditions of payment, class of drivers or vehicles and any other matter relating to fair and orderly payment;
 - (m) prescribing fees for registration, licences, number plates, decals, permits, certificates, identification cards and other documents and things required or authorized under this Act;
 - (n) empowering a person employed by a prescribed ministry, designated by name or position, to exercise the powers and perform the duties of a constable or peace officer for the purpose of enforcing prescribed provisions of this Act, the *Commercial Transport Act*, the *Transportation Act*, the *Passenger Transportation Act*, the *Motor Fuel Tax Act* and the *Transport of Dangerous Goods Act*, and regulations made under any of them;
 - (n.1) empowering a person employed by the Insurance Corporation of British Columbia, designated by name or position, to exercise the powers and perform the duties of a constable or peace officer for the purpose of enforcing prescribed provisions of this Act and prescribed provisions of regulations made under this Act;
 - (o) empowering the Insurance Corporation of British Columbia or the director in prescribed circumstances or for prescribed purposes to
 - (i) exempt unconditionally, or on conditions the corporation or the director considers desirable, persons, vehicles and equipment that the corporation or the director identifies and specifies from any requirement of this Act or the regulations respecting the construction or operation of motor vehicles, or the equipment used on motor vehicles, and
 - (ii) substitute, if the corporation or the director considers it desirable for the purpose of more effectively promoting and securing road safety,

- other requirements in a case in which the corporation or the director grants an exemption under subparagraph (i);
- (p) respecting identification cards for persons, whether or not they hold licences under this Act, including, without limitation, the requirements and conditions that must be met by an applicant for an identification card or by the holder of an identification card and the cancellation of cards, with power to delegate a matter or confer a discretion relating to the issue, cancellation and form of identification cards;
 - (q) respecting the circumstances in which and the conditions on which a driver of an emergency vehicle may exercise the privileges granted by section 122 (1);
 - (r) prescribing records that the director must keep and of which the director has custody and control for the purposes of section 82 (10.1);
 - (r.1) prescribing enactments in relation to parking for the purposes of section 83 (2.1);
 - (s) prescribing records kept by the Insurance Corporation of British Columbia that are needed by the director to compile information and profiles for the purposes of section 116.1 (3) (b);
 - (t) permitting the director to share information and profiles compiled under section 212 with prescribed governments or agencies for the purposes of road safety.
- (3.1) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the form and content of the notice of driving prohibition for the purpose of section 94.1;
 - (b) and (c) [Repealed 2002-25-60.]
 - (d) prescribing application and hearing fees for the purposes of section 94.4;
 - (e) and (f) [Repealed 2002-25-60.]
 - (g) and (h) [Repealed 2010-14-15.]
 - (i) [Repealed 2002-25-60.]
 - (j) [Not in force. Repealed 2006-33-1.]
 - (k) and (l) [Repealed 2002-25-60.]
 - (m) to (q) [Repealed 2010-14-15.]
- (4) A regulation under subsection (3) (o) may be general or particular in its application.
- (5) An exemption or a requirement under subsection (3) (o) is not a regulation under the *Regulations Act*.
- (6) A regulation under subsection (1), (2) or (3) may
- (a) establish licences for antique motor vehicles, collectors' motor vehicles or motor vehicles in any other class of motor vehicle defined in the regulation,
 - (b) specify the term of a licence established under paragraph (a),

- (c) provide that a licence established under paragraph (a) and issued for a motor vehicle may, with the prior approval of the Insurance Corporation of British Columbia, be used for other motor vehicles of the same class owned by the holder of the licence, and
 - (d) provide that different licences under paragraph (a) and different terms under paragraph (b) apply to different classes of motor vehicle.
- (6.1) A regulation under subsection (3.1) (d) of this section or section 215.51 (d) or 268 (b) may prescribe different hearing fees for different types of hearings.
- (7) The Lieutenant Governor in Council, in making a regulation under this Act, may incorporate in it by reference any code, standard, rule or part of them, relating to the subject matter of the Act, as they may be amended from time to time before or after the making of the regulation, that the Lieutenant Governor in Council may consider applicable, and the Lieutenant Governor in Council by regulation may exempt any person or motor vehicle in British Columbia from the regulation.
- (8) If a code, standard, rule or part of it is adopted by regulation, publication in the Gazette of a notice of the adoption that refers to the code, standard or rule states the extent of its adoption and sets out the variations to which the adoption is subject, is sufficient publication without publishing in the Gazette the text of the code, standard, rule or part adopted.
- (9) A regulation or approval made under subsections (1), (2) or (3) or section 216, 217, 218, 268 (a) or (c) or 269 may
 - (a) classify vehicles according to their use, ownership, nature, type, character, size, weight, equipment, accessories or otherwise,
 - (b) provide differently for different cases or classes of cases, different vehicles, persons or organizations or different classes of vehicles, persons or organizations, and
 - (c) exempt from its application, in whole or in part, vehicles, persons or organizations, or classes of vehicles, persons or organizations.
- (10) A person empowered under subsection (3) (n) has, in connection with the powers and duties conferred on him or her, the immunities of a constable.
- (11) Without limiting the authority of the Lieutenant Governor in Council to make regulations under another provision of this Act, the Lieutenant Governor in Council may make regulations respecting any matter for which regulations of the Lieutenant Governor in Council are contemplated by this Act.

Power to establish forms

- 211** The Insurance Corporation of British Columbia, the director and the superintendent may establish forms, including forms in an electronic format, to be used for the purposes of carrying out the powers, duties and functions under this Act or any other enactment.

Power to prescribe for electronic information

- 211.1** The Lieutenant Governor in Council may make regulations respecting the electronic reception, creation, completion, signing, identifying, transmission, storage or

reproduction of a certificate under section 83.2 or for the conversion of a certificate from either paper or electronic format to the other format.

Regulations respecting safety

- 212** (1) In this section and in sections 212.1 and 212.2, “**operator**” means, in relation to a motor vehicle,
- (a) the owner of the motor vehicle as “owner” is defined in section 1,
 - (b) any other person having management of the motor vehicle or determination of the uses to which it is put, and
 - (c) the lessee of the motor vehicle if the lease for the motor vehicle has a term of at least one month,
- but a person is not an operator merely because of the fact that he or she is the driver of the motor vehicle.
- (2) Nothing in this section limits or is limited by any other provision of this Act.
- (3) The Lieutenant Governor in Council may make regulations considered necessary or desirable for the purpose of promoting and securing road safety.
- (4) Without limiting subsection (3), it is declared that the powers under that subsection include the power to make regulations as follows:
- (a) adopting with or without modification any or all of the provisions of any code or regulation respecting road safety as they may be amended from time to time before or after the making of the regulation, including, without limiting this, any National Safety Code for motor carriers promulgated or recommended by the Canadian Council of Motor Transport Administrators;
 - (b) prohibiting the use on highways of any motor vehicle falling within a prescribed class of motor vehicle unless the owner or other prescribed person having use or possession of the vehicle holds in respect of it a subsisting safety certificate issued by the director;
 - (c) respecting safety certificates and authorizing and empowering the director to issue them subject to conditions that may include requirements for entry on property by the director and inspection by the director of records respecting motor vehicles;
 - (d) authorizing and empowering the director to monitor the safety records of motor vehicles and of drivers and operators of motor vehicles, including monitoring the frequency and kinds of warnings or notices given to operators and to drivers by the director, the superintendent, police officers and other officials having duties respecting road safety;
 - (e) authorizing and empowering the director to compile information and profiles of drivers and of motor vehicles and their operators, including information and profiles respecting their compliance with the requirements of this Act and the regulations, with the requirements of other enactments of British Columbia respecting motor vehicles or road safety, and with

the requirements of enactments of other jurisdictions both in Canada and elsewhere;

- (f) for the purpose of assisting the director to carry out the director's duties and exercise the director's powers under this section, requiring the operators and drivers of motor vehicles and other prescribed persons having use or possession of motor vehicles
 - (i) to keep prescribed records, including but not limited to safety records and records respecting the use, condition and maintenance of those motor vehicles while they are inside or outside British Columbia, and
 - (ii) to produce or deliver those records to the director on demand and in the manner and time and to the location specified by the director;
 - (f.1) providing for inspection and audit of the records referred to in paragraph (f);
 - (g) requiring the inspection of motor vehicles before, during and after prescribed journeys or at prescribed intervals or in prescribed circumstances;
 - (h) restricting the number of hours during which a driver may operate a motor vehicle in any one day or in any consecutive 7-day period, and prescribing minimum rest periods during which a driver may not operate a motor vehicle, including different requirements respecting different classes of motor vehicle;
 - (i) authorizing the minister to enter into agreements and arrangements with any other government in or outside Canada on matters respecting road safety, including agreements and arrangements providing for cooperation with respect to any matter within this section, and providing for mutual reliance, for the purposes of prohibiting the use of motor vehicles, restricting the use of motor vehicles, revoking safety certificates, imposing restrictions on drivers and operators of motor vehicles, refusing to license persons as drivers or operators and prohibiting persons from driving, on information or profiles made available by one government to the other.
 - (j) [Repealed 2003-11-18.]
- (5) If any or all of the provisions of a code or regulation are adopted under this section, publication in the Gazette of a notice of adoption identifying the code or regulation, stating where copies of the code or regulation can be obtained, the extent of its adoption and setting out any modifications subject to which it is adopted, for the purposes of the *Regulations Act*, is deemed sufficient publication without publishing in the Gazette the text of the code or regulation or part adopted.
- (6) A regulation made under this section may be general or particular in its application.

Operator's duty to provide information

- 212.1** (1) An operator must, in the manner prescribed, provide to the Insurance Corporation of British Columbia all information it requires relevant to insurance issues, including specific answers to all questions it submits.

- (1.1) An operator must, in the manner prescribed, provide to the director all information the director requires relevant to safety issues, including specific answers to all questions the director submits.
- (2) An operator who receives from the Insurance Corporation of British Columbia or the director any form of return with directions to fill it out must properly fill it out and answer fully and correctly each question contained in it, and must deliver it to the corporation or the director within the time, in the manner and to the location prescribed.
- (3) When required by the Insurance Corporation of British Columbia or the director, an operator must deliver to the corporation or the director, within the time, in the manner and to the location prescribed, all records in his or her possession or control in any way relating to the operator's property or service or affecting his or her business, or copies of those records.

Regulations respecting vehicles having safety certificates

- 212.2** (1) Without limiting sections 210 and 212, the Lieutenant Governor in Council may make regulations for promoting and securing the safety of motor vehicles for which safety certificates are required under this Act and the safety and protection of the passengers, animals and cargo carried in or on those vehicles.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting the following:
- (a) the filing with the director of prescribed records and information in the manner and time prescribed;
 - (b) fees to be paid for any filing required under this Act;
 - (c) the maximum number of passengers or the maximum weight of freight, or both, that may be carried by motor vehicles;
 - (d) the conditions to be contained in and to become part of all agreements entered into by operators in respect of their services or in respect of any class of service;
 - (e) the conduct of drivers and passengers;
 - (f) the inspection of motor vehicles and of their operation;
 - (g) bills of lading;
 - (h) restrictions as to use of motor vehicles;
 - (i) the carrying of passengers and freight in or on motor vehicles;
 - (j) the equipment of motor vehicles.

Evidence of weight of vehicle or load

- 213** (1) On the prosecution of a person charged with contravention of the regulations in operating or using on a highway a vehicle the weight of which or the weight of the load carried on which was in excess of the weight prescribed by the regulations, it is sufficient evidence for a credible witness to state on oath that, to the best of his

or her judgment and opinion, the weight of the vehicle or of the load carried on it at the time of the alleged contravention was in excess of the weight so prescribed.

- (2) On the evidence described in subsection (1) being given, the person charged may be convicted, unless that person proves that the weight at issue was not in excess of the weight prescribed.

Signs

214

- (1) Subject to this section, a person must not erect or maintain, or cause to be erected or maintained, a sign, advertisement or guide post on or over
- (a) an arterial highway or a highway in rural area, except with the approval of the minister responsible for the administration of the *Transportation Act*,
 - (b) a highway, other than an arterial highway in a municipality, except in accordance with the bylaws of the municipality, or
 - (c) a highway within treaty lands, except in accordance with the laws of the treaty first nation.
- (2) The minister responsible for the administration of the *Transportation Act* may cause a sign, advertisement or guide post erected or found on or over a highway, whether erected with or without the minister's approval, to be altered, repainted, torn down or removed from the highway without compensation to any person for loss or damage resulting from the alteration, removal or destruction.
- (3) Except as provided in subsection (2), a person must not tear down, remove, displace, deface or in any way interfere with a traffic control device or guide post erected on a highway by or with the approval of the ministry of the minister responsible for the administration of the *Transportation Act*.
- (4) A person must not erect or replace signs or sign boards, and must not paste or paint signs, notices or advertising devices, within a distance of 300 m from the boundary line of a highway in the rural area of British Columbia.
- (5) A person, who is the owner, occupier or lessee of land, must not permit or allow the erection or maintenance of a sign, sign board or advertising device on the land owned, occupied or leased by the person if the sign, sign board or advertising device is erected or maintained within a distance of 300 m from the boundary line of a highway in the rural area of British Columbia, except with the approval of the minister responsible for the administration of the *Transportation Act* or a person authorized by the minister in writing.

PART 3.1 — USE OF ELECTRONIC DEVICES WHILE DRIVING

Definitions

214.1 In this Part:

“**electronic device**” means

- (a) a hand-held cellular telephone or another hand-held electronic device that includes a telephone function,

- (b) a hand-held electronic device that is capable of transmitting or receiving electronic mail or other text-based messages, or
- (c) a prescribed class or type of electronic device;

“use”, in relation to an electronic device, means one or more of the following actions:

- (a) holding the device in a position in which it may be used;
- (b) operating one or more of the device’s functions;
- (c) communicating orally by means of the device with another person or another device;
- (d) taking another action that is set out in the regulations by means of, with or in relation to an electronic device.

Prohibition against use of electronic device while driving

- 214.2** (1) A person must not use an electronic device while driving or operating a motor vehicle on a highway.
- (2) Without limiting subsection (1), a person must not communicate by means of an electronic device with another person or another device by electronic mail or other text-based message.

Exceptions to prohibition — emergency personnel

- 214.3** Section 214.2 does not apply to the following persons who use an electronic device while carrying out their powers, duties or functions:
- (a) a peace officer;
 - (b) a person driving or operating an ambulance as defined in the *Emergency Health Services Act*;
 - (c) fire services personnel as defined in the *Fire Services Act*.

Exceptions to prohibition — certain permitted activities

- 214.4** Section 214.2 does not apply to a person who uses an electronic device
- (a) while operating a motor vehicle that is safely parked off the roadway or lawfully parked on the roadway and is not impeding traffic,
 - (b) to call or send a message to a police force, fire department or ambulance service about an emergency, or
 - (c) that is configured and equipped to allow hands-free use in a telephone function, is used in a hands-free manner and is used in accordance with the regulations, if any.

Exceptions to prohibition — by regulation

- 214.5** Section 214.2 does not apply to
- (a) a prescribed class of persons who, while carrying out their powers, duties or functions and driving or operating a motor vehicle or a prescribed class of motor vehicle, use an electronic device or a prescribed class or type of electronic device,

- (b) a person who uses an electronic device while engaged in a prescribed activity or in circumstances or under conditions set out in the regulations, or
- (c) a person who uses a prescribed class or type of electronic device.

Power to make regulations

214.6 The Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing classes or types of electronic devices for the purposes of paragraph (c) of the definition of “electronic device” in section 214.1;
- (b) setting out actions for the purposes of paragraph (d) of the definition of “use” in section 214.1;
- (c) for the purposes of section 214.4 (c), setting out the manner in which, or the extent to which, a hands-free electronic device may be used in a telephone function;
- (d) for the purposes of section 214.5;
- (e) regulating the installation or mounting of classes or types of electronic devices in motor vehicles;
- (f) exempting or excluding, with or without conditions, classes or types of electronic devices, classes of persons or classes of vehicles or classes of persons while driving or operating a motor vehicle or class of motor vehicle from the operation of a provision of this Part.

PART 4**24 hour prohibition**

215 (1) In this section:

“**approved screening device**” means a device prescribed by the Lieutenant Governor in Council for the purposes of this section;

“**driver**” includes a person having the care or control of a motor vehicle on a highway or industrial road whether or not the motor vehicle is in motion.

- (2) A peace officer may, at any time or place on a highway or industrial road if the peace officer has reasonable and probable grounds to believe that a driver’s ability to drive a motor vehicle is affected by alcohol,
 - (a) request the driver to drive the motor vehicle, under the direction of the peace officer, to the nearest place off the travelled portion of the highway or industrial road,
 - (b) serve the driver with a notice of driving prohibition, and
 - (c) if the driver is in possession of a driver’s licence, request the driver to surrender that licence.
- (3) A peace officer may, at any time or place on a highway or industrial road if the peace officer has reasonable and probable grounds to believe that a driver’s ability to drive a motor vehicle is affected by a drug, other than alcohol,

- (a) request the driver to drive the motor vehicle, under the direction of the peace officer, to the nearest place off the travelled portion of the highway or industrial road,
 - (b) serve the driver with a notice of driving prohibition, and
 - (c) if the driver is in possession of a driver's licence, request the driver to surrender that licence.
- (4) If a peace officer requests a driver to surrender his or her driver's licence under this section, the driver must forthwith surrender to the peace officer his or her driver's licence issued under this Act or any document issued in another jurisdiction that allows him or her to drive or operate a motor vehicle.
- (5) Unless the prohibition from driving a motor vehicle is terminated under subsection (6) or (8), the driver is automatically prohibited from driving a motor vehicle for a period of 24 hours from the time the peace officer served the driver with a notice of driving prohibition under subsection (2) or (3).
- (6) If a driver, who is served with a notice of driving prohibition under subsection (2), forthwith requests a peace officer to administer and does undergo as soon as practicable a test that indicates that his or her blood alcohol level does not exceed 50 mg of alcohol in 100 mL of blood, the prohibition from driving is terminated.
 - (6.1) A test referred to in subsection (6) may be performed with an approved screening device.
 - (6.2) Despite subsection (6), a driver who is served with a notice of driving prohibition does not have a right to request or undergo a test under subsection (6) if
 - (a) the peace officer who served the notice first performed a test of the driver's blood alcohol level with an approved screening device,
 - (b) the test indicated that the driver's blood alcohol level exceeded 50 mg of alcohol in 100mL of blood, and
 - (c) the peace officer used the results of the test as part of the basis on which the peace officer formed reasonable and probable grounds to believe that the driver's ability to drive a motor vehicle was affected by alcohol.
- (7) [Repealed 2004-68-18.]
- (8) If a driver, who is served with a notice of driving prohibition under subsection (3), satisfies a peace officer having charge of the matter that his or her ability to drive a motor vehicle is not affected by a drug, other than alcohol, the prohibition from driving is terminated.
- (9) A peace officer acting under subsection (2) need not hold the opinion that the blood alcohol level of the driver exceeds 50 mg of alcohol in 100 mL of blood.
- (10) If a peace officer prohibits a person from driving a motor vehicle under this section, the peace officer must cause a report of the prohibition to be delivered to the Insurance Corporation of British Columbia unless the prohibition from driving a motor vehicle is terminated under subsection (6).

- (11) The report referred to in subsection (10) must be in a form established by the Insurance Corporation of British Columbia.
- (12) The Lieutenant Governor in Council may prescribe an approved screening device for the purposes of this section.

Review of driving prohibition

- 215.1** (1) A person may, within the prescribed number of days after being served with a notice of driving prohibition under section 215 (2), apply to the superintendent for a review of the driving prohibition by
- (a) filing an application for review with the superintendent, and
 - (b) paying to the superintendent the application fee prescribed by the Lieutenant Governor in Council.
- (2) For the purposes of subsection (1), the Lieutenant Governor in Council may prescribe the number of days, which number must not be less than 7, within which a person may apply for a review of a driving prohibition.
- (3) An application for review must be in the form, contain the information and be completed in the manner required by the superintendent.
- (4) An applicant may attach to the application for review any written statements or other evidence that the applicant wishes the superintendent to consider.
- (5) The superintendent must conduct a review under this section on the basis of written submissions and must not hold an oral hearing.

Considerations

- 215.2** In a review of a driving prohibition under section 215.1, the superintendent may only consider
- (a) the report of the prohibition delivered under section 215 (10) and other relevant information provided by the peace officer with the report, and
 - (b) relevant information provided by the person on whom the notice of driving prohibition was served.

Decision of the superintendent

- 215.3** If, after considering an application for review under section 215.1, the superintendent is satisfied that
- (a) the person on whom the notice of driving prohibition was served had the right to request and requested that the peace officer administer a test to indicate his or her blood alcohol level but the peace officer failed to provide the person with the opportunity to undergo the test, or
 - (b) the person on whom the notice of driving prohibition was served was not a driver within the meaning of section 215 (1),
- the superintendent must revoke the driving prohibition.

24 hour impoundment of motor vehicle

- 215.4** (1) If a peace officer serves a driver with a notice of driving prohibition under section 215 (2) or (3), the peace officer may, if the peace officer believes that impoundment is necessary to prevent the driver from driving or operating the motor vehicle before the prohibition expires, immediately cause the motor vehicle that the driver was operating or of which the driver had care or control to be taken to a place directed by the peace officer and impounded there for a period of 24 hours.
- (2) If a peace officer is satisfied that the impoundment of a motor vehicle under subsection (1) would
- (a) jeopardize the safety of the occupants of the motor vehicle, or
 - (b) leave the occupants stranded,
- the peace officer must arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can summon an alternative form of transportation.
- (3) The owner or driver of a motor vehicle that is impounded under subsection (1) may remove any cargo or other personal property that is in or on the motor vehicle.
- (4) If a motor vehicle is impounded under subsection (1), the peace officer must take all reasonable steps to notify the owner of the motor vehicle.
- (5) A person must not remove or permit the removal of a motor vehicle from the place where it is impounded under subsection (1) before the end of the 24 hour period unless the person is authorized to do so by a peace officer or a court.
- (6) All the costs and charges for towing, care and storage of a motor vehicle impounded under subsection (1) are a lien on the motor vehicle, and the lien may be enforced in the manner provided under the *Warehouse Lien Act*.

Automatic roadside driving prohibition

- 215.41** (1) In this section, **“driver”** includes a person having the care or control of a motor vehicle on a highway or industrial road whether or not the motor vehicle is in motion.
- (2) In this section and in sections 215.42, 215.43, 215.47 and 215.5:
- “approved screening device”** means a device prescribed by the Lieutenant Governor in Council for the purposes of this section;
 - “fail”** means an indication on an approved screening device that the concentration of alcohol in a person’s blood is not less than 80 milligrams of alcohol in 100 millilitres of blood;
 - “warn”** means an indication on an approved screening device that the concentration of alcohol in a person’s blood is not less than 50 milligrams of alcohol in 100 millilitres of blood.
- (3) [Repealed 2012-26-1.]

- (3.1) If, at any time or place on a highway or industrial road,
- (a) a peace officer makes a demand to a driver under the *Criminal Code* to provide a sample of breath for analysis by means of an approved screening device and the approved screening device registers a warn or a fail, and
 - (b) the peace officer has reasonable grounds to believe, as a result of the analysis, that the driver's ability to drive is affected by alcohol,
- the peace officer, or another peace officer, must,
- (c) if the driver holds a valid licence or permit issued under this Act, or a document issued in another jurisdiction that allows the driver to operate a motor vehicle, take possession of the driver's licence, permit or document if the driver has it in his or her possession, and
 - (d) subject to section 215.42, serve on the driver a notice of driving prohibition.
- (4) If a peace officer has reasonable grounds to believe that a driver failed or refused, without 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, the peace officer, or another peace officer, must take those actions described in subsection (3.1) (c) and (d).
- (5) If the driver is not in possession of his or her licence or permit issued under this Act to operate a motor vehicle at the time the driver is served with the notice of driving prohibition, the driver must promptly send the licence or permit to the Insurance Corporation of British Columbia.
- (6) The notice of driving prohibition must be in the prescribed form and must contain the following:
- (a) a statement that the driver is immediately prohibited from driving, for the period set out in the notice of prohibition;
 - (b) a statement setting out
 - (i) the amount of any monetary penalty imposed on the driver under section 215.44, and
 - (ii) the requirement that the monetary penalty be paid no later than 30 days after the date the notice is served;
 - (c) a statement of the right to have the driving prohibition reviewed by the superintendent under section 215.48;
 - (d) instructions describing how to apply for that review.
- (7) A notice of driving prohibition must not be served on a person under this section if a notice of driving prohibition is served on the person under section 94.1.

Right to second analysis

- 215.42** (1) If an analysis of the breath of a person by means of an approved screening device under section 215.41 (3.1) registers a warn or a fail,
- (a) the person has a right to forthwith request and be provided with a second analysis, and

- (b) a peace officer must inform the person of that right before the peace officer serves on the person a notice of driving prohibition.
- (2) A second analysis performed under this section must be performed with a different approved screening device than was used in the first analysis.
- (3) If a person provides a sample of breath for a second analysis in accordance with this section, the lower of the first and second analysis results governs for the purposes of section 215.41 (3.1).

Effect of driving prohibition under section 215.41

215.43 (1) If a person is served with a notice of driving prohibition under section 215.41 in circumstances where an approved screening device registers a warn, the person is prohibited from driving for

- (a) 3 days, in the case of a first prohibition,
- (b) 7 days, in the case of a second prohibition, or
- (c) 30 days, in the case of a subsequent prohibition.

(2) [Repealed 2012-26-3.]

(2.1) If a person is served with a notice of driving prohibition under section 215.41 in circumstances where

- (a) an approved screening device registers a fail, or
- (b) the person refuses or fails to comply with a demand as described in section 215.41 (4),

the person is prohibited from driving for a period of 90 days.

(3) A period of prohibition under this section takes effect immediately on service of the notice of driving prohibition under section 215.41.

(4) For the purposes of subsection (1), a prohibition is

- (a) a first prohibition if a person has not been subject to a previous prohibition under that subsection within the 5 year period preceding the prohibition,
- (b) a second prohibition if a person has been subject to one previous prohibition under that subsection within the 5 year period preceding the prohibition, and
- (c) a subsequent prohibition if the person has been subject to 2 or more previous prohibitions under that subsection within the 5 year period preceding the prohibition.

(5) For the purposes of determining whether a prohibition is a second or subsequent prohibition, the prohibition must not be considered to be a previous prohibition unless

- (a) the period for requesting a review of the prohibition under section 215.48 has expired, or
- (b) if the person requests a review of the prohibition, the period referred to under section 215.5 (6) or (7), as applicable, has expired.

Additional consequences — monetary penalty

- 215.44** (1) A person who has been served with a notice of driving prohibition under section 215.41 is also liable to pay, no later than 30 days after the date the notice is served, a monetary penalty in the amount prescribed by regulation.
- (2) The monetary penalty must not exceed the amount prescribed by regulation, and in any event must not exceed \$500.

Additional consequences — remedial program

- 215.45** If a person is prohibited from driving for a period of 30 or 90 days under section 215.43, the person must register in and attend any remedial program required by the superintendent under section 25.1.

Additional consequences — impoundment of vehicle

- 215.46** (1) If a peace officer serves a person with a notice of a 3-day or 7-day driving prohibition under section 215.41 (3.1) and believes that impoundment of the motor vehicle that the person was driving or operating at the time the notice was served is necessary to prevent the person from driving or operating the motor vehicle before the prohibition expires, the peace officer may cause the motor vehicle to be taken to and impounded at a place directed by the peace officer.
- (2) If a peace officer serves a person with a notice of a 30-day or 90-day driving prohibition under section 215.41 (3.1), the peace officer must cause the motor vehicle that the person was driving or operating at the time the notice was served to be taken to and impounded at a place directed by the peace officer.

Duties of peace officer related to driving prohibition under section 215.41

- 215.47** A peace officer who serves a notice of driving prohibition on a person under section 215.41 must promptly forward to the superintendent
- (a) the person's licence or permit or any document issued in another jurisdiction that allows the person to operate a motor vehicle, if the peace officer took the licence, permit or document into possession,
 - (b) a copy of the notice of driving prohibition,
 - (c) a certificate of service, in the form established by the superintendent, showing that the notice of driving prohibition was personally served on the person subject to the driving prohibition,
 - (d) a report, in the form established by the superintendent, sworn or solemnly affirmed by the peace officer, and
 - (e) in the case of a driving prohibition resulting from the analysis of a sample of breath, information relating to the calibration of the approved screening device on the basis of which the notice of driving prohibition was served.

Review of driving prohibition under section 215.41

- 215.48** (1) A person may, within 7 days of being served with a notice of driving prohibition under section 215.41, apply to the superintendent for a review of the driving prohibition by
- (a) filing an application for review with the superintendent,

- (b) paying to the superintendent the prescribed hearing fee, and
 - (c) if it has not been taken by the peace officer or sent to the superintendent under section 215.41, surrendering to the Insurance Corporation of British Columbia his or her licence or permit to operate a motor vehicle unless the person completes and files with the superintendent a statutory declaration stating that the licence or permit has been lost, stolen or destroyed.
- (2) An application for review must be in the form, contain the information and be completed in the manner required by the superintendent.
 - (3) An applicant may attach to the application for review any statements or other evidence that the applicant wishes the superintendent to consider.
 - (4) The filing of an application for review does not stay the driving prohibition.
 - (5) The superintendent is not required to hold an oral hearing unless
 - (a) the driving prohibition is for 30 or 90 days, and
 - (b) the applicant
 - (i) requests an oral hearing at the time of filing the application for review, and
 - (ii) pays the prescribed oral hearing fees.
 - (6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing, without prior notice to the superintendent, the right to an oral hearing is deemed to have been waived by the person.

Considerations on review under section 215.48

- 215.49** (1) In a review of a driving prohibition under section 215.48, the superintendent must consider
- (a) any relevant written statements or evidence submitted by the applicant,
 - (b) the report of the peace officer forwarded under section 215.47 (d),
 - (c) a copy of the notice of driving prohibition,
 - (d) any other relevant documents and information forwarded to the superintendent by the peace officer who served the notice of driving prohibition or any other peace officer, including peace officers' reports that have not been sworn or solemnly affirmed,
 - (e) in the case of an oral hearing, any relevant evidence given or representations made at the hearing, and
 - (f) in the case of a second or subsequent prohibition, as described in section 215.43 (4) and (5), the person's driving record.
- (2) In a review under section 215.48, no person may be cross examined.
 - (3) Despite subsection (1), the superintendent may, in the superintendent's discretion, proceed with a hearing whether or not the superintendent has received, at the time of the hearing, all those documents required to be forwarded to the superintendent under section 215.47.

- (4) The superintendent may determine the weight to be given to any document or other information referred to in subsection (1), including any document or information that is not sworn or solemnly affirmed.

Decision of superintendent after review under section 215.48

215.5 (1) If, after considering an application for review under section 215.48, the superintendent is satisfied that the person was a driver within the meaning of section 215.41 (1) and that,

- (a) in respect of a 3-day, 7-day or 30-day driving prohibition,
 - (i) the person was advised of his or her right to forthwith request and be provided with a second analysis under section 215.42 (1),
 - (ii) the second analysis, if the person requested a second analysis, was provided by the peace officer and was performed with a different approved screening device than was used in the first analysis and the notice of driving prohibition was served on the person on the basis of the lower analysis result,
 - (iii) the approved screening device registered a warn and registered the warn as a result of the concentration of alcohol in the person's blood being not less than 50 milligrams of alcohol in 100 millilitres of blood,
 - (iv) the result of the analysis on the basis of which the notice of driving prohibition was served was reliable, and
 - (v) in the case of
 - (A) a 7-day driving prohibition, the driving prohibition was a second prohibition, or
 - (B) a 30-day driving prohibition, the driving prohibition was a subsequent prohibition,
- (b) in respect of a 90-day driving prohibition resulting from a sample of breath for analysis by means of an approved screening device and the approved screening device registering a fail,
 - (i) the person was advised of his or her right to forthwith request and be provided with a second analysis under section 215.42 (1),
 - (ii) the second analysis, if the person requested a second analysis, was provided by the peace officer and was performed with a different approved screening device than was used in the first analysis and the notice of driving prohibition was served on the person on the basis of the lower analysis result,
 - (iii) the approved screening device registered a fail and registered the fail as a result of the concentration of alcohol in the person's blood being not less than 80 milligrams of alcohol in 100 millilitres of blood, and
 - (iv) the result of the analysis on the basis of which the notice of driving prohibition was served was reliable, or

- (c) in respect of a 90-day driving prohibition resulting from a failure or refusal, without reasonable excuse, to comply with a demand described in section 215.41 (4), the person so failed or refused,

the superintendent must confirm the driving prohibition, the monetary penalty for which the person is liable under section 215.44 and the impoundment imposed under section 215.46 for the period specified in section 253.

- (2) If, after considering an application for review under section 215.48 in respect of a 7-day or 30-day driving prohibition, the superintendent is satisfied that the person was a driver within the meaning of section 215.41 (1) and as to the matters referred to in subsection (1) (a) (i) to (iv) of this section, and determines that

- (a) in the case of a 7-day driving prohibition, the prohibition was a first prohibition, or
- (b) in the case of a 30-day driving prohibition, the prohibition was either
 - (i) a first prohibition, or
 - (ii) a second prohibition,

the superintendent must

- (c) substitute
 - (i) a 3-day driving prohibition, in the circumstances described in paragraph (a) or (b) (i), or
 - (ii) a 7-day driving prohibition, in the circumstances described in paragraph (b) (ii), and
- (d) vary accordingly the monetary penalty for which the person is liable under section 215.44 and, in respect of any impoundment, section 253 (8) applies.

- (3) [Repealed 2012-26-7.]

- (4) If, after considering an application for review under section 215.48, the superintendent is satisfied that the person was not a driver within the meaning of section 215.41 (1) or that,

- (a) in respect of a 3-day, 7-day or 30-day driving prohibition,
 - (i) the person was not advised of his or her right to forthwith request and be provided with a second analysis under section 215.42 (1),
 - (ii) the second analysis, if the person requested a second analysis, was not provided or not performed with a different approved screening device than was used in the first analysis or the notice of driving prohibition was not served on the basis of the lower analysis result,
 - (iii) the approved screening device did not register a warn or the approved screening device did not register the warn as a result of the concentration of alcohol in the person's blood being not less than 50 milligrams of alcohol in 100 millilitres of blood, or
 - (iv) the result of the analysis on the basis of which the notice of driving prohibition was served was not reliable,

- (b) in respect of a 90-day driving prohibition resulting from a sample of breath for analysis by means of an approved screening device and the approved screening device registering a fail,
 - (i) the person was not advised of his or her right to forthwith request and be provided with a second analysis under section 215.42 (1),
 - (ii) the second analysis, if the person requested a second analysis, was not provided or not performed with a different approved screening device than was used in the first analysis and the notice of driving prohibition was not served on the person on the basis of the lower analysis result,
 - (iii) the approved screening device did not register a fail or the approved screening device did not register the fail as a result of the concentration of alcohol in the person's blood being not less than 80 milligrams of alcohol in 100 millilitres of blood, or
 - (iv) the result of the analysis on the basis of which the notice of driving prohibition was served was not reliable, or
- (c) in respect of a 90-day driving prohibition resulting from a failure or refusal, without reasonable excuse, to comply with a demand described in section 215.41 (4), the person did not fail or refuse or had a reasonable excuse for failing or refusing to comply with the demand,

the superintendent must

- (d) revoke the driving prohibition,
 - (e) cancel the monetary penalty for which the person would otherwise be liable under section 215.44 and, in respect of any impoundment, section 253 (8) applies, and
 - (f) if the person held a valid licence or permit issued under this Act to operate a motor vehicle at the time the notice of driving prohibition was served under section 215.41, direct the Insurance Corporation of British Columbia to return any licence or permit to operate a motor vehicle taken into possession by the peace officer or sent to the corporation.
- (5) [Repealed 2012-26-7.]
- (6) Subject to subsection (7), the decision of the superintendent and the reasons for the decision must be in writing and a copy must be sent to the applicant within 21 days of the date the notice of driving prohibition was served on the applicant under section 215.41.
- (7) If the superintendent is unable to send the decision to the applicant within the 21 day period set out in subsection (6), the superintendent may extend that period for a period determined by the superintendent.
- (8) If the superintendent extends the period for sending a decision to the applicant under subsection (7), the superintendent may

- (a) stay the driving prohibition imposed on the applicant under section 215.43 for the period of the extension determined under subsection (7), and
 - (b) if the applicant held a valid licence or permit issued under this Act to operate a motor vehicle at the time the applicant was served with the notice of driving prohibition under section 215.41, direct the Insurance Corporation of British Columbia to issue to the applicant a temporary driver's licence that expires with the period of extension determined under subsection (7).
- (9) The superintendent must promptly give the person notice of an extension made under subsection (7).
- (10) The copy referred to in subsection (6) and the notice referred to in subsection (9) must be sent to the person
- (a) at the last known address of the person as shown in the records maintained by the Insurance Corporation of British Columbia, or
 - (b) at the address shown in the application for review, if that address is different from the address in the Insurance Corporation of British Columbia's records.
- (11) A notice of extension given under subsection (9) is deemed to be a notice of prohibition for the purposes of section 95 (4) (a) or (b).

Regulations — automatic roadside driving prohibitions

215.51 Without limiting the authority of the Lieutenant Governor in Council to make regulations under any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing an approved screening device for the purposes of the definition of “approved screening device” in section 215.41 (2);
- (b) prescribing the form of notice of driving prohibition for the purposes of section 215.41 (6);
- (c) for the purposes of section 215.44,
 - (i) prescribing monetary penalties, including prescribing a schedule of increasing monetary penalties based on whether a driving prohibition is a first, second or subsequent prohibition as described in section 215.43 (4), and
 - (ii) prescribing the manner for payment of monetary penalties;
- (d) prescribing hearing fees, including oral hearing fees, for the purposes of section 215.48.

Vehicle inspections

216 (1) The Lieutenant Governor in Council may make regulations as follows:

- (a) requiring the inspection as to safety, emissions and repair of prescribed classes of vehicles and may provide differently for different
 - (i) types of inspections,
 - (ii) classes of vehicles, and
 - (iii) areas of British Columbia;

- (b) providing for notification by the director or a peace officer to the owner or operator of a vehicle of a prescribed class requiring him or her, within the period set out in the notification, to present the vehicle for inspection at a facility, or any one of a class of facilities, designated in the notification;
 - (c) providing for the duties and responsibilities of persons who are authorized under section 217 and of operators of facilities that are designated under that section respecting inspections of vehicles;
 - (c.1) prescribing grounds for which the director can cancel an authorization or designation granted to a person under section 217 (1) (a) or (b) respecting inspection of vehicles;
 - (d) prescribing the form and period of validity of an inspection certificate of approval or interim inspection certificate and requiring a vehicle that has been inspected to bear an inspection certificate of approval or interim inspection certificate;
 - (e) prescribing
 - (i) fees or the method of determining the amount of fees payable to the government in respect of inspections of vehicles and in respect of applications for and any consultations relating to the issuance of authorizations, designations and exemptions under section 217, and
 - (ii) charges payable, by persons required to present vehicles for inspection, to operators, other than the government, of facilities designated under section 217;
 - (f) prohibiting the operation, driving or parking on a highway and requiring surrender of the vehicle licence and corresponding number plates of a vehicle that is required to be presented for inspection and
 - (i) is not presented for inspection as required,
 - (ii) does not pass inspection, or
 - (iii) does not bear a valid inspection certificate of approval or interim inspection certificate;
 - (g) requiring the owners of prescribed classes of vehicles to maintain their vehicles in accordance with prescribed standards, and prescribing those standards;
 - (h) requiring owners and drivers of prescribed classes of vehicles to keep records respecting the use and maintenance of the vehicles.
- (2) The minister, for and on behalf of the government, may enter into an agreement or arrangement with a municipality or treaty first nation to implement regulations made under subsection (1), and the municipality or treaty first nation may, by resolution, enter into the agreement or arrangement.
- (3) and (4) [Not in force.]

- (5) The director or a person empowered to exercise the powers and perform the duties of a constable or peace officer in regulations made under section 210 (3) (n) may inspect and audit at reasonable times, on designated facility premises,
 - (a) the premises,
 - (b) [Not in force.]
 - (c) equipment and reference materials required to be kept under section 217 (2) (c), and
 - (d) vehicles that have been inspected by a person authorized under section 217 (1) (a).

Inspectors, inspection facilities and standards

- 217** (1) For the purposes of section 216, the director may
- (a) authorize persons to inspect vehicles,
 - (b) designate facilities operated by the government or a municipality or other person as facilities for different classes of inspections, and
 - (c) on conditions the Lieutenant Governor in Council requires, exempt a vehicle from inspection.
- (1.1) The director may do one or both of the following:
- (a) impose conditions on an authorization or designation referred to in subsection (1) at the time the director makes the authorization or designation or at another time during which the authorization or designation is in effect;
 - (b) make an authorization or designation referred to in subsection (1) subject to a specified term.
- (2) For the purposes of section 216, the minister may, by regulation, do one or more of the following:
- (a) establish standards of, and criteria and guidelines for, inspections relating to safety and repair for different classes of vehicles;
 - (b) prescribe standards of inspections or establish standards of, and criteria and guidelines for, inspections relating to emissions for different classes of vehicles;
 - (c) set out requirements that must be met or guidelines that must be followed by the persons who are designated under subsection (1) relating to maintenance of the facility and equipment and reference materials that must be kept at a designated facility;
 - (d) governing the manner in which persons authorized under subsection (1) must perform inspections.
- (2.1) In making a regulation under subsection (2), the minister may adopt with or without modification one or more or a part of the provisions of a code, standard or rule respecting vehicle safety, emission or repair, as they may be amended from time to time before or after the making of the regulation, including, without limiting this, a standard set by the Canadian Council of Motor Transport Administrators.

- (3) The Lieutenant Governor in Council may provide by regulation that
- (a) contravention of
 - (i) a regulation of the minister under subsection (2) by a person who is authorized or designated under subsection (1), or
 - (ii) a standard prescribed by the minister under section 218 (2), constitutes an offence, and
 - (b) a person who commits an offence under paragraph (a) is liable to a penalty not greater than the penalties provided under the *Offence Act*.

Standards and approvals

- 218** (1) The director may do one or more of the following:
- (a) designate equipment or classes of equipment for which approval by the director is required as a condition precedent to the first retail sale of the equipment;
 - (b) approve equipment conforming to the safety or emissions standards prescribed by the minister under subsection (2).
 - (c) [Repealed 2003-11-23.]
- (2) The minister may prescribe safety or emissions standards for a vehicle or its equipment that is offered for sale, exposed or displayed for sale, sold or delivered to a purchaser for use.

Driver control programs

- 218.1** The Insurance Corporation of British Columbia may require drivers of classes of vehicles prescribed by the minister to participate in driver control programs.

Equipment of motor vehicles

- 219** (1) A person must not drive or operate a motor vehicle or trailer on a highway or rent a motor vehicle or trailer unless it is equipped in all respects in compliance with this Act and the regulations.
- (2) A peace officer
- (a) may require a person who carries on the business of renting vehicles or who is the owner or person in charge of a vehicle
 - (i) to allow the peace officer to inspect a vehicle offered by the person for rental or owned by or in charge of the person, or
 - (ii) to move a vehicle described in subparagraph (i) to a place designated by the peace officer and to allow the vehicle to be inspected there by the peace officer, or, at the expense of the person required, to present the vehicle for inspection by a person authorized under section 217, and
 - (b) must remove any inspection certificate of approval affixed to the vehicle if, in the opinion of the peace officer or a person authorized under section 217, the vehicle is unsafe for use on a highway.

- (3) An owner of a motor vehicle or trailer must not permit it to be driven or operated on a highway unless it is equipped in all respects in compliance with this Act and the regulations.
- (4) In subsection (3), “**owner**” means
 - (a) the owner, or
 - (b) in the case of a vehicle that is leased for a term of 30 days or more, the person who leases the vehicle.

Seat belt assembly

- 220**
- (1) In this section, “**seat belt assembly**” means a device or assembly suitably fastened to the motor vehicle composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint, an upper torso restraint or both of them.
 - (2) A person must not sell, offer for sale or operate on a highway a motor vehicle required to be registered and licensed only under this Act and manufactured or assembled after December 1, 1963, other than a motorcycle, unless it is equipped with not less than 2 seat belt assemblies for use in the front seat in accordance with the regulations.
 - (3) A person must not drive or operate a motor vehicle on a highway in which a seat belt assembly required under this section or the *Motor Vehicle Safety Act* (Canada) at the time the motor vehicle was manufactured, assembled or imported into Canada has been removed, rendered partly or wholly inoperative, or modified to reduce its effectiveness.
 - (4) A person in a motor vehicle being driven or operated on a highway must, if the motor vehicle has properly attached to it a seat belt assembly for the seating position occupied by that person, wear the complete seat belt assembly in a properly adjusted and securely fastened manner.
 - (5) Subsection (4) does not apply to a person
 - (a) driving a motor vehicle in reverse,
 - (b) [Repealed 2010-14-20.]
 - (c) who is actually engaged in work that requires him or her to alight from and re-enter the motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 40 km/h, or
 - (d) under age 16.
 - (6) A person must not drive on a highway a motor vehicle in which there is a passenger who has attained age 6 but is under age 16 and who occupies a seating position for which a seat belt assembly is provided unless that passenger is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.
 - (7) Subsection (6) does not apply if the passenger
 - (a) [Repealed 2010-14-20.]

- (b) is actually engaged in work that requires him or her to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 40 km/h.
- (8) Despite this section, if a seat belt assembly consists of a pelvic restraint and a separate upper torso restraint, only the pelvic restraint need be worn.
- (9) The Lieutenant Governor in Council may make regulations as follows:
 - (a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications for them;
 - (b) defining the age of a child for the purpose of paragraph (a);
 - (c) providing for the exemption from any provision of this section of any
 - (i) type or class of motor vehicle, and
 - (ii) class or group of drivers or passengers in motor vehicles.
- (10) A person who contravenes this section commits an offence.

Repealed

221 [Repealed 2010-14-5.]

Sale of motor vehicle contrary to regulations

222 A person must not sell, offer for sale, expose or display for sale or deliver over to a purchaser for use a motor vehicle, trailer or equipment for them that is not in accordance with this Act and the regulations.

Canada Safety Standards

- 223** (1) A manufacturer or distributor of a motor vehicle or trailer manufactured in British Columbia for sale in British Columbia and a dealer must not sell, offer for sale, display for sale or deliver over to a person for use a new motor vehicle or trailer of a class prescribed by the *Motor Vehicle Safety Act* (Canada) unless the motor vehicle or trailer and its components comply with safety standards prescribed in the *Motor Vehicle Safety Act* (Canada) and the regulations under it, bear the National Safety Mark and display the statement of compliance as required by those regulations.
- (2) A distributor or dealer must not modify or alter a new motor vehicle or trailer, or exchange components of a new motor vehicle or trailer of a class for which standards are prescribed, in a manner that the motor vehicle or trailer does not comply with the safety standards prescribed in the *Motor Vehicle Safety Act* (Canada) and the regulations made under it.
- (3) The Lieutenant Governor in Council may make regulations prohibiting
- (a) the installation of components in a motor vehicle or trailer or the removal or alteration of any components of a motor vehicle or trailer if the installation, alteration or removal affects or is likely to affect the functioning of the motor vehicle or trailer so that it no longer meets the safety standards that were, at the time of its first retail sale, applicable to it and its components under the *Motor Vehicle Safety Act* (Canada), and

- (b) the operation, driving or parking on a highway of a motor vehicle or trailer in which a component has been installed or altered or from which a component has been removed contrary to a regulation made under paragraph (a).

Driving with more than 80 milligrams of alcohol in blood

- 224** Everyone who, on a highway or industrial road, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion of alcohol in his or her blood exceeds 80 milligrams of alcohol in 100 millilitres of blood, commits an offence and is liable on conviction to a fine of not less than \$100 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.

Demand for blood sample

- 225** (1) If a peace officer on reasonable and probable grounds believes that a person has, within the preceding 2 hours, committed an offence under section 224, the peace officer may, by demand made to that person forthwith or as soon as practicable, require him or her to provide then or as soon after that as is practicable a sufficient sample of his or her blood, as in the opinion of the person taking the sample is necessary, to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in his or her blood, and to accompany the peace officer for the purpose of enabling that sample to be taken.
- (2) If the person referred to in subsection (1) is incapable, due to physical or mental trauma, of comprehending the nature of a demand under subsection (1), a sufficient sample of his or her blood, as in the opinion of the person taking the sample is necessary, to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in his or her blood, may be taken from that person without a demand being made under subsection (1).
- (3) A blood sample may be taken under this section only by a person or class of persons approved by order of the Attorney General or a medical practitioner or registered nurse authorized under an enactment to practice as a medical practitioner or registered nurse in British Columbia.
- (4) A blood sample taken under this section may only be analyzed by a person or class of persons approved by order of the Attorney General using a method approved as suitable for the purposes of this section by order of the Attorney General.

Refusal to give blood sample

- 226** (1) A person who without reasonable excuse fails or refuses to comply with a demand made under section 225 (1) commits an offence and is liable on conviction to a fine of not less than \$100 and not more than \$2 000 or to imprisonment for not less than 7 days and not more than 6 months, or to both.
- (2) [Repealed 1997-43-31.]

Proof of blood sample

- 227** (1) In a proceeding under section 224, if a blood sample of the defendant was taken
- (a) under a demand made under section 225 (1) or under section 225 (2), and

- (b) as soon as practicable after the time when the offence was alleged to have been committed and in any event no later than 2 hours after that time, evidence of the result of an analysis of the blood sample is, in the absence of any evidence to the contrary, proof of the proportion of alcohol in the blood of the defendant at the time when the offence was alleged to have been committed.
- (2) In a proceeding under section 224, if a blood sample of the defendant was taken under a demand made under section 225 (1) or under section 225 (2), a certificate of a person referred to in section 225 (3) or (4) stating that he or she has
 - (a) taken the blood sample of the defendant, or
 - (b) made an analysis of the blood sample of the defendant and stating the result of his or her analysisis evidence of the statements contained in the certificate without proof of the signature of the person appearing to have signed the certificate.
- (3) In a proceeding under section 224, if a blood sample of the defendant was taken under section 225 (2), a certificate of a medical practitioner or nurse practitioner stating that, in his or her opinion, at the time the blood sample was taken the defendant was incapable, due to physical or mental trauma, of comprehending the nature of a demand under section 225 (1) is evidence of the statements contained in the certificate without proof of the signature of the person appearing to have signed the certificate.
- (4) In a proceeding under section 224, if a blood sample of the defendant was taken under a demand made under section 225 (1) or under section 225 (2), the proportion of alcohol in the blood sample of the defendant at the time of the analysis is deemed to be the same as the proportion of alcohol in the blood of the defendant when the sample was taken, unless the defendant proves otherwise.
- (5) A defendant against whom a certificate described in subsection (2) or (3) is produced may, with leave of the court, require the attendance of the person who made the certificate for the purposes of cross examination.
- (6) A certificate must not be received in evidence under subsection (2) or (3) unless, before the trial, the defendant has received reasonable notice that the certificate will be introduced and has received a copy of the certificate.
- (7) The Lieutenant Governor in Council may prescribe the form and content of certificates to be used in this section.

Civil liability

- 228** No action lies, for damages or otherwise, against any person as a result of the taking or analyzing of a blood sample under section 225 except an action for damages arising out of negligence in technical procedures used in taking the blood.

No legal obligation

- 229** Despite anything in sections 224 to 228, a person authorized to take a blood sample under section 225 (3) may decline to take a blood sample from a person if to do so

would, in the opinion of a medical practitioner or nurse practitioner, endanger that person's health or life.

Report of health professional

- 230** (1) This section applies to every legally qualified and registered psychologist, optometrist, medical practitioner and nurse practitioner who has a patient 16 years of age or older who
- (a) in the opinion of the psychologist, optometrist, medical practitioner or nurse practitioner has a medical condition that makes it dangerous to the patient or to the public for the patient to drive a motor vehicle, and
 - (b) continues to drive a motor vehicle after being warned of the danger by the psychologist, optometrist, medical practitioner or nurse practitioner.
- (2) Every psychologist, optometrist, medical practitioner and nurse practitioner referred to in subsection (1) must report to the superintendent the name, address and medical condition of a patient referred to in subsection (1).
- (3) No action for damages lies or may be brought against a psychologist, an optometrist, a medical practitioner or a nurse practitioner for making a report under this section, unless the psychologist, optometrist, medical practitioner or nurse practitioner made the report falsely and maliciously.

Not in Force

- 231** [Not in force.]

Smoking in motor vehicle prohibited

- 231.1** (1) In this section, "**tobacco**" means tobacco leaves or products produced from tobacco in any form or for any use.
- (2) A person must not smoke tobacco, or hold lighted tobacco, in a motor vehicle that is occupied by a person under the age of 16 years, whether or not any window, sunroof, car-top, door or other feature of the vehicle is open.
- (3) A person who contravenes subsection (2) commits an offence.
- (4) The Lieutenant Governor in Council may make regulations exempting any person or class of persons from the requirements of this section and prescribing conditions for those exemptions.

PART 5**Suspension on conviction for certain offences**

- 232** (1) In this section:
- "**convicted**" includes the granting of an absolute or conditional discharge;
- "**date of sentencing**" includes
- (a) the date that the passing of sentence is suspended,
 - (b) the date that an absolute or a conditional discharge is granted, or

- (c) the date that a court
 - (i) imposes a sentence under the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada), or
 - (ii) makes a disposition under the *Young Offenders (British Columbia) Act*, as it read before its repeal by the *Youth Justice Act*, or a disposition under the *Young Offenders Act* (Canada), as it read before its repeal by the *Youth Criminal Justice Act* (Canada);

“motor vehicle related *Criminal Code* offence” does not include an offence under section 259 (4) of the *Criminal Code*.

- (2) If a person is convicted of a motor vehicle related *Criminal Code* offence or under a provision that is enacted by a state of the United States of America and that is designated by regulation, his or her driver’s licence and his or her right to apply for or obtain a driver’s licence are deemed to be suspended for the period referred to in subsection (3).
- (3) A suspension under subsection (2) is effective from the date of sentencing, and is, subject to section 233, effective for the following period:
 - (a) on the first conviction, for one year;
 - (b) on the first subsequent conviction, whether or not that conviction is under the same provision as the conviction referred to in paragraph (a), for 3 years;
 - (c) on the second subsequent conviction or an additional subsequent conviction, whether or not that conviction is under the same provision as the convictions referred to in paragraph (a) or (b), indefinitely.
- (4) Subsection (3) applies only if,
 - (a) for subsection (3) (a), the conviction is in respect of an offence committed after the coming into force of this section,
 - (b) for subsection (3) (b), the first subsequent conviction is in respect of an offence committed after the coming into force of this section and the previous conviction was not more than 5 years before the date on which this section comes into force, and
 - (c) for subsection (3) (c), the second subsequent conviction or the additional subsequent conviction is in respect of an offence committed after the coming into force of this section and the previous convictions were not more than 5 years before the date on which this section comes into force.
- (5) Subsection (3) (b) and (c) does not apply if the subsequent conviction is more than 10 years after the previous conviction.
- (6) Despite subsection (3), if the subsequent conviction is within 10 years after the previous conviction, a conviction that preceded the previous conviction by less than 10 years must be taken into account for the purpose of subsection (3) (b) and (c).

Reinstatement of suspended licence

- 233** (1) In this section, “**program**” means a remedial program or component of it or an ignition interlock program specified by the superintendent.
- (2) The superintendent must notify the Insurance Corporation of British Columbia of a person’s right
- (a) to have his or her suspended driver’s licence reinstated or to apply for a new driver’s licence, as the case may be, in the following circumstances:
 - (i) the person’s driver’s licence is suspended and the person’s right to apply for or obtain a driver’s licence is suspended under section 232 (2) and (3) (a) or (b);
 - (ii) the person has,
 - (A) to the satisfaction of the superintendent, attended or participated in and completed a program as required by the superintendent, and
 - (B) paid the prescribed fees, or
 - (b) to apply for a driver’s licence at the end of a suspension period of 5 years in the following circumstances:
 - (i) the person’s driver’s licence is suspended and the person’s right to apply for or obtain a driver’s licence is suspended under section 232 (2) and (3) (c);
 - (ii) the person has,
 - (A) to the satisfaction of the superintendent, attended or participated in and completed a program as required by the superintendent, and
 - (B) paid the prescribed fees.
- (3) If it is, in the superintendent’s opinion, in the public interest for a person in the circumstances referred to in subsection (2) (a) or (b) to participate in an ignition interlock program specified by the superintendent and the person pays the prescribed fees for the ignition interlock program, the superintendent may require a statement in, endorsement on or attachment to the person’s driver’s licence adding a condition of the driver’s licence that the person participate in and complete the ignition interlock program, to the satisfaction of the superintendent.
- (4) The superintendent may
- (a) as part of a condition of a driver’s licence under subsection (3), specify a date by which or a period of time during which the person must complete the program, and
 - (b) at any time extend, change or cancel a date or period of time specified under paragraph (a).
- (5) Section 25 (13) applies to a condition imposed in respect of a person’s driver’s licence under this section.
- (6) If the superintendent notifies the Insurance Corporation of British Columbia

- (a) under subsection (2) (a), the corporation must,
 - (i) on the expiry of the suspension, reinstate the driver's licence if
 - (A) the driver's licence has not expired or been cancelled,
 - (B) the person is otherwise qualified to hold the licence, and
 - (C) there is no other suspension, cancellation or prohibition under this Act in respect of the driver's licence or the person, or
 - (ii) on receipt of the notification, allow the person to apply for a new driver's licence, subject to any other suspension, cancellation or prohibition under this Act, or
 - (b) under subsection (2) (b), the corporation must, at the expiry of the suspension period, allow the person to apply for a new driver's licence, subject to any other suspension, cancellation or prohibition under this Act.
- (7) The suspension of a person's driver's licence and of the person's right to apply for or obtain a driver's licence is extended
- (a) if, on the expiry of a suspension under section 232 (2) and (3) (a) or (b), the person has not
 - (A) attended or participated in and completed a program to the satisfaction of the superintendent, and
 - (B) paid the prescribed fees, and
 - (b) until the person has done the things referred to in paragraph (a).

Driving while suspended

- 234** (1) A person, other than a person who is exempted under section 34 (1.1) from the requirements as to the holding of a driver's licence issued under this Act while driving or operating a motor vehicle, commits an offence who drives a motor vehicle on a highway or industrial road knowing that the person's driver's licence or the person's right to apply for or obtain a driver's licence is suspended under section 232.
- (2) A person who commits an offence referred to in subsection (1) is liable,
- (a) on a first conviction, to a fine of not less than \$500 and not more than \$2 000 or to imprisonment for not more than 6 months, or to both, and
 - (b) on a subsequent conviction, regardless of when the contravention occurred, to a fine of not less than \$500 and not more than \$2 000 and to imprisonment for not less than 14 days and not more than one year.
- (3) If a person is charged with an offence under subsection (1), the court hearing the charge may admit into evidence a certificate of the superintendent stating the information required by subsection (4) and if the certificate of the superintendent is admitted into evidence it is proof that the defendant had knowledge of the suspension in effect at the time of the alleged offence.
- (4) If a person is charged with an offence under subsection (1), the certificate referred to in subsection (3) must state that the suspension was in effect on the date of

the alleged offence and that the records of the Insurance Corporation of British Columbia or the superintendent, as the case may be,

- (a) show that a notice of the suspension was mailed by registered mail or certified mail to the person at the person's most recent address recorded in the records of the corporation and that the corporation or superintendent subsequently received a copy of a confirmation of delivery provided by Canada Post showing a recipient's signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person to whom the notice of suspension was sent,
 - (b) contain a document that
 - (i) indicates that the person so charged
 - (A) has acknowledged that his or her driver's licence or his or her right to apply for or to obtain a driver's licence is suspended,
 - (B) has acknowledged that he or she has received from the superintendent a notice of suspension of his or her driver's licence or of his or her right to apply for or to obtain a driver's licence, or
 - (C) has surrendered his or her driver's licence to the superintendent or the corporation subsequent to receiving from the superintendent a notice of suspension, and
 - (ii) is signed with a signature that, from a comparison with the signature on the records of the corporation, appears to be that of the person whose driver's licence or right to apply for or to obtain a driver's licence is suspended under this Part, or to whom the superintendent mailed a notice of suspension, or
 - (c) contain a certificate of service in the form and with the content prescribed by the Lieutenant Governor in Council, showing that the notice of suspension under section 232 was personally served on the person.
- (5) This section applies to any document contained in the records of the superintendent or the Insurance Corporation of British Columbia, whether that document was signed before, on or after the date this subsection comes into force.

Driver to surrender licence

235 If a person's driver's licence or his or her right to apply for or obtain a driver's licence is suspended under section 232, he or she must,

- (a) if notified of the suspension by mail, immediately send his or her driver's licence, or any document issued in another jurisdiction that allows him or her to drive a motor vehicle, to the Insurance Corporation of British Columbia, and
- (b) if notified of the suspension by personal service by a peace officer, sheriff or person authorized by the superintendent, surrender the person's driver's licence, or any document issued in another jurisdiction that allows the person

to drive a motor vehicle, to the serving peace officer, sheriff or person for forwarding to the Insurance Corporation of British Columbia.

Stay of suspension against driving

236 Section 101 applies to any application for a stay of a suspension imposed under this Part and for that purpose

- (a) a reference to “prohibition” in section 101 is deemed to be a reference to a suspension under section 232, and
- (b) a stay ordered in respect of a prohibition under section 101 operates as a stay of a suspension under section 232 and a stay ordered in respect of a suspension under section 232 operates as a stay of a prohibition under section 101, for so long as the stay remains in effect and with like result.

PART 6 — CARRIERS

Definitions

237 In this Part:

“**business vehicle**” means a motor vehicle

- (a) that is operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of freight in or on the motor vehicle, but only if
 - (i) the operation is carried on solely under a limited number of special or individual contracts or agreements, and
 - (ii) the motor vehicle is not available for use by the general public,
- (b) that is operated at any time on a highway for the transportation of freight, and includes a motor vehicle that is operated for any of the following purposes:
 - (i) transportation of freight that is genuinely the property of the owner of the motor vehicle;
 - (ii) transportation of freight used or subjected to a process or treatment by the owner of the motor vehicle in the course of a regular trade or occupation or established business of the owner, when the transportation is incidental to the owner’s trade, occupation or business;
 - (iii) delivery or collection of freight sold or purchased, or agreed to be sold or purchased, or let on hire by the owner of the motor vehicle, otherwise than as agent, in the course of a regular trade or established business of that owner, or
- (c) that is operated at any time on a highway by, for or on behalf of any person who charges or collects compensation for the transportation of freight in or on the motor vehicle,

but does not include a motor vehicle operated for hire while used exclusively in carrying pupils or teachers to or from a school;

“carrier” means, in relation to a business vehicle,

- (a) the owner of the business vehicle as “owner” is defined in section 1,
- (b) any other person having management of the business vehicle or determination of the uses to which it is put, and
- (c) the lessee of the business vehicle if the lease for the business vehicle has a term of at least one month,

but a person is not a carrier merely because he or she is the driver of the business vehicle;

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

“insurance corporation” means the Insurance Corporation of British Columbia.

Operating requirements for business vehicles

- 238** (1) Except as exempted under this Act, a person must not operate on a highway a motor vehicle as a business vehicle unless
- (a) a safety certificate has been obtained in respect of the carrier,
 - (b) all prescribed documents are carried in the motor vehicle in the prescribed manner,
 - (c) proof of financial responsibility of the owner of the motor vehicle has been given to the insurance corporation under section 106, or a motor vehicle liability policy has been issued in respect of the motor vehicle,
 - (d) proof that a cargo insurance policy has been obtained in respect of the goods being transported in or on the motor vehicle and the proof has been provided to the insurance corporation in the prescribed manner, and
 - (e) all other prescribed requirements applicable to the operation of the motor vehicle as a business vehicle have been complied with.
- (2) If authorized to do so by a regulation of the Lieutenant Governor in Council, the Insurance Corporation of British Columbia may exempt any person or motor vehicle, or class of persons or motor vehicles, from the requirements of subsection (1) (c), or may limit or vary the application of the requirements of subsection (1) (c) in any manner, and the exemption, limitation or variation is of the same force and effect as if set out in this Act.
- (3) If authorized to do so by a regulation of the Lieutenant Governor in Council, the director may exempt any person or motor vehicle, or class of persons or motor vehicles, from the requirements referred to in subsection (1) (a), (b), (d) or (e), or may limit or vary the application of the requirements referred to in subsection (1) (a), (b), (d) or (e) in any manner, and the exemption, limitation or variation is of the same force and effect as if set out in this Act.

Power to search business vehicles

- 239** (1) A peace officer may, without a warrant, search a business vehicle on a highway to determine whether this Act and the regulations are being complied with in the

operation of that business vehicle, and for that purpose may require the driver of the business vehicle to stop the business vehicle and permit the search to be made.

- (2) The driver or other person in charge of a business vehicle on a highway who is required by a peace officer, by signals or otherwise, to stop the business vehicle or to permit it to be searched for the purposes of this section, and who refuses or fails to stop the business vehicle or to permit it to be searched, commits an offence against this Act.

Liability for act or omission of employee

- 240** (1) In construing and enforcing this Act or the regulations, the act, omission or failure of any officer, agent or person acting for or employed by a carrier, if within the scope of his or her employment, is also deemed to be the act, omission or failure of the carrier.
- (2) If an officer, agent or person acting for or employed by a carrier, performs an act or omits or fails to do something and, as a result of the operation of subsection (1), the carrier is deemed to have performed an act or omitted or failed to do something that results in an offence being committed, a ticket, summons or other document served under the *Offence Act* is deemed to have been served on the carrier if it has been served on the person who is alleged to have performed the act or omitted or failed to do something that resulted in an offence being committed.

PART 7

Repealed

241-248 [Repealed 2010-14-14.]

PART 8 – POLICE ACCIDENT REPORTS

Accident reports by police officer

- 249** (1) If
- (a) a vehicle driven or operated on a highway directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount, or
 - (b) an accident involving the presence or operation of a cycle on a highway or a sidewalk directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount,
- a police officer who attends the accident must complete a written report of the accident in the form established by the Insurance Corporation of British Columbia and forward it to the corporation within 10 days of the accident.
- (2) A person involved in an accident referred to in subsection (1) (a), or that person's authorized representative, is entitled to obtain on request the names of any drivers

involved, the licence number, the name of the registered owner of any motor vehicle involved and the name of any witness.

PART 9 — MOTOR VEHICLE IMPOUNDMENT

Definitions

250 In this Part:

“impound” includes to immobilize, in a manner approved by the superintendent, a motor vehicle at the place referred to in section 215.46 or 251 (1) (g);

“irreparable vehicle” means a motor vehicle that has its title transferred, under an agreement referred to in section 255 (8), to a person who, in accordance with that agreement, is to transfer the title of the motor vehicle to a person who is in the business of wrecking used motor vehicles and who intends to use the motor vehicle for parts or scrap;

“person who has custody”, when used in reference to a motor vehicle, includes a person who has, at the direction of a peace officer under section 215.46 or 251 (1) (g), impounded a motor vehicle by immobilizing it;

“race” means circumstances in which, taking into account the condition of the highway, traffic, visibility and weather, the driver or operator of a motor vehicle is driving or operating the motor vehicle without reasonable consideration for other persons using the highway or in a manner that may cause harm to an individual by doing any of the following:

- (a) outdistancing or attempting to outdistance one or more other motor vehicles;
- (b) preventing or attempting to prevent one or more other motor vehicles from passing;
- (c) driving at excessive speed in order to arrive at or attempt to arrive at a given destination ahead of one or more other motor vehicles;

“stunt” means circumstances in which, taking into account the condition of the highway, traffic, visibility and weather, the driver or operator of a motor vehicle is driving or operating the motor vehicle without reasonable consideration for other persons using the highway or in a manner that is likely to cause harm to an individual or likely to distract, startle or interfere with users of the highway by doing any of the following:

- (a) causing any or all of the motor vehicle’s tires to lift from the road surface;
- (b) causing the motor vehicle to lose traction while turning the motor vehicle;
- (c) driving the motor vehicle in a manner to cause the motor vehicle to spin;
- (d) driving the motor vehicle in a lane intended for oncoming traffic for longer than necessary to pass another vehicle;
- (e) slowing or stopping the motor vehicle in a manner that prevents other motor vehicles from passing or in a manner that blocks or impedes other motor vehicles;

- (f) without justification, driving as close as possible to another motor vehicle, a pedestrian, or a fixed object.

Impoundment of motor vehicle

- 251** (1) If a peace officer has reasonable grounds to believe that a person
- (a) has driven or operated a motor vehicle on a highway while the person is prohibited from driving a motor vehicle under
 - (i) this Act, or
 - (ii) the *Youth Justice Act*, the *Youth Criminal Justice Act* (Canada) or the *Criminal Code*,
 - (b) has driven or operated a motor vehicle on a highway while the person's driver's licence and his or her right to apply for or obtain a driver's licence are suspended under section 89 (1) (b) or (c), 232 or 233,
 - (c) has driven or operated a motor vehicle on a highway while
 - (i) the person did not hold a subsisting driver's licence issued under this Act and was not exempt under section 34 from holding a driver's licence issued under this Act, and
 - (ii) a notice under section 252 was in place on the driving record of the person,
 - (d) has committed an offence under section 148,
 - (e) has driven or operated a motor vehicle on a highway in a race or in a stunt and the peace officer intends to charge the person with a motor vehicle related *Criminal Code* offence or an offence under section 144 (1), 146 or 148 of this Act, or
 - (f) has committed an offence under
 - (i) section 194 (1) or (2), or
 - (ii) section 25 (15) by violating a requirement, restriction or condition prescribed under section 25 in relation to a driver's licence that allows the person to drive or operate a motorcycle, which requirement, restriction or condition is specified in the regulations for the purposes of this provision,
- the peace officer or another peace officer must
- (g) cause the motor vehicle to be taken to and impounded at a place directed by the peace officer, and
 - (h) if paragraph (c) of this subsection applies, serve on the person a notice of driving prohibition in the form established by the superintendent.
- (2) The notice of driving prohibition referred to in subsection (1) (h) must contain all of the following:
- (a) a statement of the right to have the driving prohibition reviewed by the superintendent under section 259;
 - (b) instructions describing how to apply for that review;

- (c) a statement that unless the person applies for a review under section 259 and the review results in the revocation of a prohibition under section 261, the person is prohibited from driving until he or she is issued a driver's licence under this Act.
- (3) A peace officer who serves a notice of driving prohibition under subsection (1) (h) must promptly forward to the superintendent
 - (a) a copy of the notice of driving prohibition, and
 - (b) a certificate of service, in the form established by the superintendent, showing that the notice of driving prohibition was personally served on the person subject to the prohibition.
- (4) If a person is served with a notice of driving prohibition under subsection (1) (h), the person is prohibited from driving a motor vehicle until the person is issued a driver's licence under this Act or the notice of driving prohibition is revoked under section 261.
- (5) If a peace officer is satisfied that the impoundment of a motor vehicle under subsection (1) or section 215.46 would
 - (a) jeopardize the safety of the occupants of the motor vehicle, or
 - (b) leave the occupants stranded,the peace officer must arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can summon an alternative form of transportation.
- (6) Personal property present in a motor vehicle that has been impounded under subsection (1) or section 215.46, other than personal property attached to or used in connection with the operation of the motor vehicle, must be returned to the owner on request.
- (7) Despite subsection (1) or section 215.46, if, at any time before a review is conducted under section 256 a peace officer is satisfied that a motor vehicle impounded under subsection (1) of this section or section 215.46 is stolen property, the peace officer must
 - (a) order the person who has custody of the motor vehicle to release the motor vehicle to the owner or a person authorized by the owner on payment by the owner or other person of the fees, costs, charges, surcharges and the deposit, if applicable, referred to in section 255 (2), and
 - (b) promptly give notice to the superintendent of the release of the impounded motor vehicle.
- (8) If the person who was driving or operating a motor vehicle at the time the motor vehicle was impounded under subsection (1) or section 215.46 is not the owner of the motor vehicle, the person must make all reasonable efforts to notify as soon as practicable the owner that the motor vehicle has been impounded.
- (9) If the Insurance Corporation of British Columbia issues a driver's licence under this Act to the person who was driving or operating a motor vehicle at the time

the motor vehicle was impounded in accordance with subsection (1) (c), the superintendent must, if the fees, costs, charges, surcharges and the deposit, if applicable, referred to in section 255 (2) have been paid to the person who has custody of the motor vehicle, order that the motor vehicle be released to the owner or a person authorized by the owner.

Liability for impoundment

- 252** (1) The Insurance Corporation of British Columbia, for the purposes of motor vehicle impoundments in accordance with section 251 (1) (c) and driving prohibitions under section 251 (4), must place a notice on the driving record of the following persons indicating that, if the person drives or operates a motor vehicle on a highway, the motor vehicle is liable to be impounded and the person prohibited from driving under those sections:
- (a) a person who has been convicted of an offence under section 24 (1) since the expiry or cancellation of the most recent driver's licence issued to the person under this Act;
 - (b) a person who has been convicted of an offence under section 24 (1) and who has never held a driver's licence under this Act.
- (2) If the Insurance Corporation of British Columbia issues a driver's licence under this Act to a person referred to in subsection (1) (a) or (b),
- (a) the corporation must remove a notice placed on the driving record of the person under subsection (1), and
 - (b) the superintendent must terminate any prohibition served under section 251 (1) (h) as a result of the notice.

Period of impoundment

- 253** (1) In this section, "**impounded motor vehicle**" means a motor vehicle that has been impounded by an impoundment
- (a) authorized under any of paragraphs (a) to (f) of section 251 (1), and
 - (b) not revoked under section 258,
- but does not include a motor vehicle impounded under section 215.46 or 251 (1) that is released under section 251 (7).
- (2) Subject to section 255 (5), a motor vehicle impounded under any of paragraphs (a) to (f) of section 251 (1) is to remain impounded for a period of 7 days from the day it is impounded.
- (3) Despite subsection (2) and subject to section 255 (5),
- (a) if the owner of a motor vehicle impounded under any of paragraphs (a) to (f) of section 251 (1) has once within the 2 years before the date of the impoundment been the owner of an impounded motor vehicle, the motor vehicle is to remain impounded for a period of 30 days from the day it is impounded, and

- (b) if the owner of a motor vehicle impounded under any of paragraphs (a) to (f) of section 251 (1) has on 2 or more occasions within the 2 years before the date of the impoundment been the owner of an impounded motor vehicle, the motor vehicle is to remain impounded for a period of 60 days from the day it is impounded.
- (4) If a motor vehicle is subject to the period of impoundment authorized under subsection (3) (a) or (b), the superintendent must give to
 - (a) the registered owner of the motor vehicle, and
 - (b) the person who has custody of the motor vehicle under the impoundmentnotice that, unless the superintendent revokes the impoundment under section 258, the motor vehicle will not be released until the expiry of the period of impoundment authorized under subsection (3) (a) or (b) of this section, as applicable.
- (5) The notice required by subsection (4) (a) must be sent by mail to the last known address of the registered owner as shown in the records maintained by the Insurance Corporation of British Columbia.
- (6) Subject to section 255 (5), a motor vehicle impounded under section 215.46 (1) is to remain impounded for a period equal to the period that the person referred to in section 215.46 (1) is prohibited from driving under section 215.43 (1) (a) or (b).
- (7) Subject to section 255 (5), a motor vehicle impounded under section 215.46 (2) is to remain impounded for a period of 30 days from the day it is impounded.
- (8) If a driving prohibition is substituted or revoked under section 215.5, the superintendent must,
 - (a) in the case of a substitution of a 3-day or 7-day prohibition for a 30-day or 90-day prohibition, revoke the corresponding impoundment imposed under section 215.46,
 - (b) in the case of a substitution of a 3-day prohibition for a 7-day prohibition, vary to the same extent the corresponding impoundment imposed under section 215.46, if any, or
 - (c) in the case of a revocation, revoke the corresponding impoundment imposed under section 215.46,

and subject to the lien described in section 255 (2), the expiry of the period of impoundment in the case of a substitution and the expiry of another period of impoundment, if any, under section 251 (1), order the person who has custody of the motor vehicle to release the motor vehicle to the owner or a person authorized by the owner.

Duties of peace officer

- 254** (1) A peace officer who impounds a motor vehicle under section 215.46 or 251 (1) must
- (a) complete a notice of impoundment,

- (b) give a copy of the notice of impoundment to the driver and the person who has custody of the motor vehicle, and
 - (c) forward to the superintendent
 - (i) a report, in the form established by the superintendent, and
 - (ii) a copy of the notice of impoundment.
- (2) When the superintendent receives a copy of the notice of impoundment under subsection (1) (c) (ii), the superintendent must promptly send a copy of that notice by mail to the last known address of the registered owner of the motor vehicle as shown in the records maintained by the Insurance Corporation of British Columbia.
- (3) The notice of impoundment must contain
 - (a) a statement of the right to have the impoundment reviewed by the superintendent under section 256,
 - (b) instructions describing how to apply for that review,
 - (c) a statement that unless the owner of the motor vehicle applies for a review under section 256, the motor vehicle will be impounded for the period authorized under section 253,
 - (d) a statement that the filing of an application for review does not stay the impoundment of the motor vehicle, and
 - (e) a statement that if the owner of the motor vehicle does not pay the fees, costs, charges, surcharges and the deposit, if applicable, referred to in section 255 (2), the motor vehicle may be disposed of under the *Warehouse Lien Act* or under section 255 (7) of this Act.

Storage of impounded motor vehicle

- 255**
- (1) A motor vehicle impounded under section 215.46 or 251 (1) is to be stored at a place directed by the peace officer.
 - (2) The following constitute a lien on the motor vehicle:
 - (a) fees, costs, charges and surcharges prescribed by the superintendent in respect of the transportation, towing, care, storage, disposition and other related activities respecting the impoundment of the motor vehicle;
 - (b) charges for searches and registrations under the *Personal Property Security Act* that are reasonably necessary to fulfill the obligations of the person who has custody of the motor vehicle under the impoundment;
 - (c) the amount prescribed for a deposit, whether the deposit is paid in advance or not, for a device used to immobilize a motor vehicle, if there is damage to the immobilization device at the end of the period of impoundment.
 - (3) The lien described in subsection (2) may be enforced under the *Warehouse Lien Act* or under subsection (7) of this section.

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- (4) The person who has custody of a motor vehicle impounded under section 215.46 or 251 (1) must notify the superintendent if that motor vehicle is sold under the *Warehouse Lien Act*.
 - (5) Subject to sections 251 (7) and (9), 253 (8), 258, 262 and 263 and to subsection (9) of this section, a motor vehicle impounded under section 215.46 or 251 (1) must remain impounded until the expiry of the applicable impoundment period set out in section 253, and for a further period that expires when
 - (a) the lien is paid, if it is paid after the expiry of the applicable period set out in section 253,
 - (b) the date referred to in subsection (6) of this section is reached, if an agreement referred to in that subsection is in place, or
 - (c) the motor vehicle is disposed of
 - (i) under the *Warehouse Lien Act*, or
 - (ii) under subsection (7) of this section.
 - (6) If a person who has custody of a motor vehicle impounded under section 215.46 or 251 (1) enters into an agreement with the owner of the motor vehicle respecting the earliest date, after the applicable impoundment period has expired, before which the person will not begin to take action to dispose of the motor vehicle under subsection (7) of this section or under the *Warehouse Lien Act*, the person who has custody of the motor vehicle must notify the superintendent of the agreement as soon as practicable.
 - (7) If a motor vehicle impounded under section 215.46 or 251 (1) remains impounded after the expiration of the impoundment period referred to in section 253, the person who has custody of the motor vehicle may, with the approval of the superintendent, dispose of the motor vehicle by sale or otherwise, if the person
 - (a) surrenders to the superintendent any number plates, issued under this Act, from the motor vehicle, and
 - (b) files with the superintendent a statutory declaration declaring that
 - (i) the amount of the person's lien on the motor vehicle exceeds the amount calculated by subtracting \$1 000 from the person's estimate of the value of the motor vehicle,
 - (ii) the person, at least 14 days before making the statutory declaration, sent to the registered owner of the motor vehicle, by mail, a notice that the person intends to dispose of the motor vehicle if the lien is not paid, and
 - (iii) the person has obtained a certificate issued under the *Personal Property Security Act* showing that no security interest is registered against the motor vehicle under that Act.
 - (8) A person who has custody of a motor vehicle impounded under section 215.46 or 251 (1) may enter into an agreement, in a form established by the superintendent,
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with the owner of the motor vehicle according to which the title of the motor vehicle is to be transferred to the person as an irreparable vehicle.

- (9) If an agreement has been entered into under subsection (8), the lien under subsection (2) held by the person who has custody of the motor vehicle is discharged and the person must, whether or not the applicable impoundment period set out in section 253 has expired, dispose of the motor vehicle as an irreparable vehicle, provided that the person
- (a) surrenders to the superintendent any number plates, issued under this Act, from the motor vehicle,
 - (b) files with the superintendent
 - (i) a copy of the agreement, and
 - (ii) a statutory declaration declaring that the person has obtained a certificate issued under the *Personal Property Security Act* showing that no security interest is registered against the motor vehicle under that Act,
 - (c) delivers to the Insurance Corporation of British Columbia within 10 days after the transfer
 - (i) a notice of transfer and change in status of the motor vehicle, in the form required by the corporation, signed by the owner of the motor vehicle and the person who has custody of the motor vehicle, and
 - (ii) the fee prescribed under section 17.1 (3) (b) for its filing, and
 - (d) obtains the approval of the superintendent.
- (10) The notice of transfer referred to in subsection (9) (c) (i) may be delivered to the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the corporation for the purposes of section 17 (4), but the person delivering the notice of transfer must at the same time surrender the licence last issued under section 3 for the motor vehicle, and the person to whom it is surrendered must endorse on it a memorandum of the notice of transfer and the date of its delivery to him or her.
- (11) If the superintendent approves the disposal of a motor vehicle under subsection (7), the superintendent
- (a) must
 - (i) direct the Insurance Corporation of British Columbia to cancel any vehicle licence issued under this Act with respect to the motor vehicle,
 - (ii) direct the Insurance Corporation of British Columbia to transfer the registration of the motor vehicle to the person who has custody of the motor vehicle under the impoundment,
 - (iii) direct the Insurance Corporation of British Columbia to forward any refund from the cancellation of the vehicle licence to the previous registered owner of the motor vehicle, and

- (iv) forward to the Insurance Corporation of British Columbia any number plates that have been surrendered to the superintendent under subsection (7), and
 - (b) may, after the expiry of 30 days from the day the superintendent approved the disposal, direct the Insurance Corporation of British Columbia to refuse, under section 26 (1) or (2) or both, to issue to the person who was the owner of the motor vehicle when it was impounded a driver's licence or a licence and corresponding number plates for a motor vehicle or trailer or both until the superintendent rescinds the direction.
- (12) If the superintendent approves the disposal of a motor vehicle under subsection (9), the superintendent must do everything set out in subsection (11) (a).
- (13) If the amount of the lien described in subsection (2) is discharged by disposal of the motor vehicle under subsection (7) or by payment by the person who was the owner of the motor vehicle at the time of its impoundment or by a combination of both,
 - (a) the person who made a filing under subsection (7) or who received the payment must notify the superintendent of the discharge, and
 - (b) after receiving the notice referred to in paragraph (a) of this subsection, the superintendent must rescind the direction to the Insurance Corporation of British Columbia, if any, made under subsection (11) (b).
- (14) A person who contravenes a requirement under subsection (9) or (10) commits an offence and 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.

Review of impoundment

- 256**
- (1) The owner of a motor vehicle impounded under section 215.46 (2) for a period of 30 days or under section 251 (1) for a period of 30 or 60 days may, within 15 days after the impoundment begins, apply to the superintendent for a review of the impoundment by
 - (a) filing an application for review with the superintendent, and
 - (b) paying to the superintendent the prescribed hearing fee.
 - (2) An application for review must be in the form, contain the information and be completed in the manner required by the superintendent.
 - (3) An applicant may attach to the application for review any statements or other evidence that the applicant wishes the superintendent to consider.
 - (4) The filing of an application for review does not stay the impoundment of the motor vehicle.
 - (5) The superintendent is not required to hold an oral hearing unless the applicant
 - (a) requests an oral hearing at the time of filing the application for review, and
 - (b) pays the prescribed oral hearing fees.

- (6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing, without prior notice to the superintendent, the right to an oral hearing is deemed to have been waived by the person.

Considerations for review of impoundment

- 257** In a review under section 256 of a motor vehicle impoundment, the superintendent
- (a) must consider the report of the peace officer forwarded under section 254 (1) (c) (i), and
 - (b) may consider
 - (i) the driving record of the person named as the driver of the motor vehicle in a copy of the notice of impoundment completed under section 254, or
 - (ii) information and records kept by the superintendent under this Act in relation to any previous impoundments under section 215.46 or 251 (1), or under section 104.1 (1), 105 (1), 105.1 (1), 242 (1) or 243 (1) before their repeal, of motor vehicles owned by the person who applied for the review.

Decision of superintendent on review of impoundment

- 258** (1) If, after considering an application for review made under section 256 by an owner who was not the driver or operator of the motor vehicle at the time the motor vehicle was impounded, the superintendent is satisfied
- (a) that the driver or operator was in possession of the motor vehicle without the knowledge or consent of the owner,
 - (b) that the owner exercised reasonable care and diligence in entrusting the motor vehicle to the person who was, at the time of the impoundment, in possession of the motor vehicle,
 - (c) if the impoundment was made under section 251 (1) (a), that the driver or operator was not prohibited from driving under any of the provisions referred to in section 251 (1) (a) at the time the motor vehicle was impounded,
 - (d) if the impoundment was made under section 251 (1) (b), that the driver's or operator's driver's licence and his or her right to apply for or obtain a driver's licence were not suspended under section 89 (1) (b) or (c), 232 or 233 at the time the motor vehicle was impounded, or
 - (e) if the impoundment was made under section 251 (1) (c), that
 - (i) at the time the motor vehicle was impounded, the driver or operator
 - (A) held a subsisting driver's licence issued under this Act, or
 - (B) was exempt under section 34 from holding a driver's licence issued under this Act, or
 - (ii) a notice should not have been placed on the driving record of the driver under section 252 (1),

the superintendent must

- (f) revoke the impoundment, and
 - (g) subject to the lien described in section 255 (2), order the person who has custody of the motor vehicle to release the motor vehicle to the owner or a person authorized by the owner.
- (2) If, after considering an application for review made under section 256 by an owner who was the driver or operator of the motor vehicle at the time the motor vehicle was impounded, the superintendent is satisfied
- (a) if the impoundment was made under section 251 (1) (a), that the owner
 - (i) was not prohibited from driving under any of the provisions referred to in section 251 (1) (a) at the time the motor vehicle was impounded, or
 - (ii) before he or she drove or operated the motor vehicle, had no reason to believe that he or she was prohibited from driving under any of the provisions referred to in section 251 (1) (a),
 - (b) if the impoundment was made under section 251 (1) (b), that
 - (i) the owner's driver's licence and his or her right to apply for or obtain a driver's licence were not suspended under section 89 (1) (b) or (c), 232 or 233 at the time the motor vehicle was impounded, or
 - (ii) before he or she drove or operated the motor vehicle, the owner had no reason to believe that his or her driver's licence and his or her right to apply for or obtain a driver's licence were suspended under a section referred to in subparagraph (i) of this paragraph, or
 - (c) if the impoundment was made under section 251 (1) (c), that
 - (i) at the time the motor vehicle was impounded, the owner
 - (A) held a subsisting driver's licence issued under this Act, or
 - (B) was exempt under section 34 from holding a driver's licence issued under this Act,
 - (ii) before he or she drove or operated the motor vehicle, the owner had a reasonable belief that he or she
 - (A) held a subsisting driver's licence issued under this Act, or
 - (B) was exempt under section 34 from holding a driver's licence issued under this Act, or
 - (iii) a notice should not have been placed on the driving record of the owner under section 252 (1),

the superintendent must

- (d) revoke the impoundment, and
- (e) subject to the lien described in section 255 (2), order the person who has custody of the motor vehicle to release the motor vehicle to the owner or a person authorized by the owner.

- (3) If, after considering an application for review made under section 256 by an owner of a motor vehicle impounded under section 251 (1), the superintendent is satisfied that the period of impoundment determined under section 253 is not supported by the facts of the case, the superintendent must
 - (a) adjust the period of impoundment in accordance with section 253, or
 - (b) if the period of impoundment has expired, subject to the lien described in section 255 (2), order the person who has custody of the motor vehicle to release the motor vehicle to the owner or a person authorized by the owner.
- (4) The decision of the superintendent under subsection (1), (2) or (3), and the reasons for the decision, must be in writing and a copy must be sent to the applicant within 7 days of the date the application was considered or the oral hearing was held.
- (5) The copy referred to in subsection (4) must be sent to the applicant
 - (a) at the last known address of the applicant as shown in the records maintained by the Insurance Corporation of British Columbia, or
 - (b) at the address shown in the application for review, if that address is different from the address in the Insurance Corporation of British Columbia's records.

Review of driving prohibition

- 259** (1) A person may, after being served with a notice of driving prohibition under section 251 (1) (h), apply to the superintendent for a review of the driving prohibition by
- (a) filing an application for review with the superintendent, and
 - (b) paying to the superintendent the prescribed hearing fee.
- (2) An application for review must be in the form, contain the information and be completed in the manner required by the superintendent.
- (3) An applicant may attach to the application for review any written statements or other evidence that the applicant wishes the superintendent to consider.
- (4) The superintendent must conduct a review under this section on the basis of written submissions and must not hold an oral hearing.

Considerations for review of driving prohibition

- 260** In a review of a driving prohibition under section 259, the superintendent may consider only
- (a) the driving record of the person on whom the notice of driving prohibition was served, and
 - (b) relevant information provided by the person on whom the notice of driving prohibition was served.

Decision of superintendent on review of driving prohibition

- 261** If, after considering an application for review under section 259, the superintendent is satisfied that

- (a) the person, at the time the notice of driving prohibition was served, was exempt under section 34 from holding a driver's licence issued under this Act,
- (b) the person has, since the notice of driving prohibition was served, become exempt under section 34 from holding a driver's licence issued under this Act, or
- (c) a notice should not have been placed on the driving record of the person under section 252 (1),

the superintendent must

- (d) revoke the notice of driving prohibition, and
- (e) if the superintendent is satisfied of the matter referred to in paragraph (c) of this subsection, direct the Insurance Corporation of British Columbia to remove the notice referred to in that paragraph.

Early release of motor vehicle on grounds of economic hardship

262 (1) A person who

- (a) is the owner of a motor vehicle impounded under section 215.46 (2) for a period of 30 days or under section 251 (1) for a period of 30 or 60 days or, if not the owner of the impounded motor vehicle, a person authorized by the owner, and
- (b) has a valid driver's licence and is not prohibited from driving,

may, within 15 days after the impoundment of the motor vehicle begins under section 215.46 (2) or 251 (1), apply to the superintendent under subsection (2) of this section for the release of the motor vehicle.

(2) An applicant must

- (a) apply in a form acceptable to the superintendent,
- (b) provide the superintendent with any information the superintendent may reasonably require,
- (c) pay to the superintendent the prescribed hearing fee, and
- (d) establish, to the satisfaction of the superintendent, that the owner is eligible for early release of the motor vehicle on the grounds set out in subsection (3).

(3) The grounds for an early release under this section are that

- (a) the motor vehicle is used in an active sole proprietorship, partnership or company,
- (b) the sole proprietorship, partnership or company has a reasonable prospect for generating income that is dependent on the impounded motor vehicle, and
- (c) the prospective income dependent on the impounded motor vehicle represents a substantial proportion of the anticipated income to be earned by the sole proprietorship, partnership or company during the period of

impoundment, or otherwise imposes an economic hardship on the sole proprietorship, partnership or company.

- (4) If the superintendent is satisfied, with respect to an application, that the grounds set out in subsection (3) have been established, the superintendent may, subject to the lien described in section 255 (2),

(a) with the consent of the owner of the motor vehicle or a person authorized by the owner, and

(b) on receiving payment of the prescribed vehicle release fee,

order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the applicant.

- (5) If a motor vehicle has been released under this section during the course of an impoundment that occurred in respect of a particular period during which

(a) the person referred to in section 251 (1) (a) was prohibited from driving a motor vehicle,

(b) the person's driver's licence and his or her right to apply for or obtain a driver's licence was suspended under section 89 (1) (b) or (c), 232 or 233, or

(c) the person referred to in section 251 (1) (c) failed to hold a subsisting driver's licence issued under this Act and was not exempt under section 34 from holding a driver's licence issued under this Act,

no further application for the release of a motor vehicle may be made under this section with respect to an impoundment that occurred in respect of that same period.

Early release of motor vehicle on compassionate grounds

263 (1) A person who

(a) holds a valid driver's licence and is not prohibited from driving, and

(b) is cohabiting with the owner of a motor vehicle at the time the motor vehicle is impounded under section 215.46 (2) for a period of 30 days or under section 251 (1) for a period of 30 or 60 days,

is eligible to apply for the release of the motor vehicle under subsection (2) of this section.

- (2) An eligible person may, within 15 days after the impoundment of a motor vehicle begins under section 215.46 (2) or 251 (1), apply to the superintendent for the release of the motor vehicle on the grounds that

(a) the impoundment of the motor vehicle

(i) will cause the eligible person to suffer a loss or curtailment of employment or educational opportunities, or

(ii) will prevent the eligible person, or someone under the care of the eligible person, from obtaining medical treatment, and

- (b) the eligible person has no reasonable alternative form of transportation, including public transportation, that would
 - (i) prevent the loss or curtailment referred to in paragraph (a) (i) of this subsection, or
 - (ii) allow the medical treatment referred to in paragraph (a) (ii) to be obtained.
- (3) An applicant must
 - (a) apply in a form acceptable to the superintendent,
 - (b) provide the superintendent with any information the superintendent may reasonably require, and
 - (c) pay to the superintendent the prescribed hearing fee.
- (4) If the superintendent is satisfied, with respect to an application, that the grounds set out in subsection (2) have been established, the superintendent may,
 - (a) with the consent of the owner of the motor vehicle, and
 - (b) on receiving payment of the prescribed vehicle release fee,subject to the lien described in section 255 (2), order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the applicant.
- (5) If a motor vehicle has been released under this section during the course of an impoundment that occurred in respect of a particular period during which
 - (a) the person referred to in section 251 (1) (a) was prohibited from driving a motor vehicle,
 - (b) the person's driver's licence and his or her right to apply for or obtain a driver's licence was suspended under section 89 (1) (b) or (c), 232 or 233, or
 - (c) the person referred to in section 251 (1) (c) failed to hold a subsisting driver's licence issued under this Act and was not exempt under section 34 from holding a driver's licence issued under this Act,no further application for the release of a motor vehicle may be made under this section with respect to an impoundment that occurs in respect of that same period.

Release of motor vehicle after impoundment period

- 264** (1) Subject to subsection (2), when the impoundment period referred to in section 253 has expired, or, if an agreement referred to in section 255 (6) is in place, the date for release under that agreement has been reached, the owner or a person authorized by the owner may request that the motor vehicle be released by
- (a) completing a request for release of the motor vehicle, and
 - (b) delivering the request to the superintendent.

- (2) A request under subsection (1) need not be made to have an impounded motor vehicle released if the impoundment period for the motor vehicle was less than 30 days.
- (3) A request under subsection (1) must be in the form, contain the information and be completed in the manner required by the superintendent.
- (4) Subject to the lien described in section 255 (2), the superintendent may, on receiving a request under subsection (1) of this section, order that the motor vehicle be released to the owner or a person authorized by the owner.
- (5) Subject to section 255 (5), a person who has custody of a motor vehicle impounded under section 215.46 or 251 (1) must release the motor vehicle when ordered to do so by the superintendent.

Owner's right against driver

- 265** The owner of a motor vehicle impounded under section 215.46 or 251 (1) may recover from the person who was the driver or operator at the time the motor vehicle was impounded, as a debt in any court of competent jurisdiction, the fees, costs, charges, surcharges and deposit, if applicable, under section 255 (2) that the owner has paid with respect to the impoundment.

Superintendent may indemnify for wrongful impoundment

- 266** If the superintendent is satisfied that a motor vehicle has been wrongfully impounded under section 215.46 or 251 (1), the superintendent may
- (a) order the release of the motor vehicle from impoundment,
 - (b) waive any fee, cost or charge payable to the superintendent, and
 - (c) indemnify the owner of the motor vehicle for any direct cost incurred by the owner in respect of the impoundment of the motor vehicle.

Appropriation

- 267** Money required for the purposes of a waiver of any fee, cost, charge or indemnification under section 266 may be paid out of the consolidated revenue fund without any other appropriation other than this section.

Power to make regulations — Lieutenant Governor in Council

- 268** Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) specifying a requirement, restriction or condition for the purposes of section 251 (1) (f) (ii);
 - (b) prescribing hearing fees for the purposes of sections 256 (1) (b) and (5) (b), 259 (1) (b), 262 (2) (c) and 263 (3) (c);
 - (c) prescribing vehicle release fees for the purposes of sections 262 (4) (b) and 263 (4) (b).

Power to make regulations — superintendent

- 269** The superintendent may make regulations prescribing the fees, costs, charges, surcharges and the deposit amount for the purposes of section 255 (2).

