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Fourth Session, Forty-second Parliament  
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**BILL 23**

**MOTOR VEHICLE AMENDMENT ACT, 2023**

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Honourable Rob Fleming  
Minister of Transportation and Infrastructure

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## Explanatory Notes

CLAUSE 1: *[Motor Vehicle Act, section 1]*

- amends the definition of “cycle” and moves that definition from section 119 to section 1, as the term is no longer used in Part 3 only;
- adds definitions for the purposes of sections 182.01 and 182.02, as amended or added by this Bill.

CLAUSE 2: *[Motor Vehicle Act, section 1]* is consequential to the definition of “cycle”, as amended by this Bill.

CLAUSE 3: *[Motor Vehicle Act, section 1]* adds a definition for the purposes of the definition of “heavy commercial vehicle” in section 146.1 (1), as added by this Bill.

**BILL 23 – 2023**

**MOTOR VEHICLE AMENDMENT ACT, 2023**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**1 Section 1 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended by adding the following definitions:**

“cycle” means either of the following:

- (a) a device on which a person may ride that meets all of the following criteria:
  - (i) the device has wheels and is only capable of being propelled by human power;
  - (ii) the device is not, and is not similar to, a wheelchair, a stroller, a skateboard, a kick scooter, roller skates, in-line roller skates, skis or a sleigh;
  - (iii) the device is not a designated personal mobility device;
- (b) a motor assisted cycle;

“**designated micro-utility device**” means a device prescribed as a designated micro-utility device for the purposes of section 182.02;

“**designated motorized device**” means a designated micro-utility device or designated personal mobility device;

“**designated personal mobility device**” means a device prescribed as a designated personal mobility device for the purposes of section 182.01; .

**2 Section 1 is amended in paragraphs (a), (b) and (c) of the definition of “emergency vehicle” by striking out “a motor vehicle, or cycle as defined in Part 3,” and substituting “a motor vehicle or cycle”.**

**3 Section 1 is amended by adding the following definition:**

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

CLAUSE 4: *[Motor Vehicle Act, section 1]* is consequential to the definition of “designated motorized device”, as added by this Bill.

CLAUSE 5: *[Motor Vehicle Act, section 1]* amends the definition of “motor assisted cycle” for consistency with the definition of “designated micro-utility device” and consequential to sections 182.01, 182.02 and 182.1, as amended or added by this Bill.

CLAUSE 6: *[Motor Vehicle Act, section 1]* removes from the definition of “motor vehicle” exclusions already incorporated by the reference in that definition to “vehicle”.

CLAUSE 7: *[Motor Vehicle Act, section 1]* amends the definition of “pedestrian” and moves that definition from section 119 to section 1, as the term is no longer used in Part 3 only;

CLAUSE 8: *[Motor Vehicle Act, section 1]* is consequential to the definition of “designated personal mobility device” in section 1 and to section 182.1, as added or amended by this Bill.

CLAUSE 9: *[Motor Vehicle Act, section 1]* is consequential to the definition of “designated motorized device”, as added by this Bill.

CLAUSE 10: *[Motor Vehicle Act, section 119]*

- repeals definitions moved by this Bill to section 1 of the Act;
- updates other definitions for consistency with other amendments made by this Bill;
- defines “vulnerable road user” for the purposes of sections 144 and 144.1, as amended or added by this Bill.

- 4 ***Section 1 is amended in the definition of “mobile equipment” by striking out “but does not include a device in a class of devices excluded by regulation” and substituting “but does not include a designated motorized device or a device in a class of devices excluded by regulation”.***
- 5 ***Section 1 is amended by repealing the definition of “motor assisted cycle” and substituting the following:***  
    ***“motor assisted cycle” means a device prescribed as a motor assisted cycle for the purposes of section 182.1; .***
- 6 ***Section 1 is amended in the definition of “motor vehicle” by striking out “, but does not include mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device”.***
- 7 ***Section 1 is amended by adding the following definition:***  
    ***“pedestrian” means the following persons:***  
        (a) a person who is not  
            (i) in or on a vehicle, cycle or other device, unless the device is a device described in paragraph (b) or (c), or  
            (ii) on an animal;  
        (b) a person who is in or on a device that  
            (i) is only capable of being propelled by human power, and  
            (ii) is, or is similar to, a wheelchair, a stroller, a skateboard, a kick scooter, roller skates, in-line roller skates, skis or a sleigh;  
        (c) a person who is in or on a designated personal mobility device that is prescribed for the purposes of this definition; .
- 8 ***Section 1 is amended by repealing the definition of “regulated motorized personal mobility device”.***
- 9 ***Section 1 is amended in the definition of “vehicle” by striking out “a regulated motorized personal mobility device” and substituting “a designated motorized device”.***
- 10 ***Section 119 (1) is amended***  
    ***(a) by repealing the definition of “cycle”,***  
    ***(b) in the definition of “designated use highway” by striking out “for the exclusive use of persons, organizations, vehicles or cycles, classes of persons, organizations, vehicles or cycles prescribed under” and substituting “for the exclusive use of persons or organizations, or of vehicles, cycles or other devices, prescribed under”,***

CLAUSE 10: *[Motor Vehicle Act, section 119 – continued]*

CLAUSE 11: *[Motor Vehicle Act, section 120]* updates the section for consistency with other amendments made by this Bill.

CLAUSE 12: *[Motor Vehicle Act, section 124]* updates the law-making powers of municipalities under section 124 (1), consequential to sections 182.01, 182.02 and 182.1, as amended or added by this Bill, and for consistency with other amendments made by this Bill.

- (c) *in the definition of “designated use lane” by striking out “for the exclusive use of persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles prescribed under” and substituting “for the exclusive use of persons or organizations, or of vehicles, cycles or other devices, prescribed under”,*
- (d) *by repealing the definition of “pedestrian”,*
- (e) *in the definition of “traffic” by striking out “includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances” and substituting “includes pedestrians, ridden or herded animals, and vehicles, cycles and other devices”, and*
- (f) *by adding the following definition:*
  - “vulnerable road user” means the following persons:
    - (a) a pedestrian;
    - (b) a person who is operating or is on a cycle;
    - (c) a prescribed person.

**11 Section 120 is amended**

- (a) *by repealing paragraph (a) and substituting the following:*
  - (a) the provisions of this Part relating to pedestrians, or to the operation of vehicles, cycles or other devices, refer to pedestrians on a highway, or to the operation of vehicles, cycles or other devices on a highway, , **and**
- (b) *in paragraph (b) by striking out “do not apply to persons, vehicles and other equipment” and substituting “do not apply to persons, or to vehicles, cycles or other devices or equipment,”.*

**12 Section 124 (1) is amended**

- (a) *in paragraph (b) by striking out “the regulation, control or prohibition of pedestrian traffic, ridden or herded animals, vehicular traffic and traffic by other conveyances, either singly or together,” and substituting “the regulation, control or prohibition of traffic”,*
- (b) *in paragraph (c) by striking out “vehicles” and substituting “vehicles, cycles or other devices”,*
- (c) *in paragraph (e) by striking out “vehicles,” and substituting “vehicles, cycles or other devices”,*

CLAUSE 12: *[Motor Vehicle Act, section 124 – continued]*

CLAUSE 13: *[Motor Vehicle Act, section 124]* updates the law-making powers of municipalities under section 124 (5), consequential to sections 182.01, 182.02 and 182.1, as amended or added by this Bill, and for consistency with other amendments made by this Bill.



- (d) in paragraph (f) by striking out “vehicles” and substituting “vehicles, cycles or other devices” and by striking out “the driver of every vehicle parked in a parking space” and substituting “the driver or operator of a vehicle, cycle or other device parked in a parking space”,**
  - (e) in paragraph (g) by striking out “vehicles” and substituting “vehicles, cycles or other devices that are”,**
  - (f) in paragraph (h) by striking out “vehicle” and substituting “vehicle, cycle or other device”,**
  - (g) in paragraph (j) by striking out “vehicles” in both places and substituting “vehicles, cycles or other devices” and by striking out “on them” and substituting “on the highway”,**
  - (h) in paragraph (p) by striking out “pedestrian and vehicular traffic” and substituting “traffic”,**
  - (i) in paragraph (q) by striking out “require vehicles to stop” and substituting “require traffic to stop”,**
  - (j) by repealing paragraph (t) and substituting the following:**

    - (t) the regulation and control of pedestrians using, on a highway in the municipality, devices referred to in paragraph (b) or (c) of the definition of “pedestrian” in section 1 and the closing of a highway, or a part of a highway, to permit the use of those devices; ,**
  - (k) in paragraph (v) by striking out “by persons riding cycles.” and substituting “by persons operating or riding cycles or other devices;”,**
  - (l) in paragraph (w) by striking out “a person operating or riding as a passenger on a cycle” and substituting “a person operating, or riding as a passenger on, a cycle or other device”,**
  - (m) in paragraph (x) by striking out “to operate or ride as a passenger on a cycle” and substituting “to operate, or ride as a passenger on, a cycle or other device”, and**
  - (n) in paragraph (x.1) by striking out “a motor assisted cycle” and substituting “a motor assisted cycle, designated motorized device or other similar motorized device”.**
- 13 Section 124 (5) is amended by striking out “and their use by vehicles and persons” and substituting “and their use by persons and by vehicles, cycles and other devices”.**

CLAUSE 14: *[Motor Vehicle Act, section 124]* updates section 124 (8), consequential to amendments made to section 124 (5) by this Bill.

CLAUSE 15: *[Motor Vehicle Act, section 124]* updates section 124 (9), consequential to amendments made to section 124 (5) by this Bill.

CLAUSE 16: *[Motor Vehicle Act, section 124]* updates section 124 (12) (a), consequential to amendments made to the section by this Bill.

CLAUSE 17: *[Motor Vehicle Act, section 124.2]* is consequential to section 209.1, as amended by this Bill.

CLAUSE 18: *[Motor Vehicle Act, section 144]* provides that death or bodily harm caused to a vulnerable road user is to be considered as an aggravating factor in imposing a sentence for an offence under the section.

CLAUSE 19: *[Motor Vehicle Act, section 144.1]* imposes a duty on drivers of motor vehicles in relation to vulnerable road users.

CLAUSE 20: *[Motor Vehicle Act, sections 146.1 and 146.2]*

- adds definitions for the purposes of the sections;
- prohibits persons from driving or operating heavy commercial vehicles that are not equipped with activated speed limiters;
- references exemptions, prohibitions or other requirements that may be established by regulation;
- confers powers on peace officers to enforce section 146.1, as added by this Bill, and prohibits persons from interfering with the exercise of those powers;
- establishes an evidentiary rule for prosecutions of offences under section 146.1 (2), as added by this Bill.

- 14 **Section 124 (8) is amended by striking out** “except the power to regulate the speed of vehicles” **and substituting** “except the power to regulate the speed of vehicles, cycles or other devices”.
- 15 **Section 124 (9) is amended by striking out** “the speed of vehicles” **and substituting** “the speed of vehicles, cycles or other devices”.
- 16 **Section 124 (12) (a) is amended by striking out** “vehicles” **and substituting** “vehicles, cycles or other devices”.
- 17 **Section 124.2 (1) is amended by striking out** “their use by persons, organizations, vehicles or cycles or classes of persons, organizations, vehicles or cycles” **and substituting** “their use by persons or organizations or classes of persons or organizations, or by vehicles, cycles or other devices or classes of vehicles, cycles or other devices,”.
- 18 **Section 144 is amended by adding the following subsection:**
- (3) In imposing a sentence for an offence under subsection (1), the fact that the commission of the offence causes death or bodily injury to a vulnerable road user is to be considered as an aggravating factor.

19 **The following section is added:**

**Additional duty respecting vulnerable road users**

144.1 A driver of a motor vehicle must take proper precautions in respect of vulnerable road users who are using a highway.

20 **The following sections are added:**

**Speed limiters required for certain commercial vehicles**

146.1 (1) In this section and section 146.2:

“**heavy commercial vehicle**” means a commercial vehicle, other than a commercial vehicle excluded by regulation from this definition, that

- (a) is a motor vehicle manufactured after 1994,
- (b) has a gross vehicle weight rating of more than 11 793 kg,
- (c) has an electronically controlled engine, and
- (d) meets prescribed criteria, if any;

“**speed limiter**” means a system including all programs, components and equipment of a motor vehicle that together can prevent the motor vehicle from accelerating to, or maintaining a rate of speed exceeding, a set rate of speed.

CLAUSE 20: *[Motor Vehicle Act, sections 146.1 and 146.2 – continued]*

CLAUSE 21: *[Motor Vehicle Act, section 157.1]*

- prohibits drivers of motor vehicles from passing pedestrians, cyclists or prescribed persons, unless the actions can be taken safely and a minimum distance of, as applicable, 1 m or a prescribed distance can be maintained;
- provides that a person who takes an action in compliance with the section does not contravene other specified provisions of the Act.

- (2) A person must not drive or operate a heavy commercial vehicle on a highway unless all of the following requirements are met:
  - (a) the vehicle is equipped with a speed limiter;
  - (b) the speed limiter is activated;
  - (c) the speed limiter is set to the prescribed maximum rate of speed;
  - (d) the vehicle and speed limiter meet prescribed requirements, if any.
- (3) Subsection (2) does not apply to a person who is exempted, by regulation, from that subsection.
- (4) The Lieutenant Governor in Council may, by regulation, establish other prohibitions or requirements in relation to heavy commercial vehicles and speed limiters.

**Enforcement respecting speed limiters**

- 146.2** (1) For the purposes of determining whether a motor vehicle is being driven or operated in compliance with section 146.1, a peace officer may, without a warrant, do any of the following:
- (a) require the driver or operator to stop the vehicle;
  - (b) enter and inspect the vehicle;
  - (c) inspect, test and retrieve information from the vehicle's speed limiter.
- (2) A person must not interfere with, hinder or obstruct a peace officer who is exercising a power under this section.
- (3) In a prosecution for an offence under section 146.1 (2) (a), (b) or (c), proof that a person drove or operated a heavy commercial vehicle at a rate of speed exceeding the maximum rate prescribed for the purposes of section 146.1 (2) (c) is proof, in the absence of evidence to the contrary, that the person contravened the provision.

**21** *The following section is added:*

**Duty when overtaking pedestrians,  
cyclists or certain other persons**

- 157.1** (1) A driver of a motor vehicle must not cause or permit the motor vehicle to pass a person referred to in subsection (2) unless
- (a) the action can be taken safely, and
  - (b) the following distance can be maintained between the vehicle and the person while the vehicle is passing the person:
    - (i) subject to subparagraph (ii), a minimum distance of 1 m;
    - (ii) if a prescribed minimum distance applies, the prescribed minimum distance.

CLAUSE 21: *[Motor Vehicle Act, section 157.1 – continued]*

CLAUSE 22: *[Motor Vehicle Act, section 162.1]* prohibits drivers of motor vehicles from following pedestrians, cyclists or prescribed persons,

- more closely than is reasonable and prudent, or
- at a distance that is closer than, as applicable, 3 m or a prescribed distance.

CLAUSE 23: *[Motor Vehicle Act, section 179]* is consequential to the definitions of “pedestrian” and “designated personal mobility device” as amended or added by this Bill.

- (2) Subsection (1) applies in relation to the following persons:
  - (a) a pedestrian;
  - (b) a person who is operating or is on a cycle;
  - (c) a prescribed person.
- (3) A driver who takes an action that would otherwise contravene section 151 (b), (f) or (g) or 155 (1) does not contravene the provision if
  - (a) the action is taken while the driver is causing the vehicle to pass a person in compliance with this section, and
  - (b) the driver has ascertained that the action can be taken safely and without affecting the travel of another vehicle.

**22    *The following section is added:***

**Following pedestrians, cyclists or  
certain other persons too closely**

- 162.1** (1) A driver of a motor vehicle must not cause or permit the motor vehicle to follow a person referred to in subsection (3) more closely than is reasonable and prudent, having due regard for
- (a) the amount and nature of traffic on the highway, and
  - (b) the condition of the highway.
- (2) A driver of a motor vehicle must not cause or permit the motor vehicle to follow a person referred to in subsection (3) at a distance that,
- (a) subject to paragraph (b), is closer than 3 m, or
  - (b) if a prescribed distance applies, is closer than the prescribed distance.
- (3) Subsections (1) and (2) apply in relation to the following persons:
- (a) a pedestrian;
  - (b) a person who is operating or is on a cycle;
  - (c) a prescribed person.
- (4) Subsection (2) does not apply when the driver of the motor vehicle is causing the vehicle to overtake and pass a person in compliance with section 157.1.

**23    *Section 179 is amended***

- (a) in subsection (2) by striking out “walk or run into the path of a vehicle” and substituting “move into the path of a vehicle”, and**
- (b) in subsection (4) by striking out “the operator of a regulated motorized personal mobility device” and substituting “the operator of a designated motorized device”.**

CLAUSE 24: *[Motor Vehicle Act, sections 182.01, 182.02 and 182.1]*

- repeals and replaces sections 182.01 and 182.1, consequential to section 182.02, as added by this Bill;
- prohibits persons from operating designated micro-utility devices on highways, unless the regulations allow otherwise.



**24 Sections 182.01 and 182.1 are repealed and the following substituted:**

**Designated personal mobility devices**

- 182.01** (1) A person must not operate a designated personal mobility device on a highway, except in accordance with the regulations.
- (2) The Lieutenant Governor in Council may prescribe a device as a designated personal mobility device if the device meets all of the following criteria:
- (a) the device is designed to be solely self-propelled or self-propelled with the capability to be propelled by human power;
  - (b) the device is not a motor assisted cycle;
  - (c) unless the regulations provide otherwise, the device is designed to transport one person;
  - (d) the device is not capable of exceeding the prescribed rate of speed;
  - (e) the device meets other prescribed criteria, if any.

**Designated micro-utility devices**

- 182.02** (1) A person must not operate a designated micro-utility device on a highway, except in accordance with the regulations.
- (2) The Lieutenant Governor in Council may prescribe a device as a designated micro-utility device if the device meets all of the following criteria:
- (a) the device is designed to be self-propelled;
  - (b) the device is designed for the purpose of delivering goods or providing services and is not designed to transport persons;
  - (c) the device is automated or remotely controlled and capable of performing dynamic driving tasks without direct human assistance;
  - (d) the device is not capable of exceeding the prescribed rate of speed;
  - (e) the device has a weight and width not exceeding the prescribed weight and width;
  - (f) the device meets other prescribed criteria, if any.

**Motor assisted cycles**

- 182.1** (1) A person must not operate a motor assisted cycle on a highway, except in accordance with the regulations.
- (2) The Lieutenant Governor in Council may prescribe a device as a motor assisted cycle if the device meets all of the following criteria:
- (a) a person can ride on the device;
  - (b) the device has wheels and attached pedals or hand cranks that
    - (i) will allow for the cycle to be propelled by human power, and

CLAUSE 24: *[Motor Vehicle Act, sections 182.01, 182.02 and 182.1 – continued]*

CLAUSE 25: *[Motor Vehicle Act, section 183]* is consequential to the definitions of “designated personal mobility device” and “pedestrian” as added or amended by this Bill.

CLAUSE 26: *[Motor Vehicle Act, section 208]* updates the section, consequential to sections 182.01, 182.02 and 182.1, as added or amended by this Bill, and for consistency with other amendments made by this Bill.

CLAUSE 27: *[Motor Vehicle Act, section 209]*

- updates the section, consequential to sections 182.01, 182.02 and 182.1, as added or amended by this Bill, and for consistency with other amendments made by this Bill;
- makes a housekeeping amendment.

- (ii) are capable of being operated while the motor of the cycle is
  - (A) engaged, and
  - (B) providing assistance to propel the cycle;
- (c) the device has an attached motor that
  - (i) is of a prescribed type, and
  - (ii) has an output not exceeding the prescribed output;
- (d) the device meets other prescribed criteria, if any.

**25 Section 183 (5) is repealed and the following substituted:**

- (5) A person must not operate or ride any of the following devices when the device is attached, by the arm and hand of the rider, or otherwise, to a vehicle on a highway:
  - (a) a cycle;
  - (b) a designated personal mobility device;
  - (c) a device referred to in paragraph (b) of the definition of “pedestrian” in section 1.

**26 Section 208 is amended**

- (a) in subsection (2) by striking out “prohibit any vehicle or a class of vehicles” and substituting “prohibit any vehicle, cycle or other device or class of vehicles, cycles or other devices” and by striking out “unless the vehicle is equipped” and substituting “unless the vehicle, cycle or other device is equipped”, and**
- (b) in subsection (4) by striking out “a vehicle” and substituting “a vehicle, cycle or other device”.**

**27 Section 209 (1) is amended**

- (a) by striking out “in respect of vehicles” and substituting “in respect of vehicles, cycles or other devices”,**
- (b) in paragraph (a) by striking out “the speed of vehicles” and substituting “the speed of vehicles, cycles or other devices”, by striking out “the gross weight of vehicle or loads” and substituting “the gross weight of vehicles, cycles or other devices, or of their loads” and by striking out “height of vehicles” and substituting “height of vehicles, cycles or other devices”,**
- (c) in paragraph (b) by striking out “vehicles” and substituting “vehicles, cycles or other devices”,**
- (d) in paragraph (c) by striking out “on vehicles other than motor vehicles and trailers” and substituting “on vehicles, other than motor vehicles and trailers, or on cycles or other devices”,**

CLAUSE 27: *[Motor Vehicle Act, section 209 – continued]*

CLAUSE 28: *[Motor Vehicle Act, section 209.1]* updates the section, consequential to sections 182.01, 182.02 and 182.1, as added or amended by this Bill, and for consistency with other amendments made by this Bill.

- (e) in paragraph (d) by striking out “the speed of vehicles” and substituting “the speed of vehicles, or of cycles or other devices,”*
- (f) in paragraph (e) by adding “and regulating the gauge or width of cycles or other devices” after “or wheels”,*
- (g) in paragraph (f) by striking out “vehicles” in both places and substituting “vehicles, cycles or other devices”,*
- (h) in paragraph (h) by striking out “vehicles” in both places and substituting “vehicles, cycles or other devices” and by striking out “making those highways with conspicuous signs” and substituting “marking those highways with conspicuous signs”,*
- (i) in paragraph (i) by striking out “the weighing of vehicles and their loads” and substituting “the weighing of vehicles, cycles or other devices, and of their loads,” and by striking out “the removal from a vehicle of a load or part of it” and substituting “the removal from a vehicle, cycle or other device of a load, or part of a load,”*
- (j) by repealing paragraph (o) and substituting the following:*
  - (o) prohibiting, either at all times or at designated times, the use of or presence on a designated highway, or part of it, by or of*
    - (i) animals or pedestrians or classes of animals or pedestrians, or*
    - (ii) vehicles, cycles or other devices or classes of vehicles, cycles or other devices; , and*
- (k) in paragraph (q) by striking out “by prescribed motor vehicles or classes of motor vehicles or by prescribed devices or classes of devices” and substituting “by vehicles, cycles or other devices or classes of vehicles, cycles or other devices”.*

**28 Section 209.1 is amended**

- (a) by repealing subsection (1) (a) and substituting the following:*
  - (a) allowing, regulating, restricting or prohibiting the use of, access to or egress from designated use highways or designated use lanes*
    - (i) generally,*
    - (ii) by persons or organizations, or*
    - (iii) by vehicles, cycles or other devices; ,*
- (b) in subsection (1) (b) by striking out “by persons, organizations, vehicles or cycles, or classes of persons, organizations, vehicles or cycles or vehicles referred to in paragraph (a)” and substituting “by persons or organizations or vehicles, cycles or other devices referred to in paragraph (a)”*

CLAUSE 28: *[Motor Vehicle Act, section 209.1 – continued]*

CLAUSE 29: *[Motor Vehicle Act, section 210]* updates subsection (2) of the section, consequential to sections 182.01, 182.02 and 182.1, as added or amended by this Bill, and for consistency with other amendments made by this Bill.

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

- (2) Classes of vehicles, cycles or other devices prescribed under this section may be based on any of the following:
- (a) the use, ownership, nature, type, character, size or weight of the vehicles, cycles or other devices;
  - (b) equipment or accessories in or on the vehicles, cycles or other devices;
  - (c) any other criteria that the minister considers necessary or advisable. ,  
**and**

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

- (a) provide differently for
  - (i) different persons or organizations or different classes of persons or organizations,
  - (ii) different vehicles, cycles or other devices or different classes of vehicles, cycles or other devices, or
  - (iii) different places, circumstances, things or matters or different classes of places, circumstances, things or matters,
- (b) exempt from its application, in whole or in part, or otherwise in accordance with its terms,
  - (i) persons or organizations or classes of persons or organizations,
  - (ii) vehicles, cycles or other devices or classes of vehicles, cycles or other devices, or
  - (iii) places, circumstances, matters or things or classes of places, circumstances, matters or things, .

**29 Section 210 (2) is amended**

- (a) in paragraph (a) by striking out “vehicles” and substituting “vehicles, cycles or other devices”,**
- (b) in paragraph (b) by striking out “a vehicle or class of vehicles that” and substituting “a vehicle, cycle or other device that”,**
- (c) in paragraph (s) by striking out “a vehicle” and substituting “a vehicle, cycle or other device”, and**
- (d) in paragraph (t) by striking out “that is required of a vehicle, or of a part of a vehicle” and substituting “that is required of a vehicle, cycle or other device, or of a part of a vehicle, cycle or other device”.**

CLAUSE 30: *[Motor Vehicle Act, section 210]* adds regulation-making powers for the purposes of section 146.1, as added by this Bill.

CLAUSE 31: *[Motor Vehicle Act, section 210]* adds regulation-making powers for the purposes of sections 157.1 and 162.1, as added by this Bill.



**30 Section 210 is amended by adding the following subsection:**

- (3.11) For the purposes of section 146.1 and without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing criteria for the purposes of paragraph (d) of the definition of “heavy commercial vehicle” in section 146.1 (1);
  - (b) specifying requirements or evidentiary rules for establishing or proving whether a commercial vehicle qualifies as a heavy commercial vehicle within the meaning of section 146.1 (1);
  - (c) respecting requirements for the purposes of section 146.1 (2) (d);
  - (d) respecting exemptions for the purposes of section 146.1 (3), including, without limitation,
    - (i) specifying the purposes for which or circumstances in which an exemption applies, and
    - (ii) establishing limits, requirements or conditions in relation to an exemption;
  - (e) respecting prohibitions and requirements for the purposes of section 146.1 (4), including, without limitation, limits, powers, duties, conditions or criteria in relation to
    - (i) the use, operation, deactivation, modification or maintenance of heavy commercial vehicles and speed limiters,
    - (ii) the use of devices designed to conceal the contravention of a requirement under section 146.1 (2), and
    - (iii) records that must be kept in relation to speed limiters;
  - (f) establishing evidentiary rules in relation to prosecutions for offences under
    - (i) section 146.1 (2) (d), or
    - (ii) a regulation made under paragraph (e) of this subsection;
  - (g) delegating a matter to the director or conferring a discretion on the director.

**31 Section 210 is amended by adding the following subsection:**

- (3.12) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations respecting distance requirements for the purposes of sections 157.1 (1) (b) (ii) and 162.1 (2) (b).

CLAUSE 32: *[Motor Vehicle Act, section 210]* adds regulation-making powers for the purposes of sections 182.01, 182.02 and 182.1, as amended or added by this Bill.

CLAUSE 33: *[Motor Vehicle Act, section 210]* updates section 210 (9), consequential to sections 182.01, 182.02 and 182.1, as amended or added by this Bill, and for consistency with current drafting style and other amendments made by this Bill.

**32 Section 210 (3.2) is repealed and the following substituted:**

- (3.2) For the purposes of sections 182.01, 182.02 and 182.1 and without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations respecting designated motorized devices and motor assisted cycles, including, without limitation, the following:
- (a) prescribing a device as a designated personal mobility device, designated micro-utility device or motor assisted cycle;
  - (b) establishing criteria for the purposes of any of the following:
    - (i) section 182.01 (2) (c), (d) or (e);
    - (ii) section 182.02 (2) (d), (e) or (f);
    - (iii) section 182.1 (2) (c) or (d);
  - (c) establishing prohibitions, limits, powers, duties, requirements, conditions or criteria in relation to the use or operation of designated personal mobility devices, designated micro-utility devices and motor assisted cycles, including in relation to any of the following:
    - (i) users or operators of designated personal mobility devices, designated micro-utility devices or motor assisted cycles and, in the case of users or operators under 16 years of age, parents or guardians of the users or operators;
    - (ii) persons who own, rent or lease designated personal mobility devices, designated micro-utility devices or motor assisted cycles;
    - (iii) passengers on designated personal mobility devices or motor assisted cycles;
    - (iv) reporting accidents and other specified matters;
    - (v) safety helmets and other safety measures;
    - (vi) equipment or things that may be attached to or carried on designated personal mobility devices, designated micro-utility devices or motor assisted cycles;
    - (vii) education and training;
  - (d) requirements respecting permits, insurance or financial security, including, without limitation, requiring insurance or financial security from manufacturers.

**33 Section 210 (9) is repealed and the following substituted:**

- (9) A regulation or approval made under this section or section 216, 217, 218, 268 (a) or (c) or 269, or under Part 12.1 or 13, may do any of the following:
- (a) classify vehicles, cycles or other devices according to
    - (i) use, ownership, nature, type, character, size or weight of the vehicles, cycles or other devices,

CLAUSE 33: *[Motor Vehicle Act, section 210 – continued]*

CLAUSE 34: *[Motor Vehicle Act, section 219.1]* authorizes peace officers to conduct inspections in relation to the operation of self-propelled vehicles, cycles or other devices that resemble vehicles, cycles or other devices that are only capable of being propelled by human power.

- (ii) equipment or accessories in or on the vehicles, cycles or other devices, or
  - (iii) any other criteria that the Lieutenant Governor in Council considers necessary or advisable;
- (b) provide differently for
  - (i) different persons or organizations or different classes of persons or organizations,
  - (ii) different vehicles, cycles or other devices or different classes of vehicles, cycles or other devices, or
  - (iii) different places, circumstances, things or matters or different classes of places, circumstances, things or matters;
- (c) exempt from its application, in whole or in part, or otherwise in accordance with its terms,
  - (i) persons or organizations or classes of persons or organizations,
  - (ii) vehicles, cycles or other devices or classes of vehicles, cycles or other devices, or
  - (iii) places, circumstances, matters or things or classes of places, circumstances, matters or things.

**34    *The following section is added:***

**Powers of peace officers in relation to cycles or other devices**

- 219.1** (1) A peace officer may exercise a power under subsection (2) or (3) in either of the following circumstances:
- (a) the peace officer
    - (i) is reasonably uncertain as to whether a vehicle, cycle or other device
      - (A) is a self-propelled device, or
      - (B) is only capable of being propelled by human power, and
    - (ii) has reasonable grounds to believe that, if the vehicle, cycle or other device is a self-propelled device, the device is being used or operated in contravention of this Act or the regulations;
  - (b) the peace officer has reasonable grounds to believe that a vehicle, cycle or other device
    - (i) is a self-propelled device but is not a motor vehicle, and
    - (ii) is being used or operated in contravention of this Act or the regulations.

CLAUSE 34: *[Motor Vehicle Act, section 219.1 – continued]*

CLAUSE 35: *[Motor Vehicle Act, Part 12.1]*

- prohibits persons from operating certain automated vehicles on highways, unless the regulations provide otherwise;
- establishes regulation-making powers for the purposes of the Part.

- (2) In either of the circumstances described in subsection (1), the peace officer may, without a warrant, do any of the following:
  - (a) require a person to stop using or operating the vehicle, cycle or other device;
  - (b) require a person to state correctly
    - (i) the person’s name and address, and
    - (ii) the name and address of the owner of the vehicle, cycle or other device;
  - (c) carry out an inspection of the vehicle, cycle or other device.
- (3) In carrying out an inspection under this section, the peace officer may do any of the following:
  - (a) temporarily seize the vehicle, cycle or other device for the purposes of examining, testing, using or operating
    - (i) the device, or
    - (ii) equipment that is in, on or attached to the device;
  - (b) require the person to take the vehicle, cycle or other device to a place specified by the peace officer so that the device can be inspected at the specified place.
- (4) A person must not interfere with, hinder or obstruct a peace officer who is exercising a power under this section.

**35** *The following Part is added:*

## **PART 12.1 – AUTOMATED VEHICLES**

### **Definitions for Part 12.1**

**303.1** In this Part:

- “**automated driving system**” means a system that performs dynamic driving tasks to operate a vehicle, with limited or no need for any dynamic driving task to be performed by a human driver;
- “**automated vehicle**” means a motor vehicle with an automated driving system;
- “**drive**”, in relation to an automated vehicle, includes cause the operation of the vehicle, with or without the automated driving system being engaged;
- “**dynamic driving task**” means a task required for
  - (a) an operational aspect of driving, such as steering, braking, accelerating and monitoring the vehicle and roadway, or

CLAUSE 35: *[Motor Vehicle Act, Part 12.1 – continued]*



(b) a tactical aspect of driving, such as responding to events and determining when to change lanes, turn, use signals or sound the horn, but does not include a task required for the strategic aspect of driving, such as determining destinations;

**“Level 3 automated vehicle”** means an automated vehicle with an automated driving system that is capable of operating at the driving automation level named and defined, under the SAE standard, as Level 3, conditional driving automation;

**“Level 4 automated vehicle”** means an automated vehicle with an automated driving system that is capable of operating at the driving automation level named and defined, under the SAE standard, as Level 4, high driving automation;

**“Level 5 automated vehicle”** means an automated vehicle with an automated driving system that is capable of operating at the driving automation level named and defined, under the SAE standard, as Level 5, full driving automation;

**“SAE standard”** means the SAE International standard SAE J3016 *Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles*.

**Prohibitions in relation to automated vehicles**

**303.2** Unless the regulations provide otherwise, a person must not drive, or permit the driving of, any of the following on a highway:

- (a) a Level 3 automated vehicle;
- (b) a Level 4 automated vehicle;
- (c) a Level 5 automated vehicle.

**Regulations respecting automated vehicles**

**303.3** (1) The Lieutenant Governor in Council may make regulations respecting Level 3 automated vehicles, Level 4 automated vehicles and Level 5 automated vehicles, including, without limitation, any of the following:

- (a) providing for Level 3 automated vehicles, Level 4 automated vehicles or Level 5 automated vehicles to be driven on highways;
- (b) establishing prohibitions, limits, powers, duties, requirements, conditions or criteria respecting the use or driving of Level 3 automated vehicles, Level 4 automated vehicles or Level 5 automated vehicles, including in relation to any of the following:
  - (i) users, drivers, operators or passengers of the automated vehicles;
  - (ii) persons who own, rent or lease the automated vehicles;
  - (iii) reporting accidents and other specified matters;

CLAUSE 35: *[Motor Vehicle Act, Part 12.1 – continued]*

CLAUSE 36: *[Motor Vehicle Act, Part 13]*

- authorizes the Lieutenant Governor in Council to establish pilot projects for the purposes of researching, testing or evaluating matters relating to the Act;
- for a pilot project in respect of which the Nisga'a Government or a treaty first nation has the power to make laws, provides that the pilot project may not take place within Nisga'a Lands or treaty lands without the consent of the Nisga'a Government or treaty first nation;
- for an opt-in pilot project in respect of which a municipality has the power to make bylaws, sets out the process by which the municipality may opt into the pilot project;
- provides authority to include, in a regulation that establishes a pilot project, different rules to address conflicts with municipal bylaws;
- sets out other regulation-making powers that may be exercised for the purposes of pilot projects, including powers relating to violation tickets under the *Offence Act*;
- extends from 3 years to 4 years the repeal date of a regulation that establishes a pilot project, subject to the exception described in section 313 (2).

- (iv) safety measures;
  - (v) education and training;
  - (c) requirements respecting permits, insurance or financial security, including, without limitation, requiring insurance or financial security from manufacturers.
- (2) In making a regulation under this Part, the Lieutenant Governor in Council may delegate a matter to, or confer a discretion on,
- (a) the minister, superintendent or director, or
  - (b) the Insurance Corporation of British Columbia.
- (3) The authority to make regulations under this Part does not limit, and is not limited by, the authority to make regulations under other provisions of this Act.

**36** *Part 13 is repealed and the following substituted:*

## **PART 13 – PILOT PROJECTS**

### **Definitions for Part 13**

**304** In this Part:

- “**area-specific pilot project**” means a pilot project that, subject to section 306 and the regulation that establishes the pilot project, is authorized to take place within the areas or on the highways specified in the regulation;
- “**government website**” means a publicly accessible website maintained by or on behalf of the government;
- “**hybrid pilot project**” means a pilot project that, subject to the regulation that establishes the pilot project,
- (a) is authorized to take place, as an area-specific pilot project, within the areas or on the highways specified in the regulation, and
  - (b) may also take place, as an opt-in pilot project, in areas or on highways within a municipality, Nisga’a Lands or treaty lands;
- “**opt-in pilot project**” means a pilot project that, subject to the regulation that establishes the pilot project, may take place in areas or on highways
- (a) within a municipality, at the option of the municipality, if the municipality has authority to make bylaws in respect of the subject matter of the pilot project and the requirements under section 307 are met,
  - (b) within Nisga’a Lands, at the option of the Nisga’a Government, if the Nisga’a Government has authority to make laws in respect of the subject matter of the pilot project and the requirements under section 306 (1) are met, or

CLAUSE 36: *[Motor Vehicle Act, Part 13 – continued]*

- (c) within the treaty lands of a treaty first nation, at the option of the treaty first nation, if the treaty first nation has authority to make laws in respect of the subject matter of the pilot project and the requirements under section 306 (2) are met;

**“pilot project”** means a pilot project referred to in section 305;

**“province-wide pilot project”** means a pilot project that, subject to section 306 and the regulation that establishes the pilot project, is authorized to take place within any area or on any highway of the Province.

#### **Regulations establishing pilot projects**

- 305**
- (1) The Lieutenant Governor in Council may, by regulation, establish pilot projects for the purposes of researching, testing or evaluating any matter relating to this Act.
  - (2) A regulation that establishes a pilot project must indicate whether the pilot project is an area-specific pilot project, a hybrid pilot project, an opt-in pilot project or a province-wide pilot project.

#### **Pilot projects within Nisga’a Lands or treaty lands**

- 306**
- (1) If the Nisga’a Government has authority to make laws in respect of the subject matter of a pilot project, the pilot project may not take place in areas or on highways within Nisga’a Lands unless the following requirements are met:
    - (a) the Nisga’a Government consents to the pilot project taking place in areas or on highways within Nisga’a Lands;
    - (b) the minister, after receiving the Nisga’a Government’s consent, publishes a notice on a government website indicating that the pilot project is authorized to take place in areas or on highways within Nisga’a Lands, starting on or after the date specified in the notice.
  - (2) If a treaty first nation has authority to make laws in respect of the subject matter of a pilot project, the pilot project may not take place in areas or on highways within the treaty lands unless the following requirements are met:
    - (a) the treaty first nation consents to the pilot project taking place in areas or on highways within the treaty lands;
    - (b) the minister, after receiving the treaty first nation’s consent, publishes a notice on a government website indicating that the pilot project is authorized to take place in areas or on highways within the treaty lands, starting on or after the date specified in the notice.

CLAUSE 36: *[Motor Vehicle Act, Part 13 – continued]*

**Opt-in pilot projects in municipalities**

- 307** An opt-in pilot project may take place in areas or on highways within a municipality that has authority to make bylaws in respect of the subject matter of the opt-in pilot project if the following requirements are met:
- (a) the council of the municipality consents to the pilot project taking place in areas or on highways within the municipality;
  - (b) the minister, after receiving the municipal council’s consent, publishes a notice on a government website indicating that the pilot project is authorized to take place in areas or on highways within the municipality, starting on or after the date specified in the notice.

**Conflict rules for pilot projects within municipalities**

- 308** A regulation that establishes a pilot project may include provisions that specify one or more of the following:
- (a) that the regulation, or specified provisions of the regulation, prevail to the extent of any conflict or inconsistency with a bylaw or resolution of the council of a municipality;
  - (b) that the council of a municipality must not, under any of the following provisions, regulate in relation to the subject matter, or specified aspects of the subject matter, of the pilot project:
    - (i) section 124 or 124.2;
    - (ii) a specified provision of the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*;
  - (c) that the bylaws or resolutions, or specified provisions of the bylaws or resolutions, of the council of a municipality are inoperative and of no force and effect to the extent that they
    - (i) conflict or are inconsistent with the regulation or specified provisions of the regulation, or
    - (ii) regulate in relation to the subject matter, or specified aspects of the subject matter, of the pilot project.

**Regulations respecting pilot projects**

- 309** (1) The Lieutenant Governor in Council may make regulations respecting pilot projects, including, without limitation, establishing prohibitions, limits, powers, duties, requirements, conditions or criteria respecting any of the following:
- (a) the use, driving or operation of the vehicles, cycles or other devices to which the pilot project relates, including in relation to any of the following:
    - (i) users, drivers, operators or passengers of the vehicles, cycles or other devices;

CLAUSE 36: *[Motor Vehicle Act, Part 13 – continued]*



- (ii) persons who own, rent or lease the vehicles, cycles or other devices;
    - (iii) pedestrians;
    - (iv) safety helmets or other safety measures;
    - (v) education and training;
  - (b) registration, licensing, permitting, insurance or financial security, including, without limitation, requiring insurance or financial security from manufacturers;
  - (c) public review and comment in relation to the pilot project;
  - (d) monitoring, evaluation, reporting and enforcement in relation to the pilot project;
  - (e) the collection, use, disclosure or retention of information, including personal information, relating to the pilot project.
- (2) In making a regulation under this Part, the Lieutenant Governor in Council may do any of the following:
- (a) delegate a matter to, or confer a discretion on,
    - (i) the minister, superintendent or director, or
    - (ii) the Insurance Corporation of British Columbia;
  - (b) in relation to opt-in pilot projects, including the opt-in component of a hybrid pilot project,
    - (i) limit the areas or highways within or on which the pilot project may take place,
    - (ii) establish time limits for participating in the pilot project, and
    - (iii) impose restrictions on the bylaws or resolutions that a municipality may make in relation to the pilot project;
  - (c) require or authorize persons to do things that would otherwise be prohibited, unauthorized or not required under this Act or the *Commercial Transport Act*;
  - (d) authorize persons to do things that would otherwise be required under this Act or the *Commercial Transport Act*;
  - (e) prohibit persons from doing things that would otherwise be required or authorized under this Act or the *Commercial Transport Act*;
  - (f) exempt from the application of this Act or the *Commercial Transport Act*, or a regulation under this Act or the *Commercial Transport Act*, in whole or in part, or otherwise in accordance with its terms,
    - (i) persons or organizations or classes of persons or organizations,

CLAUSE 36: *[Motor Vehicle Act, Part 13 – continued]*

- (ii) vehicles, cycles or other devices or classes of vehicles, cycles or other devices, or
  - (iii) places, circumstances, matters or things or classes of places, circumstances, matters or things;
  - (g) exercise any regulation-making power of the Lieutenant Governor in Council or minister under this Act or the *Commercial Transport Act*.
- (3) The authority to make regulations under this Part does not limit, and is not limited by, the authority to make regulations under other provisions of this Act.

**Violation tickets respecting contraventions of pilot project regulations**

- 310** (1) In this section:
- “**ticketed amount**” has the same meaning as in the *Offence Act*;
  - “**violation ticket**” has the same meaning as in the *Offence Act*.
- (2) In relation to violation tickets for a contravention of a provision of a regulation made under this Part, the Lieutenant Governor in Council may, under the *Offence Act*, prescribe fine amounts that vary in relation to the way in which or degree to which a person contravenes the provision.
- (3) If a violation ticket is issued to a person for an alleged contravention of a provision of a regulation made under this Part and the evidence proves that the person contravened the provision, but in a way or to a degree that differs from that reflected by the ticketed amount,
- (a) the person may be convicted of the offence, and
  - (b) the fine amount may be varied to reflect the different way in which or degree to which the person contravened the provision.

**Section 124 (5) of Act**

- 311** The powers of the Lieutenant Governor in Council under this Part may not be exercised by the council of a municipality under section 124 (5) of this Act.

**Regulation under Part 13 prevails over Act and *Commercial Transport Act***

- 312** A regulation under this Part prevails to the extent of any conflict or inconsistency with the following:
- (a) this Act or regulations made under other Parts of this Act;
  - (b) the *Commercial Transport Act* or regulations made under that Act.

CLAUSE 36: *[Motor Vehicle Act, Part 13 – continued]*

CLAUSE 37: *[Transition – Electric Kick Scooter Pilot Project Regulation]* provides a transition rule for the pilot project established by the Electric Kick Scooter Pilot Project Regulation, B.C. Reg. 90/2021.

CLAUSE 38: *[Commercial Transport Act, section 4]* is consequential to section 219.1 of the *Motor Vehicle Act*, as added by this Bill.

CLAUSE 39: *[Miscellaneous Statutes Amendment Act (No. 2), 2019, section 109]* is consequential to the definition of “pedestrian” in section 1 of the *Motor Vehicle Act*, as amended by this Bill.

CLAUSE 40: *[Miscellaneous Statutes Amendment Act (No. 2), 2019, section 113]* is consequential to section 210 (3.2) of the *Motor Vehicle Act*, as repealed and replaced by this Bill.

**Repeal of pilot project regulation**

- 313** (1) Unless repealed earlier, a regulation made under this Part is repealed 4 years after the date the regulation comes into force.
- (2) After the repeal of a regulation that establishes an area-specific pilot project, hybrid pilot project or opt-in pilot project, the Lieutenant Governor in Council may make one additional regulation to establish a pilot project that relates to the same subject matter as the pilot project established by the repealed regulation, but only if the new regulation authorizes the pilot project to take place
- (a) within areas or on highways that are different from the areas or highways where the pilot project took place under the repealed regulation, or
- (b) as a province-wide pilot project.

**Transitional Provision**

**Transition – Electric Kick Scooter Pilot Project Regulation**

- 37** (1) Until the Electric Kick Scooter Pilot Project Regulation, B.C. Reg. 90/2021, is repealed, the *Motor Vehicle Act*, as it read immediately before the date on which this section comes into force, continues to apply in respect of that regulation.
- (2) This section applies despite the amendments made by this Act to the *Motor Vehicle Act*.

**Consequential Amendments**

*Commercial Transport Act*

- 38** *Section 4 (1) of the Commercial Transport Act, R.S.B.C. 1996, c. 58, is amended by striking out “219 to 223” and substituting “219, 220 to 223”.*

*Miscellaneous Statutes Amendment Act (No. 2), 2019*

- 39** *Section 109 (b) of the Miscellaneous Statutes Amendment Act (No. 2), 2019, S.B.C. 2019, c. 36, is repealed.*
- 40** *Section 113, as it enacts section 210 (3.2) (c) of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is repealed.*

CLAUSE 41: ***[Motor Dealer Act, section 1]*** replaces a reference to the *Highway Act* with a reference to the *Transportation Act* and is consequential to section 182.01 of the *Motor Vehicle Act*, as repealed and replaced by this Bill.

CLAUSE 42: ***[Traffic Safety Statutes Amendment Act, 1997, section 26]*** repeals a not-in-force provision.

*Motor Dealer Act*

- 41** *Section 1 (1) of the Motor Dealer Act, R.S.B.C. 1996, c. 316, is amended in the definition of “motor vehicle”*
- (a) by striking out “Highway Act” and substituting “Transportation Act”, and*
- (b) in paragraph (b) by striking out “regulated motorized personal mobility device” and substituting “designated motorized device”.*

*Traffic Safety Statutes Amendment Act, 1997*

- 42** *Section 26 of the Traffic Safety Statutes Amendment Act, 1997, S.B.C. 1997, c. 43, is repealed.*

**Commencement**

- 43** This Act comes into force by regulation of the Lieutenant Governor in Council.