



Update: Frequently Asked Questions now appended

Commercial Vehicle Safety & Enforcement

BULLETIN

RE: Over-height Regulations, Speed Limiters and In-Cab Warning Devices

Commercial vehicle infrastructure crashes cause damage, stop the movement of people and goods and increase safety risks for everyone on the road. The ministry is implementing measures to further deter these incidents, and to respond with stronger enforcement when they occur.

Overview

On December 14, 2023, orders were deposited that bring in new and higher fines for offences related to over-height vehicles, and that implement and support the enforcement of a speed limiter mandate for heavy commercial vehicles, as well as an in-cab warning device mandate for certain commercial vehicles with dump boxes. The resulting amendments have the following in-force dates:

- Effective December 14, 2023 (re: new over-height vehicle regulations, offences and fines):
 - Order No. 718-2023 (a): Commercial Transport Regulations (CTR) amendments
 - Order No. 719-2023 (a): Violation Ticket Administration and Fines Regulation (VTAFR) amendments
- Effective April 5, 2024 (re: speed limiters):
 - Order No. 720-2023 (b): Motor Vehicle Act Regulations (MVAR) amendments
 - Order No. 720-2023 (c): VTAFR amendments
- Effective June 1, 2024 (re: in-cab warning device):
 - Order No. 718-2023 (b): MVAR amendments
 - Order No. 719-2023 (b): VTAFR amendments

The orders may be viewed in the appendices to this bulletin, or on the [BC Laws website](https://www.bclaws.gov.bc.ca/) at <https://www.bclaws.gov.bc.ca/>

These enhanced safety measures are in addition to the Highway Infrastructure Crash Progressive Enforcement Framework detailed in [NSC Compliance Circular 05-2023](#).

New over-height vehicle regulations

The amended CTR clarifies that a vehicle's height is determined by measuring the distance from the highest point of the vehicle, including its load, to the road surface directly below. Vehicles with a height over 4.15 meters must not be operated on a highway¹ in contravention of the height indicated in the permit required for over-height vehicles, or in contravention of the height allowed by general authority of the ministry.

Effective immediately, under the VTAFR, the following contraventions may result in a fine, including victim surcharge, of \$575:

- Operate vehicle with height over 4.15 m without permit;
- Vehicle height contravenes permit; and,
- Vehicle height contravenes general authority.

In-Cab Warning Devices

A commercial vehicle equipped with a dump box capable of rising above 4.15 meters must not be operated on a highway unless it is equipped with a visual or audio warning device that alerts the driver if the dump box is raised and meets all the other requirements set out in the MVAR. For the purposes of this requirement, a vehicle's height is determined by measuring the distance from the highest point of its dump box when fully raised to the road surface directly below. A similar requirement exists in the Occupational Health and Safety Regulation since 2010.

Effective June 1, 2024, under the VTAFR, the following contravention may result in a fine, including victim surcharge, of \$598:

- Vehicle not properly equipped with dump box warning device.

Violations will also be recorded against a carrier's National Safety Code profile.

Speed Limiters

Earlier this year, legislative amendments to the *Motor Vehicle Act* required heavy commercial vehicles to use a speed limiter. The recently approved order brings this requirement and supporting regulations into force. Under the amended MVAR, speed limiters must be set to a maximum speed of 105 km/h and kept in good working order. The vehicle's electronic control module must be accurately programmed, and tampering technology is prohibited.

Noncompliance may result in the issuance of 3 driver penalty points.

Effective April 5, 2024, under the VTAFR, the following contraventions may result in a fine, including victim surcharge, of \$368:

- No speed limiter in heavy commercial vehicle;
- Speed limiter in heavy commercial vehicle not activated;
- Speed limiter in heavy commercial vehicle not set to prescribed maximum rate of speed;
- Speed limiter in heavy commercial vehicle not in good working order;
- Inaccurately programmed electronic control module in heavy commercial vehicle;
- Tampering technology in heavy commercial vehicle;
- Tampering technology interacting with speed limiter;

¹ "highway" for the purposes of this requirement means (a) highways in unorganized territory, (b) an arterial highway within the meaning of the [Transportation Act](#), and (c) highways under the jurisdiction of the South Coast British Columbia Transportation Authority."

- Participation in contravention of section 146.1 (2) of Act; and,
- Participation in contravention of section 7E.04 (2) of regulation.

Speed Limiter Exemptions

All commercial vehicles operating in the province manufactured after 1994, with a gross vehicle weight rating of more than 11,793 kg, that have an electronically controlled engine must have their speed limiters activated, set and accurately programmed to a maximum rate of speed of 105 km/hr by April 5, 2024.

Excluded vehicles include emergency vehicles and motorhomes. Exemptions may be granted in certain circumstances (e.g., during unforeseen events/emergencies or if the vehicle is equipped with an electronic control module that is incapable of meeting the speed limiter requirements), at the discretion of the Director of Commercial Vehicle Safety.

Speed Limiters in Other Jurisdictions

Other jurisdictions with similar requirements have seen reductions in crashes. Following the implementation of their speed limiter mandate, Ontario experienced a 73% decrease in speed related collisions involving heavy commercial vehicles.

As heavy commercial vehicles regularly travel cross-country, this requirement will provide consistency for carriers and truckers who travel between B.C., Ontario and Quebec, where speed limiter requirements also exist.

Enforcement of Amended Regulations

CVSE and police officers will be responsible for enforcing new over-height regulations, as well as speed limiter and in-cab warning device requirements.

Existing offences and fines for speed offences will continue to apply to heavy commercial vehicles, regardless of a speed limiter.

Carrier and Driver Check List:

These changes will take effect in April and June 2024, respectively, providing time for industry to prepare. Carriers/drivers should complete the following steps in relation to relevant vehicles, if they have not already, by the following dates specified to avoid increased fines and penalties:

By April 5, 2024, for heavy commercial vehicles:

- Activate Speed Limiter to 105 km/h.

By June 1, 2024, for commercial vehicles with a dump body capable of rising above 4.15m:

- Install in-cab warning device.

Should you have any questions or concerns beyond those addressed by the Frequently Asked Questions appended below, please email cvse.modernization@gov.bc.ca, and a representative would be pleased to assist you.

Thank you,

A handwritten signature in black ink, appearing to read 'S. Eburne', followed by a long horizontal line extending to the right.

Samantha Eburne
Director, CVSE

Attachments:

Appendix 1 – Frequently Asked Questions: Speed Limiters and In-Cab Warning Devices

Appendix 2 – Order in Council (OIC) No. 718-2023

Appendix 3 – Order in Council (OIC) No. 719-2023

Appendix 4 – Order in Council (OIC) No. 720-2023

Speed Limiters

1. What are speed limiters?

- Speed limiters are systems built into the electronically controlled engines of motor vehicles, that prevent those vehicles from accelerating over the set rate of speed.

2. Why are speed limiters required in heavy commercial vehicles?

- Speed limiters help prevent speed-related crashes involving heavy commercial vehicles and reduce commercial vehicle emissions, resulting in improved road safety, fewer traffic disruptions and reduced healthcare costs.

3. What types of vehicles will be required to have a speed limiter?

- Speed limiters will be required in heavy commercial vehicles:
 - Manufactured after 1994;
 - With a gross vehicle weight rating of more than 11,793kg; and,
 - That have an electronically controlled engine.
 - That are not exempted by regulation.
- Does this include buses?
 - Yes, if they meet the above criteria.

4. What are the benefits of speed limiters?

- Safety – Many studies have highlighted the dangers drivers face, and pose to others, when they exceed speed limits. The faster a vehicle travels, the more braking distance it requires. In a collision, the higher the speed, the more severe the impact and the resulting consequences. Mandating speed limiters for commercial vehicles will improve safety for commercial drivers and everyone else on the road.
 - Ontario experienced a 73% decrease in speed-related crashes involving heavy commercial vehicles in the first two years following implementation of their speed limiter mandate.
- Environmental – Speed limiters reduce commercial vehicle greenhouse gas emissions and are part of the B.C. government’s Clean Transportation Action Plan.
 - Ontario estimated a 4.6 megatonne reduction of GHG emissions over the first decade following initiatives implemented in Ontario to address climate change, including the mandating of speed limiters.
- Economical – Reducing speed saves money on fuel. Improved energy efficiency and lower maintenance costs will also help reduce the overall cost of operation to carriers.

5. Are any types of vehicles excluded/exempt from the speed limiter requirement?

- Excluded vehicles include emergency vehicles and motorhomes.
- Exemptions may be granted in certain circumstances (e.g., during unforeseen events/emergencies or if the vehicle is equipped with an electronic control module that is incapable of meeting the speed limiter requirements), at the discretion of the Director of Commercial Vehicle Safety.

6. Does gross vehicle weight rating > 11,793kg include the vehicle and trailer, or the vehicle alone?

- Gross vehicle weight rating means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle (not including towing capacity).
- The gross vehicle weight rating displayed on the vehicle's compliance label is proof, in the absence of evidence to the contrary, that the vehicle has that gross vehicle weight rating. This information can be found in the manufacturers document.

7. Why is 105 km/h the set maximum speed?

- This speed limit aligns with other jurisdictions across Canada which require speed limiters in heavy commercial vehicles. Since many of these vehicles travel across provincial borders, it is important that B.C.'s framework aligns as much as possible with other jurisdictions.
- Requiring speed limiters to be set at 105 km/h on commercial motor vehicles will help to mitigate speeding and speed related crashes.

8. Which other jurisdictions require speed limiters?

- Both Ontario and Quebec have had laws in place since 2009 requiring speed limiters to be activated and set to prevent commercial vehicles (gross vehicle weight rating > 11,793kg) from exceeding 105km/h.
- The United States Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has announced its intention to proceed with a motor carrier-based speed limiter rulemaking by preparing a supplemental notice of proposed rulemaking that will consider whether additional regulatory actions should be taken concerning heavy commercial vehicle manufacturer requirements to limit the speed of commercial vehicles. This proposal was recently delayed until May 2024.

9. Who was consulted on Speed Limiters?

- Consultations were held with commercial vehicle industry stakeholders, other ministries and agencies, including ICBC, police and transit. In 2020, the B.C. government invited industry members and the public to provide input on speed limiters, among other proposed safety measures, via an online questionnaire. Nearly 600 responses were received. Of note, the BC Trucking Association is supportive of this safety measure. Treaty First Nations are road authorities and formal notification of the changes was sent to all, as well as the First Nations Leadership Council.

10. What are the costs of speed limiters?

- The maximum speed of a vehicle can be pre-set by the manufacturer, dealer, mechanic, or owner using a portable electronic device that is connected to a dedicated port.
- The cost to activate a speed limiter within the electronic control module (or ECM) per commercial motor vehicle is approximately \$200.

11. What are the consequences of not having an activated/set speed limiter?

- The following contraventions may result in a fine, including victim surcharge, of \$368, as well as the issuance of 3 driver penalty points:
 - o No speed limiter in heavy commercial vehicle;
 - o Speed limiter in heavy commercial vehicle not activated;
 - o Speed limiter in heavy commercial vehicle not set to prescribed maximum rate of speed;
 - o Speed limiter in heavy commercial vehicle not in good working order;
 - o Inaccurately programmed electronic control module in heavy commercial vehicle;
 - o Tampering technology in heavy commercial vehicle;
 - o Tampering technology interacting with speed limiter;
 - o Participation in contravention of section 146.1 (2) of Act; and,
 - o Participation in contravention of section 7E.04 (2) of regulation.
- In addition, drivers caught travelling over posted regulatory speeds will be fined for speeding. For example, a commercial driver caught travelling over 120 km/h where that speed is posted will receive a fine for speeding in addition to a fine for contravention of the speed limiter requirement.

12. Will violation tickets issued to drivers for noncompliance with speed limiter requirements show up on the carrier's safety profile?

- Yes, as with all violation tickets, if the driver is found guilty, they will accumulate points on their carrier profile as well.

13. How will the requirement for speed limiters be enforced?

- Commercial Vehicle Safety and Enforcement (CVSE) and police will enforce the speed limiter mandate, in addition to existing police enforcement of general speed limits and driving behaviors on B.C. highways.

14. First ELDs and now this... how do you expect us to deliver goods on time?

- Since only a few B.C. highways have speed limits over 105km/h (such as the Coquihalla), these new regulations are not anticipated to have a major impact on industry delivery times.
- In addition, B.C.'s ELD mandate made no changes to the maximum number of hours a commercial driver may work or the minimum number of hours they must rest.

15. How can you compare Ontario to BC? The 401 has 12-16 lanes of traffic and they don't have the same highway infrastructure that we have...i.e. mountainous terrain.

- Whether 16 lanes or 2, flat or mountainous terrain, speeding is speeding.

In-Cab Warning Devices

16. What is an in-cab warning device?

- An in-cab warning device is a device that alerts the driver if the vehicle's dump box is raised.

17. What types of vehicles will be required to have an in-cab warning device?

- A commercial vehicle equipped with a dump box capable of rising above 4.15 meters must be equipped with a visual or audio warning device that alerts the driver if the dump box is raised. This applies to a truck with a dump box, a truck combined with a trailer that has a dump box, and a combined truck and trailer, each with its own dump box (in which case both components require a warning device). Examples are dump trucks, dump trailers, and any other commercial vehicle with a dump capability similar to a dump truck.

18. Do dump-style trailers also need to have warning devices installed and connected to the truck's power unit?

- In-cab warning devices are required for trailers with dump boxes that can be raised above 4.15 meters, as when they are combined with a truck, they are considered a commercial vehicle.

19. What will it cost to implement the in-cab warning device requirement?

- These devices can be purchased and installed at a relatively low cost, estimated to be approximately \$500.

20. Why are in-cab warning devices required?

- The operators of dump-style vehicles in B.C. are currently required to have these devices, through a similar requirement in the Occupational Health and Safety Regulation (OHSR) that has existed since 2010.
- They will help prevent highway infrastructure crashes involving commercial vehicles, which will reduce safety risks to the traveling public and traffic delays.

21. If there is an existing requirement through the Occupational Health and Safety Regulation, why add this to the Motor Vehicle Act Regulation (MVAR)?

- Adding the requirement for in-cab warning systems for commercial vehicles with dump boxes to the MVAR means non-compliance will be a ticketable offence and drivers could face other related sanctions, like potential driving prohibitions and licence suspensions.
- Placing the offence under the Motor Vehicle Act Regulation (MVAR) also ensures violations are recorded against a carrier's National Safety Code profile.

22. What are the consequences of not having an installed in-cab warning device?

- The following contravention may result in a fine, including victim surcharge, of \$598:
 - Vehicle not properly equipped with dump box warning device.
- Violations will also be recorded against a carrier's National Safety Code profile.

23. How will the in-cab warning device requirement be enforced?

- CVSE and police will enforce the requirement for in-cab warning devices.

General Information

24. When will these changes take effect?

- April 5, 2024, for heavy commercial vehicles to have Speed Limiters activated to 105 km/h.
- June 1, 2024, for commercial vehicles with a dump box capable of rising above 4.15m to have in-cab warning devices installed.

25. Is there any chance the deadlines will be pushed back?

- The dates are regulatory prescribed. CVSE will be educating and enforcing the requirement.

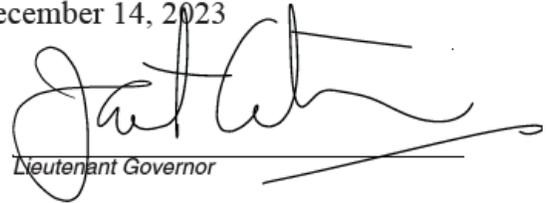
26. Will the new regulations affect commercial vehicles coming into B.C. from out of province?

- Yes. Operators from all other jurisdictions must have speed limiters activated/in-cab warning devices installed before coming to B.C. following the in-force dates to avoid fines and penalties.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 718

, Approved and Ordered December 14, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

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

- (a) the Commercial Transport Regulations, B.C. Reg. 30/78, are amended as set out in the attached Schedule A, and
- (b) effective June 1, 2024, the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended as set out in the attached Schedule B.

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| DEPOSITED December 14, 2023 B.C. REG. <u>290/2023</u> |
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Minister of Transportation and Infrastructure



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section: *Commercial Transport Act*, R.S.B.C. 1996, c. 58, s. 11 (2);
Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 210

Other: _____

R10728977

SCHEDULE A

1 Section 7.05 of the Commercial Transport Regulations, B.C. Reg. 30/78, is amended by adding the following subsection:

- (0.1) A vehicle's height is determined for the purposes of this section by measuring the latitudinal distance from the highest point of the vehicle, including its load, to the road surface directly below that point.

2 Section 11.01 is amended

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

- (2) A person must not drive or operate a vehicle on a highway in contravention of a permit issued under this regulation. , **and**

(b) by adding the following subsections:

- (3) A person must not drive or operate a vehicle on a highway in contravention of the height allowed on a permit issued under this regulation.
- (4) A person must not drive or operate a vehicle on a highway in contravention of the height allowed by general authority of the minister or an authorized person under section 7.02 (1).

SCHEDULE B

1 Division 7 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by adding the following section:

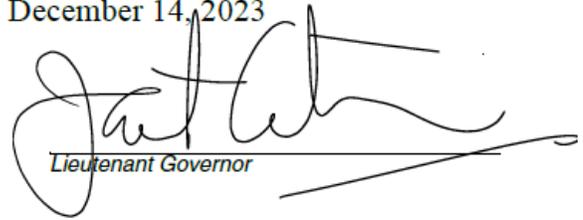
Dump box warning device for commercial vehicle

- 7.19** (1) A commercial vehicle's height is determined for the purposes of this section by measuring the latitudinal distance from the highest point of the commercial vehicle's dump box when the dump box is fully raised to the road surface directly below that point.
- (2) A person must not drive or operate a commercial vehicle equipped with a dump box that is capable of rising to a height in excess of 4.15 m unless the commercial vehicle is equipped with a visual or audio warning device that meets all the following requirements:
- (a) the device provides a signal to the driver if the dump box is not completely lowered;
 - (b) the device is mounted in a fixed position;
 - (c) the device is in good working order;
 - (d) if the vehicle is equipped with a visual warning device, the visual warning signal from the device must display within the driver's field of vision;
 - (e) if the vehicle is equipped with an audio warning device, the audio warning signal from the device must make a distinct sound that is audible to the driver above the ambient noise level.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 719

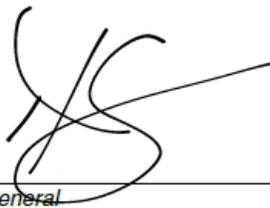
, Approved and Ordered December 14, 2023


Lieutenant Governor

Executive Council Chambers, Victoria

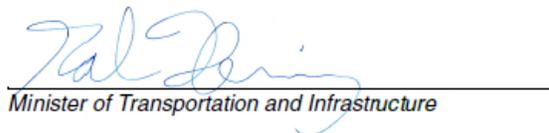
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97,

- (a) is amended as set out in the attached Schedule A, and
- (b) effective June 1, 2024, is amended as set out in the attached Schedule B.



Attorney General

DEPOSITED
December 14, 2023
B.C. REG. 292/2023



Minister of Transportation and Infrastructure



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section: Offence Act, R.S.B.C. 1996, c. 338, s. 132

Other: _____

R10742677

SCHEDULE A

1 Schedule 2 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended by adding the following as indicated under the heading Commercial Transport Regulations, B.C. Reg. 30/78:

| 1 | 2 | 3 | 4 | 5 |
|-------------------|---|-------|--------------------------|--------------------|
| Provision | Contravention | Fine | Victim Surcharge Levy | Ticketed Amount |
| section 7.05 (1) | Operate vehicle with height over 4.15m without permit | \$500 | \$75 | \$575 |
| section 11.01 (3) | Vehicle height contravenes permit | \$500 | \$75 | \$575 |
| section 11.01 (4) | Vehicle height contravenes general authority | \$500 | \$75 | \$575 |

SCHEDULE B

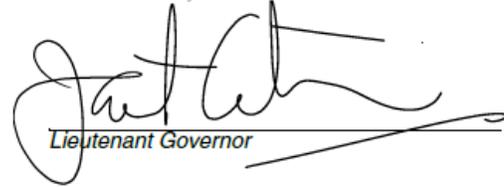
1 Schedule 3 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended by adding the following as indicated under the heading Motor Vehicle Act Regulations, B.C. Reg. 26/58:

| 1 | 2 | 3A | 3B | 4 | 5A | 5B |
|--------------|---|-----------------------|----------------------------------|-----------------------------|-------------------------------------|--|
| Provision | Contravention | Fine (>30 days) | Reduced Fine (≤30 days) | Victim Surcharge Levy | Ticketed Amount (>30 days) | Reduced Ticketed Amount (≤30 days) |
| section 7.19 | Vehicle not properly equipped with dump box warning device | \$520 | \$495 | \$78 | \$598 | \$573 |

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 720

, Approved and Ordered December 14, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

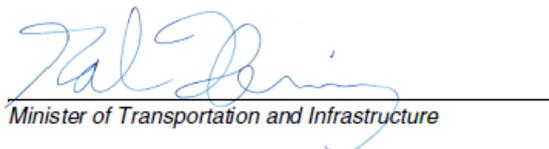
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 5, 2024,

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

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| DEPOSITED December 14, 2023 B.C. REG. <u>291/2023</u> |
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Attorney General



Minister of Transportation and Infrastructure



Presiding Member of the Executive Council

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

Authority under which Order is made:

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

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

R10714310

APPENDIX 1

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

DIVISION 7E – SPEED LIMITERS IN HEAVY COMMERCIAL VEHICLES

Exclusions from definition of “heavy commercial vehicle”

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

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

Maximum speed setting for speed limiters

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

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

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

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

Prohibition against tampering technology

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

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

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

Prohibition against participating in contravention

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

Exemption by director for unforeseen events and emergencies

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

Exemption by director for vehicles incapable of meeting speed limiter requirements

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

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

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

Offences

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

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

Evidentiary rules for proving date of manufacture of vehicle

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

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

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

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

Evidentiary rules for proving gross vehicle weight rating

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

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

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

Evidentiary rules for offences

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

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

4 Table 2 of the Schedule to Division 28 is amended

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

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

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

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

5 Section 37.19 is amended

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

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

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

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

APPENDIX 2

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

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

| 1 | 2 | 3A | 3B | 4 | 5A | 5B |
|--------------------------|---|-----------------------|----------------------------------|-----------------------------|-------------------------------------|--|
| Provision | Contravention | Fine (>30 days) | Reduced Fine (≤30 days) | Victim Surcharge Levy | Ticketed Amount (>30 days) | Reduced Ticketed Amount (≤30 days) |
| <i>Motor Vehicle Act</i> | | | | | | |
| section 146.1 (2) (a) | No speed limiter in heavy commercial vehicle | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 146.1 (2) (b) | Speed limiter in heavy commercial vehicle not activated | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 146.1 (2) (c) | Speed limiter in heavy commercial vehicle not set to prescribed maximum rate of speed | \$320 | \$295 | \$48 | \$368 | \$343 |

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

| 1 | 2 | 3A | 3B | 4 | 5A | 5B |
|---|---|-----------------------|----------------------------------|-----------------------------|-------------------------------------|--|
| Provision | Contravention | Fine (>30 days) | Reduced Fine (≤30 days) | Victim Surcharge Levy | Ticketed Amount (>30 days) | Reduced Ticketed Amount (≤30 days) |
| <i>Motor Vehicle Act Regulations, B.C. Reg. 26/58</i> | | | | | | |
| section 7E.03 (a) | Speed limiter in heavy commercial vehicle not in good working order | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 7E.03 (b) | Inaccurately programmed electronic control module in heavy commercial vehicle | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 7E.04 (2) (a) | Tampering technology in heavy commercial vehicle | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 7E.04 (2) (b) | Tampering technology interacting with speed limiter | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 7E.05 (a) | Participate in contravention of section 146.1 (2) of Act | \$320 | \$295 | \$48 | \$368 | \$343 |
| section 7E.05 (b) | Participate in contravention of section 7E.04 (2) of regulation | \$320 | \$295 | \$48 | \$368 | \$343 |