



Commercial Vehicle Safety & Enforcement

BULLETIN

RE: B.C. Speed Limiter Mandate

On April 5, 2024, regulatory amendments came into effect (appendix 2), mandating speed limiters for heavy commercial vehicles.

Speed Limiter Requirements and Contraventions

Under the amended Motor Vehicle Act Regulations, all commercial vehicles operating in B.C. manufactured after 1994, with a gross vehicle weight rating of more than 11,793 kg and an electronically controlled engine, must have their speed limiters activated, set and accurately programmed to a maximum rate of speed of 105 km/hr. Speed limiters must be kept in good working order, and tampering technology is prohibited.

Noncompliance may result in the issuance of 3 driver penalty points and fines, including victim surcharge levy, of \$368 for the following contraventions:

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

Where a driver is issued a violation ticket for noncompliance with speed limiter requirements and the ticket is not contested or dismissed in court, the ticket will be recorded in the carrier's National Safety Code profile.

Enforcement

CVSE and police officers are responsible for enforcing the speed limiter requirements. Previous offences and fines for speeding will continue to apply to heavy commercial vehicles, regardless of speed limiters.

Exclusions/Exemptions

Excluded vehicles include emergency vehicles and motorhomes. Exemptions may be granted in specific circumstances (i.e., 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.

Contact

Should you have any questions or concerns beyond those addressed by the Frequently Asked Questions below (appendix 1), please email CVSEgeneralinquiry@gov.bc.ca, and a representative would be pleased to assist you.

Thank you,

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

Samantha Eburne
Director, CVSE

Appendixes:

1. Frequently Asked Questions: Speed Limiters
2. Order in Council (OIC) No. 720-2023

Appendix 1: Frequently Asked Questions: 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 are required to have a speed limiter?

- Speed limiters are 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 excluded/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 heavy commercial vehicles improves 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 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 (i.e., 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 heavy commercial 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 is currently delayed.

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 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 is the requirement for speed limiters being enforced?

- CVSE and police officers use a variety of techniques to enforce the speed limiter mandate, in addition to police enforcement of general speed limits and driving behaviours 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 regulations are not anticipated to majorly impact 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.

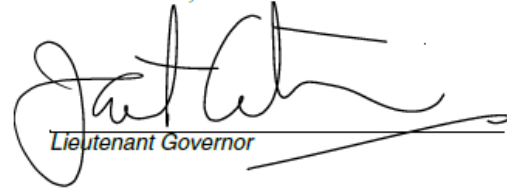
16. Do the new regulations affect commercial vehicles coming into B.C. from out of B.C.?

- Yes. Operators from all other jurisdictions must have speed limiters activated before coming to B.C. to avoid fines and penalties.

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

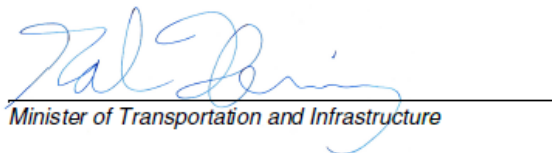
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 5, 2024,

- (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.

DEPOSITED
December 14, 2023
B.C. REG. 291/2023



Attorney General



Minister of Transportation and Infrastructure



George Heyman
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