



Speed Limiter information can now be found in Bulletin # 05-2024
In-Cab Warning Device information can now be found in Bulletin # 06-2024

Commercial Vehicle Safety & Enforcement

BULLETIN

RE: Over-height Regulations and Fines

On December 14, 2023, regulatory amendments brought in new and higher fines for offences related to over-height vehicles.

The amended Commercial Transport Regulations (appendix 2) clarify 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 highway 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.

The following contraventions may result in a fine, including victim surcharge levy, of \$575 (appendix 3):

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

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

New Maximum Penalties

On March 14, 2024, amendments to the *Commercial Transport Act* were brought into force that enable the courts to impose a fine up to \$100,000, imprisonment of up to 18 months, or both, upon conviction for height-related violations.

Enforcement

CVSE and police officers are responsible for enforcing the over-height regulations.

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 – Over-height Regulations, Fines and Penalties
2. Order in Council (OIC) No. 718-2023
3. Order in Council (OIC) No. 719-2023

Appendix 1: Frequently Asked Questions: Over-height Fines and Penalties

1. Why such a significant increase in the maximum penalty?

- Despite the increase of the violation ticket fine from \$100 to \$500 in December 2023, this amount is still relatively low given the potential for a severe infrastructure crash to result in significant damage to infrastructure, injury, or even death.

2. Does raising the maximum penalty mean the violation ticket fine of \$500 rises too?

- No. The violation ticket fine remains as is.

3. How will the courts impose the new penalties?

- Following an infrastructure crash, an investigation by an enforcement officer will determine if a violation ticket and fine will be issued, or if increased penalties will be recommended to Crown Counsel.
- For the most severe contraventions, where enforcement seeks to have the court impose higher penalties, the enforcement officer must submit a report to Crown Counsel. If Crown Counsel decides to lay charges, the matter will go to court.
- If Crown Council approves charges, and the accused is found guilty, the court will decide on the penalty to impose within the range available under the Commercial Transport Act.

4. How severe would a crash have to be for a driver to receive the maximum penalty?

- That decision would be made by the court.

5. How were the maximum penalties determined?

- The new maximum penalties were guided by comparable maximum penalties in other transportation statutes.
- The Railway Safety Act, the Transport of Dangerous Goods Act and the Safety Standards Act include maximum fines of \$100,000.
- The Railway Safety Act and the Safety Standards Act also provide for terms of imprisonment of not more than 18 months, while the Transport of Dangerous Goods Act provides for a term of imprisonment of not more than two years.

6. Why do we need to go this far?

- The vast majority of operators and drivers comply with the longstanding commercial transport safety rules in place. However, the fact that these infrastructure crashes keep happening shows some in the industry are still not getting the message and taking appropriate safety measures.
- Education, training and outreach are part of current efforts, but so too are increased penalties to send a strong message to deter disregard of the rules.
- The legislation ensures additional tools are available—if needed—to address the most extreme circumstances by seeking more severe penalties imposed by the courts.

7. Why is the ministry targeting individual drivers and not the companies they work for?

- We have taken other actions to hold companies accountable and it is important that we hold drivers accountable, too.

- Drivers need to understand it is their responsibility to adhere to all safety and permitting conditions when transporting loads, and CVSE has training videos online available through CVSE.ca to support drivers in understanding proper permitting and measurement of transported commodities.
- Most drivers do the right thing and are responsible – however, some are still not getting the message that a lax attitude towards safety will not be tolerated.

8. How do you expect individuals to pay such a steep penalty?

- It is up to the courts to determine, based on the evidence presented at a trial, the amount of the fine upon conviction, as well as when the fine is payable.

9. Will companies that employ drivers convicted of infrastructure crashes still face charges? Can these companies still operate?

- CVSE will continue to apply its progressive enforcement framework that provides escalating consequences for companies involved in repeat infrastructure crashes. The framework adds longer suspensions and the possible cancellation of a company's safety certificate for repeat violations, resulting in the loss of operations.

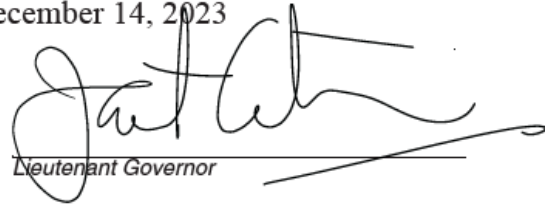
10. How does the new maximum penalty compare with other jurisdictions?

- The new maximum penalty is higher than any other province or territory in Canada and likely the most severe maximum penalty in North America.

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.

DEPOSITED
December 14, 2023
B.C. REG. <u>290/2023</u>


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:

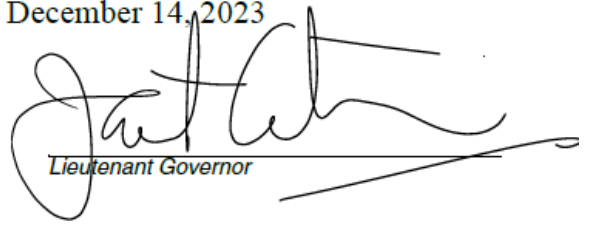
Dump box warning device for commercial vehicle

- 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

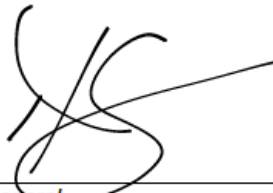
, Approved and Ordered December 14, 2023


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	Ticked 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