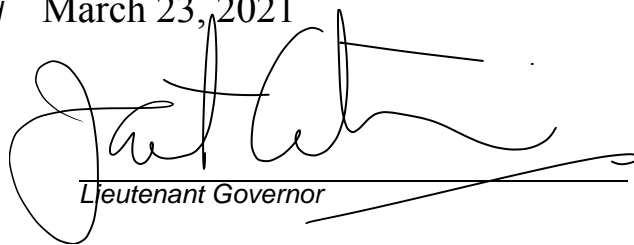


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 184

, Approved and Ordered March 23, 2021

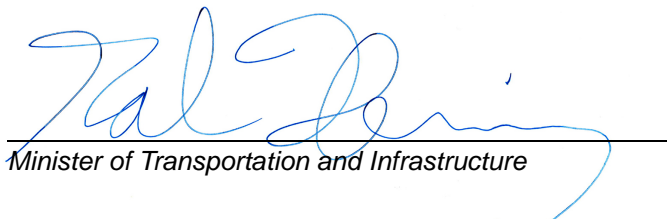


Lieutenant Governor

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, 2021,

- (a) the following provisions of the *Miscellaneous Statutes Amendment Act (No. 2), 2019*, S.B.C. 2019, c. 36, are brought into force:
 - (i) sections 106, 109 (a) and 110 to 112;
 - (ii) section 113, except as it enacts section 210 (3.2) (c) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318;
 - (iii) sections 115 and 117, and
- (b) the attached Electric Kick Scooter Pilot Project Regulation is made.



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: *Miscellaneous Statutes Amendment Act (No. 2), 2019*, S.B.C. 2019, c. 36, s. 118;
Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 304 (1)

Other:

ELECTRIC KICK SCOOTER PILOT PROJECT REGULATION

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SCHEDULE

Definitions

- 1 In this regulation:

“**Act**” means the *Motor Vehicle Act*;

“**designated location**” means a location designated by a bylaw described in section 15 (1) [*designated locations*];

“**electric kick scooter**” means a regulated motorized personal mobility device to which this regulation applies under section 2;

“**minister**” means the minister responsible for the administration of the *Transportation Act*;

“**municipal highway**” has the same meaning as in section 1 of the *Transportation Act*;

“**pilot community**” means a municipality set out in the Schedule.

Application – electric kick scooter

- 2 This regulation applies to a regulated motorized personal mobility device that
- (a) has up to 4 wheels placed along a longitudinal axis, one to 2 wheels at the front of the device and one to 2 wheels at the rear, with a platform for

- standing along the longitudinal axis between the front wheels and the back wheels,
- (b) has a steering handlebar that acts directly on the steerable wheels at the front of the device, and
 - (c) has one or more electric motors that are powered solely by one or more electric batteries.

Minimum age

- 3** A person who is under 16 years of age must not operate an electric kick scooter on a highway.

General operation requirements

- 4** A person must not operate an electric kick scooter on a highway unless the electric kick scooter meets all the requirements of sections 5 to 13.

Weight limit of electric kick scooter

- 5** The weight of an electric kick scooter, including its motor and batteries, must not exceed 45 kg when the electric kick scooter is unladen.

Motor

- 6** The motors of an electric kick scooter must
 - (a) have a continuous power output rating that in total does not exceed 500 W,
 - (b) not be capable of propelling the electric kick scooter at a speed that exceeds 24 km/h on a clean, paved and level surface, and
 - (c) cease to propel the electric kick scooter forward if the accelerator is released or if the brakes are applied.

Brake performance

- 7** An electric kick scooter must be equipped with a braking system capable of bringing the electric kick scooter, while being operated at a speed of 24 km/h on a clean, paved and level surface, to a full stop within 9 m of the point at which the brakes are applied.

Wheels

- 8** The wheels of an electric kick scooter must be no more than 430 mm in diameter.

Bell or horn

- 9** An electric kick scooter must be equipped with a bell or horn.

Batteries and motor securement

- 10** The batteries and motor of an electric kick scooter must be securely fastened to the electric kick scooter to prevent their movement in any direction relative to the electric kick scooter while the electric kick scooter is operating.

Electrical terminals

- 11** All electrical terminals on an electric kick scooter must be completely insulated or covered.

No seat, pedals or enclosing structure

- 12** An electric kick scooter must not have
- (a) a seat or a surface or structure that could be used as a seat,
 - (b) pedals, or
 - (c) any structure enclosing it.

Lights

- 13** (1) A person must not operate an electric kick scooter on a highway between 1/2 hour after sunset and 1/2 hour before sunrise unless the electric kick scooter is equipped with,
- (a) at the front of the electric kick scooter, a lighted lamp displaying a white or amber light that, under normal atmospheric conditions, is visible from at least 150 m in the direction the electric kick scooter is pointed, and
 - (b) at the rear of the electric kick scooter, a lighted lamp displaying a visible red light.
- (2) The lighted lamps required under subsection (1) may be
- (a) attached to the electric kick scooter, or
 - (b) carried or worn by the person operating the electric kick scooter.

Pilot community bylaws

- 14** Sections 124 [*municipal powers*] and 124.2 [*additional municipal powers*] of the Act apply, in respect of bylaws respecting the use and operation of electric kick scooters within a pilot community, as if an electric kick scooter were a vehicle.

Designated locations

- 15** (1) A person must not operate an electric kick scooter on a highway in a pilot community unless the pilot community has adopted a bylaw designating locations within the pilot community in which an electric kick scooter may be operated.
- (2) For certainty, a location designated by a bylaw described in subsection (1) may include any part of a municipal highway within the pilot community, including a boulevard, lane, sidewalk, walkway and path.
- (3) A pilot community must not, by a bylaw described in subsection (1), designate a location that is a highway with a speed limit greater than 50 km/h, unless that highway has a designated use lane that permits cycles.
- (4) A pilot community must notify the minister as soon as practicable after adopting, amending or repealing a bylaw described in subsection (1).

Where to operate on highway

- 16** (1) A person must not operate an electric kick scooter on a highway unless the highway is located within a pilot community and,
- (a) if the highway is a municipal highway, it is a designated location, or
 - (b) if the highway is not a municipal highway,

- (i) it has a speed limit no greater than 50 km/h or has a designated use lane that permits cycles,
 - (ii) it is not a highway named in Schedule 1 of section 19.07 [*Schedule 1 highway restrictions*] of the Motor Vehicle Act Regulations,
 - (iii) the location is not on or within any part of a structure to which section 3 [*farm vehicles, bicycles and pedestrians*] of the Provincial Public Undertakings Regulation applies, and
 - (iv) the location is not on or within the roadway of a structure to which section 4 [*slow vehicles and bicycles*] or 9 [*prohibited vehicles, bicycles and tire chains*] of the Provincial Public Undertakings Regulation applies, or on or within any of the approaches to the structure.
- (2) Despite subsection (1) (b) (ii), a person may operate an electric kick scooter
 - (a) on a footpath constructed adjacent to the travel portion of a highway named in Schedule 1 of section 19.07 of the Motor Vehicle Act Regulations, and
 - (b) on the shoulder on the travel portion of such a highway, where the minister causes traffic control devices to be erected permitting the use of cycles on that shoulder.
- (3) A person operating an electric kick scooter on a highway within a pilot community must operate the electric kick scooter,
 - (a) if the highway has a speed limit no greater than 50 km/h and has designated use lanes that permit cycles, in those lanes, unless specified otherwise in a bylaw of that pilot community,
 - (b) if the highway has a speed limit greater than 50 km/h and has designated use lanes that permit cycles, in those lanes, and
 - (c) if the highway has a speed limit no greater than 50 km/h and does not have designated use lanes that permit cycles, as near as practicable to the right side of the highway.
- (4) A person operating an electric kick scooter on a highway within a pilot community must not operate the electric kick scooter as follows, unless specified otherwise in a bylaw of that pilot community:
 - (a) on a sidewalk, unless a traffic control device permits the operation of cycles on that sidewalk;
 - (b) on a highway where a traffic control device prohibits the operation of cycles.
- (5) Subsection (3) (a) and (b) does not prohibit a person operating an electric kick scooter in a designated use lane from moving out of that lane for the following purposes:
 - (a) overtaking and passing another device, a vehicle, a cycle or a pedestrian using the designated use lane, if this cannot be done safely while staying in the lane;
 - (b) preparing to turn at an intersection or into a driveway or private road;

- (c) avoiding debris or other hazardous road conditions in the designated use lane.
- (6) A person must not, for the purpose of crossing a highway within a pilot community, operate an electric kick scooter on a crosswalk unless a traffic control device or a bylaw of that pilot community permits the operation of cycles on that crosswalk.

Operation near pedestrians

- 17 A person operating an electric kick scooter on a lane, sidewalk, walkway or path used by pedestrians
 - (a) must not operate the electric kick scooter at a speed that exceeds that of pedestrian traffic near the electric kick scooter on the lane, sidewalk, walkway or path, except while the person is passing a pedestrian, and
 - (b) must not pass a pedestrian without sounding the bell or horn attached to the electric kick scooter.

Duties of operator on highway

- 18 (1) A person operating an electric kick scooter on a highway
 - (a) must not operate the electric kick scooter abreast of another person operating a cycle or electric kick scooter on the roadway,
 - (b) unless the person is exempt from that requirement under section 3 [exemption] of the Bicycle Safety Helmet Exemption Regulation, must wear a bicycle safety helmet that
 - (i) is designated as an approved bicycle safety helmet under section 184 (4) (a) [bicycle safety helmets] of the Act, or
 - (ii) meets the standards and specifications prescribed under section 184 (4) (b) of the Act,
 - (c) must keep at least one hand on the steering handlebar of the electric kick scooter,
 - (d) must sound the bell or horn attached to the electric kick scooter when it is reasonably necessary to notify cyclists, pedestrians or others of the person's approach,
 - (e) must, if the electric kick scooter is not equipped with turn signal lights as described in paragraph (f), signify
 - (i) a left turn by extending the person's left hand and arm horizontally from the electric kick scooter, and
 - (ii) a right turn by doing either of the following:
 - (A) extending the person's left hand and arm out and upward from the electric kick scooter so that the upper and lower parts of the arm are at right angles;
 - (B) extending the person's right hand and arm out horizontally from the electric kick scooter,

- (f) must, if the electric kick scooter is equipped with red, white or yellow turn signal lights that are visible from behind and in front of the electric kick scooter, signify a right or left turn by doing either of the following:
 - (i) activating the appropriate turn signal light;
 - (ii) extending the person's hand and arm as described in paragraph (e) (i) or (ii), as applicable,
 - (g) must signify a stop or decrease in speed by extending the person's left hand and arm out and downward from the electric kick scooter so that the upper and lower parts of the arm are at right angles, unless the electric kick scooter is equipped with a visible red light at the rear that is activated when the person operating the electric kick scooter applies the brakes,
 - (h) must not operate the electric kick scooter other than in a standing position on the platform of the electric kick scooter,
 - (i) must not use the electric kick scooter to transport any other person,
 - (j) must not use the electric kick scooter to tow another person, vehicle, cycle or device and must not be towed by another person, vehicle, cycle or device,
 - (k) must not leave the electric kick scooter attended or unattended in a location intended for the movement of traffic, and
 - (l) must not operate the electric kick scooter
 - (i) on a highway without due care and attention or without reasonable consideration for other persons using the highway, or
 - (ii) on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk.
- (2) Despite section 165 [*turning at intersections*] of the Act and section 16 (3) [*where to operate on highway*], a person operating an electric kick scooter who intends to turn it to the left at an intersection where there is more than one lane from which left turns are permitted must
- (a) approach the intersection in the lane closest to the right side of the highway from which a left turn is permitted,
 - (b) keep to the right of the line that divides the lane referred to in paragraph (a) from the lane immediately to the left of that lane,
 - (c) after entering the intersection, turn to the left so as to leave the intersection to the right of the line referred to in paragraph (b), and
 - (d) when practicable, turn in the portion of the intersection to the left of the centre of the intersection.
- (3) In addition to the duties imposed by this section, a person operating an electric kick scooter on a highway has the rights and duties of a driver of a vehicle described in Part 3 of the Act.

Accidents

- 19** (1) If, due to the operation or presence of an electric kick scooter on a highway, an accident occurs and directly or indirectly results in injury to another person, the person operating the electric kick scooter must
- (a) remain at or immediately return to the scene of the accident,

- (b) render all possible assistance,
 - (c) give to anyone sustaining injury
 - (i) the person's name and address, and
 - (ii) the name and address of the owner of the electric kick scooter, and
 - (d) as soon as practicable, report the accident to a police officer and provide any information relating to the accident that the police officer may require.
- (2) A police officer who receives a report under subsection (1) must
- (a) inquire into and document the particulars of the accident, including the persons involved and the extent of the injuries, if any,
 - (b) complete a written report of the accident, in the form established by the Insurance Corporation of British Columbia under section 249 (1) [*accident reports by police officer*] of the Act, and
 - (c) promptly forward a copy of the report to the Insurance Corporation of British Columbia.
- (3) A person involved in an accident referred to in subsection (1) or that person's authorized representative may obtain on request the names of any persons involved, the licence number and name of the registered owner of any motor vehicle involved and the name of any witness.

Report to minister

- 20** Within 60 days of the end of each 12 month period following the coming into force of this regulation or as otherwise specified by the minister, a pilot community must provide a report to the minister related to the use and operation of electric kick scooters within the boundaries of the pilot community, on matters including the following:
- (a) the extent to which electric kick scooter use promotes active transportation;
 - (b) the safety of electric kick scooter users and other highway users;
 - (c) compliance with and enforcement of this regulation and the bylaws of the pilot community;
 - (d) the provision and use of electric kick scooter rental services and their regulation by the pilot community.

Offences

- 21** A person who contravenes any of the following provisions commits an offence:
- (a) section 3 [*minimum age*];
 - (b) section 4 [*general operation requirements*];
 - (c) section 16 (1), (3), (4) and (6) [*where to operate on highway*];
 - (d) section 17 [*operation near pedestrians*];
 - (e) section 18 (1) and (2) [*duties of operator on highway*];
 - (f) section 19 (1) [*accidents*].

Repeal

- 22** This regulation is repealed on April 5, 2024.

SCHEDULE

Pilot communities

- 1 The following are pilot communities for the purposes of the definition of “**pilot community**” in section 1 of this regulation:
 - (a) the City of Kelowna;
 - (b) the City of North Vancouver;
 - (c) the City of Vancouver;
 - (d) the City of Vernon;
 - (e) the District of North Vancouver;
 - (f) the District of West Vancouver.