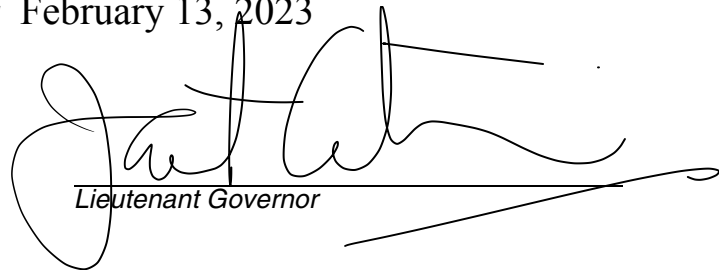


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 69

, Approved and Ordered February 13, 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 Use of Electronic Devices While Driving Regulation, B.C. Reg. 308/2009, is amended

- (a) as set out in the attached Schedule 1, and
- (b) effective August 1, 2023, as set out in the attached Schedule 2.



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 Act*, R.S.B.C. 1996, c. 318, ss. 214.5 and 214.6

Other: OIC 712/2009

R10639677

SCHEDULE 1

1 Section 1 of the Use of Electronic Devices While Driving Regulation, B.C. Reg. 308/2009, is amended by adding the following definitions:

“**commercial motor vehicle**” has the same meaning as in section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;

“**driving time**” has the same meaning as in section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;

“**electronic logging device**” or “**ELD**” means a device or technology that

- (a) automatically records a driver’s driving time,
- (b) facilitates the recording of the driver’s record of duty status, and
- (c) is certified by an accredited certification body under section 79.1 of the Commercial Vehicle Drivers Hours of Service Regulations (Canada);

“**record of duty status**” means a record in which a driver records the information required under section 77 or 82 of the Commercial Vehicle Drivers Hours of Service Regulations (Canada).

2 Section 3 (1) is amended by adding the following paragraph:

- (a.1) electronic logging devices; .

3 The following section is added:

**Persons engaged in prescribed activity –
commercial motor vehicle with ELD**

- 5.1** For the purposes of section 214.5 (b) of the Act, a person who is driving or operating a commercial motor vehicle, if the commercial motor vehicle is equipped with an electronic logging device that is mounted in a fixed position during the operation of the commercial motor vehicle and is visible to the driver when the driver is in the normal driving position, is engaged in a prescribed activity and the person is exempt from the prohibition in section 214.2 of the Act in respect of the use of the electronic logging device.

SCHEDULE 2

1 Section 1 of the Use of Electronic Devices While Driving Regulation, B.C. Reg. 308/2009, is amended

(a) by repealing the definition of “electronic logging device” or “ELD” and substituting the following:

“**electronic logging device**” or “**ELD**” has the same meaning as in section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58. , *and*

(b) by repealing the definitions of “driving time” and “record of duty status”.

2 *Section 5.1 is repealed and the following substituted:*

**Persons engaged in prescribed activity –
commercial motor vehicle with ELD**

- 5.1** For the purposes of section 214.5 (b) of the Act, a person who is driving or operating a commercial motor vehicle, if the commercial motor vehicle is equipped with an electronic logging device that is mounted in accordance with section 37.39 (1) (b) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is engaged in a prescribed activity and the person is exempt from the prohibition in section 214.2 of the Act in respect of the use of the electronic logging device.