

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 164

, Approved and Ordered April 4, 2024

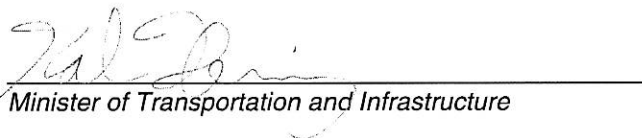


Lieutenant Governor

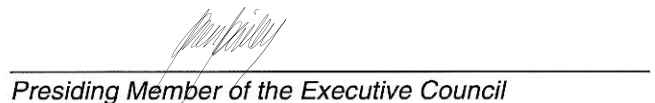
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective June 3, 2024,

- (a) section 107 of the *Miscellaneous Statutes Amendment Act (No. 2), 2019*, S.B.C. 2019, c. 36, is brought into force,
- (b) section 3 (g) of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is repealed, and
- (c) the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended as set out in the attached Schedule.



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; *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231, s. 181; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 210

Other: OIC 21/2021; OIC 1004/58

R20746710

SCHEDULE

1 *The Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended by adding the following Division:*

DIVISION 38A – ELECTRIC WHEELCHAIRS AND MOBILITY SCOOTERS

Definitions for Division 38A

38A.01 In this Division:

“**electric wheelchair**” means a wheelchair that

- (a) is designed and manufactured to transport persons who have limited mobility as a result of a permanent or temporary disability that makes it impossible or difficult to walk,
- (b) has an electric motor that is not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
- (c) meets the criteria set out in section 182.01 (2) (a) to (c) [*designated personal mobility devices*] of the Act;

“**mobility scooter**” means a scooter that

- (a) is designed and manufactured to transport persons who have limited mobility as a result of a permanent or temporary disability that makes it impossible or difficult to walk,
- (b) has an electric motor that is not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
- (c) meets the criteria set out in section 182.01 (2) (a) to (c) [*designated personal mobility devices*] of the Act.

Electric wheelchairs and mobility scooters prescribed as designated personal mobility devices

38A.02 For the purposes of section 182.01 (1) of the Act, electric wheelchairs and mobility scooters are prescribed as designated personal mobility devices.

Operation on highways permitted

38A.03 A person may, subject to this Division, operate an electric wheelchair or mobility scooter on a highway.

Prohibition against operating without due care and attention

- 38A.04 (1) A person must not operate an electric wheelchair or mobility scooter on a highway
- (a) without due care and attention, or
 - (b) without reasonable consideration for other persons using the highway.
- (2) A person who contravenes subsection (1) (a) or (b) commits an offence.

**Person on electric wheelchair
or mobility scooter prescribed as pedestrian**

38A.05 A person who is in or on an electric wheelchair or mobility scooter is prescribed as a pedestrian for the purposes of paragraph (c) of the definition of “pedestrian” in section 1 of the Act.