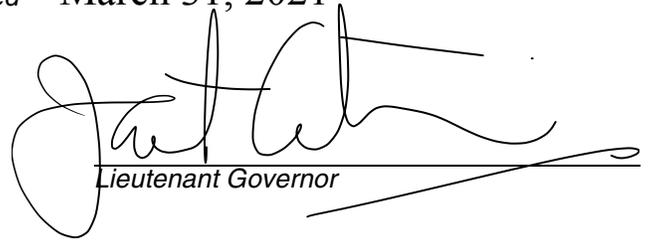


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 208

, Approved and Ordered March 31, 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 the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended

- (a) effective June 1, 2021, as set out in the attached Schedule 1, and
- (b) effective October 18, 2021, 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. 23 (1), 25 (8), 26.1 (2.2) and 210 (1)

Other: *Interpretation Act*, R.S.B.C. 1996, c. 238, s. 41; OIC 1004/58

R10468777

SCHEDULE 1

1 *Section 1 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by adding the following definitions:*

“declaration of completion” means a document issued to a student who has successfully completed a mandatory entry-level training course in accordance with section 27.06 (4.1);

“mandatory entry-level training course” means a training course set out in section 30.011 of this regulation; .

2 *Section 27.01 is amended*

(a) by adding the following definition:

“instructor trainer” means a person who teaches a course of training or education for practical driver training or theoretical driver training, or both, to qualify a person for a driver training instructor’s licence;

(b) by repealing the definition of “instructor training facility” and substituting the following definition:

“instructor training facility” means a person or other entity approved by the Insurance Corporation of British Columbia to provide a course of training or education for practical driver training or theoretical driver training, or both, to qualify a person for a driver training instructor’s licence; , *and*

(c) by adding the following definition:

“theoretical driver training” means driver training conducted

- (a) in a classroom setting,
- (b) through a method of instruction that relies on indirect communication between students and a driver training instructor,
- (c) over the internet or through another electronic method, or
- (d) a combination of methods described in paragraphs (a) to (c).

3 *Section 27.03 (1) is repealed and the following substituted:*

(1) A person or institute that contravenes any of the following provisions commits an offence and is liable to a fine of not more than \$2 000:

- (a) section 27.04 (1), (2), (7) or (8);
- (b) section 27.05 (1);
- (c) section 27.06 (1), (2), (3), (4), (9) or (11);
- (d) section 27.071 (2);
- (e) section 27.08 (3), (4) or (5);
- (f) section 27.09 (1), (2), (4) or (9);
- (g) section 27.10 (2), (a), (b), (d), (e), (f) or (3).

4 *Section 27.06 is amended*

(a) by repealing subsection (4) and substituting the following:

- (4) A driver training school must maintain records as required by the Insurance Corporation of British Columbia, including but not limited to the following, for a period of 6 years if the record was created on or after June 1, 2021 or a period of 3 years if the record was created before June 1, 2021:
- (a) records of students trained, including each student's name, driver's licence number, class of driver's licence, date, time and length of each lesson, name of instructor of each lesson, subject taught, type of training and fee charged for each lesson;
 - (b) in respect of a mandatory entry-level training course,
 - (i) a record, in the form specified by the corporation, of each student's practical assessments and theoretical assessments,
 - (ii) a record, in the form specified by the corporation, of students who have successfully completed a mandatory entry-level training course, and
 - (iii) a record, in the form specified by the corporation, of students who have been issued a declaration of completion;
 - (c) records of each instructor employed or contracted, including the instructor's name, class of driver's licence, driver's licence number, a copy of the driver training instructor's licence and dates of any refresher training completed by the driver training instructor;
 - (d) records of all vehicles used for driver training, including a copy of each vehicle's registration and proof of insurance coverage.
- (4.1) A driver training school that provides a mandatory entry-level training course must issue a declaration of completion, in the form specified by the Insurance Corporation of British Columbia, to a student who successfully completes a mandatory entry-level training course.
- (4.2) The Insurance Corporation of British Columbia may, with notice, cancel a declaration of completion if any of the following occurs:
- (a) the declaration was issued to a person despite the person not satisfying a requirement for the issuance of the declaration;
 - (b) the declaration of completion was issued in error;
 - (c) the declaration of completion was issued with an error in the information on the declaration.
- (4.3) If a declaration of completion is cancelled in accordance with subsection (4.2) (c), the driver training school that issued the cancelled declaration of completion must issue a corrected declaration of completion. ,

(b) in subsection (5) (a) and (b) by adding "the" after "used for", and

(c) in subsection (5) by adding the following paragraph:

- (b.1) inspect vehicles used for the operation of the driver training school, .

5 The following section is added:

Instructor training facilities

27.061 An instructor training facility must, during regular business hours and all other reasonable times, permit the Insurance Corporation of British Columbia or designate to

- (a) visit premises used for the operation of the instructor training facility,
- (b) examine all records and other material and equipment used for the operation of the instructor training facility,
- (c) inspect vehicles used for the operation of the instructor training facility,
- (d) attend and monitor the conduct of instructor training courses, and
- (e) copy records and other material pertaining to the operation of the instructor training facility.

6 Section 27.07 is amended

(a) in subsection (1) (c) by repealing subparagraph (i) and substituting the following:

- (i) if the application is for a Class 1 driver training instructor's licence for practical driver training or theoretical driver training, the applicant
 - (A) holds a British Columbia Class 1 driver's licence,
 - (B) has held a British Columbia Class 1 driver's licence, or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, for at least 3 years,
 - (C) has held any class of driver's licence that is not a learner's licence for at least 5 years,
 - (D) has successfully completed an instructor training course to teach the Class 1 mandatory entry-level training course, and
 - (E) if the application is for a Class 1 driver training instructor's licence for theoretical driver training, the applicant must hold a Class 1 driver training instructor's licence for practical driver training,
- (i.1) if the application is for a Class 2 or 3 driver training instructor's licence for practical driver training or only theoretical driver training, the applicant
 - (A) holds a British Columbia Class 1, 2 or 3 driver's licence,
 - (B) has held that licence, or a similar driver's licence from another jurisdiction, as determined by the Insurance Corporation of British Columbia, for at least 3 years,
 - (C) has held any class of driver's licence that is not a learner's licence for at least 5 years,
 - (D) if the application is for a Class 2 driver training instructor's licence for theoretical driver training, the applicant must hold a Class 2 driver training instructor's licence for practical driver training, and

- (E) if the application is for a Class 3 driver training instructor's licence for theoretical driver training, the applicant must hold a Class 3 driver training instructor's licence for practical driver training, ,

(b) in subsection (1) (c) (v) by striking out “not covering practical driver training” and substituting “for theoretical driver training”, and

(c) in subsection (3) by striking out “specified in this section.” and substituting “specified in this section, except the qualification referred to in section 27.07 (1) (c) (i) (D).”

7 The following section is added:

Instructor training facility records

27.071 (1) In this section, “**student**” means a student participating in a driver training instructor course for a driver training instructor's licence.

(2) An instructor training facility must maintain records as required by the Insurance Corporation of British Columbia, including but not limited to the following, for a period of 6 years:

- (a) records of students trained, including each student's name, driver's licence number, class of driver's licence, date, time and length of each course, subject taught, type of training and fee charged for each course;
- (b) in respect of an instructor training course to teach a mandatory entry-level training course,
 - (i) a record, in the form specified by the corporation, of each student's practical assessments and theoretical assessments, and
 - (ii) a record, in the form specified by the corporation, of students who have successfully completed an instructor training course to teach a mandatory entry-level training course;
- (c) records of each instructor trainer employed or contracted, including the instructor trainer's name, class of driver's licence, driver's licence number, a copy of the instructor trainer's licence and dates of any refresher training completed by the instructor trainer;
- (d) records of all vehicles used for instructor training, including a copy of each vehicle's registration and proof of insurance coverage.

8 Section 27.10 is amended

(a) in subsection (2) (e) by striking out “and” at the end of subparagraph (iii), by striking out “or” at the end of subparagraph (iv) and substituting “and” and by adding the following subparagraph:

- (v) in the case of a mandatory entry-level training course, the words “mandatory entry-level training course approved by the Insurance Corporation of British Columbia”, “mandatory entry-level training course approved by ICBC” or “MELT course approved by ICBC” may be used, or, **and**

(b) by adding the following subsection:

- (3) In respect of a mandatory entry-level training course, a driver training school, its operators, agents, employees or contractors, or a driver training instructor, must not
- (a) represent to the Insurance Corporation of British Columbia that a person
 - (i) has successfully completed a practical assessment or theoretical assessment if the person has not,
 - (ii) has successfully completed a mandatory entry-level training course if the person has not, or
 - (iii) has been issued a declaration of completion if the person has not,
 - (b) alter or issue a record of an assessment conducted for the purposes of a mandatory entry-level training course to indicate that a person has successfully completed the assessment if the person has not, or
 - (c) alter or issue a declaration of completion to indicate that a person has successfully completed a mandatory entry-level training course if a person has not.

9 *The following section is added:*

Mandatory entry-level training course

30.011 For the purposes of section 23 (1) (a.1) of the Act, the Class 1 mandatory entry-level training course

- (a) is a mandatory entry-level training course, and
- (b) is a prescribed training course for a Class 1 licence.

SCHEDULE 2

1 *Section 30.05 (1) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by striking out “An applicant” and substituting “Subject to sections 30.051, 30.052 and 30.053, an applicant”,*

2 *The following sections are added:*

Class 1 mandatory entry-level training requirements – applications

30.051 (1) Subject to sections 30.052 and 30.053, an applicant for a Class 1 licence must demonstrate that the applicant has successfully completed, to the satisfaction of the Insurance Corporation of British Columbia,

- (a) the Class 1 mandatory entry-level training course, or
- (b) subject to subsection (2), a similar training course in another Canadian jurisdiction to the Class 1 mandatory entry-level training course, as determined by the corporation.

(2) For the purposes of subsection (1) (b), the Insurance Corporation of British Columbia may determine that an applicant is required to complete a part of the Class 1 mandatory entry-level training course for the corporation to consider the

training course in another Canadian jurisdiction similar to the Class 1 mandatory entry-level training course.

**Class 1 mandatory entry-level training requirements –
exemptions for Class 1 licence holders and reciprocal exemptions**

30.052 (1) In this section and section 30.053, “**Class 1 road test**” means a road test required by the Insurance Corporation of British Columbia to determine an applicant’s driving experience, driving skills, qualifications, fitness and ability to drive and operate a motor vehicle for which a Class 1 licence is required.

(2) The following applicants for a Class 1 licence under section 30.05 are exempt from the requirements for an application referred to in section 30.051 (1):

- (a) an applicant who
 - (i) holds or held a Class 1 licence, and
 - (ii) at the time of the application, the licence has been valid and subsisting within the previous 3 years;
- (b) an applicant who holds or has held a similar class of licence from another Canadian jurisdiction, as determined by the Insurance Corporation of British Columbia,
 - (i) who has held the licence for a period of 24 or more consecutive months, and
 - (ii) at the time of the application, the licence has been valid and subsisting within the previous 3 years;
- (c) subject to paragraph (e), an applicant who holds or has held a similar class of licence from another Canadian jurisdiction, as determined by the corporation,
 - (i) who holds or has held the licence for a period of 12 consecutive months to less than 24 consecutive months,
 - (ii) at the time of the application, the licence has been valid and subsisting within the previous 3 years, and
 - (iii) the applicant successfully completes a Class 1 road test
 - (A) within 2 attempts, if the corporation allows for multiple attempts to successfully complete a Class 1 road test, and
 - (B) within 12 months of the date of the application;
- (d) subject to paragraph (e), an applicant who
 - (i) has successfully completed a similar training course to the Class 1 mandatory entry-level training course in another Canadian jurisdiction, as determined by the corporation, and
 - (ii) successfully completes a Class 1 road test
 - (A) within 2 attempts, if the corporation allows for multiple attempts to successfully complete a Class 1 road test, and
 - (B) within 12 months of the date of the application;
- (e) an applicant for a Class 1 licence may use the exemption in paragraph (c) or (d) only on the applicant’s first application for a Class 1 licence.

**Transition exemption – in-progress Class 1
licence applications on October 18, 2021**

30.053 An applicant for a Class 1 licence in accordance with section 30.05 who meets the following conditions is exempt from the requirements for an application referred to in section 30.051 (1):

- (a) the applicant held a valid Class 1L licence on March 31, 2021,
- (b) the applicant attempted one or more Class 1 road tests on or after March 31, 2021 and before October 18, 2021, and
- (c) the applicant successfully completes the Class 1 road test
 - (i) within 2 attempts, if the Insurance Corporation of British Columbia allows for multiple attempts to successfully complete a Class 1 road test, and
 - (ii) on or after October 18, 2021 but before January 19, 2022.

3 *The following section is added to Division 30:*

Cancellation of driver's licence

30.14 For the purposes of section 26.1 (2.2) (b) of the Act, the Insurance Corporation of British Columbia may cancel a driver's licence if

- (a) a driver's licence is issued to a person on the basis of a mandatory entry-level training course declaration of completion, and
- (b) the declaration of completion is cancelled in accordance with section 27.06 (4.2) of this regulation and not reissued in accordance with section 27.06 (4.3) of this regulation.