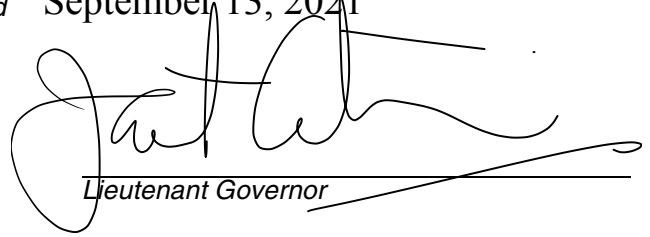


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 529

, Approved and Ordered September 13, 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 October 18, 2021,

- (a) sections 18 and 19 of the *Motor Vehicle Amendment Act, 2020*, S.B.C. 2020, c. 9, are brought into force,
- (b) the Motor Vehicle Act Regulations, B.C. Reg. 26/58, are amended as set out in the attached Schedule 1, and
- (c) the Use of Electronic Devices While Driving Regulation, B.C. Reg. 308/2009, is amended as set out in the attached Schedule 2.



Minister of Public Safety and Solicitor General



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 Amendment Act, 2020*, S.B.C. 2020, c. 9, s. 32;  
*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 83.1 (8), 210 (3) and 214.6

Other: O.C. 1004/58; O.C. 712/2009

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## SCHEDULE 1

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

### Transition

- 28.03** (1) If a person is convicted under section 30.072 (1) (a) or (b) of an offence that took place before October 18, 2021, the Insurance Corporation of British Columbia must record 4 point penalties on the driving record of that person.
- (2) This section is repealed on October 18, 2023.

- 2** *Table 2.1 in the Schedule to Division 28 is amended by repealing the following:*

<u>Motor Vehicle Act Regulations</u>	<u>Description of Offence</u>
1	Section 30.072 (1) (a) Use an electronic device while driving in violation of driver's licence restriction (section 25 (15) <i>Motor Vehicle Act</i> )
2	Section 30.072 (1) (b) Email or text while driving in violation of driver's licence restriction (section 25 (15) <i>Motor Vehicle Act</i> )

- 3** *Section 30.01 (2) is amended*

- (a) *in paragraph (c) by striking out "under sections 30.072, 30.10 (4) and 30.11 (1)," and substituting "under sections 30.10 (4) and 30.11 (1),", and*
- (b) *in paragraph (d) by striking out "under sections 30.06 (1) and (2), 30.07 (3), 30.072, 30.09 (3), 30.10 (2), and 30.11 (1)," and substituting "under sections 30.06 (1) and (2), 30.07 (3), 30.09 (3), 30.10 (2) and 30.11 (1),".*

- 4** *Section 30.072 is repealed.*

## SCHEDULE 2

- 1** *Section 1 of the Use of Electronic Devices While Driving Regulation, B.C. Reg. 308/2009, is repealed and the following substituted:*

### Definitions

- 1** In this regulation:
- "Act" means the *Motor Vehicle Act*;
- "Class 7" means a Class 7 driver's licence described in section 30.01 (2) (c) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;
- "Class 7L" means a Class 7L driver's licence described in section 30.01 (2) (d) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58.

- 2** *Section 6 is repealed and the following substituted:*

**No exceptions for new drivers**

- 6** Sections 7 to 10 of this regulation do not apply to a person driving or operating a motor vehicle under a Class 7 or 7L licence.
- 3** *Sections 7 (1) and 8 (1) are amended by adding “section 6 and” after “Subject to”.*
- 4** *Sections 9 and 10 are amended by striking out “A person” and substituting “Subject to section 6, a person”.*
- 5** *Section 11 is amended by adding the following subsection:*
  - (3) The exception in subsection (2) does not apply to a person driving or operating a motor vehicle under a Class 7 or 7L licence.