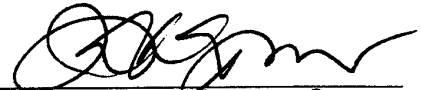


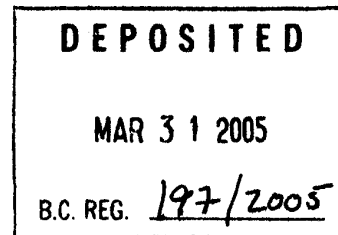
**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

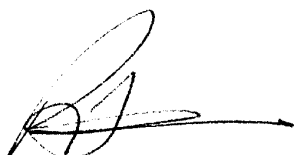
Order in Council No. **392**, Approved and Ordered **MAR 30 2005**


  
\_\_\_\_\_  
~~Lieutenant Governor~~  
**Administrator**

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ <sup>Administrator</sup>, by and with the advice and consent of the Executive Council, orders that the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended as set out in the attached Schedule.



  
\_\_\_\_\_  
**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 Act, R.S.B.C. 1996, c. 318, section 210 (2), (3), (4), (7)

Other (specify):- OIC 1004/58

March 24, 2005

## **SCHEDULE**

- 1**     *Section 10.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended in the definition of "special sightseeing bus" by striking out "within the Greater Victoria Regional District".*

- 2**     *The following section is added:*

**Application of federal construction standards**

**10.051 (1)** In this section, "**date of manufacture**" means the latest of the dates on which a vehicle was

- (a) first constructed by the original manufacturer, or
  - (b) altered by a manufacturer authorized under the *Motor Vehicle Safety Act* (Canada).
- (2) Subject to subsections (3) and (4), a person must not operate, or cause to be operated, a bus, passenger car or multipurpose passenger vehicle, as those terms are defined in the Motor Vehicle Safety Regulations (Canada), C.R.C. 1038, that was manufactured after January 1, 1971, unless the vehicle
- (a) conforms to the safety standards under that Act that applied to that class of vehicle on the date of manufacture, and
  - (b) bears a national safety mark, as that term is defined in the *Motor Vehicle Safety Act* (Canada), indicating compliance with the Canadian Motor Vehicle Safety Standards.
- (3) Subsection (2) does not apply to a person who operates, or causes to be operated, an antique motor vehicle or a special sightseeing bus if the vehicle
- (a) is operated as a commercial passenger vehicle, and
  - (b) has not been altered from the original manufacturer's specifications, other than to bring it into compliance with the requirements of this regulation respecting mechanical standards.
- (4) The director may grant an exemption from subsection (2) in respect of a vehicle
- (a) that was operated as a commercial passenger vehicle before the date this section comes into force,
  - (b) that does not, on that date, conform to safety standards or bear a national safety mark, as described in subsection (2) (a) and (b),
  - (c) to which subsection (3) does not apply,
  - (d) that was manufactured before January 1, 2005, and
  - (e) that is otherwise in compliance with this regulation.

- 3**     *Section 10.06 (1) is repealed.*

- 4**     *Sections 10.07 to 10.11 are amended*

*(a) by renumbering subsection (1) as subsection (1.1), and*

***(b) by adding the following subsection:***

- (1) This section does not apply in respect of a commercial passenger vehicle that conforms to safety standards and bears a national safety mark as described in section 10.051 (2) (a) and (b).

**5     *Section 10.07 is amended***

***(a) in subsection (4) by striking out “prior to February 28, 1988, and so constructed that it conforms” and substituting “to conform”,***

***(b) in subsection (5) (b) by striking out “Canada Motor Safety Standards” and substituting “Canada Motor Vehicle Safety Standards”, and***

***(c) by repealing subsections (8) and (10) and substituting the following:***

- (8) Despite subsections (1.1), (3) and (5), a commercial passenger vehicle may be equipped to transport persons using mobility aids if the manner in which the mobility aids are secured complies with Division 44 of this regulation and the Canadian Standards Association’s Standard D 409, as amended from time to time.

**6     *Section 10.10 (4) is amended by striking out “Subsections (1) (a) and (b) do not apply” and substituting “Subsection (1.1) (a) and (b) does not apply”.***

**7     *Section 10.11 (2) is amended by striking out “subsection (1)” and substituting “subsection (1.1)”.***