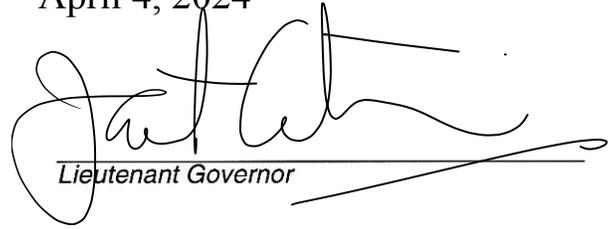


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 162

, Approved and Ordered April 4, 2024



Lieutenant Governor

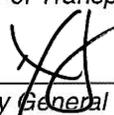
**Executive Council Chambers, Victoria**

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) sections 21 and 31 of the *Motor Vehicle Amendment Act, 2023*, S.B.C. 2023, c. 17, 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 Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended as set out in the attached Schedule 2.



Minister of Transportation and Infrastructure



Attorney 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 2023*, S.B.C. 2023, c. 17, s. 43;  
*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 210; *Offence Act*, R.S.B.C. 1996, c. 338, s. 132

Other: OIC 1004/58; OIC 262/97

## SCHEDULE 1

- 1 *Table 2 of the Schedule to Division 28 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended under the heading “Motor Vehicle Act” by adding the following items as indicated:*

	<i>Motor Vehicle Act</i>	<u>Description of Offence</u>
31.1	Section 157.1 (1) (a)	Fail to safely pass person
31.2	Section 157.1 (1) (b) (i)	Fail to maintain distance of 1 m when passing person
31.3	Section 157.1 (1) (b) (ii)	Fail to maintain distance of 1.5 m when passing person on highway with speed limit more than 50 km/h
31.4	Section 157.1 (1) (b) (ii)	Fail to maintain distance of 0.5 m when passing person on sidewalk or in protected cycle lane

- 2 *The following Division is added:*

### **Division 48 – Minimum Passing Distances**

#### **Definitions for Division 48**

48.01 In this Division:

“**applicable person**” means a person referred to in

- (a) section 157.1 (2) (a) or (b) [*duty when overtaking pedestrians, cyclists or certain other persons*] of the Act, or
- (b) section 48.02 [*persons prescribed for purposes of section 157.1 (2) (c) of Act*] of this regulation;

“**protected cycle lane**” means a portion of a highway that

- (a) is designated for use of persons operating cycles, either exclusively or alongside one or more of the following:
  - (i) persons operating designated personal mobility devices;
  - (ii) persons on skateboards, kick scooters, roller skates, in-line roller skates or other devices that are only capable of being propelled by human power, and
- (b) is physically separated from vehicle traffic by a ditch, planter, wall, pole or other vertical or horizontal feature.

#### **Persons prescribed for purposes of section 157.1 (2) (c) of Act**

48.02 For the purposes of sections 157.1 (2) (c) [*duty when overtaking pedestrians, cyclists or certain other persons*] of the Act, the following persons are prescribed:

- (a) a person who is in or on either of the following devices:
  - (i) an animal-driven vehicle;
  - (ii) a designated personal mobility device;

- (b) a person who is in or on a device that is attached to or is being towed by any of the following:
  - (i) a cycle;
  - (ii) a device listed in paragraph (a) of this section;
- (c) a person who is on an animal.

**Prescribed passing distance if highway has speed limit over 50 km/h**

**48.03** For the purposes of section 157.1 (1) (b) (ii) [*duty when overtaking pedestrians, cyclists or certain other persons*] of the Act, a minimum distance of 1.5 m applies if the driver of the motor vehicle is passing an applicable person who is on a highway that has a speed limit of more than 50 km/h.

**Prescribed passing distance if person on sidewalk or in protected cycle lane**

**48.04** For the purposes of section 157.1 (1) (b) (ii) [*duty when overtaking pedestrians, cyclists or certain other persons*] of the Act, a minimum distance of 0.5 m applies if the driver of the motor vehicle is passing an applicable person who is on a sidewalk or in a protected cycle lane. Schedule 2

**SCHEDULE 2**

**1** *Schedule 3 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended under the heading “Motor Vehicle Act” by adding the following items as indicated:*

1	2	3A	3B	4	5A	5B
Provision	Contravention	Fine (>30 days)	Reduced Fine (<=30 days)	Victim Surcharge Levy	Ticketed Amount (>30 days)	Reduced Ticketed Amount (<=30 days)
<i>Motor Vehicle Act</i>						
section 157.1 (1) (a)	Fail to safely pass person	\$320	\$295	\$48	\$368	\$343
section 157.1 (1) (b) (i)	Fail to maintain distance of 1 m when passing person	\$320	\$295	\$48	\$368	\$343
section 157.1 (1) (b) (ii)	Fail to maintain distance of 1.5 m when passing person on highway with speed limit more than 50 km/h	\$320	\$295	\$48	\$368	\$343
section 157.1 (1) (b) (ii)	Fail to maintain distance of 0.5 m when passing person on sidewalk or in protected cycle lane	\$320	\$295	\$48	\$368	\$343