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THIRD READING

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Certified correct as passed Third Reading on the 29th day of October, 2019
Kate Ryan-Lloyd, Acting Clerk of the House

HONOURABLE R. P. EBY
ATTORNEY GENERAL

BILL 35 – 2019
MISCELLANEOUS STATUTES
AMENDMENT ACT (No. 2), 2019

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – ATTORNEY GENERAL AMENDMENTS

Family Maintenance Enforcement Act

1 Section 3 (1) of the Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127, is amended by striking out "or" at the end of paragraph (a), by adding "or" at the end of paragraph (b) and by adding the following paragraph:

(c) in a family law arbitration award, .

Judicial Compensation Act

2 The Judicial Compensation Act, S.B.C. 2003, c. 59, is amended by adding the following sections:

**Options for member who ceases
to hold office before age 55**

18.1 A member who ceases to hold office before reaching age 55 may elect to receive,

- (a) on meeting the eligibility requirements of section 20 (1) or 22 (1), a pension calculated in accordance with this Act, or
- (b) if the member's age is less than 55, a commuted value of the pension to which the member is entitled.

**Spouse or beneficiary entitlement
if member dies before age 55**

18.2 (1) If a member dies before reaching age 55, the member's spouse or beneficiary is entitled to receive a lump-sum amount equal to the total of the commuted value of the pension the member would have been entitled to in respect of the member's pensionable service had the member ceased to hold office immediately before death.

(2) Despite subsection (1), the member's spouse, instead of receiving a lump-sum amount under subsection (1), may elect to receive an immediate pension that is

(a) the actuarial equivalent of the amount calculated under subsection (1), and

(b) payable as if the member had chosen the joint life and last survivor option under section 23 (4).

3 Section 19 (1) (b) is repealed.

4 Section 22 (2) (b) is amended by striking out "age 60" and substituting "age 55".

Professional Governance Act

5 Section 31 (7) (b) of the Professional Governance Act, S.B.C. 2018, c. 47, is repealed and the following substituted:

(b) in respect of any exceptions to the application of this section.

6 Section 118 (2) is amended

(a) in paragraph (f) (vi) by striking out "section 18 (2)" and substituting "section 18 (1)", and

(b) by adding the following paragraph:

(k.1) in respect of the following matters under Part 11 [*Transitional and Related Provisions, Repeals and Related and Consequential Amendments*]:

(i) prescribing affected bodies for the purposes of section 124.1 (2) [*interim authority – fees for transition to this Act*];

(ii) prescribing an amount or rate of increase of a fee for the purposes of section 124.1 (3) (b), which amount or rate may be different for different affected bodies or different periods of time; .

7 The following section is added:

Interim authority – fees for transition to this Act

124.1 (1) In this section, "**affected member**" means a person who pays fees for membership in an affected body under an affected Act.

(2) For purposes relating to the administration of an affected body in respect of this Act, an affected council under an affected Act may, if the affected body is

prescribed by regulation, make bylaws or pass resolutions to set or increase a fee that is payable by affected members, despite any requirement for ratification or other approval of bylaws or resolutions in respect of fees under the affected Act.

(3) The authority of an affected council to make bylaws or pass resolutions to set or increase a fee under subsection (2) is subject to the following restrictions:

(a) the fee that is payable in respect of a particular year may be either set or increased, but not both, only once;

(b) if the amount of the fee or the rate of its increase is prescribed by regulation, the fee may be set or increased at an amount or rate that is not more than the prescribed amount or rate.

(4) Subject to subsection (3), an affected council that makes bylaws or passes resolutions under this section may

(a) set different fees for different categories or classes of affected members, and

(b) determine whether to set or increase fees if both the amount of the fee and the rate of its increase are prescribed by regulation.

Provincial Court Act

8 Section 1 of the Provincial Court Act, R.S.B.C. 1996, c. 379, is amended in paragraph (a) of the definition of "part time judicial justice" by striking out "appointed under section 30.2 (1)" and substituting "appointed under section 30.2 (1) or reappointed under section 30.2 (3.2)".

9 Section 22 (a) is amended by striking out "considering proposed Lieutenant Governor in Council appointments" and substituting "considering proposed appointments and reappointments".

10 Section 30.2 is amended

(a) by repealing subsection (3) and substituting the following:

(3) A person may be appointed under subsection (1) to hold office

(a) on a full time basis, or

(b) on a part time basis for a term of 10 years.

(3.1) A person may be appointed under subsection (1) only once. ,

(b) by adding the following subsections:

(3.2) If a judicial justice has resigned or the appointment of the judicial justice has expired, the chief judge may reappoint, on the recommendation of the council, the judicial justice to hold office on a part time basis for a term of 10 years.

(3.3) A person may be reappointed under subsection (3.2) only once.

(3.4) A person over 75 years of age may not be reappointed under subsection (3.2). , **and**

(c) in subsection (4) (a) by striking out "who is appointed under subsection (1), commencing on the date of his or her appointment" **and substituting** "who is appointed under subsection (1) or reappointed under subsection (3.2), commencing on the date of the appointment or reappointment".

11 Section 33 (1.1) (a) is amended by striking out "the term of appointment of the judicial justice under section 30.2 (3) expires" **and substituting** "the term of the appointment of the judicial justice under section 30.2 (1) or reappointment under section 30.2 (3.2) expires".

Public Interest Disclosure Act

12 Section 1 of the Public Interest Disclosure Act, S.B.C. 2018, c. 22, is amended in the definition of "office" by adding the following paragraph:

(b.1) the office of the Human Rights Commissioner, .

13 Section 3 is amended

(a) in subsection (1) by striking out "another Act" **and substituting** "another enactment", **and**

(b) in subsection (1) (a) by striking out "the other Act" **and substituting** "another Act".

14 Section 13 (1) is amended by striking out "under section 12 (c)" **and substituting** "under section 12 (1) (c)".

15 Section 25 (2) (g) is amended by striking out "section 19" **and substituting** "section 19 (1)".

16 Section 31 is amended

(a) in subsection (1) by striking out "solely", **and**

(b) by adding the following subsection:

(3) A person does not contravene subsection (1) by taking, counselling or directing a measure referred to as a measure of reprisal in paragraphs (a) to (e) of that subsection if

(a) the person has taken, counselled or directed the measure for the purpose of managing or terminating an employment relationship, and

(b) the management or termination of the employment relationship under paragraph (a) of this subsection was not by reason that the employee, in good faith, sought advice about making a disclosure, made a disclosure or cooperated with an investigation under this Act.

17 Section 32 is amended

(a) by renumbering the section as section 32 (1),

(b) in subsection (1) by striking out "only", **and**

(c) by adding the following subsection:

(2) A person does not contravene subsection (1) by taking an action described in paragraphs (a) to (c) of that subsection if

(a) the person has taken the action for the purpose of managing or terminating a contract or agreement, and

(b) the management or termination of the contract or agreement under paragraph (a) of this subsection was not by reason that the party, or a person employed by the party, in good faith, cooperated with an investigation under this Act.

18 Section 48 (2) (d) is amended by striking out "providing differently for different Acts or provisions of Acts" and substituting "providing differently for different enactments or provisions of enactments".

Trespass Act

19 Section 1 of the *Trespass Act, R.S.B.C. 2018, c. 3, is amended in paragraph (b) of the definition of "premises"*

(a) in subparagraph (i) by adding ", including a building or permanent structure designed or used for shelter for livestock" **after "structure",**

(b) in subparagraph (ii) by striking out "or vehicle" and substituting ", vehicle or aircraft", **and**

(c) in subparagraph (iii) by adding ", including shelter for livestock," **after "for shelter".**

Validation Provision

Family Maintenance Enforcement Act – validation – past filing of arbitration awards

20 (1) A maintenance order in a family law arbitration award that would have been validly filed under section 3 of the *Family Maintenance Enforcement Act* had section 3 (1) (c) of that Act, as added by this Act, been in force when the maintenance order was filed is conclusively deemed to have been validly filed.

(2) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

PART 2 – CHILDREN AND FAMILY DEVELOPMENT AMENDMENTS

Child, Family and Community Service Act

21 Section 92.1 (2) of the *Child, Family and Community Service Act, R.S.B.C. 1996, c. 46, is amended*

(a) in paragraph (a) (v) by striking out "who are in the continuing custody of the director" and substituting "who are in the custody, care or guardianship of a director", and

(b) in paragraph (b) by striking out "to provide preventive or support services to their children and families" and substituting "to provide services".

PART 3 – CITIZENS' SERVICES AMENDMENTS

Freedom of Information and Protection of Privacy Act

22 Section 33.1 (1) of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended

(a) by repealing paragraph (p) and substituting the following:

(p) if the disclosure

(i) is necessary for

(A) installing, implementing, maintaining, repairing, trouble-shooting or upgrading an electronic system or equipment that includes an electronic system, or

(B) data recovery that is being undertaken following the failure of an electronic system

that is used in Canada, by the public body or by a service provider for the purposes of providing services to a public body, and

(ii) in the case of disclosure outside Canada, results in temporary access and storage that is limited to the minimum period of time necessary to complete the installation, implementation, maintenance, repair, trouble-shooting, upgrading or data recovery referred to in subparagraph (i); , **and**

(b) by adding the following paragraphs:

(p.1) if the disclosure

(i) is necessary for the processing of information and if that processing does not

(A) involve the intentional access of the information by an individual, or

(B) result in the storage of personal information, other than personal information that is metadata, outside Canada, and

(ii) in the case of disclosure outside Canada, results in temporary access that is limited to the minimum period of time necessary to complete the processing;

(p.2) if the information is metadata that

(i) is generated by an electronic system, and

(ii) describes an individual's interaction with the electronic system,

and if,

(iii) if practicable, personal information in individually identifiable form has been removed from the metadata or destroyed, and
 (iv) in the case of disclosure to a service provider, the public body has prohibited any subsequent use or disclosure of personal information in individually identifiable form without the express authorization of the public body; .

PART 4 – FINANCE AMENDMENTS

Carbon Tax Act

23 Section 23 of the Carbon Tax Act, S.B.C. 2008, c. 40, is amended

(a) in subsections (4) and (6) (a) by striking out "delivered" and substituting "given", and

(b) in subsection (8) (a) and (b) by striking out "provide" and substituting "give".

24 Section 50 (5) is repealed and the following substituted:

(5) Immediately after the director makes a decision under subsection (2), the director must give written notice of the decision to

(a) the person to whom the decision relates, and

(b) the corporation.

25 Section 51 is amended

(a) in subsections (1), (1.1) and (1.2) by striking out "issue" and substituting "give",

(b) in subsection (1.2) by striking out "issuing" and substituting "giving", and

(c) in subsection (2) by striking out "issued" and substituting "given".

26 Section 54 is amended by striking out "of the issuing of the notice of assessment" and substituting "the notice of assessment is given".

27 Section 55 is amended

(a) in subsection (1) in the definition of "non-assessed amount" by striking out "issued" and substituting "given", and

(b) in subsections (2) and (12) (b) by striking out "issued" and substituting "given".

28 Section 55.1 is amended by striking out "issued" and substituting "given".

29 Section 56 is amended

**(a) in subsection (3) by striking out "served on" and substituting "given to", and
(b) by repealing subsection (5) (c) and substituting the following:**

(c) promptly give the appellant written notice of the result of the appeal.

30 Section 63 is amended

(a) by repealing subsection (4),

(b) in subsections (6) (a) and (b), (7) (b) and (8) by striking out "served" and substituting "given", and

(c) by repealing subsection (9) and substituting the following:

(9) Money demanded from a person by the director under this section becomes payable as follows:

(a) if the person is indebted or liable to make a payment to the taxpayer at the time the demand is given, as soon as the demand is given to the person;

(b) in any other case, as soon as the person becomes indebted or liable to make a payment to the taxpayer.

31 Section 64 (13) is amended

(a) in paragraph (a) by striking out "sent" and substituting "given", and

(b) in paragraph (b) by striking out "served on" and substituting "given to".

32 Section 72 is amended

(a) by repealing subsection (2) (a) and substituting the following:

(a) must be given to the person in a manner referred to in section 73 (2) (a) to (e) or sent by registered mail to the last known address of the person according to the records of the director, , **and**

(b) in subsection (3) by striking out "delivered" and substituting "given".

33 Section 73 is repealed and the following substituted:

How and when documents are given by director

73 (1) Subject to this Act, if, under this Act, a document must or may be given by the director to a person, the document may be given in accordance with subsection (2).

(2) The director may give a document to a person as follows:

(a) if the person is an individual, by leaving the document with the individual;

(b) if the person is a corporation, by leaving the document with a board member, senior officer, liquidator or receiver manager of the corporation;

- (c) if the person is an extraprovincial corporation, by leaving the document with
 - (i) a person referred to in paragraph (b), or
 - (ii) an attorney for the extraprovincial corporation;
 - (d) if the person is a partnership,
 - (i) by leaving the document with an individual who is a member of the partnership, or
 - (ii) in the case of a corporation or extraprovincial corporation that is a member of the partnership, by leaving the document with a person who is, in respect of that corporation or extraprovincial corporation, a person referred to in paragraph (b) or (c), as applicable;
 - (e) by leaving the document with a person apparently employed at the place of business of the person;
 - (f) by sending the document by ordinary mail or registered mail to the last known address of the person according to the records of the director;
 - (g) by sending the document by electronic mail to the last known electronic mail address of the person according to the records of the director;
 - (h) by sending the document by fax to the last known fax number of the person according to the records of the director;
 - (i) by sending or providing the document by another communication method agreed to by the person and the director.
- (3) If a person carries on business under a name or style other than the person's own name, a document to be given in accordance with this Act may be addressed to the name or style under which the person carries on business.
- (4) A document is conclusively deemed to have been given to a person by the director if the document
- (a) is given in a manner referred to in subsection (2) (a) to (e) or (g) to (i), or
 - (b) is sent by registered mail to the last known address of the person according to the records of the director.
- (5) A document is conclusively deemed to have been given to a person by the director
- (a) on the date the document is sent, if the document is sent by registered mail, electronic mail or fax as contemplated by subsection (2) (f), (g) or (h), or
 - (b) on the date the document is sent or provided, if the document is sent or provided by another communication method as contemplated by subsection (2) (i).

(6) A document is deemed to have been given to a person by the director on the date the document is sent, if the document is sent by ordinary mail as contemplated by subsection (2) (f).

(7) For the purposes of this Act, the date of a notice or other document given by the director is, subject to section 67 (4), the date stated on the notice or other document.

34 The following sections are added:

Proof of compliance

73.1 In a prosecution or any proceeding for any matter arising under this Act, the facts necessary to establish compliance on the part of the director with section 73 may be sufficiently proved in any court by the production of an affidavit of the director setting out the facts.

Proof of receipt

73.2 (1) Proof of the receipt by a person of a document to which section 73 applies may be established in any court by showing that the document was given in accordance with that section.

(2) A person seeking to establish that a document referred to in subsection (1) was not received by the person bears the burden of establishing that fact.

How and when documents are given by minister

73.3 If, under this Act, a document must or may be given by the minister to a person, the document may be given in accordance with section 73 (2).

When documents are given to minister

73.4 If, under this Act, a document must or may be given to the minister, the document is conclusively deemed to have been given if delivered to the office of the deputy minister.

Motor Fuel Tax Act

35 Section 14 of the Motor Fuel Tax Act, R.S.B.C. 1996, c. 317, is amended

- (a) in subsection (7) by striking out "delivered" and substituting "given", and**
(b) by repealing subsection (8).

36 Section 19 (2) is amended by striking out "provide" and substituting "give".

37 Section 30 is amended

- (a) in subsections (2) and (3) (a) by striking out "delivered" and substituting "given",**
(b) by repealing subsection (2.1) and substituting the following:

(2.1) Before cancelling an appointment under subsection (2), the director must

- (a) give the collector notice of the reasons for the proposed cancellation, and
- (b) provide the collector with an opportunity to show the director why the appointment should not be cancelled. , **and**

(c) in subsection (6) (a) and (b) by striking out "provide" and substituting "give".

38 Section 37.1 is amended

(a) in subsections (3) and (5) (a) by striking out "delivered" and substituting "given", and

(b) in subsection (7) (a) and (b) by striking out "provide" and substituting "give".

39 Section 45.2 (5) is repealed and the following substituted:

(5) Immediately after the director makes a decision under subsection (2), the director must give written notice of the decision to

- (a) the person to whom the decision relates, and
- (b) the corporation.

40 Section 46 is amended

(a) in subsections (1), (1.1) and (1.2) by striking out "issue" and substituting "give",

(b) in subsection (1.2) by striking out "issuing" and substituting "giving", and

(c) in subsection (2) by striking out "issued" and substituting "given".

41 Section 47 is amended by striking out "of the issuing of the notice of assessment" and substituting "the notice of assessment is given".

42 Section 48 is amended

(a) in subsection (1) in the definition of "non-assessed amount" by striking out "issued" and substituting "given", and

(b) in subsections (2) and (12) (b) by striking out "issued" and substituting "given".

43 Section 48.1 is amended by striking out "issued" and substituting "given".

44 Section 50 is amended

(a) in subsection (2) by striking out "served on" and substituting "given to", and

(b) by repealing subsection (4) (c) and substituting the following:

- (c) promptly give the appellant written notice of the result of the appeal.

45 Section 57 is amended

(a) by repealing subsection (3.1),

(b) in subsections (5) (a) and (b), (6) (b) and (7) by striking out "served" and substituting "given", and

(c) by repealing subsection (7.1) and substituting the following:

(7.1) Money demanded from a person by the director under this section becomes payable as follows:

- (a) if the person is indebted or liable to make a payment to the taxpayer at the time the demand is given, as soon as the demand is given to the person;
- (b) in any other case, as soon as the person becomes indebted or liable to make a payment to the taxpayer.

46 Section 57.1 (13) is amended

**(a) in paragraph (a) by striking out "sent" and substituting "given", and
(b) in paragraph (b) by striking out "served on" and substituting "given to".**

47 Section 63 is repealed and the following substituted:

How and when documents are given by director

63 (1) Subject to this Act, if, under this Act, a document must or may be given by the director to a person, the document may be given in accordance with subsection (2).

(2) The director may give a document to a person as follows:

- (a) if the person is an individual, by leaving the document with the individual;
- (b) if the person is a corporation, by leaving the document with a board member, senior officer, liquidator or receiver manager of the corporation;
- (c) if the person is an extraprovincial corporation, by leaving the document with
 - (i) a person referred to in paragraph (b), or
 - (ii) an attorney for the extraprovincial corporation;
- (d) if the person is a partnership,
 - (i) by leaving the document with an individual who is a member of the partnership, or
 - (ii) in the case of a corporation or extraprovincial corporation that is a member of the partnership, by leaving the document with a person who is, in respect of that corporation or extraprovincial corporation, a person referred to in paragraph (b) or (c), as applicable;
- (e) by leaving the document with a person apparently employed at the place of business of the person;

- (f) by sending the document by ordinary mail or registered mail to the last known address of the person according to the records of the director;
 - (g) by sending the document by electronic mail to the last known electronic mail address of the person according to the records of the director;
 - (h) by sending the document by fax to the last known fax number of the person according to the records of the director;
 - (i) by sending or providing the document by another communication method agreed to by the person and the director.
- (3) If a person carries on business under a name or style other than the person's own name, a document to be given in accordance with this Act may be addressed to the name or style under which the person carries on business.
- (4) A document is conclusively deemed to have been given to a person by the director if the document
- (a) is given in a manner referred to in subsection (2) (a) to (e) or (g) to (i), or
 - (b) is sent by registered mail to the last known address of the person according to the records of the director.
- (5) A document is conclusively deemed to have been given to a person by the director
- (a) on the date the document is sent, if the document is sent by registered mail, electronic mail or fax as contemplated by subsection (2) (f), (g) or (h), or
 - (b) on the date the document is sent or provided, if the document is sent or provided by another communication method as contemplated by subsection (2) (i).
- (6) A document is deemed to have been given to a person by the director on the date the document is sent, if the document is sent by ordinary mail as contemplated by subsection (2) (f).
- (7) For the purposes of this Act, the date of a notice or other document given by the director is, subject to section 59 (4), the date stated on the notice or other document.

48 The following sections are added:

Proof of compliance

- 63.01** In a prosecution or any proceeding for any matter arising under this Act, the facts necessary to establish compliance on the part of the director with section 63 may be sufficiently proved in any court by the production of an affidavit of the director setting out the facts.

Proof of receipt

63.02 (1) Proof of the receipt by a person of a document to which section 63 applies may be established in any court by showing that the document was given in accordance with that section.

(2) A person seeking to establish that a document referred to in subsection (1) was not received by the person bears the burden of establishing that fact.

How and when documents are given by minister

63.03 If, under this Act, a document must or may be given by the minister to a person, the document may be given in accordance with section 63 (2).

When documents are given to minister

63.04 If, under this Act, a document must or may be given to the minister, the document is conclusively deemed to have been given if delivered to the office of the deputy minister.

49 Section 63.1 is amended

(a) by repealing subsection (2) (a) and substituting the following:

(a) must be given to the person in a manner referred to in section 63 (2) (a) to (e) or sent by registered mail to the last known address of the person according to the records of the director, , **and**

(b) in subsection (3) by striking out "delivered" and substituting "given".

Provincial Sales Tax Act

50 Sections 173 (3), (3.1) and (5) (a) and 175 (2) and (4) (a) of the Provincial Sales Tax Act, S.B.C. 2012, c. 35, are amended by striking out "delivered" and substituting "given".

51 Section 196 is amended

(a) by repealing subsection (2) (a) and substituting the following:

(a) must be given to the person in a manner referred to in section 229 (2) (a) to (e) or sent by registered mail to the last known address of the person according to the records of the director, , **and**

(b) in subsection (3) by striking out "delivered" and substituting "given".

52 Section 197 is amended

(a) in subsections (1), (2) and (3) by striking out "issue" and substituting "give",

(b) in subsection (3) by striking out "issuing" and substituting "giving", and

(c) in subsection (4) by striking out "issued" and substituting "given".

53 Section 206 is amended

(a) in subsection (1) in the definition of "non-assessed amount" by striking out "issued" and substituting "given", and

(b) in subsections (2) and (12) (b) by striking out "issued" and substituting "given".

54 Section 206.1 is amended by striking out "issued" and substituting "given".

55 Section 209 (6) is repealed and the following substituted:

(6) Immediately after the director makes a determination under subsection (2), the director must give written notice of the determination to

- (a) the person to whom the determination relates, and
- (b) the corporation.

56 Section 211 is amended

(a) in subsection (3) by striking out "served on" and substituting "given to", and

(b) by repealing subsection (5) (c) and substituting the following:

(c) promptly give the appellant written notice of the result of the appeal.

57 Section 213 is amended by striking out "of the issuing of the notice of assessment" and substituting "the notice of assessment is given".

58 Section 220 is amended

(a) by repealing subsection (4),

(b) in subsections (6) (a) and (b), (7) (b) and (c) and (8) by striking out "served" and substituting "given", and

(c) by repealing subsection (9) and substituting the following:

(9) Money demanded from a person by the director under this section becomes payable as follows:

- (a) if the person is indebted or liable to make a payment to the taxpayer at the time the demand is given, as soon as the demand is given to the person;
- (b) in any other case, as soon as the person becomes indebted or liable to make a payment to the taxpayer.

59 Section 221 (14) is amended

(a) in paragraph (a) by striking out "sent" and substituting "given", and

(b) in paragraph (b) by striking out "served on" and substituting "given to".

60 Section 229 is repealed and the following substituted:

How and when documents are given by director

229 (1) Subject to this Act, if, under this Act, a document must or may be given by the director to a person, the document may be given in accordance with

subsection (2).

(2) The director may give a document to a person as follows:

- (a) if the person is an individual, by leaving the document with the individual;
- (b) if the person is a corporation, by leaving the document with a board member, senior officer, liquidator or receiver manager of the corporation;
- (c) if the person is an extraprovincial corporation, by leaving the document with
 - (i) a person referred to in paragraph (b), or
 - (ii) an attorney for the extraprovincial corporation;
- (d) if the person is a partnership,
 - (i) by leaving the document with an individual who is a member of the partnership, or
 - (ii) in the case of a corporation or extraprovincial corporation that is a member of the partnership, by leaving the document with a person who is, in respect of that corporation or extraprovincial corporation, a person referred to in paragraph (b) or (c), as applicable;
- (e) by leaving the document with a person apparently employed at the place of business of the person;
- (f) by sending the document by ordinary mail or registered mail to the last known address of the person according to the records of the director;
- (g) by sending the document by electronic mail to the last known electronic mail address of the person according to the records of the director;
- (h) by sending the document by fax to the last known fax number of the person according to the records of the director;
- (i) by sending or providing the document by another communication method agreed to by the person and the director.

(3) If a person carries on business under a name or style other than the person's own name, a document to be given in accordance with this Act may be addressed to the name or style under which the person carries on business.

(4) A document is conclusively deemed to have been given to a person by the director if the document

- (a) is given in a manner referred to in subsection (2) (a) to (e) or (g) to (i), or
- (b) is sent by registered mail to the last known address of the person according to the records of the director.

(5) A document is conclusively deemed to have been given to a person by the director

(a) on the date the document is sent, if the document is sent by registered mail, electronic mail or fax as contemplated by subsection (2) (f), (g) or (h), or

(b) on the date the document is sent or provided, if the document is sent or provided by another communication method as contemplated by subsection (2) (i).

(6) A document is deemed to have been given to a person by the director on the date the document is sent, if the document is sent by ordinary mail as contemplated by subsection (2) (f).

(7) For the purposes of this Act, the date of a notice or other document given by the director is, subject to section 224 (4), the date stated on the notice or other document.

61 The following sections are added:

Proof of compliance

229 . 01 In a prosecution or any proceeding for any matter arising under this Act, the facts necessary to establish compliance on the part of the director with section 229 may be sufficiently proved in any court by the production of an affidavit of the director setting out the facts.

Proof of receipt

229 . 02 (1) Proof of the receipt by a person of a document to which section 229 applies may be established in any court by showing that the document was given in accordance with that section.

(2) A person seeking to establish that a document referred to in subsection (1) was not received by the person bears the burden of establishing that fact.

How and when documents are given by minister

229 . 03 If, under this Act, a document must or may be given by the minister to a person, the document may be given in accordance with section 229 (2).

When documents are given to minister

229 . 04 If, under this Act, a document must or may be given to the minister, the document is conclusively deemed to have been given if delivered to the office of the deputy minister.

62 Section 232 (d) is amended by striking out "issued" and substituting "given".

Speculation and Vacancy Tax Act

63 Section 114 (14) of the Speculation and Vacancy Tax Act, S.B.C. 2018, c. 46, is amended

(a) in paragraph (a) by striking out "sent" and substituting "given", and

(b) in paragraph (b) by striking out "served on" and substituting "given to".

64 Section 122 (6) is amended by adding ", subject to section 116 (4) [limitation period],**" after "by the administrator is".**

Tobacco Tax Act

65 Section 7 of the Tobacco Tax Act, R.S.B.C. 1996, c. 452, is amended

(a) in subsections (1) and (4.2) (b) by striking out "provide" and substituting "give",

(b) in subsections (4) (a) and (4.4) (a) by striking out "deliver" and substituting "give", and

(c) in subsections (4) (b) and (4.4) (b) by striking out "give the person" and substituting "provide the person with".

66 Section 12.1 is amended

(a) by repealing subsection (2) (a) and substituting the following:

- (a) must be given to the person in a manner referred to in section 12.2
- (2) (a) to (e) or sent by registered mail to the last known address of the person according to the records of the director, , **and**

(b) in subsection (3) by striking out "delivered" and substituting "given".

67 Section 12.2 is repealed and the following substituted:

How and when documents are given by director

12.2 (1) Subject to this Act, if, under this Act, a document must or may be given by the director to a person, the document may be given in accordance with subsection (2).

(2) The director may give a document to a person as follows:

- (a) if the person is an individual, by leaving the document with the individual;
- (b) if the person is a corporation, by leaving the document with a board member, senior officer, liquidator or receiver manager of the corporation;
- (c) if the person is an extraprovincial corporation, by leaving the document with
 - (i) a person referred to in paragraph (b), or
 - (ii) an attorney for the extraprovincial corporation;
- (d) if the person is a partnership,
 - (i) by leaving the document with an individual who is a member of the partnership, or

- (ii) in the case of a corporation or extraprovincial corporation that is a member of the partnership, by leaving the document with a person who is, in respect of that corporation or extraprovincial corporation, a person referred to in paragraph (b) or (c), as applicable;
 - (e) by leaving the document with a person apparently employed at the place of business of the person;
 - (f) by sending the document by ordinary mail or registered mail to the last known address of the person according to the records of the director;
 - (g) by sending the document by electronic mail to the last known electronic mail address of the person according to the records of the director;
 - (h) by sending the document by fax to the last known fax number of the person according to the records of the director;
 - (i) by sending or providing the document by another communication method agreed to by the person and the director.
- (3) If a person carries on business under a name or style other than the person's own name, a document to be given in accordance with this Act may be addressed to the name or style under which the person carries on business.
- (4) A document is conclusively deemed to have been given to a person by the director if the document
- (a) is given in a manner referred to in subsection (2) (a) to (e) or (g) to (i), or
 - (b) is sent by registered mail to the last known address of the person according to the records of the director.
- (5) A document is conclusively deemed to have been given to a person by the director
- (a) on the date the document is sent, if the document is sent by registered mail, electronic mail or fax as contemplated by subsection (2) (f), (g) or (h), or
 - (b) on the date the document is sent or provided, if the document is sent or provided by another communication method as contemplated by subsection (2) (i).
- (6) A document is deemed to have been given to a person by the director on the date the document is sent, if the document is sent by ordinary mail as contemplated by subsection (2) (f).
- (7) For the purposes of this Act, the date of a notice or other document given by the director is, subject to section 36 (4), the date stated on the notice or other document.

68 The following sections are added:

Proof of compliance

12 . 21 In a prosecution or any proceeding for any matter arising under this Act, the facts necessary to establish compliance on the part of the director with section 12.2 may be sufficiently proved in any court by the production of an affidavit of the director setting out the facts.

Proof of receipt

12 . 22 (1) Proof of the receipt by a person of a document to which section 12.2 applies may be established in any court by showing that the document was given in accordance with that section.

(2) A person seeking to establish that a document referred to in subsection (1) was not received by the person bears the burden of establishing that fact.

How and when documents are given by minister

12 . 23 If, under this Act, a document must or may be given by the minister to a person, the document may be given in accordance with section 12.2 (2).

When documents are given to minister

12 . 24 If, under this Act, a document must or may be given to the minister, the document is conclusively deemed to have been given if delivered to the office of the deputy minister.

69 Section 22.2 is amended

(a) in subsections (1), (2) and (3) by striking out "issue" and substituting "give",

(b) in subsection (3) by striking out "issuing" and substituting "giving", and

(c) in subsection (4) by striking out "issued" and substituting "given".

70 Section 23 is amended

(a) in subsection (1) by striking out "personally or by the person's agent, within 90 days after the date on the notice of the assessment, penalty, interest or decision, serve notice of appeal on the minister" and substituting ", within 90 days after the date on the applicable notice, give a notice of appeal to the minister",

(b) by repealing subsection (2) and substituting the following:

(2) If a person disputes a seizure made under section 51, the person may, within 90 days after the date identified as the date of the seizure in the receipt given under section 51 (4), give a notice of appeal to the minister. , **and**

(c) by repealing subsection (5) (c) and substituting the following:

(c) promptly give the appellant written notice of the result of the appeal.

71 Section 25 is amended by striking out "section 22" and substituting "this Act" and by striking out "of the issuing of the notice of assessment or imposition of a penalty under

section 22" **and substituting** "that the notice of assessment is given or the penalty is imposed under this Act".

72 Section 28.2 (5) is repealed and the following substituted:

(5) Immediately after the director makes a decision under subsection (2), the director must give written notice of the decision to

- (a) the person to whom the decision relates, and
- (b) the corporation.

73 Section 32 is amended

(a) by repealing subsection (3.1),

(b) in subsections (5) (a) and (b), (6) (b) and (7) by striking out "served" and substituting "given", and

(c) by repealing subsection (7.1) and substituting the following:

(7.1) Money demanded from a person by the director under this section becomes payable as follows:

- (a) if the person is indebted or liable to make a payment to the taxpayer at the time the demand is given, as soon as the demand is given to the person;
- (b) in any other case, as soon as the person becomes indebted or liable to make a payment to the taxpayer.

74 Section 32.1 (17) is amended

(a) in paragraph (a) by striking out "sent" and substituting "given", and

(b) in paragraph (b) by striking out "served on" and substituting "given to".

75 Section 51 is amended

(a) in subsection (4) by striking out "provide" and substituting "give", and

(b) in subsection (5) by striking out "provided" and substituting "given".

PART 5 – HEALTH AMENDMENTS

Health Care Costs Recovery Act

76 Sections 3 (1), 4 (1) (a) and (b), 6 (1) (b), 8 (5) (b) (iii), 9 (1), 11 (1) and (2), 12, 19, 21 and 25 (2) (e) of the Health Care Costs Recovery Act, S.B.C. 2008, c. 27, are amended by striking out "his or her" wherever it appears and substituting "the beneficiary's".

77 Section 4 is amended

(a) by adding the following subsection:

(1.1) If a proceeding commenced by a person as a member of a class of persons includes a health care services claim, written notice of the proceeding must, within 21 days after a defendant has been served with notice of the proceeding, be given to the government

(a) by the defendant or the defendant's personal or other legal representative, or

(b) if the defendant or the defendant's personal or other legal representative is represented in the proceeding by a lawyer, by the lawyer, the defendant or the defendant's personal or other legal representative. , **and**

(b) in subsection (2) by striking out "Notice under subsection (1)" and substituting "Notice under subsection (1) or (1.1)" and by striking out "legal proceeding" and substituting "proceeding".

78 Section 5 (3) is amended

(a) by striking out "government has been given both of the following" and substituting "government has been given each of the following, as applicable",

(b) in paragraph (a) by striking out "section 4 [requirement to notify government of claim]" and substituting "section 4 (1) [beneficiary must notify government of legal proceeding referred to in section 3 (1)]", and

(c) by adding the following paragraph:

(a.1) the written notice required under section 4 (1.1) [defendant must notify government of proceeding commenced by member of class of persons]; .

79 Section 22 is amended by striking out "section 4 (1)" and substituting "section 4 (1) or (1.1)".

80 Section 24 is amended

(a) in subsection (2) by striking out "4 [requirement to notify government of claim]" and substituting "4 (1) [beneficiary must notify government of legal proceeding referred to in section 3 (1)]",

(b) by adding the following subsections:

(2.1) Subject to subsection (2.2), the requirements of section 4 (1.1) [defendant must notify government of proceeding commenced by member of class of persons] apply only in relation to a proceeding commenced after this subsection comes into force.

(2.2) If, on the date this subsection comes into force, a proceeding referred to in section 4 (1.1) has been commenced but has not yet been settled or adjudicated, notice of the proceeding must be given to the government in accordance with section 4 (1.1) within 90 days after the coming into force of this subsection. ,

(c) by repealing subsection (3) and substituting the following:

(3) In relation to health care services that are provided or are to be provided to a beneficiary, this Act does not apply

(a) to a wrongdoer in relation to personal injury or death arising out of the wrongdoer's use or operation of a motor vehicle if that wrongdoer has, when the injury or death is caused, coverage under the plan, as those terms are defined in the *Insurance (Vehicle) Act*,

(b) in relation to personal injury or death arising out of an opioid-related wrong as defined in the *Opioid Damages and Health Care Costs Recovery Act*,

(c) in relation to personal injury or death arising out of a tobacco-related wrong as defined in the *Tobacco Damages and Health Care Costs Recovery Act*, or

(d) in relation to personal injury or death arising out of and in the course of the beneficiary's employment if compensation is paid or payable by the Workers' Compensation Board out of the accident fund continued under the *Workers Compensation Act*. , **and**

(d) in subsection (4) by striking out "subsection (3) (c)" and substituting "subsection (3) (d)".

81 Section 25 (2) (g) is amended by striking out "a legal proceeding or health care services claim or a class of legal proceedings" and substituting "a proceeding or health care services claim or a class of proceedings".

PART 6 – MUNICIPAL AFFAIRS AND HOUSING AMENDMENTS

Assessment Act

82 Section 20.1 of the Assessment Act, R.S.B.C. 1996, c. 20, is amended

(a) in subsection (1) by repealing the definition of "power plant" and substituting the following:

"power plant" means any structure designed and built to

(a) contain boilers, turbines or compressors for the purposes of, or for purposes ancillary to, generating electricity, or

(b) support, contain or have affixed to it components that convert sunlight into electricity, either directly or indirectly, if the primary purpose of the structure is for use in the business of generating electricity; ,

(b) by repealing subsection (3) (b) (ii) and substituting the following:

(ii) any other improvements on the property, except those exempted under subsection (4.1), ,

(c) by repealing subsection (4.1) and substituting the following:

(4.1) For the purposes of this section, the Lieutenant Governor in Council may make regulations

- (a) excluding from the definition of "improvements" any category or type of thing used in the generation of electricity at a power plant, and
- (b) prescribing depreciation rates and principles for the application of depreciation. , **and**

(d) in subsection (5) by striking out "subsection (4.1)" and substituting "subsection (4.1) (b)".

PART 7 – PUBLIC SAFETY AND SOLICITOR GENERAL AMENDMENTS

Motor Vehicle Act

83 Section 83.1 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended

(a) in subsection (8) by striking out "and" at the end of paragraph (a), by adding ", and" at the end of paragraph (b) and by adding the following paragraph:

- (c) a maximum period for the purpose of subsection (15). , **and**

(b) by adding the following subsections:

(14) Subject to subsection (15), on a prosecution of an owner for an offence under subsection (2) for the contravention of a speed limit provision described in subsection (16) in which the maximum rate of speed is indicated on a sign, proof that

- (a) the sign was in place on a specified day and was in place on a later specified day, and
- (b) the sign was not replaced or re-erected during the period between the specified days

is proof, in the absence of evidence to the contrary, that the sign was in place during the period between the specified days.

(15) The presumption under subsection (14) does not operate if the period between the specified days exceeds the prescribed maximum period.

(16) Subsection (14) applies to the following speed limit provisions:

- (a) section 146 (3), (5) and (7);
- (b) section 148 (1) in relation to a speed limit established by a sign referred to in section 146 (3), (5) or (7).

84 The following section is added:

Speeding offences – defence related to signs

148.2 In a prosecution of an offence for contravening a speed limit in which the maximum rate of speed is indicated on a sign on a highway, it is a defence if the defendant proves that, at the time of the alleged offence,

- (a) no driver on the highway could see the front of the sign because the view of the front of the sign was obstructed, or
- (b) the sign was in place, but no driver on the highway could read the sign.

Consequential and Related Amendments

Commercial Transport Act

85 Section 4 (1) of the Commercial Transport Act, R.S.B.C. 1996, c. 58, is amended by striking out "83.1 (1) to (6) and (8) to (13)" and substituting "83.1".

Miscellaneous Statutes Amendment Act, 2001

86 Sections 7, 20, 21, 22, 24 and 26 of the Miscellaneous Statutes Amendment Act, 2001, S.B.C. 2001, c. 32, are repealed.

PART 8 – SOCIAL DEVELOPMENT AND POVERTY REDUCTION AMENDMENTS

Employment and Assistance Act

87 Section 1 of the Employment and Assistance Act, S.B.C. 2002, c. 40, is amended in the definition of "dependant" by adding "or" at the end of paragraph (a), by striking out "or" at the end of paragraph (b) and by repealing paragraph (c).

88 Section 1 is amended

(a) in the definition of "dependent child" by striking out "includes a child in circumstances prescribed under subsection (2)" and substituting "includes a child in circumstances prescribed under subsection (2) but excludes a child in circumstances prescribed under subsection (2.1)", and

(b) by adding the following subsection:

(2.1) The Lieutenant Governor in Council may prescribe circumstances in which a child is not a dependent child of a parent for the purposes of this Act.

89 Section 1.1 is repealed and the following substituted:

Meaning of "spouse"

1.1 (1) Two persons are spouses of each other for the purposes of this Act if

- (a) they are married to each other,

(b) they declare to the minister that they are in a marriage-like relationship, or

(c) they have resided together for at least the previous 12 consecutive months and the minister is satisfied that the relationship demonstrates

(i) financial dependence or interdependence, and

(ii) social and familial interdependence

consistent with a marriage-like relationship.

(2) The Lieutenant Governor in Council may prescribe circumstances in which two persons are not spouses of each other for the purposes of this Act.

90 Section 8 is repealed.

91 Section 10 is amended

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

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may

(a) reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period, or

(b) declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period. , **and**

(b) by adding the following subsection:

(4.1) The Lieutenant Governor in Council may prescribe circumstances in which subsection (4) (a) or (b) does not apply.

92 Section 11 (1) (a) (i) is amended by striking out "form prescribed by the minister" and substituting "form specified by the minister".

93 Section 14 is amended by adding the following subsection:

(1.1) The Lieutenant Governor in Council may specify by regulation sources of income, types of assets or other means of support that the minister must not consider under subsection (1) (a).

94 Section 19.1 is amended by adding the following paragraph:

(d.1) section 40 [*information admissible in tribunal proceedings*]; .

95 Section 22 (4) and (5) is repealed and the following substituted:

(4) A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

96 Section 35 (3) (a) is amended by striking out "section 10 (5)" substituting "section 10 (4) (a) or (5)".

97 Section 35 (3) (w) (ii) is amended by striking out "the duration and minimum amount of a deduction" and substituting "the duration and the minimum and maximum amounts of a deduction".

Employment and Assistance for Persons with Disabilities Act

98 Section 1 of the Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, is amended in the definition of "dependant" by adding "or" at the end of paragraph (a), by striking out "or" at the end of paragraph (b) and by repealing paragraph (c).

99 Section 1 is amended

(a) in the definition of "dependent child" by striking out "includes a child in circumstances prescribed under subsection (2)" and substituting "includes a child in circumstances prescribed under subsection (2) but excludes a child in circumstances prescribed under subsection (2.1)", and

(b) by adding the following subsection:

(2.1) The Lieutenant Governor in Council may prescribe circumstances in which a child is not a dependent child of a parent for the purposes of this Act.

100 Section 1.1 is repealed and the following substituted:

Meaning of "spouse"

1 . 1 (1) Two persons are spouses of each other for the purposes of this Act if

(a) they are married to each other,

(b) they declare to the minister that they are in a marriage-like relationship, or

(c) they have resided together for at least the previous 12 consecutive months and the minister is satisfied that the relationship demonstrates

(i) financial dependence or interdependence, and

(ii) social and familial interdependence

consistent with a marriage-like relationship.

(2) The Lieutenant Governor in Council may prescribe circumstances in which two persons are not spouses of each other for the purposes of this Act.

101 Section 10 is amended

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

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may

(a) reduce the amount of disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period, or

(b) declare the family unit ineligible for disability assistance, hardship assistance or a supplement for the prescribed period. , **and**

(b) by adding the following subsection:

(4.1) The Lieutenant Governor in Council may prescribe circumstances in which subsection (4) (a) or (b) does not apply.

102 Section 11 (1) (a) (i) is amended by striking out "form prescribed by the minister" and substituting "form specified by the minister".

103 Section 13 is amended by adding the following subsection:

(1.1) The Lieutenant Governor in Council may specify by regulation sources of income, types of assets or other means of support that the minister must not consider under subsection (1) (a).

104 Section 26 (3) (a) is amended by striking out "section 10 (5)" and substituting "section 10 (4) (a) or (5)".

105 Section 26 (3) (I) (ii) is amended by striking out "the duration and minimum amount of a deduction" and substituting "the duration and the minimum and maximum amounts of a deduction".

PART 9 – TRANSPORTATION AND INFRASTRUCTURE AMENDMENTS

Motor Vehicle Act

106 Section 1 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended

(a) in the definition of "motor vehicle" by striking out "but does not include mobile equipment or a motor assisted cycle;" and substituting "but does not include mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device;",

(b) by adding the following definition:

"regulated motorized personal mobility device" means a personal mobility device

(a) that is designed

(i) to be solely self-propelled or self-propelled with the capability to be propelled by human power, and

(ii) subject to exceptions prescribed under section 210 (3.2), to transport one person, and

(b) that meets other criteria prescribed under section 210 (3.2)

but does not include a motor assisted cycle; , **and**

(c) in the definition of "vehicle" by striking out "but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment or a motor assisted cycle;" and substituting "but does not

include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device;”.

107 Section 2 (2) and (3) is repealed.

108 Section 3 (4.1) is amended by striking out "under the licence" and substituting "under the authorization".

109 Section 119 is amended

(a) in the definition of "cycle" by striking out "but does not include a skate board, roller skates or in-line roller skates;" and substituting "but does not include a human-powered wheelchair, skate board, roller skates, in-line roller skates or regulated motorized personal mobility device;" , and

(b) by repealing the definition of "pedestrian" and substituting the following:

"pedestrian" means

- (a) a person on foot,
- (b) a person using a human-powered wheelchair,
- (c) a child in a stroller, or
- (d) a person using a regulated motorized personal mobility device that is prescribed for the purposes of this definition under section 210 (3.2); .

110 Section 179 (4) is amended by striking out "pedestrian, cyclist or the driver of a motor vehicle" and substituting "pedestrian, a cyclist, the operator of a regulated motorized personal mobility device or the driver of a motor vehicle".

111 Section 182 is amended

(a) in subsection (1) by striking out "must not walk on" and substituting "must not use", and

(b) in subsection (2) by striking out "a pedestrian walking along or on a highway must walk only on" and substituting "a pedestrian using a highway must use only".

112 The following section is added:

Operation of regulated motorized personal mobility devices

182 .01 A person who operates a regulated motorized personal mobility device on a highway must do so in accordance with the regulations.

113 Section 210 is amended by adding the following subsection:

(3.2) Without limiting any provision of this Act, the Lieutenant Governor in Council may make regulations in respect of regulated motorized personal mobility devices, including, without limitation, the following:

- (a) respecting exceptions to the number of people that may be transported by or on a regulated motorized personal mobility device for

the purposes of the definition of "regulated motorized personal mobility device";

(b) respecting criteria that must be met for a device to qualify as a regulated motorized personal mobility device for the purposes of the definition of "regulated motorized personal mobility device";

(c) respecting regulated motorized personal mobility devices for the purposes of the definition of "pedestrian";

(d) respecting requirements in relation to operators of, passengers on and equipment attached to a regulated motorized personal mobility device when it is operating on a highway;

(e) respecting restrictions on what may be attached to or carried on a regulated motorized personal mobility device when it is operating on a highway;

(f) respecting the use and operation of a regulated motorized personal mobility device on a highway;

(g) establishing the time of day that a regulated motorized personal mobility device may be operated on a highway;

(h) providing that provisions of the *Motor Vehicle Act* apply, in respect of operators or passengers of regulated motorized personal mobility devices, with the changes the Lieutenant Governor in Council considers necessary or advisable.

114 Section 210 (9) is amended by striking out "subsections (1), (2) or (3) or section 216, 217, 218, 268 (a) or (c) or 269" and substituting "this section, section 216, 217, 218, 268 (a) or (c) or 269, or Part 13".

115 Section 210 (9) is amended

(a) in paragraph (a) by striking out "vehicles" and substituting "vehicles, devices, cycles or mobile equipment", and

(b) in paragraphs (b) and (c) by striking out "vehicles," wherever it appears and substituting "vehicles, devices, cycles, mobile equipment,".

116 The following Part is added:

PART 13 – PILOT PROJECTS

Regulation-making powers respecting pilot projects

304 (1) Subject to subsection (2), the Lieutenant Governor in Council may make regulations establishing pilot projects to research, test and evaluate matters relating to the *Motor Vehicle Act*, including, without limitation, the following:

(a) respecting the use and operation of a vehicle or device to transport people or things;

- (b) respecting the registration, licensing and insurance requirements of a vehicle or device;
 - (c) respecting the geographic location of a pilot project;
 - (d) respecting public review and comment related to a pilot project;
 - (e) respecting the monitoring and evaluation of a pilot project;
 - (f) respecting fees in respect of a pilot project;
 - (g) respecting enforcement.
- (2) Before making a regulation under this section, the Lieutenant Governor in Council must be satisfied that the proposed pilot project
- (a) is in the public interest,
 - (b) will be consistent with the objectives set by government, including objectives related to transportation and road safety, and
 - (c) has municipal council, treaty first nation or Nisga'a Government consent, if required under subsection (3).
- (3) For the purposes of subsection (2) (c), the following consent is required:
- (a) consent of a municipal council
 - (i) if the Lieutenant Governor in Council is satisfied that the municipality has authority to make bylaws, in respect of the proposed pilot project, under this Act, the *Community Charter* or the *Vancouver Charter*, and
 - (ii) if the proposed pilot project will take place in the municipality;
 - (b) consent of a treaty first nation
 - (i) if the Lieutenant Governor in Council is satisfied that the treaty first nation has authority to make laws, in respect of the proposed pilot project, under the treaty first nation's final agreement, and
 - (ii) if the proposed pilot project will take place on the treaty first nation's treaty lands;
 - (c) consent of the Nisga'a Government
 - (i) if the Lieutenant Governor in Council is satisfied that the Nisga'a Government has authority to make laws, in respect of the proposed pilot project, under the Nisga'a Final Agreement, and
 - (ii) if the proposed pilot project will take place on Nisga'a Lands.
- (4) Without limiting subsection (1), the Lieutenant Governor in Council may exercise, as adapted for a pilot project, all the regulation-making powers of the Lieutenant Governor in Council and the minister in the *Motor Vehicle Act*.
- (5) To the extent of any conflict between this Act and a regulation under this section, the regulation prevails.

Three-year time limit for regulations for pilot projects under this Part

305 A regulation made under this Part is repealed 3 years after the date on which the regulation comes into force.

Consequential Amendment

Motor Dealer Act

117 Section 1 of the Motor Dealer Act, R.S.B.C. 1996, c. 316, is amended in paragraph (b) of the definition of "motor vehicle" by striking out "a farm tractor or motor assisted cycle" and substituting "a farm tractor, motor assisted cycle or regulated motorized personal mobility device".

Commencement

118 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

| Item | Column 1 Provisions of Act | Column 2 Commencement |
|------|--|---|
| 1 | Anything not elsewhere covered by this table | The date of Royal Assent |
| 2 | Section 2 | April 1, 2017 |
| 3 | Sections 3 and 4 | September 30, 2015 |
| 4 | Sections 5 to 7 | By regulation of the Lieutenant Governor in Council |
| 5 | Section 19 | By regulation of the Lieutenant Governor in Council |
| 6 | Section 83 | By regulation of the Lieutenant Governor in Council |
| 7 | Section 87 | January 1, 2020 |
| 8 | Section 88 | By regulation of the Lieutenant Governor in Council |
| 9 | Section 89 | January 1, 2020 |
| 10 | Sections 90 to 92 | By regulation of the Lieutenant Governor in Council |
| 11 | Sections 93 to 95 | January 1, 2020 |
| 12 | Section 96 | By regulation of the Lieutenant Governor in Council |
| 13 | Sections 97 and 98 | January 1, 2020 |
| 14 | Section 99 | By regulation of the Lieutenant Governor in Council |
| 15 | Section 100 | January 1, 2020 |
| 16 | Sections 101 and 102 | By regulation of the Lieutenant Governor in Council |
| 17 | Section 103 | January 1, 2020 |
| 18 | Section 104 | By regulation of the Lieutenant Governor in Council |
| 19 | Section 105 | January 1, 2020 |
| 20 | Sections 106 and 107 | By regulation of the Lieutenant Governor in Council |
| 21 | Sections 109 to 113 | By regulation of the Lieutenant Governor in Council |
| 22 | Section 114 | July 8, 2019 |
| 23 | Section 115 | By regulation of the Lieutenant Governor in Council |
| 24 | Section 117 | By regulation of the Lieutenant Governor in Council |

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