

CHAPTER 20

An Act to Amend the Motor-vehicle Act

[Assented to 2nd April, 1969.]

R.S.B.C.
1960, c. 253;
1961, c. 42;
1961 (2nd
Sess.), c. 3;
1962, c. 40;
1963, c. 27;
1964, c. 32;
1965, c. 27;
1966, c. 30;
1967, c. 27;
1968, c. 32.

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

Amends
s. 2.

1. Section 2 of the *Motor-vehicle Act*, being chapter 253 of the *Revised Statutes of British Columbia, 1960*, as amended by chapter 27 of the Statutes of British Columbia, 1963, and by chapter 27 of the Statutes of British Columbia, 1965, and by chapter 30 of the Statutes of British Columbia, 1966, and by chapter 27 of the Statutes of British Columbia, 1967, and by chapter 32 of the Statutes of British Columbia, 1968, is further amended

(a) by repealing clause (g) of the definition of “dealer” and substituting the following:—

(g) a person whose engagement in the business aforesaid is confined to the purchase, sale, and exchange of boat trailers, tent trailers, snow vehicles, snowmobiles, or golf carts, or any combination of those vehicles;

(b) by repealing the definition of “motor-vehicle liability insurance card” and substituting the following definition:—

“motor-vehicle liability insurance card” means a card issued pursuant to sections 235 and 235A of the *Insurance Act*;

(c) by repealing the definition of “motor-vehicle liability policy” and substituting the following definition:—

“motor-vehicle liability policy” means a policy or part of a policy evidencing a contract insuring

(a) the owner or driver of an automobile; or

(b) a person who is not the owner or driver thereof where the automobile is being used or operated by his employee or agent or any other person on his behalf against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by an automobile or the use or operation thereof;

Amends
s. 18.

2. Section 18 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, and by chapter 30 of the Statutes of British Columbia, 1966, is further amended by inserting after subsection (2) the following as subsections (2a), (2b), (2c), and (2d):—

(2a) No person shall drive or operate a motor-vehicle on a highway unless he is insured under a valid and subsisting motor-vehicle liability policy or gives to the Superintendent proof of financial responsibility,

Driving
without
insurance
prohibited.

and holds a motor-vehicle liability insurance card or a financial responsibility card.

Offence and penalty.

(2b) A person who contravenes the provisions of subsection (2a) is guilty of an offence and, upon conviction, is liable to a fine of not less than two hundred and fifty dollars or to imprisonment for a period of not less than three months, or to both such a fine and such imprisonment.

Offence

(2c) Any person who

(a) produces to a peace officer or to the Superintendent

(i) a motor-vehicle liability insurance card or a financial responsibility card purporting to show that there is in force a policy of insurance that is, in fact, not in force; or

(ii) a financial responsibility card purporting to show that he is at that time maintaining in effect proof of financial responsibility as required by this Act when such is not the case; or

(b) fails to deliver to the Superintendent for cancellation as required by subsection (12) of section 91 a financial responsibility card or any additional card issued to him under subsection (9) of section 91; or

(c) gives or loans to a person not entitled to have it a card issued under subsection (9) of section 91

is guilty of an offence.

Persons under 18 years.

(2d) Except with the consent of the Superintendent, no person under the age of eighteen years may drive a motor-vehicle unless

(a) he is certified under a driver-training programme approved by the Superintendent to be qualified to drive a motor-vehicle; and

(b) he complies with subsection (12).

Repeals s. 18 (7).

3. Subsection (7) of section 18 is repealed.

Amends s. 18.

4. Section 18 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, and by chapter 30 of the Statutes of British Columbia, 1966, is further amended by adding after subsection (12) the following as subsections (13), (14), and (15):—

Driving record fee.

(13) Notwithstanding any other provisions of this section,

(a) every applicant for a driver's licence; or

(b) every person whose licence is renewed or returned to him after suspension or cancellation

who has accumulated ten point penalties in respect of his driving record may be assessed and shall pay to the Superintendent, in addition to the fees prescribed in the Schedule, an additional fee of twenty-five dollars for each ten points so accumulated.

Record cancelled by payment.

(14) For the purposes of subsection (13) only, upon payment of the additional fees referred to in that subsection, the Superintendent shall cancel ten point penalties in respect of the driving record of that person for each sum of twenty-five dollars so paid.

Purpose
of fund.

(15) Notwithstanding section 51 or any other provision of this Act, or the *Revenue Act*, the Superintendent shall deposit all moneys paid to him under subsection (13) in a special fund, to be paid out by him only upon the requisition of the British Columbia Automobile Insurance Board.

Repeals
s. 19 (1).

5. Subsection (1) of section 19 of the Act is repealed and the following is substituted:—

Production of
licence and
liability card.

19. (1) Every person shall have his driver's licence and motor-vehicle liability insurance card or financial responsibility card in his possession at all times while driving a motor-vehicle on a highway, and shall produce the licence and the card for inspection upon demand of any peace officer; except that where a person is engaged in driving or operating a motor-vehicle of the fire department of a municipality and his driver's licence and card are kept at the fire-station at which the motor-vehicle is usually kept, he is not required to have his driver's licence and card in his possession while so engaged.

Amends
s. 20 (2).

6. Subsection (2) of section 20 of the Act is amended by striking out all the words and figures after clause (e) and substituting the words "and he is also exempt for the same period from the requirements respecting the holding of a motor-vehicle liability insurance card or a financial responsibility card, subject, in every case, to his giving to the Superintendent, if requested by him, proof of financial responsibility in the manner and for the amounts prescribed under the *Insurance Act* for a motor-vehicle liability policy."

Repeals
s. 46.

7. Section 46 of the Act is repealed.

Amends
s. 47 (2).

8. Subsection (2) of section 47 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, is further amended by striking out all the words after the word "issue" in the fifth line.

Repeals
s. 54 (4).

9. Subsection (4) of section 54 of the Act is repealed.

Amends
s. 56.

10. Section 56 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, is further amended

(a) by adding, after the word "certificate" in the second and third lines, and in the fifth line of clause (a), in each case, the words "motor-vehicle liability insurance card, financial responsibility card"; and

(b) by adding after the word "certificate", in the second line of clause (b), the words "motor-vehicle liability insurance card, financial responsibility card".

Amends
s. 63.

11. Section 63 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1963, and by chapter 32 of the Statutes of British Columbia, 1968, is further amended by inserting after clause (c) the following as clause (d):—

(d) any person driving a motor-vehicle who is not insured as required by this Act or who does not hold a valid and subsisting motor-vehicle liability insurance card or financial responsibility card.

Repeals s. 71. 12. Section 71 of the Act is repealed.

Amends s. 78 (1). 13. Subsection (1) of section 78 of the Act is amended by striking out the words "and its corresponding number-plates or badge (if any)" in the eleventh and twelfth lines.

Amends s. 79. 14. Section 79 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1963, and by chapter 30 of the Statutes of British Columbia, 1966, and by chapter 32 of the Statutes of British Columbia, 1968, is further amended

(a) by inserting at the beginning of the section the following subsections as subsections (1) and (2):—

Limitation on tort action for property damage. **79.** (1) Subject to subsection (2), no action shall be brought against any person for recovery of damages to property occasioned in an accident involving a motor-vehicle exceeding two hundred and fifty dollars and costs.

(2) Subsection (1) does not apply to a person ordinarily resident outside the Province.

(b) by renumbering the present subsections (1), (2), (3), and (4) as subsections (3), (4), (5), and (6);

(c) by striking out the word and figure "subsection (1)" in the first line of subsection (4), as renumbered by this Act, and substituting the word and figure "subsection (3)"; and

(d) by striking out the word and figure "subsection (1)" in the first line of subsection (5), as renumbered by this Act, and substituting the word and figure "subsection (3)".

Amends s. 81. 15. Section 81 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, and by chapter 32 of the Statutes of British Columbia, 1968, is further amended by adding after clause (t) the following as clauses (u) and (v):—

(u) respecting the establishment and administration of a "point system" in respect of the driving record of drivers committing prescribed offences; and

(v) prescribing penalties for unsatisfactory driving records or in relation to the number of point penalties recorded against the driving record.

Repeals s. 83. 16. Section 83 of the Act is repealed.

Re-enacts s. 84. 17. Section 84 of the Act is repealed and the following is substituted:—

Suspension for payment from fund. **84.** (1) Where the Traffic Victims' Indemnity Fund has paid money to an applicant under this Act either in respect of a judgment against a

driver or owner of a motor-vehicle or under an agreement with the driver or owner, the Superintendent, upon being notified in writing by the Fund of the payment, shall suspend the licence of the driver.

(2) The Superintendent may, at any time, if in his opinion it is advisable to do so, cancel the suspension.

Repeals
s. 85.

18. Section 85 of the Act is repealed.

Amends
s. 86 (1).

19. (1) Subsection (1) of section 86 of the Act, as amended by chapter 30 of the Statutes of British Columbia, 1966, is further amended by striking out all the words after the word "driver" in the ninth line.

(2) Subsection (5) of section 86 of the Act is amended

(a) by striking out the words "or registration" in the first line of clause (b); and

(b) by striking out the words "or permit to be made a registration" and the words "or to permit to be made" where they appear in the first, second, and third lines of clause (c).

Enacts
s. 86c.

20. The Act is further amended by inserting after section 86B, as enacted by chapter 32 of the Statutes of British Columbia, 1968, the following as section 86c:—

Suspension
for failure
to pay
penalty fee.

86c. In addition to every other provision or cause for cancellation or suspension of a licence, the Superintendent may cancel or suspend the licence of, or refuse to issue a licence to, any driver who fails or neglects to pay the penalty assessed by the Superintendent under section 18.

Amends
s. 87.

21. Section 87 of the Act is amended

(a) by striking out the words "or the registration of a motor-vehicle in the name of such person or both such privilege and such registration" in the second, third, and fourth lines;

(b) by striking out the words "or the registration of any motor-vehicle in his name, or both such privilege or licence and such registration" in the eighth, ninth, and tenth lines; and

(c) by striking out the words "and registration" in the eleventh line.

Amends
s. 88 (1).

22. Subsection (1) of section 88 of the Act is amended

(a) by striking out the words and figures "mentioned in section 85" in the second and third lines and substituting the words and figures "under section 192, 193, 221, 222, 223, 225 (3), or 226 of the Criminal Code"; and

(b) by striking out the words "or order" in the fourth line.

Repeals
s. 88 (2).

23. Subsection (2) of section 88 of the Act is repealed.

Amends
s. 88 (3).

24. Subsection (3) of section 88 of the Act is amended

(a) by striking out the word and figure "or (2)" in the second line;

(b) by striking out the words "those subsections" in the fifth line and substituting the words "that subsection"; and

(c) by striking out all the words after the word "convicted" in the sixth line.

Amends
s. 88 (4).

25. Subsection (4) of section 88 of the Act is amended
(a) by striking out the word and figure "or (2)" in the second line; and
(b) by striking out the words "order, judgment" in the third line.

Amends
s. 88 (5).

26. Subsection (5) of section 88 of the Act is amended
(a) by striking out the words "or against whom an order is made" in the first line;
(b) by striking out the word and figure "or (2)" in the second line; and
(c) by striking out the words "order or judgment" in the eighth line.

Amends
s. 88 (6).

27. Subsection (6) of section 88 of the Act is amended by striking out the words "or of using or having in the Province a motor-vehicle registered in any Province, State, or country in his name," in the third and fourth lines.

Repeals
s. 89.

28. Section 89 of the Act is repealed.

Repeals
s. 90.

29. Section 90 of the Act is repealed.

Amends
s. 91 (1).

30. Subsection (1) of section 91 of the Act is amended
(a) by striking out the words "required to be" in the first line;
(b) by striking out clause (a);
(c) by striking out paragraph (iv) of clause (b) and substituting the following:—
 (iv) be conditioned for the payment of amounts prescribed under the *Insurance Act* for a motor-vehicle liability policy;
(d) by striking out the words and figure "by section 90" in the fourth line of clause (c) and substituting the words "under the *Insurance Act* for a motor-vehicle liability policy"; and
(e) by renumbering clauses (b) and (c) as clauses (a) and (b).

Repeals
s. 91 (2).

31. Subsection (2) of section 91 is repealed.

Amends
s. 91 (9).

32. Subsection (9) of section 91 of the Act is amended
(a) by striking out the letters and word "(b) and (c)" in the second line of clause (a) and substituting the letters and word "(a) and (b)"; and
(b) by striking out the words and figures "stated in section 90" in the fourth line of paragraph (ii) of clause (b) and substituting the words "and covering those benefits prescribed under the *Insurance Act* for a motor-vehicle liability policy".

Amends
s. 91 (13).

33. Subsection (13) of section 91 of the Act is amended by striking out the words and figures "stated in section 93" in the tenth line, and substituting the words "and covering those benefits prescribed under the *Insurance Act* for a motor-vehicle liability policy".

Amends
s. 91 (15).

34. Subsection (15) of section 91 is amended by striking out the words "See section 102 of the *Motor-vehicle Act*" in the sixteenth and seventeenth lines of the financial responsibility card.

Repeals
ss. 92 to 94.

35. Sections 92, 93, and 94 of the Act are repealed.

Re-enacts
s. 95.

36. Section 95 of the Act is repealed and the following is substituted:—

Return of
security
given in
proof.

95. (1) Where the Minister of Finance is satisfied that a person who has given security under this Act has produced satisfactory proof that he has satisfied all claims arising out of the accident in respect of which security was given, the Minister shall return the security to that person.

(2) Where

(a) one year has elapsed since the date of an accident and the driver of a motor-vehicle in any manner directly or indirectly involved has not been named defendant in an action for damages as a result of the accident; or

(b) judgment in an action for damages resulting from the accident brought against or instituted by the driver has been given in his favour,

the Minister of Finance, upon receipt of satisfactory proof of these facts, shall return the security to person who paid it.

(3) Where the Minister of Finance is unable to locate the person or driver in order to return the security under this section, he shall pay the amount of the security into the Consolidated Revenue Fund.

Re-enacts
s. 96.

37. Section 96 of the Act is repealed and the following is substituted:—

Cancellation
of certificates
of financial
responsibility.

96. Excepting a certificate issued under subsection (4) of section 91, every certificate of financial responsibility given by an insurance company and every certificate given by the Minister of Finance and filed with the Superintendent for the purposes of this Act is cancelled on the day that this section comes into force.

Repeals
s. 97.

38. Section 97 of the Act is repealed.

Repeals
s. 98.

39. Section 98 of the Act is repealed and the following is substituted:—

Return of
driver's
licence.

98. A driver whose licence has been suspended shall immediately return to the Superintendent his driver's licence issued to him pursuant to this Act.

Repeals
s. 99.

40. Section 99 of the Act is repealed and the following is substituted:—

- Offence.** 99. When any person fails to comply with the provisions of section 98, the Superintendent may cause a peace officer to recover possession of the driver's licence issued to that person under this Act, and the person, by reason of such failure, is guilty of an offence.
- Repeals**
s. 101. 41. Section 101 of the Act is repealed.
- Repeals**
s. 102. 42. Section 102 of the Act is repealed.
- Amends**
s. 106A (2). 43. Subsection (2) of section 106A of the Act, as enacted by chapter 27 of the Statutes of British Columbia, 1965, is amended by adding at the end the words " and the owner is a non-resident ".
- Repeals**
s. 106F (4). 44. (1) Subsection (4) of section 106F of the Act is repealed.
(2) Subsection (5) of section 105F is renumbered as subsection (4).
- Amends**
s. 106I. 45. Section 106I of the Act, as enacted by chapter 27 of the Statutes of British Columbia, 1965, is amended
(a) by adding, after the word " Fund " in the first line, the words " to a non-resident "; and
(b) by adding, after the words " wherein the " in the second line, the words " non-resident, as ".
- Amends**
s. 106J. 46. Section 106J of the Act, as enacted by chapter 27 of the Statutes of British Columbia, 1965, is amended
(a) by striking out the words " or the permit for a motor-vehicle registered in his name " in the first and second lines;
(b) by striking out the words " or registration be permitted to be made by him " in the fifth and sixth lines;
(c) by striking out the words " he has satisfied all requirements of this Act in respect of giving proof of financial responsibility and " in the first and second lines of clause (a), and
(d) by striking out the words and figures " and subsection (3) of section 83 does not apply " in the last line.
- Repeals**
s. 106K (3). 47. Subsection (3) of section 106K of the Act is repealed.
- Amends**
s. 106L. 48. Section 106L of the Act, as enacted by chapter 27 of the Statutes of British Columbia, 1965, is amended by adding, after the word " property " in the fourth line, the words " of non-residents ".
- Repeals**
s. 115. 49. Section 115 of the Act is repealed.
- Amends**
s. 126. 50. Section 126 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, and by chapter 30 of the Statutes of British Columbia, 1966, and by chapter 27 of the Statutes of British Columbia, 1967, and by chapter 32 of the Statutes of British Columbia, 1968, is

further amended by inserting after subsection (2) the following as subsection (2a):—

Information on oath not required.

(2a) An information for an alleged offence under this Act or regulations, or under a municipal by-law passed pursuant to this Act, is not invalid solely because it is not taken under oath.

Amends s. 126A.

51. Section 126A of the Act, as enacted by chapter 32 of the Statutes of British Columbia, 1968, is amended

(a) by inserting after subsection (7) the following as subsections (7a), (7b), and (7c):—

Costs of hearing.

(7a) Where a person requires that a dispute be determined by a Magistrate, he shall deposit, in accordance with the regulations, a sum prescribed by the Lieutenant-Governor in Council for the costs of the hearing.

Disposition of costs.

(7b) If the Magistrate determines that the violation did not take place, he shall order the deposit to be refunded to the person who paid it; but if

(a) the person fails, without sufficient reason, to appear at the hearing; or

(b) the Magistrate determines that the violation did take place the Magistrate shall order the deposit to be forfeited

(c) to the Province, where the violation took place in unorganized territory; or

(d) to the municipality as defined in the *Provincial Court Act*, where the violation took place in a municipality.

(7c) Where the person fails, without sufficient reason, to appear at the hearing, the Magistrate shall treat the violation as not disputed, and shall so inform the Superintendent.

(b) and by repealing subsection (15) and substituting the following:—

(15) Notwithstanding the coming into force of this section in an area as provided in subsection (14), any proceedings pending in an area, in respect of an offence against

(a) a traffic rule; or

(b) a by-law declared to be a traffic rule under this section, are continued under the Act as if this section had not been enacted until the proceedings and any appeal therefrom are finally disposed of.

Amends s. 185.

52. Section 185 of the Act, as amended by chapter 27 of the Statutes of British Columbia, 1965, is further amended by adding after subsection (3) the following as subsection (4):—

Two motor-cycles in one lane only.

(4) Except when overtaking and passing other motor-cycles, not more than two operators of motor-cycles shall operate their motor-cycles side by side in the same direction in the same traffic lane.

Amends
s. 197 (2).

53. Subsection (2) of section 197 of the Act is amended by adding, after the word " flags " in the third line, the words " or two warning devices of a type approved by the Superintendent ".

Enacts
s. 208.

54. The Act is further amended by adding after section 207 the following as section 208:—

Report of
medical
practitioner.

208. Every legally qualified medical practitioner shall report to the Superintendent the name, address, and medical condition of any patient sixteen years of age or over who

- (a) in the opinion of the medical practitioner has a medical condition that makes it dangerous to the patient or to the public for the patient to drive a motor-vehicle; and
- (b) continues to drive a motor-vehicle after being warned of the danger by the medical practitioner.

Amends
Sch.

55. The Schedule of Fees for drivers' licences appearing under the heading " Drivers' Licences " in the Table of Fees in Schedule A of the Act is repealed and the following tariff of fees for drivers' licences is substituted:—

Drivers' Licences

Fee	\$5.00
For duplicate of licence, a fee of50
For any examination as to fitness and ability	1.00

Repeals s. 23
of Traffic
Victims Indem-
nity Fund
Act, 1961.
Commence-
ment.

56. Section 23 of the *Traffic Victims Indemnity Fund Act, 1961*, being chapter 63 of the Statutes of British Columbia, 1961, is repealed.

57. (1) The provisions of this Act, excepting this section, come into force on a day to be fixed by the Lieutenant-Governor in Council by his Proclamation, and he may fix different dates for the coming into force of the different provisions.

(2) This section comes into force on Royal assent.