

ATTORNEY GENERAL AND MINISTER
RESPONSIBLE FOR HOUSING

BILL 17 – 2022

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2022**

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

Offence Act

1 Section 15 of the Offence Act, R.S.B.C. 1996, c. 338, is amended

(a) in subsection (1) by striking out “or” at the end of paragraph (a) and by adding the following paragraphs:

- (c) submitting by or in accordance with any electronic means set out in the ticket or set out in the instructions prescribed under section 132 (2) (a.3) a notice of dispute, or
- (d) providing in accordance with the regulations a notice of dispute. ,

(b) in subsection (2) by striking out “or” at the end of paragraph (a) and by adding the following paragraphs:

- (c) submitting by or in accordance with any electronic means set out in the ticket or set out in the instructions prescribed under section 132 (2) (a.3) a notice of dispute, or
- (d) providing in accordance with the regulations a notice of dispute. ,

(c) by adding the following subsections:

- (2.1) Subsections (1) (c) and (d) and (2) (c) and (d) do not apply to prescribed classes of violation tickets.
- (2.2) The Lieutenant Governor in Council may make regulations respecting the provision of a notice of dispute for the purposes of subsection (1) (d) or (2) (d), and different regulations may be made under those subsections in respect of different classes of violation tickets.

(2.3) The Lieutenant Governor in Council may make regulations establishing classes of violation tickets for the purposes of subsection (2.1) or (2.2), which classes may be based on one or more of the following:

- (a) enactments;
- (b) offences;
- (c) enforcement officers;
- (d) types of violation tickets;
- (e) dates of completion of violation tickets;
- (f) dates of service of violation tickets;
- (g) hearing locations. ,

(d) in subsection (3) by striking out “an address” and substituting “a mailing address”,

(e) by adding the following subsections:

(3.3) A notice of dispute under this section may contain an email address for the person disputing the allegation or fine.

(4.1) For the purpose of this section, a notice of dispute that is submitted by or in accordance with an electronic means is deemed to have been delivered on the date on which it was submitted. , **and**

(f) in subsection (6) by striking out “at the address set out in the notice of dispute” and substituting “at the mailing address or any email address set out in the notice of dispute”.

2 Section 15 (5) is amended by striking out “or” at the end of paragraph (a) and by adding the following paragraphs:

- (c) submitted by or in accordance with an electronic means set out
 - (i) in the violation ticket, or
 - (ii) in the instructions prescribed under section 132 (2) (a.3), or
- (d) provided in accordance with the regulations made for the purposes of subsection (1) (d) or (2) (d).

3 Section 15 (5) (c) (ii) is amended by adding “or established under the treaty first nation law” after “instructions prescribed under section 132 (2) (a.3)”.

4 Section 15.1 (1) is amended

(a) by striking out “a justice hearing the trial on a violation ticket” and substituting “at a hearing in relation to a violation ticket, a justice”, and

(b) in paragraph (a) by striking out “trial” and substituting “hearing”.

5 *Section 15.2 is repealed and the following substituted:*

Method of hearings or appearances in relation to violation tickets

- 15.2** (1) Subject to the applicable Rules of Court and this section, a hearing or appearance in relation to a violation ticket is to be held in person.
- (2) Subject to the applicable Rules of Court, the chief judge of the Provincial Court may direct that hearings or appearances in relation to violation tickets or a class of violation tickets or to a class of hearings or appearances in relation to violation tickets, which classes may be defined by the chief judge, be held by telephone, video conference or other means of electronic communication.
- (3) Despite section 45 (1), if a person to whom a subpoena is directed will be attending a hearing in relation to a violation ticket by telephone, video conference or other means of electronic communication, the subpoena must set out how the person must provide or present any writings that the person has in the person's possession or under the person's control relating to the hearing.
- (4) For the purposes of a hearing or appearance in relation to a violation ticket, a reference in an enactment to attending, appearing or being before a justice, being in court or being at a place or location is not to be interpreted as requiring in-person attendance.
- (5) If a hearing or appearance in relation to a violation ticket does not take place at a physical location because all participants attend the hearing or appearance by telephone, video conference or other means of electronic communication, the hearing or appearance is considered to take place at the court served by the registry where the court file is located.

**Procedures at hearings or appearances
in relation to violation tickets**

- 15.21** Despite section 60, but subject to the applicable Rules of Court, a justice presiding at a hearing or appearance in relation to a violation ticket may adopt procedures that are conducive to justly and expeditiously determining the matter.

6 *Section 15.4 is repealed and the following substituted:*

Disputing fine amount in writing

- 15.4** (1) A person who disputes only the fine portion of the ticketed amount indicated on a violation ticket may provide, in the prescribed form and in accordance with subsection (2),
- (a) a statement that the person does not want to appear for a hearing of the dispute, and

- (b) written reasons for requesting
 - (i) a reduction in the fine amount, or
 - (ii) time to pay under section 82 (2) (b).
- (2) A person may provide the form prescribed for the purposes of subsection (1)
 - (a) by including the form when the person delivers a notice of dispute under section 15 (1) (a) or (2) (a),
 - (b) by submitting the form when the person gives notice of dispute under section 15 (1) (b) or (2) (b),
 - (c) by including the form when the person submits or provides a notice of dispute under section 15 (1) (c) or (d) or (2) (c) or (d), or
 - (d) within a prescribed time and by a prescribed method.
- (3) A person who delivers, gives, submits or provides a notice of dispute under section 15 (1) or (2) in respect of only the allegation, or in respect of the allegation and the fine portion of the ticketed amount, may provide, in the prescribed form, within a prescribed time and by a prescribed method,
 - (a) a statement that the person committed the offence and that the person does not want to appear for a hearing of the dispute, and
 - (b) written reasons for requesting
 - (i) a reduction in the fine amount, or
 - (ii) time to pay under section 82 (2) (b).
- (4) If a form referred to in subsection (1) or (3) is provided,
 - (a) the hearing required by section 15 (5) is satisfied by the consideration under paragraph (c) of this subsection,
 - (b) section 15 (6) and (8) to (12) does not apply to the dispute,
 - (c) the justice to whom the matter is referred must consider the reasons provided in the form and make an order in the dispute in accordance with this Act, and
 - (d) the order of the justice made under paragraph (c) of this subsection may be sent as follows:
 - (i) by ordinary mail to the person who delivered, gave, submitted or provided the notice of dispute under section 15 (1) or (2);
 - (ii) by email to the person who delivered, gave, submitted or provided the notice of dispute under section 15 (1) or (2) if an email address for the person was included in the notice of dispute.
- (5) An order of a justice sent by ordinary mail under subsection (4) (d) (i) is deemed to have been received on the seventh day after the date of mailing.

- (6) An order sent by email under subsection (4) (d) (ii) is deemed to have been received as follows:
 - (a) if the order is sent before 4 p.m. on a day that is not a Saturday or holiday, the order is deemed to have been received on the day the order was sent;
 - (b) if the order is sent on a Saturday or holiday or after 4 p.m. on any other day, the order is deemed to have been received on the next day that is not a Saturday or holiday.

7 Section 15.4 is amended

(a) in subsection (1) by striking out “violation ticket” and substituting “violation ticket, other than a violation ticket issued under a treaty first nation law,”,

(b) by adding the following subsections:

- (1.1) A person who delivers a notice of dispute in respect of only the fine portion of the ticketed amount indicated on a violation ticket issued under a treaty first nation law may provide, in the form, if any, established under the applicable treaty first nation law and in accordance with subsection (1.2),
 - (a) a statement that the person does not want to appear for a hearing of the dispute, and
 - (b) written reasons for requesting
 - (i) a reduction in the fine amount, or
 - (ii) time to pay under section 82 (2) (b).
- (1.2) A person may provide the form, or the statement and written reasons, referred to in subsection (1.1)
 - (a) by including the form, or the statement and written reasons, when the person delivers the notice of dispute referred to in that subsection, or
 - (b) within a time and by a method established under the applicable treaty first nation law, which time may not be more than any time prescribed under subsection (2). ,

(c) by adding the following subsections:

- (3.1) A person who delivers a notice of dispute in respect of only the allegation, or in respect of the allegation and the fine portion of the ticketed amount, indicated on a violation ticket issued under a treaty first nation law may provide, in the form, within a time and by a method, if any, established under the applicable treaty first nation law,
 - (a) a statement that the person committed the offence and that the person does not want to appear for a hearing of the dispute, and

- (b) written reasons for requesting
 - (i) a reduction in the fine amount, or
 - (ii) time to pay under section 82 (2) (b).

(3.2) If a treaty first nation establishes a law for the purposes of subsection (3.1), the time established under that law for the purposes of that subsection may not be more than any time prescribed for the purposes of subsection (3). ,

(d) in subsection (4) by striking out “subsection (1) or (3)” and substituting “subsection (1), (1.1), (3) or (3.1)”, and

(e) in subsection (4) (d) by adding the following subparagraph:

- (iii) in accordance with the applicable treaty first nation law if the person disputed the allegation or the fine portion of the ticketed amount indicated on a violation ticket issued under a treaty first nation law.

8 *The following section is added:*

Regulations respecting lesser fines

18.2 (1) The Lieutenant Governor in Council may make regulations respecting the imposition, on application, of a fine in a lesser amount than the fine portion of the ticketed amount indicated on a violation ticket in consideration of the means and ability of the person to pay the fine, including regulations as follows:

- (a) providing for an application process;
- (b) respecting whether a person may make an application under this section whether or not the person is disputing under section 15 only the fine portion of the ticketed amount indicated on the violation ticket;
- (c) respecting a person terminating a dispute of the allegation in order to make an application under this section;
- (d) respecting the application of section 15 (5), (6) and (8) to (12) or 15.4 if
 - (i) an application is made under this section, and
 - (ii) there is a notice of dispute under section 15 in respect of only the fine portion of the ticketed amount indicated on the violation ticket;
- (e) designating any person or class of persons who may decide on an application made under this section;
- (f) respecting criteria under which a request for the imposition of a fine in a lesser amount in consideration of the means and ability of the person to pay the fine may, may not or must be granted;
- (g) respecting circumstances in which a person is considered not to have sufficient means and ability to enable the person to pay the fine;

- (h) respecting the amount or percentage by which the fine portion of the ticketed amount indicated on a violation ticket may be reduced in imposing a fine in a lesser amount;
 - (i) providing for administrative matters if a fine in a lesser amount is imposed under this section.
- (2) A fine may be imposed in a lesser amount under this section despite any other provision of this Act or any other Act, except subsection (4).
- (3) Subject to subsections (4) to (7), if a regulation made under this section conflicts with this Act, the regulation prevails to the extent of the conflict.
- (4) If a minimum fine is established under the *Motor Vehicle Act* for contravention of a provision of that Act, a fine of less than the minimum established may not be imposed under this section.
- (5) An application under this section in respect of a violation ticket may not be made after
 - (a) the person is deemed to have pleaded guilty under section 14 (11), 15 (11) or (12) or 16 (1) to the alleged contravention on the ticket, or
 - (b) a justice imposes a fine authorized by this or any other Act.
- (6) If, in respect of a violation ticket, a person makes an application under this section, the person is deemed to have pleaded guilty to the alleged contravention.
- (7) For the purposes of section 82 (6) to (8), the imposition of a fine under this section is deemed to be an order made under section 82 (2) in respect of the fine and the victim surcharge levy that is to be paid with that fine.
- (8) Regulations made under this section do not apply in respect of a violation ticket for which
 - (a) the person on whom the ticket has been served is disputing the allegation, or
 - (b) the person to whom the ticket has been mailed under section 14 (6), but on whom the ticket has not been served, is disputing the allegation.
- (9) In making regulations under this section, the Lieutenant Governor in Council may make different regulations for
 - (a) different enactments, offences, enforcement officers, violation tickets, court registries, hearing locations, dates of service of violation tickets, dates of completion of violation tickets, or amounts of the fine portion of ticketed amounts indicated on violation tickets, or
 - (b) different classes of enactments, offences, enforcement officers, violation tickets, court registries, hearing locations, dates of service of violation tickets, dates of completion of violation tickets, or amounts of the fine portion of ticketed amounts indicated on violation tickets.

- (10) This section is repealed 4 years after the date it comes into force and, on its repeal, any regulations made under it, unless repealed earlier, are also repealed.

9 Section 18.2 is amended

(a) in subsection (2) by striking out “subsection (4)” and substituting “subsections (4) and (4.1)”,

(b) by adding the following subsection:

- (4.1) If a minimum fine is established under a treaty first nation law for contravention of a provision of a treaty first nation law and the treaty first nation makes a treaty first nation law that designates the provision as a provision to which section 88 (1) does not apply, a fine of less than the minimum established may not be imposed under this section. , **and**

(c) in subsection (5) (a) by adding “or under a treaty first nation law” after “under section 14 (11), 15 (11) or (12) or 16 (1)”.

10 The following section is added:

Regulations respecting time to pay

18.3 (1) In relation to a fine authorized by this or any other Act and the victim surcharge levy that is, under section 8.1 of the *Victims of Crime Act*, to be paid with that fine, the Lieutenant Governor in Council may make regulations respecting the granting, on application, of time to pay the fine and the levy in consideration of the means and ability of the person to pay the fine and the levy at once, including regulations as follows:

- (a) providing for an application process;
- (b) respecting whether a person may make an application under this section whether or not the person is disputing under section 15 only the fine portion of the ticketed amount indicated on the violation ticket;
- (c) respecting a person terminating a dispute of the allegation in order to make an application under this section;
- (d) respecting the application of section 15 (5), (6) and (8) to (12) or 15.4 if
 - (i) an application is made under this section, and
 - (ii) there is a notice of dispute under section 15 in respect of only the fine portion of the ticketed amount indicated on the violation ticket;
- (e) designating any person or class of persons who may decide on an application made under this section;

- (f) respecting criteria under which a request for time to pay the fine and the victim surcharge levy in consideration of the means and ability of the person to pay the fine and the victim surcharge levy at once may, may not or must be granted;
 - (g) respecting circumstances in which a person is considered not to have sufficient means and ability to enable the person to pay the fine and the victim surcharge levy at once;
 - (h) respecting time to pay the fine and the victim surcharge levy by a single payment or by instalments;
 - (i) respecting terms and conditions on the payment of the fine and the victim surcharge levy;
 - (j) providing for administrative matters if an application is granted under this section.
- (2) An application to pay the fine and the victim surcharge levy at a time, in instalments and subject to terms and conditions may be granted despite any other provision of this Act or the Act under which the fine is imposed.
 - (3) Subject to subsections (4) to (6), if a regulation made under this section conflicts with this Act, the regulation prevails to the extent of the conflict.
 - (4) An application under this section in respect of a violation ticket may not be made after
 - (a) the person is deemed to have pleaded guilty under section 14 (11), 15 (11) or (12) or 16 (1) to the alleged contravention on the ticket, or
 - (b) a justice imposes a fine authorized by this or any other Act.
 - (5) If, in respect of a violation ticket, a person makes an application under this section, the person is deemed to have pleaded guilty to the alleged contravention.
 - (6) For the purposes of section 82 (5) to (8), the granting of an application made under this section, including any terms and conditions imposed, is deemed to be an order made under section 82 (2) in respect of the fine and the victim surcharge levy that is to be paid with that fine.
 - (7) Regulations made under this section do not apply in respect of a violation ticket for which
 - (a) the person on whom the ticket has been served is disputing the allegation, or
 - (b) the person to whom the ticket has been mailed under section 14 (6), but on whom the ticket has not been served, is disputing the allegation.

- (8) In making regulations under this section, the Lieutenant Governor in Council may make different regulations for
 - (a) different enactments, offences, enforcement officers, violation tickets, court registries, hearing locations, dates of service of violation tickets, dates of completion of violation tickets, or amounts of the fine portion of ticketed amounts indicated on violation tickets, or
 - (b) different classes of enactments, offences, enforcement officers, violation tickets, court registries, hearing locations, dates of service of violation tickets, dates of completion of violation tickets, or amounts of the fine portion of ticketed amounts indicated on violation tickets.
- (9) This section is repealed 4 years after the date it comes into force and, on its repeal, any regulations made under it, unless repealed earlier, are also repealed.

11 *Section 18.3 (4) (a) is amended by adding “or under a treaty first nation law” after “under section 14 (11), 15 (11) or (12) or 16 (1)”.*

12 *The following section is added:*

**Regulations respecting conference
in relation to violation tickets**

- 18.4** (1) The Lieutenant Governor in Council may make regulations respecting a conference that is
- (a) regarding a dispute under section 15 in respect of the allegation or the fine portion of the ticketed amount indicated on the violation ticket,
 - (b) held with or without a justice, and
 - (c) held before a notice of hearing or notice of appearance is sent under section 15 (6).
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) providing that a conference is available in respect of one or both of the following:
 - (i) the allegation;
 - (ii) the fine portion of the ticketed amount indicated on the violation ticket;
 - (b) designating a person or a class of persons to act in the place of a prosecutor at a conference;
 - (c) respecting who may, may not or must attend a conference;
 - (d) respecting the application of section 15 (6) and (8) to (12) or 15.4 to a violation ticket if a conference is initiated;

- (e) respecting the manner in which a conference is held or the methods of attendance at a conference;
 - (f) respecting circumstances in which a prosecutor or person designated under the regulations to act in the place of a prosecutor and a defendant may enter into an agreement resolving the matter;
 - (g) respecting agreements that may be entered into at a conference that resolve the matter, subject to the approval of a justice;
 - (h) respecting the manner of approval by a justice of an agreement referred to in paragraph (g);
 - (i) respecting agreements that may be entered into at a conference that resolve the matter and that do not require the approval of a justice;
 - (j) for the purposes of an agreement entered into under this section in relation to an offence, prescribing another offence, whether or not it is an included offence;
 - (k) respecting amendments that may be made to a violation ticket;
 - (l) providing for administrative matters in relation to a conference.
- (3) For the purposes of this section, the Lieutenant Governor in Council may make regulations establishing classes of violation tickets to which the regulations under this section apply and may make different regulations for different classes of violation tickets, which classes may be based on one or more of the following:
- (a) enactments;
 - (b) offences;
 - (c) enforcement officers;
 - (d) types of violation tickets;
 - (e) dates of completion of violation tickets;
 - (f) dates of service of violation tickets;
 - (g) amounts of the fine portion of ticketed amounts indicated on violation tickets;
 - (h) circumstances relating to the conference;
 - (i) court registries;
 - (j) hearing locations;
 - (k) conference locations.
- (4) A conference must be initiated by the person who disputed the violation ticket.
- (5) If a minimum fine is established under the *Motor Vehicle Act* for contravention of a provision of that Act, a fine of less than the minimum established may not be imposed if there is a conference.

- (6) If a person or class of persons designated under subsection (2) (b) are not enforcement officers, section 63.1 applies in relation to the designated person or class of persons as if they were enforcement officers.
- (7) If a regulation made under this section conflicts with this Act, the regulation prevails to the extent of the conflict.
- (8) This section is repealed 4 years after the date it comes into force and, on its repeal, any regulations made under it, unless repealed earlier, are also repealed.

13 Section 18.4 is amended by adding the following subsection:

- (5.1) If a minimum fine is established under a treaty first nation law for contravention of a provision of a treaty first nation law and the treaty first nation makes a treaty first nation law that designates the provision as a provision to which section 88 (1) does not apply, a fine of less than the minimum established may not be imposed if there is a conference.

14 Section 132 (2) is amended

(a) by repealing paragraph (a.2) and substituting the following:

- (a.2) prescribing a form for the purposes of section 15.4 (1) or (3);
- (a.21) prescribing times and methods for the purposes of section 15.4 (2) (d) or (3); , and

(b) by repealing paragraph (e.2).

Consequential Amendments

Miscellaneous Statutes Amendment Act (No. 2), 2021

15 Section 7 (b) of the Miscellaneous Statutes Amendment Act (No. 2), 2021, S.B.C. 2021, c. 27,

(a) is amended by striking out “,” at the end of section 7 (b), and

(b) as it enacts section 15 (5) of the Offence Act, is amended by striking out “or” at the end of paragraph (a) (ii) and by adding the following paragraphs:

- (c) submitted by or in accordance with an electronic method set out
 - (i) in the violation ticket, or
 - (ii) in the instructions prescribed under section 132 (2) (a.3) or established under the treaty first nation law, or
- (d) provided in accordance with the regulations made for the purposes of subsection (1) (d) or (2) (d). , .

Amendments to this Act

Repeal of sections 2, 3 and 15

- 16 The Lieutenant Governor in Council may repeal sections 2, 3 and 15 of this Act by regulation.

PART 2 – ENERGY, MINES AND LOW CARBON INNOVATION AMENDMENTS

Ministry of Energy and Mines Act

- 17 *Sections 14 to 21 of the Ministry of Energy and Mines Act, R.S.B.C. 1996, c. 298, are repealed.*

Freedom of Information and Protection of Privacy Act

- 18 *Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out the following:*

Public Body: Assayers Certification Board of Examiners
Head: Minister of Energy, Mines and Low Carbon Innovation .

PART 3 – PUBLIC SAFETY AND SOLICITOR GENERAL AMENDMENTS

Insurance (Vehicle) Act

- 19 *Section 174 of the Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, is amended*

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

- (4) The total value of indemnification under subsection (3) must be reduced by the extent to which, expressed as a percentage, the following persons are responsible for the accident:
- (a) the owner of the insured's eligible vehicle;
 - (b) the operator of the insured's eligible vehicle;
 - (c) the operator of another vehicle owned, leased or rented by the insured;
 - (d) another person whose name is not ascertainable;
 - (e) a person in a prescribed class of persons. , **and**

(b) by adding the following subsection:

- (4.1) In respect of a vehicle that is not the insured's eligible vehicle, subsection (4) applies regardless of whether the vehicle is owned, leased or rented in British Columbia or in a jurisdiction outside British Columbia.

20 Section 175 is amended

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

- (4) The total value of indemnification under subsection (3) must be reduced by the extent to which, expressed as a percentage, the following persons are responsible for the accident:
- (a) the owner of the insured's eligible vehicle;
 - (b) the operator of the insured's eligible vehicle;
 - (c) the operator of another vehicle owned, leased or rented by the insured;
 - (d) another person whose name is not ascertainable;
 - (e) a person in a prescribed class of persons. , ***and***

(b) by adding the following subsection:

- (4.1) In respect of a vehicle that is not the insured's eligible vehicle, subsection (4) applies regardless of whether the vehicle is owned, leased or rented in British Columbia or in a jurisdiction outside British Columbia.

21 Section 176 is repealed.

22 Section 180 (2) is amended by adding the following paragraph:

- (f.1) respecting reduction of indemnification under sections 174 (4) and 175 (4), including, without limitation, prescribing a class of persons for whom, and the circumstances in which, the corporation must not reduce indemnification; .

Commencement

- 23** 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	Sections 1 to 16	By regulation of the Lieutenant Governor in Council
3	Sections 19 to 22	By regulation of the Lieutenant Governor in Council