

MINISTER OF PUBLIC SAFETY AND SOLICITOR
GENERAL AND DEPUTY PREMIER

BILL 28 – 2023

MOTOR VEHICLE AMENDMENT ACT (No. 2), 2023

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

- 1 Section 1 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended*
 - (a) in the definition of “convicted” by striking out “section 30.1” and substituting “section 93.1”,*
 - (b) by adding the following definitions:*
 - “leased vehicle”** means a vehicle that is leased or rented under a written agreement for a period of not less than one month;
 - “lessee”**, in respect of a vehicle, means a person who
 - (a) leases or rents the vehicle from the owner under a written agreement for a period of not less than one month, and
 - (b) is named as a lessee in the registration of the vehicle under this Act;
 - “out-of-province lessee”** means a person who leases or rents a vehicle that meets the requirements of section 21 (1) (a) to (c) from the owner under a written agreement for a period of not less than one month; ,
 - (c) by repealing the definition of “owner” and substituting the following:*
 - “owner”** includes a person in possession of a vehicle under a conditional sales contract by which the person may become the owner of the vehicle on full compliance with the contract, but, for certainty, does not include a lessee or any other person who rents or leases the vehicle; , **and**
 - (d) by repealing the definition of “owner’s licence”.*
- 2 Section 2 (9) (a) is amended by striking out “owner or lessee” and substituting “owner, lessee or out-of-province lessee”.*
- 3 Section 3 is amended*
 - (a) by adding the following subsection:*
 - (1.2) If the motor vehicle or trailer is a leased vehicle that has a lessee, the lessee, instead of the owner, must comply with subsection (1) (b) and (c). ,

(b) in subsection (3) by striking out “The owner” and substituting “Subject to subsections (3.1) and (3.2), the owner”,

(c) by adding the following subsections:

- (3.1) If the motor vehicle or trailer is a leased vehicle, the owner must also apply for the person who leases or rents the vehicle from the owner to be named as lessee in the registration.
- (3.2) If the motor vehicle or trailer is a leased vehicle that has a lessee, the lessee, instead of the owner, must apply for
 - (a) a licence in the form required by the Insurance Corporation of British Columbia, and
 - (b) a motor vehicle liability policy.
- (4.01) The form of motor vehicle liability policy referred to in subsection (3.2) (b) must be signed by the lessee and delivered to the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the corporation for the purposes of this section, together with
 - (a) the prescribed fees,
 - (b) the insurance premium, and
 - (c) the amount of tax owing in respect of the motor vehicle under
 - (i) the *Social Service Tax Act*,
 - (ii) the *Consumption Tax Rebate and Transition Act*,
 - (iii) section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada), or
 - (iv) the *Provincial Sales Tax Act* . ,

(d) by repealing subsection (7) and substituting the following:

- (7) After receiving the application in the form required by the Insurance Corporation of British Columbia, and on being satisfied of the truth of the facts stated in the application and that the prescribed fees and insurance premium established under the *Insurance (Vehicle) Act* have been paid, the corporation must
 - (a) cause the following information to be registered in a file or index to be kept for that purpose:
 - (i) the name and address of the owner;
 - (ii) if the motor vehicle or trailer is a leased vehicle and its owner has made an application under subsection (3.1) of this section,
 - (A) the name and address of the owner, followed by the word “lessor”, and

- (B) the name and address of the person who leases or rents the motor vehicle or trailer from the owner, followed by the word “lessee”;
- (iii) a description of the motor vehicle or trailer,
- (b) cause a certificate of registration to be issued to the owner, and
- (c) cause the following to be issued to the licensee:
 - (i) a numbered licence in the form established by the corporation, showing registration of the motor vehicle or trailer and authorizing the use and operation of the motor vehicle or trailer in accordance with this Act;
 - (ii) one distinctive number plate, in the case of a motorcycle or trailer, or 2 distinctive number plates, in the case of a motor vehicle other than a motorcycle;
 - (iii) an owner’s certificate and motor vehicle liability insurance card. ,
and
- (e) in subsection (9) by striking out “registration and licensing” and substituting “registration or licensing” and by striking out “as a condition of issuing the licence” and substituting “as a condition of registration or of issuing the licence”.**

4 Section 4 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) A registration must not be made under this Act in respect of a vehicle except in the name of the owner of the vehicle.
- (1.1) Subject to subsection (1.2), a licence must not be issued under this Act in respect of a vehicle except in the name of the owner of the vehicle.
- (1.2) If a vehicle is a leased vehicle that has a lessee, a licence must not be issued under this Act in respect of the vehicle except in the name of the lessee.
- (1.3) For certainty, if a vehicle is a leased vehicle that has a lessee,
 - (a) only the lessor is the registered owner of the vehicle, and
 - (b) only the lessee is the licensee of the vehicle. , **and**

(b) by adding the following subsection:

- (3) If a vehicle is a leased vehicle and its owner has made an application under section 3 (3.1) to name as lessee a person who is not an individual, or the vehicle has a lessee who is not an individual, a registration or licence must also not be made or issued in respect of the vehicle unless the person to be named as lessee, or the lessee, is described in subsection (2) (a), (b) or (c) of this section.

5 Section 7 is amended

- (a) in subsection (1) by striking out “application for registration and licence” and substituting “application for registration or licensing”,**
- (b) in subsection (1) (b) by striking out “the applicant proves” and substituting “the applicant or transferee proves” and by striking out “he or she” and substituting “the applicant or transferee”,**
- (c) in subsection (2) by striking out “registered and licensed” and substituting “registered or licensed”,**
- (d) in subsection (2) (a) by striking out “his or her”, and**
- (e) in subsection (2) by striking out “to that person until he or she reaches 18 years of age” and substituting “to the person until the person reaches 18 years of age”.**

6 Section 8 (1) is amended by striking out “owned by a farmer if the tractor is used for” and substituting “if a farmer is the owner or lessee of the tractor and the tractor is used for”.

7 Section 9 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) Subsection (1.1) applies if all of the following conditions are met:
 - (a) a person is the owner or lessee of 2 or more motor vehicles registered under this Act;
 - (b) the motor vehicles are used exclusively in the conveyance of personal property in an industry carried on by the person;
 - (c) all of the motor vehicles are ordinarily used and operated entirely on premises other than a highway, but it is necessary for purposes of the industry that one of them occasionally be used or operated on a highway.

(1.1) If all of the conditions set out in subsection (1) are met, the Insurance Corporation of British Columbia, on being satisfied as to the facts, may in the corporation’s discretion cause one licence with its corresponding number plates to be issued in respect of all of the motor vehicles referred to in subsection (1), authorizing the use and operation of each of them in accordance with the provisions of this Act. , **and**

(b) in subsection (3) by striking out “the owner” and substituting “the person referred to in subsection (1) (a)”.

8 *The following section is added:*

Change of lessee or end of lease

- 13.1** (1) Subsection (2) applies if all of the following conditions are met:
- (a) a vehicle is a leased vehicle that has a lessee;
 - (b) the vehicle
 - (i) is leased or rented to a person other than the lessee for a period of not less than one month, or
 - (ii) ceases to be a leased vehicle.
- (2) If all of the conditions set out in subsection (1) are met,
- (a) the owner of the vehicle must immediately apply, in the form required by the Insurance Corporation of British Columbia, to change the registration of the vehicle, and
 - (b) the licensee of the vehicle must immediately
 - (i) sign and transmit to the corporation a notice in the form required by the corporation,
 - (ii) deal with the licence as directed by the corporation,
 - (iii) deal with the number plates for the vehicle as directed by the corporation, and
 - (iv) if the owner or licensee was issued a document under section 12 (2) (c) or the corporation took an action under that provision, deal with the document as directed by the corporation or take a prescribed action.
- (3) Section 20 (2) to (5) applies in respect of the licence referred to in subsection (2) (b) (ii) of this section and, for that purpose,
- (a) the reference in section 20 (2) to “the motor vehicle or trailer covered by a notice under this section” is deemed to be a reference to the vehicle covered by a notice under subsection (2) (b) (i) of this section, and
 - (b) the reference in section 20 (5) (b) to “a circumstance described in subsection (1)” is deemed to be a reference to a circumstance described in subsection (1) (b) of this section.

9 *Section 14 is amended*

- (a)** *in subsection (1) by striking out “the owner of a vehicle” and substituting “the owner or lessee of a vehicle”, by striking out “the owner must” and substituting “the owner or lessee, as the case may be, must” and by striking out “the owner’s old and new address” and substituting “the old and new addresses”, and*

(b) in subsection (2) by striking out “the owner of a vehicle” and substituting “the owner or lessee of a vehicle” and by striking out “the owner must within 10 days” and substituting “the owner or lessee, as the case may be, must, within 10 days of the change of name,”.

10 Section 15 is amended

(a) in subsection (1) by striking out “If a change” and substituting “Subject to subsection (1.1), if a change”,

(b) by adding the following subsection:

(1.1) If a motor vehicle registered under this Act is a leased vehicle that has a lessee, subsection (1) applies to the lessee instead of the owner. , and

(c) in subsection (3) by striking out “to the owner” and substituting “to the owner or lessee, as the case may be,”.

11 Section 17 is amended

(a) in subsection (1) by striking out “a person” and substituting “an owner” and by striking out “prescribed fee” and substituting “prescribed fees”,

(b) in subsection (2) by striking out “a lease or conditional sale contract” and substituting “a conditional sales contract”, and

(c) in subsection (4) by striking out “the licence” and substituting “the certificate of registration” and by striking out “to him or her”.

12 Section 18 is amended by striking out “a person registered as the holder of a licence to operate a motor vehicle or trailer” and substituting “a registered owner of a motor vehicle or trailer”, by striking out “a transfer of the licence” and substituting “a transfer of the registration” and by striking out “subject to payment of the insurance premium under the *Insurance (Vehicle) Act* in respect of the transfer, issue a new licence” and substituting “on payment of the prescribed fees and the insurance premium in respect of the transfer, issue a registration”.

13 Section 19 is repealed and the following substituted:

Registration suspended if company dissolved

- 19** (1) The Insurance Corporation of British Columbia may take the measures set out in subsection (2) at any time after the corporation is satisfied that
- (a) a company, within the meaning of the *Business Corporations Act*, that is a registered owner or a lessee of a motor vehicle or trailer has been dissolved or has otherwise ceased to be a company, or

- (b) an extraprovincial company, within the meaning of the *Business Corporations Act*, that is a registered owner or a lessee of a motor vehicle or trailer has had its registration as an extraprovincial company cancelled under Part 11 or 12 of that Act.
- (2) For the purposes of subsection (1), the Insurance Corporation of British Columbia may
 - (a) suspend the registration and licence of any motor vehicle or trailer referred to in subsection (1) (a) or (b), and
 - (b) cause the numbered licence and number plates issued for the motor vehicle or trailer to be seized by a peace officer and delivered to the corporation.

14 Section 21 is amended

- (a) in subsection (2) by striking out everything before paragraph (a) and substituting** “If a motor vehicle or trailer is owned by a person resident outside British Columbia, is duly registered and licensed in accordance with the laws of the owner’s place of residence, has displayed on it the registration number plates for the current year assigned under those laws for that motor vehicle or trailer and is brought into British Columbia”,
- (b) in subsection (2) by striking out** “and by giving proof of financial responsibility” **and substituting** “and, subject to subsection (2.1), by giving proof of financial responsibility”,
- (c) by adding the following subsection:**
 - (2.1) If the motor vehicle or trailer referred to in subsection (2) is a leased vehicle that has an out-of-province lessee, the out-of-province lessee, instead of the owner, may give proof of financial responsibility under sections 106 to 113. ,
- (d) in subsection (3) by striking out** “the owner of a motor vehicle or trailer who gives proof of financial responsibility” **and substituting** “the owner of a motor vehicle or trailer referred to in subsection (2) in respect of which proof of financial responsibility is given”, **and**
- (e) in subsection (5) by striking out** “by the owner”.

15 Section 22 is amended

- (a) in subsection (1) (a) by striking out** “owners of motor vehicles” **and substituting** “owners or out-of-province lessees of motor vehicles”,
- (b) in subsection (1) (b) by striking out** “owners of motor vehicles” **and substituting** “owners or lessees of motor vehicles”, **and**

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

- (a) the condition that no person is entitled to an exemption or privilege under it for a motor vehicle in British Columbia unless
 - (i) the motor vehicle is duly registered and licensed in accordance with the laws of the owner’s place of residence,
 - (ii) the certificate or licence required by those laws is carried on the motor vehicle, and
 - (iii) the motor vehicle has displayed on it the registration number plates for the current year assigned under those laws for that motor vehicle, .

16 Section 26 is amended

- (a) in subsection (1) (i) by striking out “the owner of a motor vehicle” and substituting “the owner or lessee of a motor vehicle” and by striking out “section 255 (11) of this Act” and substituting “section 255 (11) (b)”,**
- (b) in subsection (2) by striking out “owned by a person”,**
- (c) in subsection (2) (a) (ii) by striking out “owned by the person” and substituting “as required by this Act”,**
- (d) in subsection (2) (e) by striking out “the owner of a motor vehicle” and substituting “the owner or lessee of a motor vehicle”, and**
- (e) in subsection (3) (b) by striking out “owned by a person” and substituting “to a person”.**

17 Section 26 is amended

- (a) in subsection (1) (j), as enacted by section 93 (a) of the Firearm Violence Prevention Act, S.B.C. 2021, c. 7, by adding “or lessee” after “the owner”, and**
- (b) in subsection (2) (f), as enacted by section 93 (b) of the Firearm Violence Prevention Act, by adding “or lessee” after “the owner”.**

18 Section 52 (2) is amended by striking out “to the registered owner of the motor vehicle concerned” and substituting “to the licensee of the motor vehicle”.

19 Section 68 is amended

- (a) in subsection (1) (c) (ii) by striking out “the registered owner of the vehicle” and substituting “the owner and the lessee or out-of-province lessee, if any, of the vehicle”,**

- (b) in subsection (2) (a) by striking out “the person in charge of or the owner of the unattended vehicle of” and substituting “the person in charge of or the owner of the unattended vehicle, or the lessee or out-of-province lessee, if any, of the unattended vehicle, of”,*
- (c) in subsection (2) (a) (ii) by striking out “the registered owner” and substituting “the owner and the lessee or out-of-province lessee, if any”, and*
- (d) in subsection (3) (b) by striking out “the registered owner” and substituting “the owner and the lessee or out-of-province lessee, if any, of the vehicle”.*

20 Section 83 is amended

- (a) in subsection (1) in paragraph (a) of the definition of “owner” by striking out “a contract” and substituting “a conditional sales contract” and by striking out “alone”, and*
- (b) in subsection (5) 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) the person named as lessee in the registration of the motor vehicle is not the person who rents or leases the motor vehicle from another person.*

21 Section 83.1 is amended

- (a) in subsection (1) in paragraph (a) of the definition of “owner” by striking out “a contract” and substituting “a conditional sales contract” and by striking out “alone”, and*
- (b) in subsection (5) 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) the person named as lessee in the registration of the motor vehicle is not the person who rents or leases the motor vehicle from another person.*

22 Section 84 is amended

- (a) in subsection (1) by striking out everything after “and so informs” and substituting “the owner, lessee or out-of-province lessee of the motor vehicle or a person in the motor vehicle, it is the duty of the owner, lessee or out-of-province lessee or the person, as the case may be, if required by the peace officer, to give all information that is in the owner’s, lessee’s, out-of-province lessee’s or person’s power to give relating to the identification of the driver of the motor vehicle at the relevant time or during the relevant period.”, and*

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

- (2) The owner, lessee, out-of-province lessee or other person referred to in subsection (1) commits an offence if the owner, lessee, out-of-province lessee or other person
 - (a) fails to comply with subsection (1), or
 - (b) gives information that the owner, lessee, out-of-province lessee or other person, as the case may be, knows to be false or does not believe to be true.

23 Section 86 is amended

(a) in subsections (1), (1.1), (1.2) and (2) by striking out “his or her” and substituting “the person’s”,

(b) in subsections (1.1), (1.2) and (2) by striking out “lessee” wherever it appears and substituting “borrower”,

(c) in subsections (1.2) and (1.3) by striking out “lessor” wherever it appears and substituting “lender”,

(d) in subsection (3) by adding the following definitions:

“**borrower**” means a person who leases or rents a motor vehicle from a lender for any period of time;

“**lender**” means the following:

- (a) subject to paragraph (b), a person who, under an agreement in writing and in the ordinary course of the person’s business, leases or rents a motor vehicle to another person for any period of time;
- (b) if the lender referred to in paragraph (a) has assigned the agreement, the assignee; ,

(e) in subsection (3) by repealing the definitions of “lessee” and “lessor”,

(f) in subsection (3) in paragraphs (a) and (b) of the definition of “owner” by striking out “contract of conditional sale” and substituting “conditional sales contract”, and

(g) in subsection (3) in paragraph (c) of the definition of “owner” by striking out “lessee” wherever it appears and substituting “borrower”.

24 Section 88 is amended

(a) in subsection (1) by striking out “registered”, by striking out “his or her” and substituting “the owner’s” and by striking out “him or her” and substituting “the owner”,

- (b) in subsection (1) by striking out “against this Act or the regulations” and substituting “under this Act” and by striking out “prescribed” and substituting “established”,*
- (c) in subsection (3) by striking out “a registered owner” and substituting “an owner”, by striking out “the registered owner” wherever it appears and substituting “the owner” and by striking out “the registered owner’s” and substituting “the owner’s”, and*
- (d) in subsection (3) by striking out “against this Act or regulations” and substituting “under this Act” and by striking out “possession of the motor vehicle” and substituting “possession of the motor vehicle.”*

25 *Section 111 is amended*

- (a) in subsection (1) by striking out “the owner of a motor vehicle or trailer” and substituting “a person”, by striking out “deliver to the owner” and substituting “deliver to the person” and by striking out “at all times,” and substituting “at all times”, and*
- (b) in subsection (2) by striking out “owner” wherever it appears and substituting “person” and by striking out “the owner’s certificate” and substituting “a certificate under the Insurance (Vehicle) Act”.*

26 *Section 112 is amended by striking out “the owner of a motor vehicle” and substituting “a person”, by striking out “the owner must” and substituting “the person must” and by striking out “issued to the owner” and substituting “issued to the person”.*

27 *Section 115 is amended by striking out “proof of financial responsibility given by the registered owner of or the person driving or operating that motor vehicle” and substituting “proof of financial responsibility given to the corporation in respect of that motor vehicle”.*

28 *Section 116 (1) is amended by adding “lessee,” after “owner,” and by adding “or licensed” after “registered”.*

29 *Section 116 (1), as enacted by section 82 of the Miscellaneous Statutes Amendment Act (No. 2), 2008, S.B.C. 2008, c. 42, is amended*

- (a) by adding “lessee,” after “owner,” and*
- (b) in paragraph (d) by adding “or licensed” after “registered”.*

30 *Section 119 (1) is amended in paragraph (b) of the definition of “owner” by adding “, an out-of-province lessee” after “a lessee”.*

31 Section 210 is amended

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

(i) respecting the transfer of licences and number plates; ,

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

(k) respecting the issuing of licences for vehicles for a term of less than 12 months; , **and**

(c) in subsection (2.3) by striking out “subsection (2) (u)” and substituting “subsection (2) (i), (k) or (u)”.

32 Section 216 (1) is amended

(a) in paragraph (b) by striking out “owner or operator” and substituting “owner, lessee, out-of-province lessee or operator”, and

(b) in paragraph (g) by striking out “owners” and substituting “owners, lessees and out-of-province lessees”.

33 Section 216 (6) and (8), as enacted by section 174 (g) of the Miscellaneous Statutes Amendment Act (No. 2), 2010, S.B.C. 2010, c. 6, is amended by striking out “owner or operator” wherever it appears and substituting “owner, lessee, out-of-province lessee or operator”.

34 Section 238 (1) (c) is amended by striking out “of the owner of the motor vehicle” and by striking out “has been issued” and substituting “has been issued,”.

35 Section 249 (2) is repealed and the following substituted:

(2) A person involved in an accident referred to in subsection (1) (a), or that person’s authorized representative, is entitled to obtain the following on request:

(a) the names of any drivers involved;

(b) the licence number of any vehicle involved;

(c) the name of the owner of any vehicle involved;

(d) the name of any lessee or out-of-province lessee of any vehicle involved;

(e) the name of any witness.

36 Section 250 is amended by adding the following definition:

“owner” includes

- (a) a person in possession of a motor vehicle under a conditional sales contract by which the person may become the owner on full compliance with the contract, and in whose name the motor vehicle is registered, and
- (b) a lessee or out-of-province lessee; .

37 Section 251 is amended

(a) in subsection (1) (b) by striking out “his or her”, and

(b) in subsection (2) (c) by striking out “he or she” and substituting “the person”.

38 Section 253 is amended

(a) in subsection (4) (a) by striking out “registered”, and

(b) in subsection (5) by striking out “the last known address of the registered owner as shown in the records maintained by the Insurance Corporation of British Columbia” and substituting “the last known address of the owner as shown in the records available to the superintendent”.

39 Section 254 is amended

(a) in subsection (2) by striking out “the last known address of the registered owner of the motor vehicle as shown in the records maintained by the Insurance Corporation of British Columbia” and substituting “the last known address of the owner of the motor vehicle as shown in the records available to the superintendent”, and

(b) in subsection (2.1) (a) and (b) by striking out “registered”.

40 Section 255 is amended

(a) in subsections (8) and (9) (c) (i) by striking out “the owner of the motor vehicle” and substituting “the owner, as defined in section 1, of the motor vehicle”,

(b) in subsection (10) by striking out “to him or her”,

(c) in subsection (11) (a) (iii) by striking out “registered owner” and substituting “licensee”, and

(d) in subsection (11) (b) by striking out “refuse, under section 26 (1) or (2) or both, to issue to the person who was the owner of the motor vehicle when it was impounded” and substituting “refuse to issue to a person under section 26 (1) (i) or (2) (e) or both”.

41 *Section 257 (b) (ii) is amended by striking out “, or under section 104.1 (1), 105 (1), 105.1 (1), 242 (1) or 243 (1) before their repeal,” and by striking out “owned by the person” and substituting “owned or leased by the person”.*

42 *Section 258 is amended*

(a) in subsections (1) (d) and (2) (b) (i) by striking out “his or her”,

(b) in subsection (2) (a) (ii) and (c) (ii) by striking out “before he or she drove or operated” and substituting “before driving or operating” and by striking out “that he or she” and substituting “that the owner”,

(c) in subsection (2) (b) (ii) by striking out “before he or she drove or operated” and substituting “before driving or operating” and by striking out “his or her driver’s licence and his or her right to apply” and substituting “the owner’s driver’s licence and right to apply”, and

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

(5) The copy referred to in subsection (4) must be sent to the applicant at the last known address of the applicant as shown in the records available to the superintendent.

Transitional Provisions

Transition – Commercial Transport Act and Motor Vehicle Act

- 43** (1) In subsection (2), “**licence**” means a licence and corresponding number plates, or a permit, issued in respect of a vehicle under the *Motor Vehicle Act* or the *Commercial Transport Act*.
- (2) The *Motor Vehicle Act* and the *Commercial Transport Act*, as they read immediately before the date on which this section comes into force, apply to
- (a) a registration of a licensed vehicle in effect immediately before that date,
 - (b) a licence in respect of a vehicle in effect immediately before that date,
 - (c) an owner’s certificate in respect of a licensed vehicle in effect immediately before that date, and
 - (d) a person who, immediately before that date,
 - (i) is a registered owner of a licensed vehicle, or
 - (ii) leases or rents a licensed vehicle from another person
- until the registration, licence or owner’s certificate in respect of the vehicle expires or is revoked, cancelled or surrendered.

- (3) The issuing of a new licence to a lessee in respect of a vehicle under section 3 (7) (c) of the *Motor Vehicle Act* or section 6 (5) (c) of the *Commercial Transport Act* is deemed, for the purposes of section 12 (2) of the *Motor Vehicle Act*, to be a renewal of a licence if
- (a) a licence in respect of the vehicle was in effect immediately before the date on which this section comes into force,
 - (b) the licence referred to in paragraph (a) was held by the same owner who is leasing or renting the vehicle to the lessee,
 - (c) the lessee is the same person who was leasing or renting the vehicle immediately before the date on which this section comes into force, and
 - (d) the new licence is the first licence issued in respect of the vehicle on or after the date on which this section comes into force.

Transition – Insurance (Vehicle) Act

- 44 (1) In this section:

“**licence**” means a licence and corresponding number plates, or a permit, issued in respect of a vehicle under the *Motor Vehicle Act* or the *Commercial Transport Act*;

“**registration**” means the registration of a vehicle under the *Motor Vehicle Act* or the *Commercial Transport Act*.

- (2) The *Insurance (Vehicle) Act*, as it read immediately before the date on which this section comes into force, applies to
- (a) an owner’s certificate in respect of a vehicle in effect immediately before that date,
 - (b) an optional insurance contract referred to in section 61 (1) (a) or (b) of the *Insurance (Vehicle) Act* in respect of a vehicle in effect immediately before that date, and
 - (c) a person who, immediately before that date,
 - (i) is an owner of a vehicle, or
 - (ii) leases or rents a vehicle from another personuntil the registration, licence or owner’s certificate in respect of the vehicle expires or is revoked, cancelled or surrendered.
- (3) The *Insurance (Vehicle) Act*, as it read immediately before the date on which this section comes into force, applies to an optional insurance contract referred to in section 61 (1) (c) and (d) of the *Insurance (Vehicle) Act* until the optional insurance contract expires or is revoked, cancelled or terminated.

Transition – regulations

- 45** (1) Despite this Act or any other Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting any matter that the Lieutenant Governor in Council considers is not provided for, or is not sufficiently provided for, in the amendments made by this Act;
 - (b) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of more effectively bringing the amendments made by this Act into operation;
 - (c) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in bringing the amendments made by this Act into effect, including, without limitation, provisions making an exception to or modification of a provision in an enactment or providing for the application or continued application of a previous enactment;
 - (d) resolving any errors, inconsistencies or ambiguities arising in the amendments made by this Act.
- (2) A regulation made under subsection (1) may be made retroactive to the date this section comes into force or a later date and, if made retroactive, is deemed to have come into force on the specified date.
- (3) To the extent of any conflict between a regulation made under subsection (1) and another enactment, the regulation prevails.
- (4) This section and any regulations made under this section are repealed on the date that is one year after the date this section comes into force or on an earlier date prescribed by the Lieutenant Governor in Council.

Consequential and Related Amendments

Commercial Transport Act

46 *Section 4 (1) of the Commercial Transport Act, R.S.B.C. 1996, c. 58, is amended by striking out “104.1 to 104.95, 105.1 to 105.95,”.*

47 *Section 6 is amended*

(a) by adding the following subsection:

- (2.1) If the commercial vehicle, trailer or semi-trailer is a leased vehicle that has a lessee, the lessee, instead of the owner, must comply with subsection (2) (b) and (c). ,

(b) in subsection (3) by striking out “The owner” and substituting “Subject to subsections (3.1) and (3.2), the owner”,

(c) by adding the following subsections:

- (3.1) If the commercial vehicle, trailer or semi-trailer is a leased vehicle, the owner must also apply for the person who leases or rents the vehicle from the owner to be named as lessee in the registration.
- (3.2) If the commercial vehicle, trailer or semi-trailer is a leased vehicle that has a lessee, the lessee, instead of the owner, must apply
 - (a) for a licence in the form required by the Insurance Corporation of British Columbia, and
 - (b) for a motor vehicle liability policy.
- (4.1) For the purposes of subsection (3.2), the form must be signed by the lessee and delivered to the corporation, or any government agent, or any person authorized in writing by the corporation for the purposes of this section, and when delivered must be accompanied by
 - (a) the prescribed fees,
 - (b) the insurance premium for a certificate issued under the *Insurance (Vehicle) Act*, and
 - (c) the amount of tax owing in respect of the commercial vehicle, trailer or semi-trailer under
 - (i) the *Social Service Tax Act*,
 - (ii) the *Consumption Tax Rebate and Transition Act*,
 - (iii) section 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada), or
 - (iv) the *Provincial Sales Tax Act* .,

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

- (5) Subject to subsection (6), after receiving the application in the form required by the Insurance Corporation of British Columbia, and on being satisfied of the truth of the facts stated in the application and that the prescribed fees and insurance premiums for a certificate issued under the *Insurance (Vehicle) Act* and taxes have been paid, the corporation must
 - (a) register the following information in a file or index kept for that purpose:
 - (i) the name and address of the owner;
 - (ii) if the commercial vehicle, trailer or semi-trailer is a leased vehicle and its owner has made an application under subsection (3.1) of this section,
 - (A) the name and address of the owner, followed by the word “lessor”, and

- (B) the name and address of the person who leases or rents the commercial vehicle, trailer or semi-trailer from the owner, followed by the word “lessee”;
 - (iii) a description of the commercial vehicle, trailer or semi-trailer,
 - (b) issue a certificate of registration to the owner, and
 - (c) issue the following to the licensee:
 - (i) a numbered licence in the form established by the corporation, showing registration of the commercial vehicle, trailer or semi-trailer, and authorizing its use and operation in accordance with this Act;
 - (ii) as many distinctive number plates as may be necessary;
 - (iii) a certificate of insurance and motor vehicle liability insurance card. ,
- (e) in subsection (6) by striking out “no registration or licence may be made or issued” and substituting “a registration or licence must not be made or issued”,**
- (f) by adding the following subsection:**
- (6.1) If a commercial vehicle, trailer or semi-trailer is a leased vehicle and its owner has made an application under subsection (3.1) to name as lessee a person who is not an individual, or the commercial vehicle, trailer or semi-trailer has a lessee who is not an individual, a registration or licence must also not be made or issued in respect of the commercial vehicle, trailer or semi-trailer unless the person to be named as lessee, or the lessee, is described in subsection (6) (a), (b) or (c). ,
- (g) in subsection (13) by striking out “An owner” and substituting “Subject to subsection (13.1), an owner”, and**
- (h) by adding the following subsection:**
- (13.1) If a commercial vehicle referred to in subsection (13) is a leased vehicle that has a lessee, the lessee, instead of the owner, may make an application under that subsection.

48 Section 7 is repealed and the following substituted:

Motor Fuel Tax Act

- 7 If a person is required to hold a motive fuel user permit under the *Motor Fuel Tax Act* in respect of a commercial vehicle, a permit must not be issued under this Act in respect of the commercial vehicle unless the person possesses and presents evidence that the person holds a motive fuel user permit under the *Motor Fuel Tax Act*.

49 Section 10 is amended

(a) in subsection (5) by adding “or a lessee” after “a registered owner” and by adding “or the lessee” after “the registered owner” wherever it appears,

(b) in subsection (6) by striking out “the registered owner has not complied” and substituting “a licensee has not complied”, and

(c) in subsections (6) (a) and (b) and (7) by striking out “the registered owner” wherever it appears and substituting “the licensee”.

50 Section 11 (2) (l) is amended by striking out “regarding” and substituting “respecting”.

Firearm Violence Prevention Act

51 Section 34 of the Firearm Violence Prevention Act, S.B.C. 2021, c. 7, is amended in the definition of “owner” by striking out “section 1” and substituting “section 250”.

52 Section 39 (3) is amended by striking out “registered” wherever it appears and by striking out “as shown in the records maintained by the Insurance Corporation of British Columbia” and substituting “as shown in the records available to the minister”.

53 Section 47 (c) is amended by striking out “registered owner” and substituting “licensee”.

54 Section 48 (1) is amended

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

(a) refuse to issue a driver’s licence to a person under section 26 (1) (j) [refusal to issue a licence, permit, etc.] of the Motor Vehicle Act; , and

(b) in paragraph (b) by striking out “refuse to issue, under section 26 (2) of the Motor Vehicle Act, to the person who was the owner of the motor vehicle at the time of its impoundment,” and substituting “refuse to issue to a person under section 26 (2) (f) of the Motor Vehicle Act”.

55 Section 49 (1) is amended by striking out “The owner of an impounded motor vehicle” and substituting “The owner, as defined in section 1 [definitions] of the Motor Vehicle Act, of an impounded motor vehicle”.

56 *Section 50 (2) is amended*

- (a) *in paragraph (a) (ii) by striking out “the owner” and substituting “the owner, as defined in section 1 of the Motor Vehicle Act,”, and*
- (b) *in paragraph (b) by striking out “by the Superintendent of Motor Vehicles”.*

Insurance (Vehicle) Act

57 *Section 1 (1) of the Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, is amended*

(a) *by adding the following definitions:*

- “**borrower**” has the same meaning as in section 86 (3) of the *Motor Vehicle Act*;
- “**commercially borrowed motor vehicle**” means a motor vehicle leased or rented to a borrower under an agreement in writing and in the ordinary course of the owner’s or lender’s business; ,

(b) *by repealing the definition of “leased motor vehicle”,*

(c) *by adding the following definitions:*

- “**leased vehicle**” has the same meaning as in section 1 of the *Motor Vehicle Act*;
- “**lender**” has the same meaning as in section 86 (3) of the *Motor Vehicle Act*; ,

(d) *by repealing the definition of “lessee” and substituting the following:*

- “**lessee**” has the same meaning as in section 1 of the *Motor Vehicle Act*; ,

(e) *by repealing the definition of “lessor”,*

(f) *by repealing the definition of “owner” and substituting the following:*

“**owner**” means

- (a) the person in whose name a vehicle is registered and licensed under the *Motor Vehicle Act* or the *Commercial Transport Act*, or
- (b) in the case of a leased vehicle that is registered and licensed under the *Motor Vehicle Act* or the *Commercial Transport Act*, the person in whose name the vehicle is registered; , **and**

(g) *by repealing the definition of “owner’s certificate” and substituting the following:*

“**owner’s certificate**” means a class of certificate issued under the plan to an owner or, in the case of a leased vehicle, to the lessee; .

58 Section 11 is amended

(a) in subsection (2.1) by striking out “himself or herself” and substituting “themselves”, and

(b) in subsection (3) by striking out “driver or owner, or, in the case of a leased motor vehicle, the lessee,” and substituting “driver, owner, lessee or borrower”.

59 Section 20 (1) is amended in the definition of “owner” by striking out “lessee” and substituting “borrower”.

60 Section 24 (13) is amended in the definition of “owner” by striking out “lessee” and substituting “borrower”.

61 Section 45 (2) is amended

(a) in paragraph (j) by striking out “motor” wherever it appears, by striking out “liable;” and substituting “liable,,” by striking out “the terms” and substituting “and establishing the terms” and by striking out “the owners and drivers” and substituting “the owners, borrowers and drivers”,

(b) in paragraphs (j) to (l) by striking out “lessee” wherever it appears and substituting “borrower”, and

(c) in paragraph (m) by striking out “leased to a lessee” and substituting “leased or rented to a borrower”.

62 Section 60 is amended by striking out “leased motor vehicle” wherever it appears and substituting “commercially borrowed motor vehicle” and by striking out “lessee” and substituting “borrower”.

63 Section 61 (1.2) (a) is repealed and the following substituted:

(a) prohibit a person who is living with and as a member of the family of the owner, lessee or borrower of the vehicle from using or operating the vehicle, or .

64 Section 73 is amended

(a) in paragraph (e) by striking out “owners of vehicles, or, in the case of leased motor vehicles, lessees of leased motor vehicles,” and substituting “owners, lessees or borrowers of vehicles”, and

(b) in paragraph (f) by striking out “an owner or lessee” and substituting “an owner, lessee or borrower”.

65 Section 76 is amended

- (a) in subsection (2) by striking out “he or she” and substituting “a claimant” and by striking out “a claimant is entitled” and substituting “the claimant is entitled”,**
- (b) in subsection (3) by striking out “himself or herself” and substituting “the claimant”, and**
- (c) in subsection (6) (c) by striking out “owner, lessee or driver” and substituting “driver, owner, lessee or borrower”.**

66 Section 82.1 is amended

- (a) in subsection (1) by striking out “leased motor vehicle” and substituting “commercially borrowed motor vehicle”, by striking out “lessor” wherever it appears and substituting “lender” and by striking out “lessor’s” and substituting “lender’s”,**
- (b) in subsection (3) (a) by striking out “lessor” and substituting “lender”, and**
- (c) in subsection (3) (b) by striking out “lessors” wherever it appears and substituting “lenders”.**

67 Section 91 (1) (b) is amended by striking out “without the consent of the owner, and, in the case of a leased motor vehicle, the lessee” and substituting “without the consent of a person who owns, leases or rents the vehicle”.

68 Section 93.1 is amended

- (a) in subsection (1) by repealing the definition of “convicted” and substituting the following:**

“convicted” includes being

- (a) found guilty, whether under the *Youth Criminal Justice Act* (Canada) or, before April 1, 2003, under the *Young Offenders Act* (Canada), as it then was, of contravening a provision of the *Criminal Code* referred to in paragraph (b) or (c) of the definition of “vehicle indebtedness”, and
- (b) convicted or subject to a similar result in a jurisdiction of the United States of America under a law similar to the *Youth Criminal Justice Act* (Canada) for contravening a provision of the law of that jurisdiction that is similar to
 - (i) a provision of the *Criminal Code* referred to in paragraph (b) or (c) of the definition of “vehicle indebtedness”, or
 - (ii) a provision of the *Motor Vehicle Act* referred to in paragraph (b) of the definition of “vehicle indebtedness”;

(b) in subsection (1) in the definition of “vehicle indebtedness” by repealing paragraph (b) and substituting the following:

(b) an amount paid by the corporation under section 76 on behalf of an insured if the amount was, under section 76, paid to a person having a claim referred to in section 76 (2) and if the insured

(i) is, in relation to the accident that resulted in the injury, death or loss of or damage to property for which the payment was made, convicted of any of the following:

(A) an offence under section 220 or 221 of the *Criminal Code*;

(B) an offence committed before July 2, 2008 under section 253 (a) of the *Criminal Code* as it then was;

(C) an offence committed on or after July 2, 2008 and before December 18, 2018 under section 253 (1) (a) of the *Criminal Code* as it then was;

(D) an offence committed before December 18, 2018 under section 249, 252 or 255 (2) or (3) of the *Criminal Code* as it then was;

(E) an offence committed on or after December 18, 2018 under section 235, 236, 239 (1), 320.13 (1), (2) or (3), 320.14 (1) (a), (b), (c) or (d), (2) or (3), 320.15 (1), (2) or (3), 320.16 (1), (2) or (3), 320.17 or 320.18 (1) of the *Criminal Code*;

(F) an offence under a provision of the law of a jurisdiction of the United States of America that is similar to any of the following:

(I) a provision referred to in clause (A);

(II) a provision referred to in clause (B) if the offence was committed before July 2, 2008;

(III) a provision referred to in clause (C) if the offence was committed on or after July 2, 2008 and before December 18, 2018;

(IV) a provision referred to in clause (D) if the offence was committed before December 18, 2018;

(V) a provision referred to in clause (E) if the offence was committed on or after December 18, 2018,

and the offence was committed while the insured was operating or having care or control of a vehicle or by means of a vehicle,

(ii) is convicted of any of the following:

(A) an offence committed before July 2, 2008 under section 253 (b) of the *Criminal Code*, as it then was, or under a provision of the law of a jurisdiction of the United States of America that is similar to that section;

- (B) an offence committed on or after July 2, 2008 and before December 18, 2018 under section 253 (1) (b) of the *Criminal Code*, as it then was, or under a provision of the law of a jurisdiction of the United States of America that is similar to that section;
- (C) an offence committed before August 14, 2020 under section 224 of the *Motor Vehicle Act*, as it then was, or under a provision of the law of another jurisdiction in Canada or a jurisdiction of the United States of America that is similar to that section,

and the accident occurred during the insured’s commission of the offence and while the insured was operating a vehicle,

(iii) is convicted of any of the following:

- (A) an offence committed before December 18, 2018 under section 254 (5) of the *Criminal Code*, as it then was, or under a provision of the law of a jurisdiction of the United States of America that is similar to that section;
- (B) an offence committed before August 14, 2020 under section 226 of the *Motor Vehicle Act*, as it then was, or under a provision of the law of another jurisdiction in Canada or a jurisdiction of the United States of America that is similar to that section,

and the accident occurred within the 2 hours preceding the insured’s commission of the offence and while the insured was operating a vehicle, or

(iv) was, at the time that the accident occurred, operating a vehicle when not authorized and not qualified by law to operate the vehicle, ,

(c) in subsection (1) in paragraph (c) of the definition of “vehicle indebtedness” by adding “333.1,” after “section 322,” and by adding “of a jurisdiction” after “a provision of the law”,

(d) in subsection (2) by adding the following paragraph:

- (b.1) refuse any application made for insurance in respect of a leased vehicle if an owner or lessee of the leased vehicle is the debtor; ,

(e) by repealing subsection (2) (c) and (d) and substituting the following:

- (c) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance issued in the debtor’s name;
- (c.1) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance in respect of a leased vehicle if an owner or lessee of the leased vehicle is the debtor;

(d) issue an owner's certificate or certificate of universal compulsory vehicle insurance to the debtor with a term of more than 90 days but less than one year;

(d.1) issue an owner's certificate or certificate of universal compulsory vehicle insurance, with a term of more than 90 days but less than one year, in respect of a leased vehicle if an owner or lessee of the leased vehicle is the debtor; ,

(f) in subsection (3) by striking out “subsection (2) (a), (b), (d) or (f)” and substituting “subsection (2) (a), (b), (b.1), (d), (d.1) or (f)”, and

(g) in subsection (4) by striking out “subsection (2) (b), (c), (d), (e) or (f)” and substituting “any of paragraphs (b) to (f) in subsection (2)”.

69 Section 94 (1) (c) and (2) is amended by striking out “lessors” and substituting “lenders”.

70 Section 116 (1) is amended

(a) by repealing the definition of “out-of-province owner”, and

(b) in the definition of “voluntary occupant” by striking out “without the consent of the owner, the out-of-province owner or, in the case of a leased vehicle, the renter named in the owner’s certificate” and substituting “without the consent of a person who owns, leases or rents the vehicle”.

71 Sections 119 (2) (a) (ii) and (v) and (b) (i) and 119.1 (a) (i), (b) (i) and (c) (i) are amended by striking out “renter” and substituting “lessee”.

72 Section 172 (2) (a) is amended by striking out “renters” and substituting “lessees”.

73 Section 173 (1) (a) is amended by striking out “renter” and substituting “lessee”.

Public Safety and Solicitor General Statutes Amendment Act, 2009

74 Section 1 of the Public Safety and Solicitor General Statutes Amendment Act, 2009, S.B.C. 2009, c. 10, is repealed.

Commencement

75 This Act comes into force by regulation of the Lieutenant Governor in Council.