
First Session, Forty-third Parliament
4 Charles III, 2025
Legislative Assembly of British Columbia

BILL M 226

**MOTOR VEHICLE
AMENDMENT ACT (No. 2), 2025**

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Explanatory Notes

CLAUSE 1: *[Motor Vehicle Act, sections 90.5 to 90.8]*

- adds definitions;
- adds a prohibition for reckless driving;
- provides for reporting to the superintendent by a peace officer;
- authorizes the superintendent to exercise powers under section 93;
- creates an offence for driving while prohibited for reckless driving.

BILL M 226 – 2025
MOTOR VEHICLE
AMENDMENT ACT (No. 2), 2025

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

1 The Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended by adding the following sections:

Immediate prohibition for reckless driving

90.5 (1) In this section,

“**notice**” means a notice of driving prohibition issued under subsection (2) (a);

“**reckless driving**” means driving or operating a motor vehicle

- (a) in a manner that indicates an intention to lift some or all of the motor vehicle’s tires from the road surface, including driving a motorcycle with only one wheel in contact with the ground, but not including the use of lift axles on commercial motor vehicles,
- (b) in a manner that indicates the driver or operator’s intention to cause some or all of the motor vehicle’s tires to lose traction with the road surface while turning,
- (c) in a manner that indicates the driver or operator’s intention to spin the motor vehicle or cause the motor vehicle to circle, without maintaining control over the motor vehicle,
- (d) next to or in proximity to one or more other motor vehicles, where one of the motor vehicles occupies a lane of traffic or other portion of the highway intended for use by oncoming traffic for a period of time that is longer than is reasonably required to pass another motor vehicle,
- (e) with a person in the trunk of the motor vehicle,
- (f) while not seated in the driver’s seat of the motor vehicle,
- (g) at a rate of speed exceeding 40 km/h the maximum rate of speed, if the speed limit is less than 80 km/h,
- (h) at a rate of speed exceeding 50 km/h the maximum rate of speed, if the speed limit is 80 km/h or more,
- (i) at a rate of speed that is 150 km/h or more,
- (j) without due care and attention, without reasonable consideration for other persons using the highway, or in a manner that is likely to cause harm to an individual or likely to distract, startle or interfere with users of the highway by doing any of the following,
 - (i) driving or operating the motor vehicle in a manner that indicates an intention to prevent another motor vehicle from passing,

CLAUSE 1: *[Motor Vehicle Act, sections 90.5 to 90.8 – continued]*

- (ii) slowing or stopping the motor vehicle in a manner that prevents other motor vehicles from passing or in a manner that blocks or impedes other motor vehicles,
 - (iii) without justification, driving or operating the motor vehicle as close as possible to another motor vehicle, a pedestrian or a fixed object on or near the highway, or
 - (iv) making a left turn in the following circumstances:
 - (A) the driver or operator of the motor vehicle is stopped at an intersection facing a red light;
 - (B) at least one motor vehicle facing the opposite direction is stopped at the intersection facing a red light; and
 - (C) the driver or operator of the motor vehicle executes a left turn immediately before or after the traffic control signal shows only a green light in both directions and in a manner that indicates an intention to complete or attempt to complete the left turn before the motor vehicle facing the opposite direction is able to proceed straight through the intersection in response to the green light facing that motor vehicle,
 - (k) as prescribed by regulation.
- (2) If, at any time or place on a highway or industrial road, a peace officer has reasonable grounds to believe that a person has driven or operated a motor vehicle in a manner that constitutes reckless driving, the peace officer, or another peace officer, may
 - (a) serve the person with a notice prohibiting the person from operating or driving a motor vehicle in British Columbia, and
 - (b) if the person is in possession of a driver's licence, require the person to surrender that licence.
- (3) A prohibition under subsection (2)
 - (a) takes effect immediately on service of a notice, and
 - (b) unless revoked under this Act, continues in effect for 30 days after the date on which a notice is served.
- (4) A person who is
 - (a) served with a notice under subsection (2) (a) must not drive or operate a motor vehicle on a highway or an industrial road during the period of prohibition, and
 - (b) requested to surrender the person's driver's licence under subsection (2) (b) must promptly surrender the driver's licence to the peace officer.
- (5) No appeal lies in respect of a prohibition issued under subsection (2).
- (6) The superintendent must return the driver's licence to the person after the end of the prohibition if at that time the person is not otherwise prohibited or suspended from operating or driving a motor vehicle.
- (7) A notice must be in the form as established by the superintendent.

CLAUSE 1: *[Motor Vehicle Act, sections 90.5 to 90.8 – continued]*

- (8) For certainty, a prohibition issued under this section is an administrative driving prohibition and does not require a criminal charge being laid.
- (9) The Lieutenant Governor in Council may make regulations for the purposes of this section, including, without limitation, regulations
 - (a) establishing other conduct that constitutes reckless driving, and
 - (b) respecting the evidentiary requirements and factors a peace officer may consider in forming reasonable grounds.

Report to superintendent

- 90.6** (1) A peace officer who serves a notice under section 90.5
- (a) must, within the prescribed time period, provide a copy of the notice to the superintendent in the prescribed manner and form, and
 - (b) may, within the prescribed time period, provide a written report to the superintendent, in the prescribed manner and form, the factual basis for the peace officer's reasonable grounds in serving a notice under section 90.5 in respect of a person.
- (2) If a peace officer fails to provide a copy of the notice required under subsection (1) (a), the driving prohibition to which the notice relates is void as against the driver.
- (3) The Lieutenant Governor in Council may make regulations for the purposes of this section, including, without limitation, regulations
- (a) establishing time periods for the purposes of subsection (1) (a) or (b),
 - (b) prescribing the manner and form for providing a copy of a notice under subsection (1) (a), and
 - (c) prescribing the manner and form for providing a written report under subsection (1) (b).

Requirement to consider prohibition against driving by superintendent

- 90.7** (1) On receiving a written report under section 90.6, the superintendent
- (a) must consider whether to exercise the superintendent's powers under section 93 in respect of the person and the incident set out in the report, and
 - (b) may request additional information from a peace officer with respect to the written report.
- (2) If the superintendent issues a prohibition under section 93 in respect of the person and the incident set out in the report, any period of prohibition issued under section 90.5 must be credited against the period of prohibition issued by the superintendent.
- (3) Nothing in section 90.5 or 90.6 is intended to limit the authority of the superintendent under section 93.

Driving while prohibited

- 90.8** (1) A person who drives or operates a motor vehicle on a highway or industrial road knowing that the person is prohibited from driving a motor vehicle under section 90.5 commits an offence and is liable,

CLAUSE 1: *[Motor Vehicle Act, sections 90.5 to 90.8 – continued]*

- (a) on a first conviction, to a fine of not less than \$500 and not more than \$2 000 or to imprisonment for not more than 6 months, or to both, and
 - (b) on a subsequent conviction, regardless of when the contravention occurred, to a fine of not less than \$500 and not more than \$2 000 and to imprisonment for not less than 14 days and not more than one year.
- (2) If a person is charged with an offence under subsection (1), the court hearing the charge may admit into evidence a certificate of the superintendent stating the information required by subsection (3), and if the certificate of the superintendent is admitted into evidence, it is proof that the defendant had knowledge of the prohibition in effect at the time of the alleged offence.
- (3) The certificate referred to in subsection (2) must include
 - (a) a statement that the prohibition was in effect on the date of the alleged offence,
 - (b) show that a notice of prohibition was served on the person, and
 - (c) any prescribed information.

Commencement

- 2** This Act comes into force by regulation of the Lieutenant Governor in Council.