

B.C. Reg. 89/97

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Offence Act

VIOLATION TICKET ADMINISTRATION

AND FINES REGULATION

Note: Check the Cumulative Regulation Bulletin 2012 and 2013

for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 101/2013, April 1, 2013]

Interpretation

1 In this regulation:

"appearance notice" means the appearance notice established by the Offence Act Forms Regulation;

"police officer" means

(a) except in section 2 (3), a special provincial constable, a designated constable, an officer, member or constable of the Provincial police force, an officer, member or constable of a municipal police force in the Province and a member of the Royal Canadian Mounted Police, and

(b) in section 2 (3),

(i) a member, other than a civilian member, of the Royal Canadian Mounted Police, and an officer or constable in a provincial or municipal police force in Canada, and

(ii) a police officer in another jurisdiction who has the same or similar law enforcement powers and duties as a person described in subparagraph (i).

[am. B.C. Regs. 7/2005; 2/2010, s. 1.]

Designation of enforcement officer

2 (1) Every person in a class of persons referred to in Column 1 of Schedule 1 is designated as an enforcement officer and may issue

(a) a ticket for contravention of the provisions of an enactment referred to in Column 2 of Schedule 1 opposite that class of persons, unless the provision is also referred to in Column 3 opposite that class of persons, and

(b) an appearance notice for contravention of the provisions of an enactment referred to in Column 2 or 3 of Schedule 1 opposite that class of persons.

(2) For the purposes of item 5 of Schedule 1, the superintendent of motor vehicles or an officer of the Insurance Corporation of British Columbia may certify as a Road Safety Program Enforcement Officer a person employed by a process serving company under contract with the government or the Insurance Corporation of British Columbia who the superintendent or an officer of the Insurance Corporation of British Columbia is satisfied

(a) is a Canadian citizen or a landed immigrant,

(b) is 19 years of age or older,

(c) has not been convicted of an indictable offence,

(d) has not been convicted of a criminal offence within the past 5 years,

(e) is not currently charged with a criminal offence,

(f) is not currently liable to pay a fine for an offence under the *Motor Vehicle Act*, the *Motor Vehicle Transport Act* (Canada) or the *Insurance (Vehicle) Act*,

(g) has not been prohibited or suspended from driving within the past 2 years under the *Criminal Code* or sections 89 to 100 of the *Motor Vehicle Act*, and

(h) has a grade 10 education or its equivalent.

(3) Every police officer is designated as an enforcement officer for the purposes of serving violation tickets outside British Columbia under section 14.1 of the *Offence Act*.

[am. B.C. Regs. 214/99, App. 2, s. 1; 335/2005, s. (a); 162/2007; 2/2010, s. 2; 367/2010, s. 1.]

Description of offence

3 For the purpose of sections 14 and 132 of the *Offence Act*, every word and phrase set out in Column 2 of Schedule 2, Schedule 3 or Schedule 4 to this regulation is authorized to be used on a violation ticket to describe the offence of contravening the enactment referred to in Column 1 opposite that word or phrase.

[am. B.C. Regs. 384/2003, s. 1; 593/2004, s. 1.]

Fines, victim surcharge levies and ticketed amounts

- 4** (1) For the contravention of an enactment listed in column 1 of Schedule 2,
- (a) Column 2 sets out the description of the offence for the purposes of section 3,
 - (b) Column 3 prescribes, for the purposes of sections 14 and 16 (1) of the *Offence Act*, the fine for the contravention,
 - (c) Column 4 sets out the victim surcharge levy that must be paid with the fine for that contravention, and
 - (d) Column 5 sets out the ticketed amount for that contravention.
- (2) Despite subsection (1), for the contravention of section 12 (1) (a) or (b) of the *Commercial Transport Act*, the fine prescribed for the purposes of sections 14 and 16 (1) of the *Offence Act* and the corresponding victim surcharge levy that must be paid with each fine are set out opposite each of those enactments in the third column of Schedule 2.
- (3) This section does not apply to a provision of the *Motor Vehicle Act* or the Motor Vehicle Act Regulations, other than section 83.1 (2) of the *Motor Vehicle Act*.

[en. B.C. Reg. 384/2003, s. 2.]

Fines, etc. in MVA and MVA Regulations

- 5** (1) This section applies to the provisions of the *Motor Vehicle Act* and the Motor Vehicle Act Regulations set out in Column 1 of Schedule 3.
- (2) For the contravention of a provision set out in Column 1 of Schedule 3,
- (a) Column 2 sets out the description of the offence for the purposes of section 3,
 - (b) Column 3A prescribes, for the purposes of sections 14 and 16 (1) of the *Offence Act*, the fine if payment is made after the 30th day from the date of service or mailing of the violation ticket,

- (c) Column 3B prescribes, for the purposes of sections 14 and 16 (1) of the *Offence Act*, the fine if payment is made on or before the 30th day from the date of service under section 14 (5) of the Act or mailing of the violation ticket under section 14 (6) of the Act,
- (d) Column 4 sets out the victim surcharge levy that must be paid with the fine for that contravention,
- (e) Column 5A sets out the ticketed amount for that contravention, if payment is made after the 30th day from the date of service under section 14 (5) of the Act or mailing of the violation ticket under section 14 (6) of the Act, and
- (f) Column 5B sets out the ticketed amount for that contravention, if payment is made on or before the 30th day from the date of service under section 14 (5) of the Act or mailing of the violation ticket under section 14 (6) of the Act.

[en. B.C. Reg. 384/2003, s. 3.]

Transitional fines

- 6 (1) For the purposes of Part 11 of the *Forest and Range Practices Act*, the fines for offences against the *Forest Practices Code of British Columbia Act* and its regulations are those set out in Schedule 4.
- (2) For the contravention of an enactment listed in column 1 of Schedule 4,
 - (a) Column 2 sets out the description of the offence for the purposes of section 3,
 - (b) Column 3 prescribes, for the purposes of sections 14 and 16 (1) of the *Offence Act*, the fine for the contravention,
 - (c) Column 4 sets out the victim surcharge levy that must be paid with the fine for that contravention, and
 - (d) Column 5 sets out the ticketed amount for that contravention.

[en. B.C. Reg. 593/2004, s. 2.]

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