

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
CORPORATE POLICY AND PLANNING OFFICE**

BRIEFING NOTE

PREPARED FOR

Honourable Michael de Jong, Attorney General and Solicitor General
and Minister Responsible for ICBC

ISSUE

Exempting golf carts and utility vehicles from the licensing, registration and insurance provisions under the *Motor Vehicle Act* when operated in parking lots.

SUMMARY

- The definition of "highway" in the MVA includes a private place or passage way to which the public, for the purpose of parking vehicles, has access or is invited.
- The definition of "motor vehicle" in the MVA includes golf carts and utility vehicles such as forklifts, person lifts, mowers, backhoes, graders, and loaders. Consequently, when these motor vehicles are driven in a parking lot, they must be registered, licensed and insured through ICBC.
- The BC Chapters of the Canadian Rental Association and National Golf Course Owners' Association of Canada are urging the Province to forgo the registration, licence, and ICBC insurance requirements for fleets of utility vehicles and golf carts operated in parking lots.

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BACKGROUND

- Section 3(1) of the MVA requires that before a motor vehicle is operated on a highway it must be registered with ICBC, be licensed, and an owner's certificate under the *Insurance (Vehicle) Act* obtained.
- Section 13(1) of the MVA creates an offence for any person who drives, operates, parks, or is in charge of a motor vehicle on a highway without the licence requirement or without displaying the numbered plates for the current licence year.
- Section 24 creates an offence for any person who drives or operates a motor vehicle on a highway without the requisite valid and subsisting motor vehicle liability policy evidenced by an owner's certificate.
- Section 61(1) of *Insurance (Vehicle) Act* provides for coverage of optional insurance contracts. An optional insurance contract may only:

- provide coverage that is not specified in a certificate of universal compulsory vehicle insurance issued by ICBC; or
- extend the coverage that is specified in such a certificate.
- For the operation of golf carts and utility vehicles on highways, ICBC provides basic insurance coverage which includes accident benefit coverage, hit and run coverage, coverage from uninsured motorists, and underinsured motorist protection.
- Currently, ICBC insures 1900 golf carts and 14,000 utility vehicles.
- The operation of these vehicles on a highway is also restricted under Division 24 of the *Motor Vehicle Act* Regulations (because they were not designed to conform to federal safety standards). In addition, to the requirement to register, licence and insure these vehicles, some highway operation requires an operation permit.
- A survey conducted by ICBC of other Canadian jurisdictions showed that Manitoba, like BC, requires golf carts to be licensed and insured if they operate in a parking lot. Alberta and Quebec prohibit golf carts from operating on a highway, including parking lots. Saskatchewan and Ontario permit golf carts to operate in parking lots without being registered or insured.

DISCUSSION

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- The Canadian Rental Association has expressed concerns that owners of light industrial machines will now be required to have two liability insurance policies, one with ICBC and the other through their general liability insurers.
- However, although section 3 of the MVA does require vehicle owners to have basic insurance, it does not require the owners to have any other insurance beyond basic.

OPTIONS

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CONCLUSION

The options provided are not mutually exclusive and could all be accomplished in succession. A combination of all options could increase public safety and provide better direction to stakeholders on Government's policy intent (refer to attached appendix for the pros and cons related to options).

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Date: July 14, 2010
Telephone: (250) 387-4842

Approved by:
Toby Louie,
Executive Director
Corporate Policy and Planning Office
Ministry of Public Safety and Solicitor General

Attachment

**Briefing Note Attachment:
Exempting Golf Carts and Utility Vehicles Operated in Parking Lots from Licensing, Registration and ICBC Insurance**

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*Corporate Policy and Planning Office
Ministry of Public Safety and Solicitor General*

June 14, 2010

Ministry of Public Safety and Solicitor General
Corporate Policy and Planning Office

Briefing Note

ISSUE

The Ministry has been requested by golf course owners to exempt their fleets of golf carts and utility vehicles from the licensing, registration and vehicle insurance requirements under the *Motor Vehicle Act (MVA)*.

SUMMARY

- The definition of "highway" in the MVA, in addition to the traveled parts of roadways, includes parking lots, sidewalks, the shoulders of highways and driveways to which the public has access with their vehicles.
- The definition of "motor vehicle" in the MVA includes golf carts and utility vehicles such as mowers. Consequently, when these motor vehicles are driven in a parking lot, they must be registered, licensed and insured through the Insurance Corporation of British Columbia (ICBC).
- The National Golf Course Owners' Association of Canada (NGCOAC) is urging the Province to forgo the registration, licence, and ICBC insurance requirements for their members' fleets of utility vehicles and golf carts, in particular for those operated only on the green, parking lot and adjacent sidewalk.
- For those golf course owners whose courses are traversed by a highway, the NGCOAC asks for further consideration for the same exemption to be extended to golf carts and utility vehicles that cross a public road to get to the other side of the golf course.

BACKGROUND

- The MVA requires that the owner of a motor vehicle must register the vehicle, obtain a license plate and insurance for it under the *Insurance (Vehicle) Act*.
- The MVA also creates offences for any person who drives, operates, parks or is in charge of a motor vehicle on a highway without meeting the licence requirement, without displaying the number plates for the current licence year or without the certificate indicating the requisite vehicle insurance.
- Currently, ICBC insures approximately 1,900 golf carts and 14,000 utility vehicles. Some golf course owners currently comply with MVA requirements noted above, most likely those with public roads traversing their courses.
- For the operation of all motor vehicles on highways, basic vehicle insurance coverage from ICBC is required and includes accident benefit coverage, hit and run coverage, coverage for uninsured and underinsured motorist protection.

- Initial research indicates that other Canadian jurisdictions take differing approaches to the registration, licensing and/or insurance requirements for golf carts or utility vehicles.

DISCUSSION

- Golf course owners have general liability insurance policies to cover their whole operations and view the requirement to have their golf carts and utility vehicles registered, licensed and covered by ICBC insurance to be unnecessarily onerous and expensive, especially given that their vehicles make minimal use of “highways”.

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CURRENT STATUS

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October 15, 2010

Contact: Anne Preyde, Director of Policy and Legislation
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Cliff: 289181



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MEMORANDUM

Ministry of Attorney General

Legal Services Branch
Legislative Counsel

Mailing Address: PO BOX 9280 STN PROV GOVT Victoria BC V8W 9J7

Location: 1001 Douglas Street, Victoria BC
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Strictly Confidential

October 28, 2010

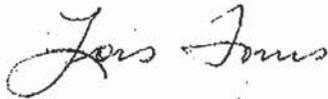
To: Brad Gerhart
Ministry of Public Safety and Solicitor General

From: Lois Toms
Legislative Counsel

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Lois Toms
Legislative Counsel

/in

c. Brian Greer, QC
Nina Bindra (Advising Solicitor)
Cabinet Operations.

This memorandum and the enclosed are subject to solicitor and client privilege and are to be shared only

- (a) within the executive arm of the Provincial government,
- (b) subject to that privilege, and
- (c) to the extent necessary for drafting of the Bill to proceed.

Request for Legislation
Treasury Board Staff (TBS) Comments

Section 1: General Information

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Section 2: TBS Comments

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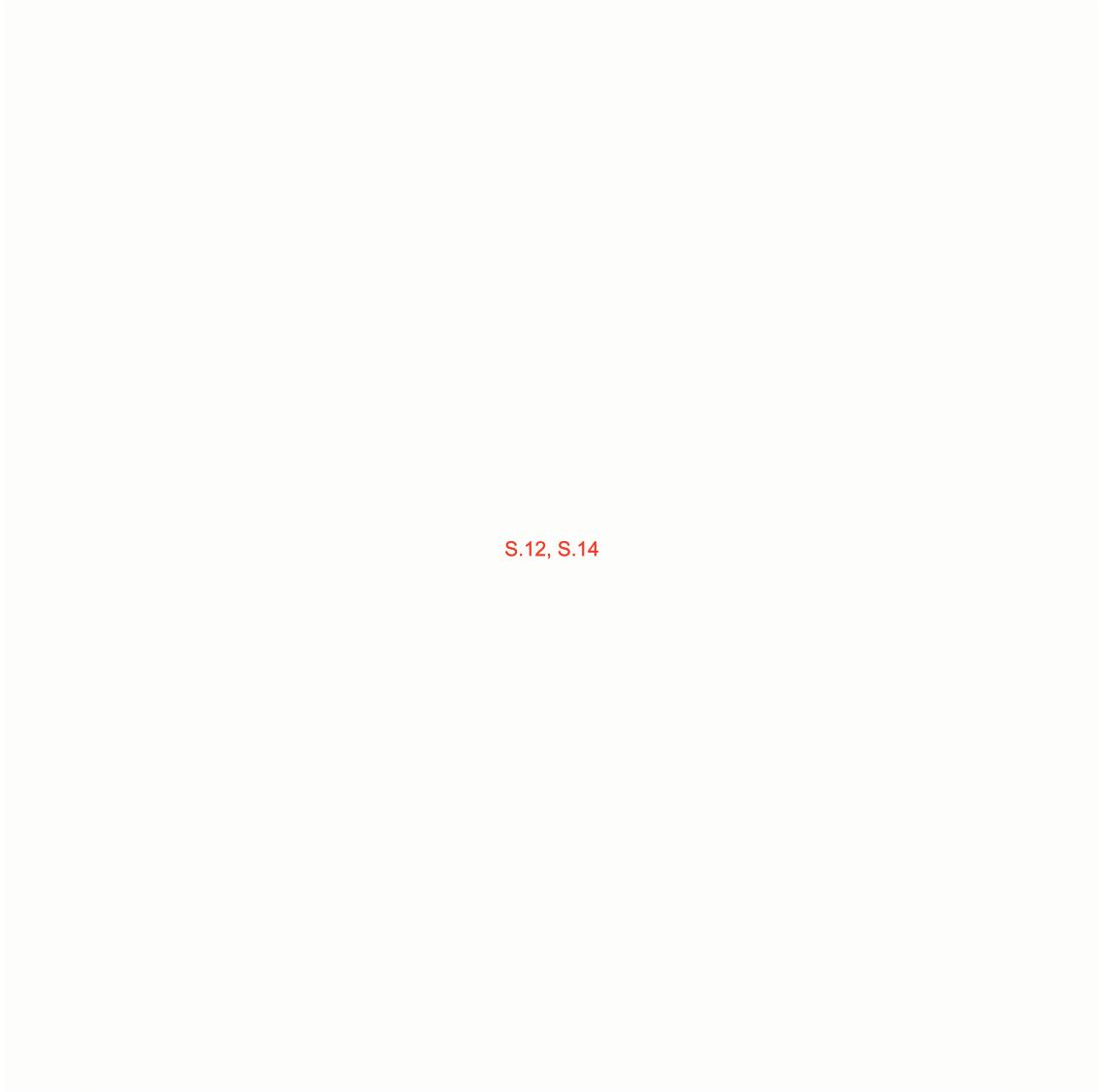
Section 3: TBS Contact Information

Analyst Name: Jeff Rafuse
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Date: October 28, 2010

APPENDIX C – Three Column Document

THREE COLUMN DOCUMENT

Motor Vehicle Act



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Pages 12 through 13 redacted for the following reasons:

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APPENDIX D – Drafting Instructions

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Pages 15 through 19 redacted for the following reasons:

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REQUEST FOR LEGISLATION – 2010

MINISTER:

Honourable Rich Coleman
Minister of Public Safety and Solicitor General

DATE:

October 29, 2010

NAME OF ACT:

Motor Vehicle Act

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LEGISLATION:

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Pages 21 through 23 redacted for the following reasons:

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SIGNATURES:

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Nina Bindra (387-4173)

APPENDICES:

- Appendix A: Legislative Counsel Comments
- Appendix B: Treasury Board Staff Comments
- Appendix C: Three Column Document
- Appendix D: Drafting Instructions

ISSUE NOTE

Issue:

- Changes to registration, licensing and insurance requirements for golf carts and utility vehicles

Background:

- In December, 2010, Cabinet approved proceeding with changes to the legislative framework for golf carts and utility vehicles to reflect current practice and reduce the regulatory burden for business and industry.

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- The Ministry of Public Safety and Solicitor General is proceeding with the drafting of these changes for government's review, approval and introduction.

Decision required:

- A potential public announcement on these changes may be considered within the next 90 days or upon introduction of the Motor Vehicle Act amendments.

Contact:

Toby Louie, 250 356-6389



Cabinet Committee on Jobs and Economic Growth

Briefing Note (2011 Legislative Program)

Minister: Honourable Shirley Bond, Minister of Public Safety and Solicitor General and Minister Responsible for the Insurance Corporation of British Columbia

Ministry: Public Safety and Solicitor General

Date: 12/04/2011

Ministry Document #: 459439

Legislation: *Motor Vehicle Act*

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Pages 27 through 28 redacted for the following reasons:

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Appendix: Three Column Document



APPENDIX – 3 COLUMN DOCUMENT

Motor Vehicle Act

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Pages 31 through 34 redacted for the following reasons:

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Legislative Review Committee

Briefing Note (2011 Legislative Program)

Minister: Honourable Shirley Bond, Minister of Public Safety and Solicitor General
and Minister Responsible for the Insurance Corporation of British
Columbia

Ministry: Public Safety and Solicitor General

Date: 29/04/2011 Ministry Document #: 460213

Legislation: *Motor Vehicle Act*

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Honourable Shirley Bond

Date Signed