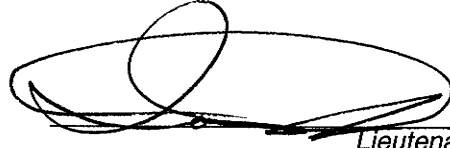


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **117** , Approved and Ordered **FEB 28 2007**


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- 1 effective June 1, 2007, sections 70.1 and 70.2 of the *Insurance (Motor Vehicle) Amendment Act, 2003*, S.B.C. 2003, c. 94, as enacted by sections 56 and 57 of the *Public Safety and Solicitor General Statutes Amendment Act, 2006*, S.B.C. 2006, c. 28, are brought into force,
- 2 B.C. Reg. 166/2006, as it amends the Revised Regulation (1984) under the *Insurance (Motor Vehicle) Act*, B.C. Reg. 447/83, is amended as set out in Schedule 1, and
- 3 effective June 1, 2007, the Revised Regulation (1984) under the *Insurance (Motor Vehicle) Act*, B.C. Reg. 447/83, is amended as set out in Schedule 2.


Minister of Public Safety and Solicitor General
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Insurance (Motor Vehicle) Act*, Section 45,
Insurance (Motor Vehicle) Amendment Act, 2003, Section 85,
Public Safety And Solicitor General Statutes Amendment Act, 2006 Section 72,
Motor Vehicle Amendment Act, 2004, Section 24

Other (specify):- oic 1897/83

SCHEDULE 1

- 1** *Section 3 of B.C. Reg. 166/2006, as it amends the Revised Regulation (1984) under the Insurance (Motor Vehicle) Act, B.C. Reg. 447/83, is repealed and the following substituted:*

Universal compulsory vehicle insurance

- 1.1** The plan provides insurance coverage as follows:

- (a) coverage under Parts 6, 7 and 10;
- (b) in the case of a garage vehicle certificate, coverage to a garage service operator for loss or damage to customers' vehicles that are in the care, custody or control of the garage service operator.

- 2** *Section 9 is repealed and the following substituted:*

Mid-term changes

- 9** (1) In this section, "**the territory in which the vehicle is primarily located when not in use**" means the territory in which the place where the vehicle is kept when not being driven is located.
- (2) The insured named on an owner's certificate must,
- (a) within 10 days after
 - (i) the insured's address is changed from the address set out in the certificate, or
 - (ii) the insured acquires a substitute vehicle for the vehicle described in the certificate, or
 - (b) before
 - (i) the use of the vehicle described in the certificate is changed to a use to which a different vehicle rate class applies than the vehicle rate class applicable to the use set out in the certificate, or
 - (ii) a vehicle in respect of which the premium is established on the basis of the territory in which a vehicle of that vehicle rate class is used or principally used, as the case may be, is used or principally used in a different territory than that set out in the certificate,
- report the change of address, vehicle, use or territory to a person referred to in section 3, and pay or be refunded the resulting difference in premium.
- (3) If the premium for a vehicle is established on the basis of the territory in which the vehicle is primarily located when not in use and that territory as set out in the certificate is changed, the insured named on the owner's certificate must, unless the vehicle is being used by the insured for vacation purposes, report the change to a person referred to in section 3 within 30 days of the change, and pay or be refunded the resulting difference in premium.

- 3** *Section 25 is repealed and the following substituted:*

- 25 *Section 17 (a) (iii) is repealed.***
- 4 *Section 33 is repealed and the following substituted:***
- 33 *Section 49 (1) (a) is repealed and the following substituted:***
- (a) arises out of the use or operation by the insured of a vehicle not owned by or leased to the insured or a member of the insured's household, and .
- 5 *Section 37 is repealed and the following substituted:***
- 37 *Section 50 is repealed and the following substituted:***
- Other insurance**
- 50 (1) If a driver's certificate and an owner's certificate or vehicle liability policy evidence third party liability insurance coverage for the same occurrence, the third party liability insurance coverage evidenced by the owner's certificate or vehicle liability policy is primary insurance.**
- (2) Third party liability insurance coverage evidenced by a driver's certificate is available only to the extent of the amount by which the limit of liability specified in respect of the driver's certificate exceeds the total of the amounts specified in an owner's certificate or vehicle liability policy.
- 6 *Section 55 is repealed and the following substituted:***
- 55 *Section 69 (e) is repealed and the following substituted:***
- (e) if indemnity is provided to the insured under this Part and by one or more optional insurance contracts provided by an insurer other than the corporation, contribute to the payment of expenses, costs and reimbursements for which provision is made under section 172 in accordance with that other insurer's and the corporation's respective liabilities for
- (i) damages awarded against the insured, or
- (ii) the amount payable under a settlement made on behalf of the insured.
- 7 *Section 77 (e) is repealed and the following substituted:***
- (e) in subsection (1) by adding the following paragraphs:**
- (j) vintage motor vehicle certificate (APV-44);
- (k) garage vehicle certificate (APV-4);
- (l) combined certificate of registration of a non-resident motor vehicle and certificate (APV-97);
- (m) binder for owner's interim certificate (APV-38);

- (n) temporary operation permit and owner's certificate (APV-16 or APV-16L);
- (o) collector multi-vehicle certificate (APV-317);
- (p) transporter's licence and certificate (APV-32 or APV-32L);
- (q) demonstration licence and certificate (APV-50 or APV-50L);
- (r) repairer's licence and certificate (APV-53 or APV-53L);
- (s) overseas tourist certificate (APV-272);
- (t) special Autoplan certificate (APV-284).

8 *Section 78, as it repeals and replaces section 150 and enacts section 150.1, is amended by repealing section 150 (2) and (4) and substituting the following:*

- (2) Subject to subsections (3), (4), (5) and (6), in addition to coverage specified in section 149 (2), a garage vehicle certificate provides to a garage service operator
 - (a) collision coverage, and
 - (b) comprehensive or specified perils coverage
 that provide indemnity for liability of the garage service operator for loss or damage to customers' vehicles that are in his or her care, custody or control in accordance with the terms of the certificate.
- (4) The minimum amount of comprehensive or specified perils coverage that must be purchased by a garage service operator is an amount equal to the total maximum value of all customers' vehicles that may, at any one time, be in the care, custody or control of the garage service operator at all locations described in the garage vehicle certificate.

9 *Section 78, as it repeals and replaces section 150 and enacts section 150.1, is amended by repealing section 150.1 and substituting the following:*

Garage certificates are primary insurance

- 150.1** Indemnity provided by a garage vehicle certificate is primary insurance and any indemnity provided by an owner's certificate issued in respect of a vehicle in the care, custody or control of a garage service operator is available to the owner of the vehicle only to the extent that the amount by which liability is limited under the owner's certificate exceeds the amount by which liability is limited under the garage vehicle certificate.

10 *Section 83 (b) is repealed and the following substituted:*

- (b) *in subsection (4) by striking out "garage automobile policy or a garage non-owned automobile policy" and substituting "garage vehicle certificate", and .*

11 *Section 88, as it enacts section 169, is amended by repealing section 169 and substituting the following:*

Application of terms and conditions

- 169** (1) Subject to subsections (2) to (4), the terms and conditions in Schedule 10
- (a) are prescribed for optional insurance contracts that provide coverage that is not described in subsection (4),
 - (b) form part of those optional insurance contracts,
 - (c) apply only in respect of the coverage referred to in paragraph (a) that is provided by those optional insurance contracts, and
 - (d) must be printed on every policy evidencing those optional insurance contracts, other than an interim receipt, a renewal receipt or a binder, with the heading "Prescribed Conditions".
- (2) Prescribed condition 4 does not form part of an optional insurance contract that does not provide third party liability insurance coverage.
- (3) Prescribed conditions 5, 6, 7 and 9 do not form part of an optional insurance contract that does not provide coverage for loss of or damage to the vehicle specified in the contract.
- (4) Prescribed conditions 10 and 11 of Schedule 10
- (a) are prescribed for optional insurance contracts that provide coverage that is the extension of the limit of coverage specified in a certificate or in a policy that extends the limit of coverage specified in a certificate, with or without prohibitions, exclusions or different limits of coverage that are permitted under 61 (1.1) of the Act, to a limit that is in excess of that provided by a certificate,
 - (b) form part of those optional insurance contracts, and
 - (c) must be printed on every policy evidencing those optional insurance contracts, other than an interim receipt, a renewal receipt or a binder, with the heading "Prescribed Conditions".
- (5) If any of subsections (2) to (4) apply to a contract, the terms and conditions printed on a policy as required by subsection (1) or (4) may be renumbered consecutively.

12 *The following section is added:*

93 *The attached Schedule 10 is added.*

13 *Section 2 of Schedule 10 is repealed and the following substituted:*

Changes during term of contract

- 2** (1) In this section, "**the territory in which the vehicle is primarily located when not in use**" means the territory in which the place where the vehicle is kept when not being driven is located.
- (2) The insured named in this contract must,
- (a) within 10 days after

- (i) the named insured's address is changed from the address set out in this contract, or
 - (ii) the named insured acquires a substitute vehicle for the vehicle described in this contract, or
 - (b) before
 - (i) the use of the vehicle described in this contract is changed to a use to which a different vehicle rate class applies than the vehicle rate class applicable to the use set out in this contract, or
 - (ii) a vehicle in respect of which the premium is established on the basis of the territory in which a vehicle of that vehicle rate class is used or principally used, as the case may be, is used or principally used in a different territory than that set out in this contract,
- report the change of address, vehicle, use or territory to the insurer, and pay or be refunded the resulting difference in premium.
- (3) If the premium for a vehicle is established on the basis of the territory in which the vehicle is primarily located when not in use and that territory as set out in this contract is changed, the insured named in this contract must, unless the vehicle is being used by the insured for vacation purposes, report the change to the insurer within 30 days of the change, and pay or be refunded the resulting difference in premium.

SCHEDULE 2

1 *Sections 57 (2) (b) (i) and 148.3 of the Revised Regulation (1984) under the Insurance (Motor Vehicle) Act, B.C. Reg. 447/83, are amended by striking out “or a garage non-owned automobile policy” in both places.*

2 *The following section is added:*

Rounding of premiums and refunds

170.1 An optional insurance contract may include, as a term of the contract, either or both of the following with respect to any premium payable or refundable under prescribed condition 2 or 10:

- (a) that any premium or refund shall be rounded to the nearest dollar and an amount ending in 50¢ shall be raised to the next higher dollar;
- (b) that no payment shall be required and no refund shall be made if the rounded total is less than \$5.