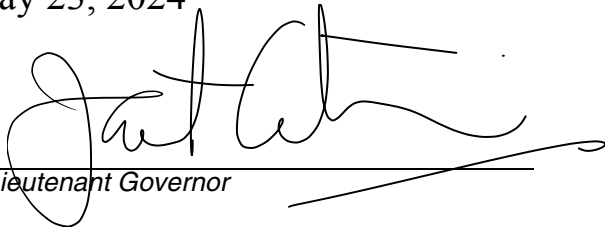


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 272

, Approved and Ordered May 23, 2024




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


- (a) sections 1 (a) and (d), 5, 11, 12, 18, 31, 37, 42, 46, 48, 50, 67, 68 (a) to (c), 70 and 74 of the *Motor Vehicle Amendment Act (No. 2), 2023*, S.B.C. 2023, c. 35, are brought into force,
- (b) the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended as set out in the attached Appendix 1,
- (c) the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended as set out in the attached Appendix 2,
- (d) the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended as set out in the attached Appendix 3,
- (e) the Electric Kick Scooter Pilot Project Regulation, B.C. Reg. 247/2023, is amended as set out in the attached Appendix 4, and
- (f) section 9 (c) of B.C. Reg. 317/96 is repealed.



Minister of Transportation and Infrastructure



Minister of Public Safety and Solicitor General and Deputy Premier



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: *Motor Vehicle Amendment Act (No. 2), 2023*, S.B.C. 2023, c. 35, s. 75;  
*Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231, ss. 45, 72, 169, 180 and 181;  
*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 210 and 309

Other: OIC 1897/83; OIC 21/2021; OIC 110/2021; OIC 640/2023; OIC 1292/96

R10776843

## APPENDIX 1

- 1 *Section 1 (1) of the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended*
  - (a) *by repealing the definition of “courtesy car”,*
  - (b) *in the definition of “premium-related debt” by repealing paragraph (c), and*
  - (c) *by repealing the definition of “U-drive”.*
- 2 *Sections 4 (1), 6 (2) and (4), 15.7 (2), 15.71 and 15.73 are amended by striking out “premium related” wherever it appears and substituting “premium-related”.*
- 3 *Section 15.91 is repealed.*
- 4 *Section 55 is amended*
  - (a) *in subsection (8) (b) (iii) by adding “a jurisdiction of” before “the United States of America”,*
  - (b) *in subsection (8) (c) by adding “before December 18, 2018” after “an offence committed”,*
  - (c) *in subsection (8) (c) (i) by striking out “before December 18, 2018”,*
  - (d) *in subsection (8) (c) (iii) by striking out “another jurisdiction in Canada or the United States of America” and substituting “a jurisdiction of the United States of America”,*
  - (e) *in subsection (9) in paragraph (a) of the definition of “convicted” by striking out “convicted” and substituting “found guilty” and by striking out “for contravening” and substituting “of contravening”, and*
  - (f) *in subsection (9) in paragraph (b) of the definition of “convicted” by striking out “convicted or the subject of a similar result” and substituting “convicted or subject to a similar result” and by striking out “a law of that jurisdiction” and substituting “the law of that jurisdiction”.*
- 5 *Section 58.1 is repealed.*
- 6 *Section 71 is amended by striking out “owner” and substituting “insured”.*
- 7 *Section 148.1 (3) (b) is amended by striking out “owner” and substituting “person who owns, leases or rents the vehicle”.*
- 8 *Section 148.3 is repealed and the following substituted:*

### **Underinsured motorist protection for garage vehicle certificate holders**

- 148.3** If the underinsured motorist protection relates to a garage vehicle certificate, protection is extended to an officer or employee of the garage service operator who,

in the course of the officer's or employee's duties or employment, is an occupant of a customer's vehicle while the vehicle

- (a) is being operated by a person who is not an officer or employee of the garage service operator, or
- (b) is in the care, custody or control of the garage service operator.

**9 Section 167 (3) and (4) is repealed.**

**10 Sections 176 (1) and 177 (1), (2), (3) (a) and (b) (i) and (v) and (4) are amended by striking out "owner" wherever it appears and substituting "insured".**

**11 Section 3 of Schedule 10 is amended**

**(a) in subsection (9) (b) (iii) by adding "a jurisdiction of" before "the United States of America",**

**(b) in subsection (9) (c) by adding "before December 18, 2018" after "an offence committed",**

**(c) in subsection (9) (c) (i) by striking out "before December 18, 2018",**

**(d) in subsection (9) (c) (iii) by striking out "another jurisdiction in Canada or the United States of America" and substituting "a jurisdiction of the United States of America",**

**(e) in subsection (10) in paragraph (a) of the definition of "convicted" by striking out "convicted" and substituting "found guilty" and by striking out "for contravening" and substituting "of contravening", and**

**(f) in subsection (10) in paragraph (b) of the definition of "convicted" by striking out "convicted or the subject of a similar result" and substituting "convicted or subject to a similar result" and by striking out "a law of that jurisdiction" and substituting "the law of that jurisdiction".**

**12 Section 4 (a) (i) of Schedule 10 is amended by striking out "owned or operated" and substituting "owned, leased, rented or operated".**

**13 Section 5 (3) and (4) (a) and (b) of Schedule 10 is amended by striking out "owner" wherever it appears and substituting "insured".**

## APPENDIX 2

**1 Section 6 (1) of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is repealed and the following substituted:**

(1) In this section:

**"owner"** includes an out-of-province owner;

**"unlicensed vehicle"** means a vehicle that is an included vehicle and that is not any of the following vehicles:

- (a) a vehicle licensed under the *Motor Vehicle Act* or the *Commercial Transport Act*;
- (b) a vehicle with respect to which a permit has been issued under the *Motor Vehicle Act* or the *Commercial Transport Act*;
- (c) a vehicle in respect of which a person has ownership in a jurisdiction outside British Columbia and for which licensing requirements of that jurisdiction are fulfilled.

**2 Section 6 (2) is amended**

**(a) by repealing paragraphs (e) to (g) and substituting the following:**

- (e) a person who owns, operates, occupies, leases or rents a vehicle that is in a combination of vehicles if the action or proceeding is brought, commenced or maintained by a person who owns, leases or rents an authorized trailer, a non-motive trailer or a specified non-prohibited farm use vehicle in the combination of vehicles;
- (f) a person who owns, operates, occupies, leases or rents an authorized trailer, a non-motive trailer or a specified non-prohibited farm use vehicle that is in a combination of vehicles if the action or proceeding is brought, commenced or maintained by a person who owns, leases or rents a vehicle that is in the combination of vehicles;
- (g) a person who uses or operates a vehicle without the consent of the person who owns or leases the vehicle, if the action or proceeding is brought, commenced or maintained by the person who owns or leases the vehicle, except if the person who uses or operates the vehicle without consent is any of the following:
  - (i) a member of the household of the person who owns or leases the vehicle;
  - (ii) if the person who owns or leases the vehicle is not an individual,
    - (A) an officer, employee or partner of the person who owns or leases the vehicle for whose regular use the vehicle is provided,
    - or
    - (B) a member of the household of a person described in clause (A); ,

**(b) by repealing paragraph (m) and substituting the following:**

- (m) a person who, at the time of the accident, is not any of the following in relation to an included vehicle in the accident:
  - (i) an out-of-province owner;
  - (ii) an out-of-province lessee;
  - (iii) a short-term renter;
  - (iv) in the case of an included vehicle that is an unlicensed vehicle, a person who owns or leases the unlicensed vehicle; , **and**

**(c) by adding the following paragraphs:**

- (n) a person who owns an unlicensed vehicle, other than a person who owns the unlicensed vehicle in the circumstances described in paragraph (g), if the

action or proceeding is brought, commenced or maintained by a person who leases the unlicensed vehicle;

- (o) a person who leases an unlicensed vehicle, other than a person who leases the unlicensed vehicle in the circumstances described in paragraph (g), if the action or proceeding is brought, commenced or maintained by a person who owns the unlicensed vehicle.

**3 Section 9 (1) (a) is repealed and the following substituted:**

- (a) that are involved in an accident that occurred on the portion of the highway on which the vehicles are not authorized to be operated and that were being used or operated by a person without the consent of the person who owns, leases or rents the vehicle, except if the person who uses or operates the vehicle without consent is any of the following:
  - (i) a member of the household of the person who owns, leases or rents the vehicle;
  - (ii) if the person who owns, leases or rents the vehicle is not an individual,
    - (A) an officer, employee or partner of the person who owns, leases or rents the vehicle for whose regular use the vehicle is provided, or
    - (B) a member of the household of a person described in clause (A), or .

**4 Section 10 is amended**

**(a) by repealing subsection (1),**

**(b) in subsection (2) (b) and (c) by striking out “owners, renters named in the owner’s certificate, out-of-province lessees, short-term renters, operators or occupants of” and substituting “persons who own, lease, rent, operate or occupy”, and**

**(c) in subsection (2) (d) to (g) by striking out “an owner, renter named in the owner’s certificate, out-of-province lessee, short-term renter, operator or occupant of” and substituting “a person who owns, leases, rents, operates or occupies”.**

**5 Section 25.1 (1) (b) and (2) is amended by striking out “the owner, renter named in the owner’s certificate, out-of-province owner, out-of-province lessee or short-term renter of that vehicle” wherever it appears and substituting “the person who owns, leases or rents that vehicle”.**

**6 Section 25.2 (1) (d) (ii) is repealed and the following substituted:**

- (ii) the other vehicle is not a leased vehicle.

**7 Section 25.3 (2) is amended by striking out “the renter named in the owner’s certificate of the other vehicle” and substituting “the person who leases the other vehicle”.**

**8 Section 25.4 (1) (e) is repealed and the following substituted:**

- (e) the other vehicle is leased or rented.

**9** *Section 26 (2) (j) is amended by striking out “a conviction” and substituting “the insured being found guilty”.*

**10** *Section 27 is amended*

*(a) in subsection (1) (b) (i) by striking out “described in the owner’s certificate”,*

*(b) in subsections (2) (a) (vi) and (b) (vi) and (4) (e) by striking out “the owner, renter named in the owner’s certificate, out-of-province lessee or short-term renter” and substituting “the person who owns, leases or rents the vehicle”,*

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

*(c) a person who leases a leased vehicle unless another person uses or operates the leased vehicle without the consent of the person who leases the leased vehicle, except if the person who uses or operates the leased vehicle without consent is one of the following:*

*(i) a member of the household of the person who leases the leased vehicle;*

*(ii) if the person who leases the leased vehicle is not an individual,*

*(A) an officer, employee or partner of the person who leases the leased vehicle for whose regular use the leased vehicle is provided, or*

*(B) a member of the household of a person described in clause (A);*

*, and*

*(d) by repealing subsection (2) (d).*

### **APPENDIX 3**

**1** *Section 1 (2) of the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended in paragraph (b) of the definition of “occupant” by adding “or leased” after “owned”.*

**2** *Section 13 is amended*

*(a) in paragraph (a) (ii) by striking out “persons’ conviction” and substituting “persons being found guilty”, and*

*(b) in paragraph (c) (ii) by striking out “persons’ conviction” and substituting “persons being convicted or subject to a similar result” and by striking out “of an offence” and substituting “for an offence”.*

**3** *Section 16 (1) is amended*

*(a) in paragraph (b) by striking out “insured’s conviction” and substituting “insured being found guilty”, and*

*(b) in paragraph (d) by striking out “insured’s conviction” and substituting “insured being convicted or subject to a similar result” and by striking out “of an offence” and substituting “for an offence”.*

**4** *Section 65 (1) (b) (ii) is amended*

*(a) by striking out “persons’ conviction” and substituting “persons being”,*

*(b) in clause (A) by adding “convicted” before “of a Criminal Code offence”,*

*(c) in clause (B) by adding “found guilty” before “under the Youth Criminal Justice Act (Canada)”,*

*(d) in clause (C) by adding “convicted” before “in the United States of America”, and*

*(e) in clause (D) by adding “convicted or subject to a similar result” before “in the United States of America” and by striking out “of an offence” and substituting “for an offence”.*

#### **APPENDIX 4**

**1** *Section 39 (c) of the Electric Kick Scooter Pilot Project Regulation, B.C. Reg. 247/2023, is amended by striking out “and” at the end of subparagraph (i), by adding “, and” at the end of subparagraph (ii) and by adding the following subparagraph:*

*(iii) the name and address of any person who is leasing or renting the electric kick scooter under a written agreement for a period of not less than one month.*