



*Financial Institutions Act*

INSURANCE LICENSING EXEMPTIONS  
REGULATION

**B.C. Reg. 328/90**

Deposited September 7, 1990 and effective September 15, 1990  
Last amended March 11, 2021 by B.C. Reg. 64/2021

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 328/90 (O.C. 1352/90), deposited September 7, 1990 and effective September 15, 1990, is made under the *Financial Institutions Act*, R.S.B.C. 1996, c. 141, s. 289 (4).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

*Financial Institutions Act*

**INSURANCE LICENSING EXEMPTIONS REGULATION**

**B.C. Reg. 328/90**

*Contents*

- 1 Interpretation
- 2 Exemption from section 171 (2) of the Act
- 2.1 Exemption from section 170 of the Act
- 3 – 5 [Repealed]
- 6 Exemption from section 180 (1) of the Act

**Interpretation**

- 1** (1) In this regulation:

“**Act**” means the *Financial Institutions Act*;

“**Catholic Mutual Canada**” means Catholic Mutual Canada incorporated in Ontario with incorporation number 10043541;

“**Catholic Mutual Relief Society of America**” means the Catholic Mutual Relief Society of America incorporated in Nebraska with the incorporation number 0198315;

“**credit insurance**” has the same meaning as “credit protection insurance” in section 1 (1) of the Classes of Insurance Regulation, except that it does not include insurance that is included in or incidental to another class of insurance defined in section 1 (1) of that regulation;

“**funeral director**” means a funeral director as defined in the *Cremation, Interment and Funeral Services Act*;

“**funeral provider**” means a funeral provider as defined in the *Cremation, Interment and Funeral Services Act*;

“**funeral services insurance**” means insurance in respect of a “preneed cemetery or funeral services contract” as defined in the *Cremation, Interment and Funeral Services Act*, if the total amount payable by the insurer under the contract is \$15 000 or less;

“**motor vehicle dealer**” means a person who is registered as a motor vehicle dealer under the *Motor Dealer Act*;

“**travel insurance**” means insurance

- (a) in respect of a trip by a person away from the place where the person ordinarily resides, without any individual assessment of risk, against
  - (i) loss of, or damage to, personal property that occurs while on a trip,
  - (ii) loss that is caused by the delayed arrival of personal baggage while on the trip, or
  - (iii) loss that is incurred from the rental of a motor vehicle while on the trip, or

- 
- (b) in respect of a trip by a person away from the place where the person ordinarily resides,
    - (i) against expenses incurred while on the trip that result from an illness or disability of the person that occurs on the trip,
    - (ii) against expenses incurred while on the trip that result from bodily injury to, or the death of, the person caused by an accident while on the trip,
    - (iii) whereby the insurer undertakes to pay one or more sums of money in the event of an illness or the disability of the person that occurs on the trip, or of bodily injury to or the death of, the person that is caused by an accident on the trip,
    - (iv) against expenses incurred by the person for dental care necessitated by an accident while on the trip, or
    - (v) in the event that the person dies while on the trip, against expenses incurred for the return of that person's remains to the place where the person was ordinarily resident before death, or travel expenses for a person to go and pick up that person's remains, or
  - (c) against loss that results from the cancellation or interruption of the trip;

“**vehicle**” has the same meaning as in the *Insurance (Vehicle) Act*.

- (2) The definitions in section 168 of the Act apply for the purposes of this regulation.

[am. B.C. Regs. 10/94; 137/98; 571/2004, ss. 1 and 2; 149/2007, s. 4; 379/2008, Sch. 2, s. 1; 204/2011, Sch. B, ss. 1 and 2.]

#### **Exemption from section 171 (2) of the Act**

- 2** (1) Section 171 (2) of the Act does not apply
- (a) to a person whose only activity as an insurance agent or insurance salesperson is in connection with product warranty insurance sold incidentally to the sale, by that person or that person's employer, of the product,
  - (b) to a person whose only activity as an insurance agent or insurance salesperson is in connection with forgery insurance sold incidentally to the sale, maintenance or repair, by that person or that person's employer, of chequewriter machines,
- (b.1) to
- (i) a credit union, extraprovincial credit union, insurance company, extraprovincial insurance corporation, trust company, extraprovincial trust corporation or bank or the officers or employees of any of them, or
  - (ii) a service provider under contract to a credit union, extraprovincial credit union, insurance company, extraprovincial insurance corporation, trust company, extraprovincial trust corporation or bank
- while acting as insurance agent in connection with credit insurance, incidental to the ordinary business of the credit union, extraprovincial credit

**INSURANCE LICENSING EXEMPTIONS REGULATION**

---

- union, insurance company, extraprovincial insurance corporation, trust company, extraprovincial trust corporation or bank,
- (c) subject to subsection (2) (a), and with the exception of an employee of a mortgage broker registered under the *Mortgage Brokers Act*, to a person whose only activity as an insurance agent or insurance salesperson is in connection with credit insurance sold incidentally to the granting or arranging of credit by that person or that person's employer,
  - (d) to the Real Estate Errors and Omissions Insurance Corporation,
  - (e) to an employee of the Real Estate Errors and Omissions Insurance Corporation whose only activity as an insurance agent or insurance sales person is in the course of that employment,
  - (f) to an employee of a licensed general insurance agent who
    - (i) acts as an insurance salesperson only in respect of vehicle insurance issued by the Insurance Corporation of British Columbia,
    - (ii) is under the direct supervision of a licensed general insurance agent who signs or initials all transactions completed by the employee,
    - (iii) has not accumulated more than 6 months experience in the aggregate selling insurance as an employee of a licensed general insurance agent,
    - (iv) has successfully completed the Autoplan Basics for Brokers Program offered by the Insurance Corporation of British Columbia, and
    - (v) has been registered by the licensed general insurance agent with the Insurance Council,
  - (g) to a motor vehicle dealer or an employee or commissioned sales representative of a motor vehicle dealer whose only activity as an insurance agent or insurance salesperson is in connection with vehicle warranty insurance sold incidentally to the ordinary business of the motor vehicle dealer as such,
  - (h) Repealed. [B.C. Reg. 571/2004, s. 4 (d).]
  - (i) to an employee or a commissioned sales representative of a person licensed as a travel agent or travel wholesaler under the *Business Practices and Consumer Protection Act* if
    - (i) the travel agent or travel wholesaler holds a licence in respect of travel insurance issued under the rules made by the council,
    - (ii) the employee or commissioned sales representative has passed a course specified by the rules of the council for travel agents and travel wholesalers,
    - (iii) the only activity of the employee or commissioned sales representative as an insurance agent or insurance salesperson is in connection with travel insurance sold incidentally to the ordinary business of the travel agent or travel wholesaler, and

- 
- (iv) the employee or commissioned sales representative has completed a minimum of 2 hours of continuing education as specified by the council,
  - (j) to a government employee or agent in the administration of any program established under the *Insurance for Crops Act* or the *Farm Income Insurance Act*,
  - (k) to a person who does not act for compensation or hope or promise of it,
  - (l) to a person who acts only for the purpose of collecting and receiving premiums for insurance,
  - (m) to a person who acts on behalf of a mutual fire insurance company,
  - (n) to a person who acts on behalf of a society that makes contracts of life insurance, accident insurance or sickness insurance,
  - (o) to a person who is an insurer's manager or branch manager who is in charge of the insurer's head office or branch office in British Columbia and is paid a salary and not by commissions,
  - (p) to a person who is an employee of an insurer or insurance agent if the employee does not solicit insurance, is paid a salary by the insurer or insurance agent and does mainly clerical work,
  - (q) to a person who is employed in an office of a transportation company to sell its tickets or carry on business as a ticket agent of the company in respect of accident insurance against accidents to persons only while travelling, or in respect of inland transportation insurance or marine insurance against loss of or damage to baggage of persons only while travelling, if the company holds a licence issued under rules made by the council in respect of those classes of insurance,
  - (r) to a person, who by a certificate given to the council by
    - (i) a reciprocal exchange that has a permit under section 187, or
    - (ii) a company registered under the *Insurance (Captive Company) Act*, is certified as being a full time salaried employee of the exchange or company who does not act as an insurance agent or insurance salesperson in any other capacity and who does not receive commissions,
  - (s) to Catholic Mutual Canada if it acts in relation to insurance provided by the Catholic Mutual Relief Society of America, or
  - (t) to a salaried employee of Catholic Mutual Canada who acts
    - (i) as an insurance agent or insurance salesperson only in the course of employment with Catholic Mutual Canada, and
    - (ii) in relation to insurance provided by the Catholic Mutual Relief Society of America.
- (2) Section 171 (2) does not apply to

## INSURANCE LICENSING EXEMPTIONS REGULATION

- 
- (a) a mortgage broker or submortgage broker registered under the *Mortgage Brokers Act* whose only activity as an insurance agent or insurance salesperson is in connection with credit insurance sold incidentally to the granting or arranging of credit by that mortgage broker or submortgage broker or the employer of the submortgage broker, on condition that the mortgage broker or submortgage broker disclose to the person to whom the mortgage broker or submortgage broker sells credit insurance
    - (i) that there is no obligation to buy the credit insurance,
    - (ii) that he or she is not a licensed insurance agent or salesperson and that the person may wish to seek advice from a licensed insurance agent or salesperson,
    - (iii) whether it is a policy of creditor's group insurance, as defined in Parts 3 and 4 of the *Insurance Act*, and, if so, who the policy holder is, and
    - (iv) the basic terms and conditions of the policy, including how to make a claim, or
  - (b) a funeral director or funeral provider or an employee of either of them, whose only activity as an insurance agent is in connection with funeral services insurance sold incidentally in the ordinary course of business of the funeral director or funeral provider, on condition that
    - (i) none of them be named the beneficiary under the contract of funeral services insurance, and
    - (ii) the funeral director or funeral provider or employee of either of them disclose to the person to whom the funeral director, funeral provider or employee sells funeral services insurance that
      - (A) the funeral director, funeral provider or employee is not a licensed insurance agent or salesperson and that the person may wish to seek advice from a licensed insurance agent or salesperson, and
      - (B) there is no obligation to buy the funeral services insurance.

[am. B.C. Regs. 179/92, s. 1; 483/92; 108/93; 398/95, s. 1; 571/2004, s. 4; 149/2007, s. 5; 379/2008, Sch. 2, s. 2; 204/2011, Sch. B, s. 2; 22/2013, App. 4, s. 1; 15/2017; 64/2021, s. 2.]

**Exemption from section 170 of the Act**

- 2.1** Section 170 of the Act does not apply to a travel agent or travel wholesaler who holds a license in respect of travel insurance.

[en. B.C. Reg. 571/2004, s. 3.]

**3 to 5** Repealed. [B.C. Reg. 571/2004, s. 5.]

**Exemption from section 180 (1) of the Act**

- 6** (1) Section 180 (1) of the Act does not apply to a person who
- (a) does not act for compensation or in hope or for the promise of it,

- (b) is employed as an expert by an insurance adjuster to make an appraisal or adjustment in a special case,
  - (c) is a solicitor or an employee of one in the solicitor's regular practice of law,
  - (d) is an insurance agent licensee acting on behalf of an insurer,
  - (e) is the manager or branch manager in British Columbia of an insurer authorized to conduct insurance business or is a salaried employee of that insurer, and who in either case is acting for that insurer,
  - (f) is a government employee or agent in the administration of any program established under the *Insurance for Crops Act* or the *Farm Income Insurance Act*, or
  - (g) is a salaried employee of Catholic Mutual Canada who acts
    - (i) as an insurance adjuster or an employed insurance adjuster only in the course of employment with Catholic Mutual Canada, and
    - (ii) in relation to insurance provided by the Catholic Mutual Relief Society of America.
- (2) Section 180 (1) of the Act does not apply to Catholic Mutual Canada in relation to insurance provided by the Catholic Mutual Relief Society of America.

[en. B.C. Reg. 571/2004, s. 6; am. B.C. Reg. 379/2008, Sch. 2, s. 3.]