

PROVINCE OF BRITISH COLUMBIA

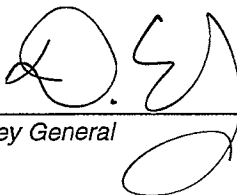
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 024 , Approved and Ordered February 01, 2018


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 approval is given to the attached directive issued by the Attorney General to the Insurance Corporation of British Columbia and dated December 5, 2017.


Attorney 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 Corporation Act, R.S.B.C. 1996, c. 228, s. 47

Other: B.C. Reg. 307/2004, s. 3 (4)

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DEC - 5 2017

Ms. Joy MacPhail
Board of Directors
Executive Office
Insurance Corporation of British Columbia
517 - 151 West Esplanade
North Vancouver BC V7M 3H9

Dear Ms. MacPhail:

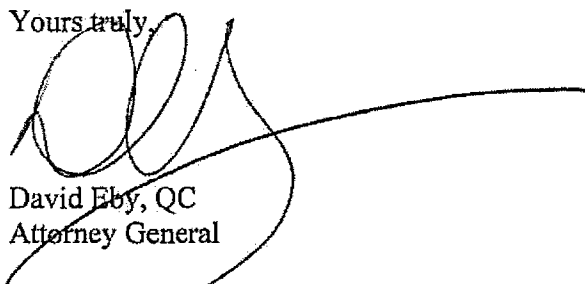
This letter of direction is a government directive within the meaning of that term as it may be defined in Special Direction IC2 to the British Columbia Utilities Commission (B.C. Reg. 307/2004).

I am writing to provide direction to the Insurance Corporation of British Columbia (ICBC), regarding changes to its rates in connection with convictions for use of an electronic device while driving.

ICBC is hereby directed to implement changes to its rates to include driver risk premium payable following convictions for use of an electronic device while driving, as set out in the amended pages to the Insurance Corporation of British Columbia Basic Insurance Tariff attached to this letter.

The changes are to be implemented effective March 1, 2018, with any necessary consequential amendments to the attached pages, and any other Tariff pages, to reflect any changes to the Tariff approved before the attached pages are implemented.

Yours truly,



David Eby, QC
Attorney General

Enclosure

**SCHEDULE E
DRIVER PENALTY POINT PREMIUM AND DRIVER RISK PREMIUM**

1. Definitions

In this Schedule:

"10 point MVA conviction" means a conviction for any offence under the *Motor Vehicle Act* that is listed in Table 4 set out in the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

"Contravention" means any:

- (a) 10 point MVA Conviction,
- (b) Criminal Code of Canada Conviction,
- (c) Conviction for Excessive Speed,
- (d) Roadside Suspension, or
- (e) Conviction for Use of Electronic Device While Driving,

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"Conviction for Excessive Speed" means a conviction for an offence under section 148 of the *Motor Vehicle Act*,

"Conviction for Use of Electronic Device While Driving" means a conviction for an offence occurring on or after March 1, 2018 under the *Motor Vehicle Act* that is set out in Table 2.1 of the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

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"Criminal Code of Canada Conviction" means a conviction for any driving offence under the Criminal Code of Canada that is listed in Table 4 set out in the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

"MVA Conviction" means any conviction for an offence under the *Motor Vehicle Act* or the *Motor Vehicle Act Regulation* that

- (a) arises directly or indirectly out of the use or operation by the offender of a vehicle other than a cycle, or
 - (b) is committed while the offender is using or operating a vehicle except a cycle,
- and a conviction will be considered to meet the requirements of subsection (a) or (b) of this definition if a notation appears on the violation ticket issue in respect of the offence indicating that offence was committed while driving,

"one-year scan period", in respect of a person, means the 12 month period starting 17 months before the anniversary of the person's birth date,

"Roadside Suspension" means a suspension or prohibition pursuant to section 90.3 215 or 215.43 of the *Motor Vehicle Act*,

"three-year scan period" in respect of a person, means the 36 month period ending 152 days before the anniversary of the person's birth date, but does not include any portion of that 36 month period before January 1, 2008.

3. Driver Risk Premium

3.1 Subject to section 5, the annual driver risk premium payable by a person for a driver's certificate is determined with reference to the Contraventions recorded by ICBC in respect of that person during the three-year scan period and is the total of the amounts set out in Column B of each of Tables 2, 3, 4 and 5 that correspond to the number and type of Contraventions referred to in each Table. Pursuant to Commission Order No. G-141-12, assessments of driver risk premium calculated by ICBC in accordance with Schedule E of the Basic Insurance Tariff:

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- (a) prior to February 29, 2012 are not to be re-calculated with respect to prohibitions pursuant to section 215.43 of the *Motor Vehicle Act*, and
- (b) prior to October 31, 2012, are not to be re-calculated with respect to prohibitions pursuant to section 215.43(2)(a) of the *Motor Vehicle Act* (this section of the *Motor Vehicle Act* was repealed effective June 15, 2012).

TABLE 2 – Driver Risk Premium for Criminal Code Convictions and 10 Point MVA Convictions

Driver Risk Premium Schedule	
Column A	Column B
Number of Contraventions: Criminal Code of Canada Conviction or 10 point MVA Conviction	Premium
1	\$ 905
2	\$ 3,760
3	\$ 8,160
4	\$ 14,560
5	\$ 24,000
6	\$ 24,000
7	\$ 24,000
8	\$ 24,000
9	\$ 24,000
10	\$ 24,000
11	\$ 24,000
12	\$ 24,000
13	\$ 24,000
14	\$ 24,000
15	\$ 24,000
16	\$ 24,000
17	\$ 24,000
18	\$ 24,000
19	\$ 24,000
20	\$ 24,000
21	\$ 24,000
22	\$ 24,000

TABLE 5 – Driver Risk Premium for Convictions for Use of Electronic Device While Driving

Driver Risk Premium Schedule	
Column A	Column B
Number of Contraventions: Convictions for Use of Electronic Device While Driving	Premium
1	\$ 0
2	\$ 370
3	\$ 430
4	\$ 490
5	\$ 560
6	\$ 640
7	\$ 740
8	\$ 850
9	\$ 980
10	\$ 1,130
11	\$ 1,300
12	\$ 1,500
13	\$ 1,730
14	\$ 1,990
15	\$ 2,290
16	\$ 2,630
17	\$ 3,020
18	\$ 3,470
19	\$ 3,990
20	\$ 4,590
21	\$ 5,280
22	\$ 6,070
23	\$ 6,980
24	\$ 8,030
25	\$ 9,230
26	\$ 10,610
27	\$ 12,200
28	\$ 14,030
29	\$ 16,130
30	\$ 18,550
31	\$ 20,000
32	\$ 20,000
33	\$ 20,000

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34	\$	20,000
35	\$	20,000
36	\$	20,000
37	\$	20,000
38	\$	20,000
39	\$	20,000
40	\$	20,000
41	\$	20,000
42	\$	20,000
43	\$	20,000
44	\$	20,000
45	\$	20,000
46	\$	20,000
47	\$	20,000
48	\$	20,000
49	\$	20,000
50	\$	20,000

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4. Refunds

4.1 In the circumstances described in column A of Table 6 of this Schedule E and subject to the minimum time requirements set out in column B of Table 6 and the additional requirements set out in column C of Table 6, ICBC shall, on application, refund to a person named on a driver's certificate or his personal representative that part of the premium, calculated according to section 2.H of this Basic Insurance Tariff, paid for the period the driver's certificate is not in use or for the term of the driver's certificate remaining unexpired on the day it is surrendered.

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4.2 Notwithstanding anything in section 4.1 of this Schedule E, if a person who has applied for and been granted a refund in accordance with section 4.1 is, during the term of the driver's certificate for which the refund has been granted:

- (a) convicted of an offence listed in Tables 2, 4 or 5, of this Schedule or convicted of any MVA Conviction, or receives a roadside suspension, or
- (b) involved in a motor vehicle crash while driving a motor vehicle,

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the person must repay the amount of the refund paid by ICBC as premium.

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TABLE 6 — Refund of Premium

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Column A Circumstances	Column B Minimum Time Requirements	Column C Additional Requirements
Suspension	60 days or more	Motor Vehicle Branch confirmation on suspensions before 1982.
Voluntary surrender	30 days or more	Motor Vehicle Branch confirmation
Out of province for part or whole period covered in billing	30 days or more	written confirmation of issue date, or photocopy of new drivers licence
Not in Canada or U.S.A. for part or whole period covered in billing	30 days or more	photocopies of passport date stamp confirming out of country dates
Incarceration	30 days or more	letter from prison authorities, confirming dates of incarceration and that there were no out privileges when driver's licence could have been used
Medical reason	30 days or more	physician's letter confirming that person is unable to drive no evidence of driving, e.g. points or claim on driving record
* Minimum time requirement refers to a continuous period of time.		

5. Maximum Number of Billings

If a person commits an offence that could result in premium being payable under both sections 2.3 and 3.1, the offence may not be referenced in the calculation of premium under this Schedule E in more than 3 years.