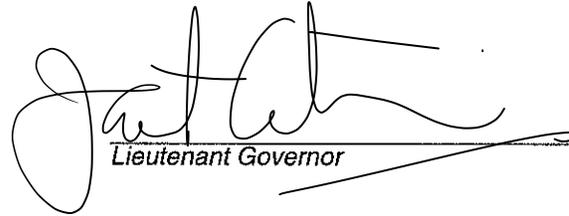


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 208

, Approved and Ordered April 11, 2022



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 the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended

- (a) effective May 1, 2021, as set out in the attached Schedule 1,
- (b) effective November 1, 2021, as set out in the attached Schedule 2, and
- (c) as set out in the attached Schedule 3.



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: *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231, ss. 180 (3) and 181 (8)

Other: OIC 21/2021

R10566666

SCHEDULE 1

1 Section 27 of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended

- (a) in subsection (2) by striking out “, to occur” wherever it appears,*
- (b) in subsection (2) (a) by striking out “subject to subsection (3) of this section,”*
- (c) in subsection (2) (b) by striking out “subject to subsection (4) of this section,”*
- (d) in subsection (2) (i) by striking out “who use or operate the rented or leased vehicle”, and*
- (e) by repealing subsection (3) and substituting the following:*
 - (3) Despite subsection (2) (a) (v) and (e) to (h), a person who takes an action that results in one of the circumstances prescribed in section 26 (2) (d) or section 26 (2) (q) as that paragraph relates to section 26 (2) (d), is prescribed for the purposes of section 178 (2) (c) [*recovery*] of the Act only if
 - (a) the person is responsible for the accident, and
 - (b) a certificate provides coverage in relation to the vehicle.

SCHEDULE 2

1 Section 27 of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended by repealing subsection (2) (i) (ii) and substituting the following:

- (ii) take an action that results in one of the circumstances set out in section 177 (1) (a) or (b) [*accident or vehicle damage wilfully caused by insured*] of the Act or prescribed in section 26 (2) (a) to (c), (h) to (m), or (u) of this regulation, or section 26 (2) (q) as that paragraph relates to section 26 (2) (h) or (l) to (n) of this regulation, with the references to “insured” in those sections to be read as references to “short-term renter”;

SCHEDULE 3

1 Section 27 of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended by adding the following subsection:

- (5) An owner of a vehicle described in section 1.01 [*exemption of government vehicles*] of the Act in relation to which no agreement under section 1.01 (2) applies must not recover damage or losses under section 178 (6) of the Act from a person in the class of persons referred to in the following provisions of this section:
 - (a) subsection (2) (a) (iii) and (iv);
 - (b) subsection (2) (a) (v), if the person takes an action that results in the circumstances prescribed in section 26 (2) (h) or section 26 (2) (q) as that paragraph relates to section 26 (2) (h);

- (c) subsection (2) (b) (iii) and (iv);
- (d) subsection (2) (h), if the person takes an action that results in the circumstances prescribed in section 26 (2) (h) or section 26 (2) (q) as that paragraph relates to section 26 (2) (h);
- (e) subsection (2) (i) (i);
- (f) subsection (2) (i) (ii), if the person takes an action that results in the circumstances prescribed in section 26 (2) (h) or section 26 (2) (q) as that paragraph relates to section 26 (2) (h).

2 *The following section is added to Division 4:*

Recovery – prescribed actions

- 27.1** (1) In order to recover indemnification under section 178 (2) of the Act from a person who takes an action that results in one of the circumstances referred to in section 26 (2) (d), (i) or (j) of this regulation, the corporation may do one or more of the following for so long as any part of the indemnification remains unrecovered:
- (a) refuse any application made by the person for insurance;
 - (b) cancel any owner's certificate issued in the person's name or any universal compulsory vehicle insurance issued in the person's name;
 - (c) issue an owner's certificate or provide universal compulsory vehicle insurance to the person with a term of more than 90 days but less than one year;
 - (d) cancel any driver's certificate issued in the person's name;
 - (e) issue a driver's certificate to the person with a term of more than 90 days but less than 5 years.
- (2) Despite subsection (1), the corporation must not exercise a right referred to in subsection (1) (a), (b), (c), (d) or (e) unless
- (a) the corporation has a judgment in its favour in relation to the indemnification to be recovered in respect of which it intends to exercise one or more of those rights, or
 - (b) the corporation mails to the person, at the person's last address according to the corporation's records, a written demand for payment of the indemnification together with a notice of any action the corporation intends to take under this section, and the person does not, within 30 days after the date of mailing, pay the indemnification or make arrangements satisfactory to the corporation for payment of the indemnification.
- (3) Nothing in this section limits or qualifies any other collection remedy or right available to the corporation under this or any other enactment in relation to recovery of indemnification paid to an insured owing by any person to the corporation.