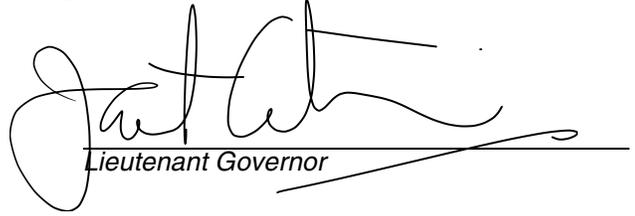


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 211

, 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,

- (a) effective May 1, 2021, the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended as set out in the attached Schedule 1,
- (b) effective May 1, 2021, the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended as set out in the attached Schedule 2, and
- (c) the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended as set out in the attached Schedule 3.



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: *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231, ss. 45, 113, 127, 169, 180 and 181

Other: OIC 110/2021; OIC 1897/83

R20561640

SCHEDULE 1

- 1 Section 72.1 (1) of the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended**
- (a) in paragraph (c) by striking out “a person” and substituting “an insured”, and**
- (b) by adding the following paragraph:**
- (d) an amount recoverable from an insured under section 168 or 178 of the Act.

SCHEDULE 2

- 1 Section 3 (2) of the Enhanced Accident Benefits Regulation, B.C. Reg 59/2021, is amended by striking out “section 1 (1)” and substituting “section 113”.**
- 2 Section 4 (1) is amended by striking out “section 1 (1)” and substituting “section 113”.**
- 3 Section 38 is amended by adding the following subsection:**
- (2.1) The maximum amount that may be paid or reimbursed to an insured under subsection (2) (a) for long distance telephone expenses is \$50 per 30 days.
- 4 Division 6 of Part 5 is amended by adding the following section:**

Loss of net income re: medical examination

- 40.1** (1) For the purposes of section 127 of the Act, expenses incurred by an insured in the form of lost net income to attend a medical examination under section 60 of this regulation are a prescribed category of expenses.
- (2) If the corporation pays or reimburses an insured under this section, the corporation must
- (a) pay or reimburse the insured 90% of the insured’s lost net income, and
- (b) calculate the insured’s lost net income based on
- (i) the maximum yearly insurable income determined in accordance with section 2 (2) to (5) of the Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation, B.C. Reg. 60/2021, and
- (ii) a reasonable time away from work to attend the examination.

- 5 Section 44 is amended**
- (a) by repealing subsection (4), and**
- (b) in subsection (5) by striking out “section 153 (1) (e)” and substituting “section 153 (1) (d)”.**

SCHEDULE 3

1 Section 65 of the Enhanced Accident Benefits Regulation, B.C. Reg 59/2021, is amended by adding the following subsections:

- (3) In order to recover benefits from a person under section 168 (1) (b) or (c) of the Act or subsection (1) (a) or (b) of this section, the corporation may do one or more of the following for so long as any part of those benefits 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.
- (4) Despite subsection (3), the corporation must not exercise a right referred to in subsection (3) (a), (b), (c), (d) or (e) unless
 - (a) the corporation has a judgment in its favour in relation to the benefits 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 those benefits 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 benefits or make arrangements satisfactory to the corporation for payment of the benefits.
- (5) 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 the recovery of benefits owing by any person to the corporation.