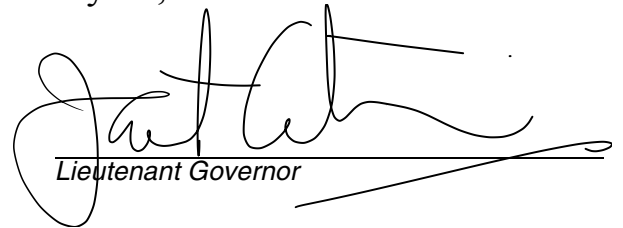


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 274

, 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, effective January 6, 2025,

- (a) the Commercial Transport Regulations, B.C. Reg. 30/78, are amended as set out in the attached Appendix 1,
- (b) the Commercial Transport Fees Regulation, B.C. Reg. 328/91, is amended as set out in the attached Appendix 2,
- (c) the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended as set out in the attached Appendix 3,
- (d) the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended as set out in the attached Appendix 4, and
- (e) the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended as set out in the attached Appendix 5.



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: *Commercial Transport Act*, R.S.B.C. 1996, c. 58, s. 11;
Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, ss. 45, 72, 169, 180 and 181

Other: OIC 27/78; OIC 1567/91; OIC 1897/83; OIC 21/2021; OIC 110/2021

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APPENDIX 1

- 1** *Section 1.01 of the Commercial Transport Regulations, B.C. Reg. 30/78, is amended by repealing the definition of “farm vehicle” and substituting the following:*

“farm vehicle” means a commercial vehicle owned or leased, and operated, by a farmer, rancher or market gardener, the use of which is confined to purposes connected with the farmer’s farm, rancher’s ranch or market gardener’s market garden, including use for pleasure, and that is not used in connection with any other business in which the farmer, rancher or market gardener may be engaged; .

- 2** *The following section is added:*

Application of other definitions

1.03 The definitions in section 1 of the *Motor Vehicle Act* and section 1 of the Motor Vehicle Act Regulations apply to these regulations, but if there is any conflict between one of those definitions and a definition under these regulations, the latter prevails.

- 3** *Division 2 is repealed.*

- 4** *Section 7.02 (4) is amended by striking out “operator or owner” and substituting “operator, owner, lessee or out-of-province lessee”.*

- 5** *Section 7.04 (2) (b) is amended by adding “or licensed” after “registered”.*

APPENDIX 2

- 1** *Item 2 (d) of the Schedule to the Commercial Transport Fees Regulation, B.C. Reg. 328/91, is amended by striking out “commercial vehicle known as a” and by striking out “and owned by a farmer”.*

APPENDIX 3

- 1** *Section 1 (1) of the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended*

(a) in paragraph (a) (iii) of the definition of “bus” by striking out “renter” and substituting “borrower”,

(b) in paragraph (b) of the definition of “bus” by striking out “owned or rented” and substituting “owned, leased or rented”,

(c) in the definition of “declared value” by adding “or lessee” after “owner”,

(d) by repealing the definition of “leased vehicle”, and

(e) in the definition of “limousine use” by striking out “rental or” wherever it appears.

- 2** *Section 4 is amended*

(a) in subsection (2) by striking out “An interim owner’s certificate” and substituting “Subject to subsection (3), an interim owner’s certificate”, and

(b) by adding the following subsection:

(3) If the vehicle described in an interim owner’s certificate is a leased vehicle that has a lessee, an interim owner’s certificate issued under this section or section 6 is valid until the lessee of that vehicle receives an owner’s certificate.

3 Section 6 is amended

(a) in subsection (1) by adding “or lessee” after “An owner”,

(b) in subsection (3) by striking out “Where” and substituting “If”,

(c) by adding the following subsection:

(3.1) If a lessee does not receive an APV-1, APV-1A or APV-2 form or a notice to renew, or the form is lost or destroyed, the lessee may make application to a person mentioned in section 3 for an owner’s certificate. , and

(d) in subsection (4) by adding “or (3.1)” after “subsection (3)”.

4 Section 8 is amended

(a) by striking out “for a leased vehicle shall set out” and substituting “for a leased vehicle that has a lessee must set out”,

(b) in paragraph (b) by striking out “renter” wherever it appears and substituting “lessee”, and

(c) in paragraph (c) by striking out “either the owner or the renter” and substituting “the lessee”.

5 Section 9 is amended

(a) in subsection (1) by adding “and section 9.1” after “In this section”,

(b) by adding the following subsection:

(1.1) This section does not apply to a leased vehicle that has a lessee named in the owner’s certificate. ,

(c) in subsections (2) and (3) by striking out “insured named on” and substituting “owner named in”,

(d) in subsection (2) (a) (i) by striking out “insured’s” and substituting “owner’s”,

(e) in subsection (2) (a) (ii) by striking out “insured” and substituting “owner” and by adding “and the substitute vehicle is not a leased vehicle” after “described in the certificate”,

(f) in subsection (2) (b) by striking out “or” at the end of subparagraph (i), by adding “or” at the end of subparagraph (ii) and by adding the following subparagraph:

- (iii) a leased vehicle that the owner has acquired as a substitute vehicle for the vehicle described in the certificate is used, , **and**

(g) in subsection (3) by striking out “by the insured for vacation purposes” and substituting “by an insured for vacation purposes”.

6 The following section is added:

Mid-term changes – lessee named in owner’s certificate

- 9.1** (1) This section applies to a leased vehicle that has a lessee named in the owner’s certificate.
- (2) The lessee named in an owner’s certificate must,
- (a) within 10 days after the lessee’s address is changed from the address set out in the certificate,
 - (b) before a vehicle that the lessee has acquired as a substitute vehicle for the vehicle described in the certificate is used,
 - (c) before the use of the vehicle described in the certificate is changed to a use to which a different vehicle rate class applies than the vehicle rate class applicable to the use set out in the certificate, or
 - (d) before a vehicle in respect of which the premium is established on the basis of the territory in which a vehicle of that vehicle rate class is used or principally used, as the case may be, is used or principally used in a different territory than that set out in the certificate,
- report the change of address, vehicle, use or territory to a person referred to in section 3, and pay or be refunded the resulting difference in premium.
- (3) If the premium for a vehicle is established on the basis of the territory in which the vehicle is primarily located when not in use and that territory as set out in the owner’s certificate is changed, the lessee named in the certificate must, unless the vehicle is being used by an insured for vacation purposes, report the change to a person referred to in section 3 within 30 days of the change, and pay or be refunded the resulting difference in premium.

7 Section 15.7 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) In this section, “**registrant**” means a person who is registered as the owner of a vehicle, or who is the lessee of a leased vehicle, as the consequence of a vehicle transfer or lease agreement that
- (a) is not transacted at arm’s length between the registrant and a prior owner or lessee, and
 - (b) is for the purpose of
 - (i) assisting the prior owner or lessee to evade paying a debt due and owing to the corporation, or
 - (ii) permitting the prior owner or lessee to continue to have the benefit or use of the vehicle without paying a debt due and owing to the

corporation or without making an arrangement with the corporation for payment of the debt. , **and**

(b) by repealing subsection (2) (a) and (b) and substituting the following:

- (a) the coverage afforded the prior owner or lessee by an owner's certificate, or
- (b) an additional product certificate issued to the prior owner or lessee, .

8 Section 15.73 is amended

(a) in paragraphs (a) and (b) by striking out "registered" wherever it appears, and

(b) in paragraph (b) by striking out "renter" wherever it appears and substituting "lessee".

9 Section 49 (1) is amended

(a) in paragraph (a) (ii) by striking out "rented" wherever it appears and substituting "leased",

(b) in paragraph (c) by striking out "owner" wherever it appears and substituting "person who owns, leases or rents the vehicle", and

(c) in paragraph (e) by striking out "owned or regularly operated" and substituting "owned, leased as a leased vehicle or regularly operated".

10 Section 53 is amended

(a) by repealing subsection (1) (a) and substituting the following:

- (a) a sublessee of the lessee named in the owner's certificate, and the sublessee's household, ,

(b) in subsection (1) (b) by striking out "renter" and substituting "sublessee",

(c) in subsection (1) (c) by striking out "renter's" and substituting "sublessee's", and

(d) by repealing subsection (2).

11 Section 54 is amended

(a) by striking out "Where" and substituting "If" and by striking out "the lien holder and the owner" and substituting "the lien holder, the owner and the lessee named in the owner's certificate", and

(b) in paragraph (b) by striking out "to the owner or corporation" and substituting "to the corporation or to the owner or, in the case of a leased vehicle, to the lessee".

12 Section 57 is amended

(a) in subsection (1) by striking out "owned" and substituting "that is owned or leased as a leased vehicle", and

(b) in subsection (2) (a) (i) by adding "or leases as a leased vehicle" after "owns".

13 Section 61 (1) is amended by striking out “every vehicle owned by the extraprovincial undertaking or rented to the extraprovincial undertaking as a leased vehicle” and substituting “every vehicle that is owned or leased as a leased vehicle by the extraprovincial undertaking”.

14 Section 63 is amended

(a) in paragraphs (c) and (d) by striking out “where” and substituting “if”, and

(b) by striking out “and” at the end of paragraph (c) and by adding the following paragraphs:

- (e) a person named as a lessee in an owner’s certificate,
- (f) an individual who, with the consent of the lessee or while a member of the lessee’s household, uses or operates the vehicle described in the owner’s certificate,
- (g) if the lessee is deceased, the personal representative of the lessee or a person having, with the consent of the personal representative, custody of the vehicle until the grant of letters probate or of administration to the personal representative, and
- (h) if the lessee is not an individual,
 - (i) an officer, employee or partner of the lessee for whose regular use the vehicle described in the owner’s certificate is provided, or
 - (ii) a member of the household of an officer, employee or partner of the lessee, who, with the consent of the lessee, uses or operates the vehicle described in the owner’s certificate.

15 Section 65 is amended

(a) in subsection (1) (d) by striking out “where” and substituting “if”,

(b) in subsection (1) by striking out “and” at the end of paragraph (c) and by adding the following paragraphs:

- (e) a person named as a lessee in an owner’s certificate,
- (f) a member of the lessee’s household,
- (g) an employee or partner of the lessee for whose regular use the vehicle described in the owner’s certificate is provided, and
- (h) the spouse of an employee or partner described in paragraph (g) if the spouse resides with the employee or partner. ,

(c) in subsection (2) (b) by striking out “owned or regularly operated” and substituting “owned, leased as a leased vehicle or regularly operated”, and

(d) in subsection (2) (f) by striking out “owner” wherever it appears and substituting “person who owns, leases or rents the motor vehicle”.

16 Section 70 is amended

- (a) *in subsection (1.1) (d) (i) and (ii) by striking out “rented” and substituting “leased” and by striking out “rents” and substituting “leases”, and*
- (b) *in subsection (2) by striking out “owner of a vehicle” and substituting “owner or lessee, named in the owner’s certificate, of a vehicle” and by striking out “the owner or driver of another vehicle” and substituting “the person who owns, leases as a leased vehicle or drives another vehicle”.*
- 17 *Section 72.1 (1.1) (b) is amended by striking out “owned or rented” and substituting “owned, leased or rented”.*
- 18 *Section 73 (1) (a) (i) is amended by striking out “owned or operated” and substituting “owned, leased, rented or operated”.*
- 19 *Section 77 (2) (a) and (a.1) is amended by striking out “rented” and substituting “leased” and by striking out “rents” and substituting “leases”.*
- 20 *Section 147 (1) is amended in the definition of “insured”*
- (a) *in paragraph (d) by striking out “renter” and substituting “lessee”, and*
- (b) *by striking out “or” at the end of paragraph (c), by adding “or” at the end of paragraph (d) and by adding the following paragraph:*
- (e) *if the person referred to in paragraph (d) is deceased, the personal representative of that person; .*
- 21 *Section 148.1 (1) is amended*
- (a) *in the definition of “assigned corporate driver” by striking out “renter” wherever it appears and substituting “lessee”,*
- (b) *in paragraph (b) (i) of the definition of “insured” by striking out “renter” and substituting “lessee”, and*
- (c) *in the definition of “underinsured motorist” by striking out “an owner or operator of a vehicle who” and substituting “a person who owns, leases, rents or operates a vehicle and who”.*
- 22 *Section 150.1 is amended by adding “or lessee” after “owner”.*
- 23 *Section 151 is amended by striking out “owner of” and substituting “person who owns or leases as a leased vehicle”.*
- 24 *Section 155 (1) is amended*
- (a) *in paragraph (a) of the definition of “fleet” by striking out everything before subparagraph (i) and substituting the following:*
- (a) *are registered in the name of or are leased as leased vehicles that have a lessee, from a person whose business is the leasing of vehicles as leased vehicles, to, and*

(b) by repealing the definition of “owner” and substituting the following:

“owner” includes an unregistered beneficial owner, a lien holder or a person who leases a vehicle as a leased vehicle.

25 Section 155 (2) (b) is repealed and the following substituted:

(b) leased as leased vehicles, from a person whose business is the leasing of vehicles as leased vehicles, to the person who is designated under section 157 (a) and who is the lessee, named in the owner’s certificates, of the vehicles.

26 Section 156 (3) is repealed and the following substituted:

(3) A leased vehicle is not eligible to be insured as part of the fleet of the person in whose name the leased vehicle is registered under the *Motor Vehicle Act* or *Commercial Transport Act* but may, if the vehicle is otherwise eligible, be insured as part of the lessee’s fleet.

27 The heading to Part 15 is amended by striking out “Lessor” and substituting “Lender’s”.

28 Section 181 is amended

(a) in paragraphs (b) and (d) by striking out “lessor” wherever it appears and substituting “lender”, and

(b) in paragraphs (b) and (d) (i) by adding “or rents” after “leases” and by striking out “arms-length” and substituting “arm’s length”.

APPENDIX 4

1 Section 2 of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended

(a) by repealing paragraph (d) of the definition of “insured” and substituting the following:

(d) a person named as a lessee in an owner’s certificate,

(d.1) if the person referred to in paragraph (d) is deceased, the personal representative of that person, or, **and**

(b) in paragraph (e) of the definition of “insured” by adding “or leases” after “owns”.

2 Section 6 (2) is amended

(a) in paragraphs (a) and (b) by striking out “renter named in the owner’s certificate” and substituting “lessee named in the owner’s certificate”,

(b) in paragraph (b) by striking out “renter or lessee” and substituting “lessee or out-of-province lessee”, and

(c) in paragraphs (c) and (d) by striking out “or leased”.

3 Section 8 (2) is amended

(a) in paragraphs (a), (b), (e) and (f) by striking out “renter named in the owner’s certificate” wherever it appears and substituting “lessee named in the owner’s certificate”,

(b) in paragraph (b) by striking out “renter or lessee” and substituting “lessee or out-of-province lessee”,

(c) in paragraphs (c) and (d) by striking out “or leased”, and

(d) by repealing paragraph (g) and substituting the following:

(g) an owner, a lessee named in the owner’s certificate or an out-of-province lessee who brings, commences or maintains an action or proceeding against a person who uses or operates the vehicle without the consent of the owner, lessee or out-of-province lessee, except if the person is any of the following:

(i) a member of the household of the owner, lessee or out-of-province lessee;

(ii) if the owner, lessee or out-of-province lessee is not an individual,

(A) an officer, employee or partner of the owner, lessee or out-of-province lessee for whose regular use the vehicle is provided, or

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

4 Section 10 (2) (a) is amended by striking out “renters named in the owner’s certificate” and substituting “lessees named in the owner’s certificate”.

5 Section 20 (2) (a) is amended by adding “or lessee” after “owner”.

6 Section 22 is amended by striking out “renter named in the owner’s certificate” and substituting “lessee named in the owner’s certificate”.

7 Section 25.2 is amended

(a) in subsection (1) (d) by striking out “the eligible vehicle has a renter named in the owner’s certificate” and substituting “the eligible vehicle has a lessee named in the owner’s certificate”, and

(b) in subsections (1) (d) (i) and (2) (b) by striking out “renter named in the owner’s certificate” wherever it appears and substituting “lessee named in the owner’s certificate”.

8 Section 25.4 (1) (d) (i) is amended by striking out “renter named in the owner’s certificate” and substituting “lessee named in the owner’s certificate”.

9 Section 27 (2) is amended

(a) in paragraph (f) by striking out “renters” wherever it appears and substituting “lessees”, and

(b) in paragraph (i) by striking out “or leased”.

10 Section 27.1 is amended

(a) in subsection (1) by adding the following paragraph:

- (a.1) refuse any application made for insurance in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle; ,

(b) by repealing subsection (1) (b) and (c) and substituting the following:

- (b) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance issued in the person’s name;
- (b.1) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle;
- (c) issue an owner’s certificate or certificate of universal compulsory vehicle insurance to the person with a term of more than 90 days but less than one year;
- (c.1) issue an owner’s certificate or certificate of universal compulsory vehicle insurance, with a term of more than 90 days but less than one year, in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle; , **and**

(c) in subsection (2) by striking out “subsection (1) (a), (b), (c), (d) or (e)” and substituting “any provision of subsection (1)”.

APPENDIX 5

1 Section 65 (3) of the Enhanced Accident Benefits Regulation, B.C. Reg. 59/2021, is amended

(a) by adding the following paragraph:

- (a.1) refuse any application made for insurance in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle; , **and**

(b) by repealing paragraphs (b) and (c) and substituting the following:

- (b) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance issued in the person’s name;
- (b.1) cancel any owner’s certificate or certificate of universal compulsory vehicle insurance in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle;
- (c) issue an owner’s certificate or certificate of universal compulsory vehicle insurance to the person with a term of more than 90 days but less than one year;
- (c.1) issue an owner’s certificate or certificate of universal compulsory vehicle insurance, with a term of more than 90 days but less than one year, in respect of a leased vehicle if the person is an owner or lessee of the leased vehicle; .

2 *Section 65 (4) is amended by striking out “subsection (3) (a), (b), (c), (d) or (e)” and substituting “any provision of subsection (3)”.*