

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 338

, Approved and Ordered June 20, 2022



Lieutenant Governor

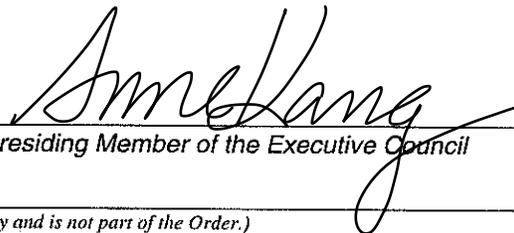
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended as set out in the attached Schedule, and
- (b) sections 19 to 22 of the *Miscellaneous Statutes Amendment Act, 2022*, S.B.C. 2022, c. 14, are brought into force.



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. 174, 175, 180, 181
Miscellaneous Statutes Amendment Act, 2022, S.B.C. 2022, c. 14, s. 23

Other: OIC 21/2021

R10575377

SCHEDULE

1 Section 10 (2) of the Basic Vehicle Damage Coverage Regulation, B.C. Reg. 4/2021, is amended

(a) by striking out “sections 174 (4) (a) and 175 (4) (a)” and substituting “sections 174 (4) (e) and 175 (4) (e)”

(b) by repealing paragraph (a) and substituting the following:

- (a) if the accident occurs on a highway or off-highway, renters named in the owner’s certificate, short-term renters and occupants of the eligible vehicle;
- (a.1) if the accident occurs on a highway or off-highway, occupants of another vehicle owned, leased or rented by the insured;
- (a.2) if the accident occurs on a highway or off-highway, operators and occupants of another vehicle owned, leased or rented by a short-term renter of the eligible vehicle; ,

(c) in paragraphs (b) and (c) by adding “short-term renters,” after “out of province lessees”, and

(d) in paragraphs (d) to (g) by adding “short-term renter,” after “out of province lessee”.

2 Section 25 is repealed.

3 The following sections are added:

Exceptions to restriction on indemnification – theft

- 25.1** (1) Subject to subsection (2), the corporation must not reduce indemnification for damage or loss respecting an eligible vehicle under section 174 (4) (c) or 175 (4) (c) of the Act or section 10 (2) (a.1) or (a.2) of this regulation if
- (a) the name of the operator of the other vehicle is ascertainable, and
 - (b) the operator of that vehicle uses or operates that vehicle without the consent of the owner, renter named in the owner’s certificate, out-of-province owner, out-of-province lessee or short-term renter of that vehicle.
- (2) Subsection (1) does not apply if the operator of the other vehicle is any of the following:
- (a) a member of the household of the owner, renter named in the owner’s certificate, out-of-province owner, out-of-province lessee or short-term renter of that vehicle;
 - (b) if the owner, renter named in the owner’s certificate, out-of-province owner, out-of-province lessee or short-term renter of that vehicle is not an individual:
 - (i) an officer, employee or partner of the owner, renter named in the owner’s certificate, out-of-province owner, out-of-province lessee or short-term renter of that vehicle, for whose regular use the vehicle is provided, or

- (ii) a member of the household of a person described in subparagraph (i).

**Exceptions to restriction on indemnification –
common owner and leased eligible vehicle**

- 25.2** (1) This section applies if
- (a) the eligible vehicle and the other vehicle involved in the accident are owned by the same person,
 - (b) the eligible vehicle and the other vehicle involved in the accident are not part of the same combination of vehicles that is subject to section 10 (2) (b), (c), (d), (e), (f) or (g) of this regulation,
 - (c) section 25.1 of this regulation does not apply to the other vehicle described in paragraph (a), and
 - (d) the eligible vehicle has a renter named in the owner's certificate and either
 - (i) the renter named in the owner's certificate of the eligible vehicle is not the same as the renter named in the owner's certificate of the other vehicle or the out-of-province lessee of the other vehicle, or
 - (ii) the other vehicle does not have a renter named in the owner's certificate or an out-of-province lessee.
- (2) The corporation must not reduce indemnification for damage or loss respecting the eligible vehicle under section 174 (4) (a) or (c) or 175 (4) (a) or (c) of the Act or section 10 (2) (a.1) of this regulation by the extent to which the following persons are responsible for the accident:
- (a) the owner;
 - (b) if the name of the operator or occupant of the other vehicle is ascertainable, the operator or occupant of that vehicle, unless the renter named in the owner's certificate of the eligible vehicle is the short-term renter of the other vehicle.

**Exceptions to restriction on indemnification –
vehicles owned by short-term rental agency**

- 25.3** (1) This section applies if
- (a) the eligible vehicle and the other vehicle involved in the accident are owned by the same person,
 - (b) the eligible vehicle and the other vehicle involved in the accident are not part of the same combination of vehicles that is subject to section 10 (2) (b), (c), (d), (e), (f) or (g) of this regulation,
 - (c) section 25.1 of this regulation does not apply to the other vehicle described in paragraph (a), and
 - (d) the eligible vehicle is rented by a short-term renter and either
 - (i) the short-term renter of the eligible vehicle is not the same as the short-term renter of the other vehicle, or
 - (ii) the other vehicle is not rented by a short-term renter.
- (2) The corporation must not reduce indemnification for damage or loss respecting the eligible vehicle under section 174 (4) (c) or 175 (4) (c) of the Act or

section 10 (2) (a.1) of this regulation by the extent to which, if the name of the operator or occupant of the other vehicle is ascertainable, the operator or occupant of that vehicle is responsible for the accident, unless the short-term renter of the eligible vehicle is the renter named in the owner's certificate of the other vehicle.

**Exceptions to restriction on indemnification –
common owner and eligible vehicle is not leased or rented**

- 25.4** (1) This section applies if
- (a) the eligible vehicle and the other vehicle involved in the accident are owned by the same person,
 - (b) the eligible vehicle and the other vehicle involved in the accident are not part of the same combination of vehicles that is subject to section 10 (2) (b), (c), (d), (e), (f) or (g) of this regulation,
 - (c) section 25.1 of this regulation does not apply to the other vehicle described in paragraph (a),
 - (d) the eligible vehicle
 - (i) does not have a renter named in the owner's certificate, and
 - (ii) is not rented by a short-term renter, and
 - (e) the other vehicle
 - (i) is rented by a short-term renter,
 - (ii) has a renter named in the owner's certificate, or
 - (iii) is rented by an out-of-province lessee.
- (2) The corporation must not reduce indemnification for damage or loss respecting the eligible vehicle under section 174 (4) (c) or 175 (4) (c) or section 10 (2) (a.1) of this regulation by the extent to which, if the name of the operator or occupant of the other vehicle is ascertainable, the operator or occupant of that vehicle is responsible for the accident.

- 4** *Section 26 (2) (i) is amended by adding the following subparagraph:*
(xix.1) section 320.17;