

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 407

, Approved and Ordered July 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, effective October 1, 2022,

- (a) the Provincial Sales Tax Regulation, B.C. Reg. 96/2013, is amended as set out in the attached Schedule 1, and
- (b) the Provincial Sales Tax Exemption and Refund Regulation, B.C. Reg. 97/2013, is amended as set out in the attached Schedule 2.



Minister of Finance



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: *Provincial Sales Tax Act*, S.B.C. 2012, c. 35, ss. 1, 236, 241

Other: O.C. 129/2013; O.C. 130/2013

R10600677

SCHEDULE 1

1 The Provincial Sales Tax Regulation, B.C. Reg. 96/2013, is amended by adding the following sections:

Appraised value

- 2.001** (1) For the purposes of the definition of “appraised value” in section 1 of the Act, the appraised value of a vehicle must
- (a) be determined by a person described in subsection (2), and
 - (b) that person must determine the fair market value of the vehicle.
- (2) The following persons are described for the purpose of subsection (1):
- (a) a motor dealer registered under the *Motor Dealer Act*;
 - (b) a person authorized under the law of another jurisdiction to carry on business in that jurisdiction in a manner similar to a motor dealer under the *Motor Dealer Act*;
 - (c) a person whose business it is to appraise motor vehicles.

Average wholesale value

- 2.002** (1) In this section, “**industry standard publication**” means a publication specified by the director, as the publication is amended from time to time.
- (2) For the purposes of the definition of “average wholesale value” in section 1 of the Act, if, at the time an application is made for the registration of the motor vehicle under the vehicle registration legislation,
- (a) a motor vehicle is listed in the most recent edition of the industry standard publication by make, model, trim and model year, then the average wholesale value is the average wholesale value listed in the most recent edition of the industry standard publication for that motor vehicle for British Columbia, or
 - (b) a motor vehicle is listed in the most recent edition of the industry standard publication by make, model and trim and the most recent model year listed is an earlier model year of the motor vehicle, then the average wholesale value is the average wholesale value listed in the most recent edition of the industry standard publication for the most recent model year of the motor vehicle for British Columbia.

SCHEDULE 2

1 The Provincial Sales Tax Exemption and Refund Regulation, B.C. Reg. 97/2013, is amended by adding the following section:

Used motor vehicles

- 123.1** (1) If, in respect of a purchase or acquisition of a motor vehicle to which section 10.01 of the Act applies, a person provides the appraised value to the director, in a form and containing information acceptable to the director, within

30 days after the date of the application for registration of the motor vehicle under the vehicle registration legislation and the director is satisfied that

- (a) the person has paid to the Insurance Corporation of British Columbia an amount of tax under section 37, 49, 50, or 52 of the Act, and
- (b) the designated purchase price and the appraised value are each less than the average wholesale value,

the director must refund to the person that paid the amount of tax referred to in paragraph (a) the amount referred to in subsection (2).

- (2) The amount of the refund under subsection (1) is equal to the difference between
 - (a) the amount of tax paid by the person to the Insurance Corporation of British Columbia under section 37, 49, 50 or 52, and
 - (b) the amount of tax payable on the greater of the designated purchase price and the appraised value.