On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 16, 2019, the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended as set out in the attached Schedule.

Authority under which Order is made:

Act and section: Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, s. 45
Other: OIC 1897/83
SCHEDULE

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

(a) in the definition of “additional product certificate” by striking out “section 149” and substituting “section 149, 154.2 or 154.9”,

(b) by adding the following definitions:
“passenger directed vehicle” has the same meaning as in section 1 of the Passenger Transportation Act;
“passenger directed vehicle authorization” has the same meaning as in section 1 of the Passenger Transportation Act;

(c) in the definition of “taxi” by striking out “other than a bus,” and substituting “other than a bus or a TNS-only vehicle,”, and

(d) by adding the following definitions:
“TNS vehicle” means either of the following:
(a) a TNS-only vehicle;
(b) a motor vehicle, other than a taxi, operated as a passenger directed vehicle under a passenger directed vehicle authorization and a transportation network services authorization;

“TNS-only vehicle” means a motor vehicle operated as a passenger directed vehicle under a transportation network services authorization only;
“transportation network services authorization” has the same meaning as in section 1 of the Passenger Transportation Act;

2 Section 49 is amended

(a) in subsection (1) by repealing paragraph (f) and substituting the following:
(f) the vehicle is used for commercial use,
(f.1) subject to subsection (1.1), the vehicle is used for carrying passengers for compensation or hire, , and

(b) by adding the following subsection:
(1.1) In respect of a TNS-only vehicle operated under a transportation network services authorization, the corporation’s exemption under subsection (1) (f.1) applies only if injury or death of another or loss or damage to property of another arises out of the operation of the vehicle when
(a) the insured is, for the purposes of the vehicle being hailed by passengers, signed into the online platform to which the transportation network services authorization relates, or
(b) the insured is operating the vehicle for the purposes of picking up, transporting or dropping off passengers by or for whom the vehicle has been hailed through the use of the online platform to which the transportation network services authorization relates.
3 Section 55 is amended

(a) in subsections (3) and (4) by striking out “shall” and substituting “must”,

(b) in subsection (3.1) by striking out “B.C. Reg. 26/58” and substituting “the Motor Vehicle Act Regulations”,

(c) by adding the following subsections:

(5.1) An insured must not operate a vehicle, in circumstances in which coverage under Part 6 is provided by a blanket certificate, if the insured does, omits to do, participates in, assents to or acquiesces in anything that results in

(a) a breach of a condition of the blanket certificate,

(b) the invalidity of a claim under the blanket certificate, or

(c) the forfeiture of a right under the blanket certificate.

(5.2) An insured named in an owner’s certificate issued in respect of a vehicle must not permit the vehicle to be operated, in circumstances in which coverage under Part 6 is provided by a blanket certificate, if the insured does, omits to do, participates in, assents to or acquiesces in anything that results in a breach, the invalidity of a claim or the forfeiture of a right referred to subsection (5.1).

(d) in subsections (7.1) and (8) by striking out “shall be” and substituting “is”.

4 Section 65 is amended

(a) in subsection (2) by repealing paragraph (c) and substituting the following:

(c) the motor vehicle is used for commercial use,

(c.1) subject to subsection (2.1), the motor vehicle is used for carrying passengers for compensation or hire,

(b) in subsection (2) (f) by striking out “the vehicle” and substituting “the motor vehicle”, and

(c) by adding the following subsection:

(2.1) In respect of a TNS-only vehicle operated under a transportation network services authorization, the corporation’s exemption under subsection (2) (c.1) applies only if injury or death of another or loss or damage to property of another arises out of the operation of the vehicle when

(a) the insured is, for the purposes of the motor vehicle being hailed by passengers, signed into the online platform to which the transportation network services authorization relates, or

(b) the insured is operating the motor vehicle for the purposes of picking up, transporting or dropping off passengers by or for whom the motor vehicle has been hailed through the use of the online platform to which the transportation network services authorization relates.

5 Section 72.1 is amended

(a) by repealing subsection (1) and substituting the following:
(1) The corporation must not indemnify an insured under this Part in respect of a
general or special assessment, penalty or premium payable under the Workers
Compensation Act or a similar law of another jurisdiction.

(1.1) Except to the extent provided under section 1 (5) (a) or (b) of Schedule 3, the
corporation must not indemnify an insured under this Part in respect of loss or
damage to any of the following:
   (a) property carried in or on a vehicle described in an owner’s certificate;
   (b) property owned or rented by an insured;
   (c) property in the care, custody or control of an insured.

(b) in subsection (2) by striking out “the corporation shall” and substituting “the corpo-
ration must”.

6 Section 148.4 is repealed and the following substituted:

Excluded coverage

148.4 (1) Coverage under this Division is not provided by an owner’s certificate issued in
respect of any of the following:
   (a) a bus;
   (b) a taxi;
   (c) a limousine use vehicle.

   (2) An owner’s certificate issued in respect of a vehicle operated as a TNS-only
vehicle under a transportation network services authorization does not provide
coverage under this Division to an insured who is an occupant of the vehicle if
death or injury is caused by an accident that occurs when
   (a) a person is, for the purposes of the vehicle being hailed by passengers,
signed into the online platform to which the transportation network services
authorization relates, or
   (b) a person is operating the vehicle for the purposes of picking up, transporting
or dropping off passengers by or for whom the vehicle has been hailed
through the use of the online platform to which the transportation network
services authorization relates.

7 The following heading is added to Part 11 before section 149:

Division 1 – Additional Product Certificates
Other than Blanket Certificates

8 Section 149 is amended

(a) in subsection (1) by striking out “the corporation shall, on application and payment
of the applicable premium, provide” and substituting “the corporation must, on
application and payment of the applicable premium, issue”, and

(b) in subsection (3) by striking out “shall be” and substituting “must be”.

page 4 of 10
9 The following Divisions are added to Part 11:

**Division 2 - TNS Blanket Certificates**

Definitions for Divisions 2 and 3

154.1 In this Division and Division 3:

“another certificate” or “other certificate” means any certificate other than a blanket certificate;

“P2P blanket certificate” means a blanket certificate issued under section 154.9;

“TNS blanket certificate” means a blanket certificate issued under section 154.2;

“TNS licensee” means a person referred to in section 35.1 (2) (a) of the Act.

Issuance of TNS blanket certificate

154.2 On application and payment of the applicable premium, the corporation must issue a blanket certificate (APV-383), in the form established by the corporation, to a TNS licensee.

Coverage provided by TNS blanket certificate

154.3 (1) Subject to subsection (2), a TNS blanket certificate evidences coverage under Parts 6 and 7 when a vehicle covered by the TNS blanket certificate is being operated in accordance with the terms set out in that TNS blanket certificate.

(2) A TNS blanket certificate provides coverage only in respect of TNS vehicles.

When coverage provided by TNS blanket certificate applies

154.4 Coverage provided by a TNS blanket certificate applies in respect of a TNS vehicle, instead of the coverage provided by another certificate, when a person is operating the vehicle under a transportation network services authorization for the purposes of picking up, transporting or dropping off passengers by or for whom the vehicle has been hailed through the use of the online platform to which the transportation network services authorization relates.

Rules if 2 or more TNS blanket certificates would provide coverage

154.5 (1) If a TNS vehicle is being operated for the purposes of

(a) transporting or dropping off one or more passengers

(i) who are occupants of the vehicle, and

(ii) who hailed the vehicle through the use of online platforms provided by one or more TNS licensees, and

(b) picking up one or more other passengers

(i) who are not occupants of the vehicle, and

(ii) who hailed the vehicle through the use of online platforms provided by one or more other TNS licensees,

coverage is provided only by the TNS blanket certificates held by the TNS licensees referred to in paragraph (a) (ii).
(2) If a TNS vehicle is being operated for the purposes of picking up 2 or more passengers who hailed the vehicle through the use of online platforms provided by 2 or more TNS licensees and there are no passengers who are occupants of the vehicle, coverage is provided by the TNS blanket certificates held by those TNS licensees.

(3) If 2 or more TNS blanket certificates provide coverage under subsection (1) or (2), the amount of coverage provided by each TNS blanket certificate is the amount obtained by dividing the coverage that would be provided if coverage were provided under only one TNS blanket certificate by the number of TNS blanket certificates providing coverage.

(4) If coverage in respect of a vehicle would be provided by a TNS blanket certificate and a P2P blanket certificate, coverage is provided only by the TNS blanket certificate.

TNS blanket certificate premium adjustment

154.6 At the beginning of a term of a TNS blanket certificate, the corporation may agree with the holder of the certificate to adjust, at the end of the term, the amount of premium payable for that term based on the total amount paid or payable by the corporation as a result of accidents that occurred during the term in respect of all vehicles insured under that certificate.

Division 3 - P2P Blanket Certificates

Definitions for Division 3

154.7 In this Division:

“owner”, in relation to a vehicle rented through the use of an online platform provided by the holder of a P2P blanket certificate, means

(a) the person from whom the vehicle is rented through the use of the online platform, or

(b) a person acting on behalf or under the direction of the person referred to in paragraph (a);

“peer-to-peer service provider” means a person in the class of persons prescribed by section 154.8;

“renter”, in relation to a vehicle rented through the use of an online platform provided by the holder of a P2P blanket certificate, means a person to whom the vehicle is rented through the use of the online platform;

“vehicle rental period”, in relation to a vehicle rented through the use of an online platform provided by the holder of a P2P blanket certificate, and subject to section 154.92 (4) to (7), means the period agreed to by the owner and the renter during which the renter is to have possession of the vehicle.

Peer-to-peer service providers prescribed

154.8 For the purposes of section 35.1 (2) (b) of the Act, the prescribed class of persons is persons who provide services, through the use of an online platform, respecting the
connection of owners of vehicles with persons who rent the vehicles, without a driver, for a period of less than one month.

Issuance of P2P blanket certificate

154.9 On application and payment of the applicable premium, the corporation must issue a blanket certificate (APV-383), in the form established by the corporation, to a peer-to-peer service provider.

Coverage provided by P2P blanket certificate

154.91 (1) Subject to subsection (2), a P2P blanket certificate evidences coverage under Parts 6, 7 and 10 when a vehicle covered by the P2P blanket certificate is being operated in accordance with the terms set out in that P2P blanket certificate.

(2) A P2P blanket certificate does not provide coverage in respect of any of the following:

(a) a vehicle owned by or leased to the person who holds the P2P blanket certificate;
(b) a bus, taxi or limousine use vehicle;
(c) a commercial motor vehicle that has a gross vehicle weight of more than 5 000 kg;
(d) a trailer used for commercial purposes that is required to be registered and licensed under the Commercial Transport Act;
(e) an all terrain vehicle, golf cart, snowmobile, utility vehicle or any other vehicle to which Division 24 of the Motor Vehicle Act Regulations applies.

When coverage provided by P2P blanket certificate applies

154.92 (1) Subject to section 154.5 (4) and subsections (2) and (3) of this section, coverage provided by a P2P blanket certificate applies in respect of a vehicle, instead of the coverage provided by another certificate, during the vehicle rental period.

(2) If the owner of a vehicle has possession of the vehicle at any time during the vehicle rental period, coverage provided by a P2P blanket certificate does not apply during those times.

(3) Unless subsection (6) applies, if the renter of a vehicle cancels the vehicle rental or otherwise fails to take possession of the vehicle, coverage provided by a P2P blanket certificate does not apply.

(4) If the owner of a vehicle leaves the vehicle at a location where the renter has agreed to pick up the vehicle, the vehicle rental period is deemed to start at the later of

(a) 2 hours before the start of the vehicle rental period, and
(b) the time at which the owner leaves the vehicle at the location.

(5) If the renter of a vehicle leaves the vehicle at a location where the owner has agreed to pick up the vehicle, the vehicle rental period is deemed to end,

(a) in the case of a vehicle left at the location before or at the end of the vehicle rental period, at the earlier of
(i) 2 hours after the end of the vehicle rental period, and
(ii) the time at which the owner picks up the vehicle at the location, or
(b) in the case of a vehicle left at the location after the end of the vehicle rental period, at the earlier of
(i) 2 hours after the time at which the renter leaves the vehicle at the location, and
(ii) the time at which the owner picks up the vehicle at the location.

(6) If, after the owner of a vehicle leaves the vehicle at a location where the renter agreed to pick up the vehicle, the vehicle rental is cancelled or the renter otherwise fails to take possession of the vehicle, the vehicle rental period
(a) is deemed to start at the later of
(i) 2 hours before the start of the vehicle rental period, and
(ii) the time at which the owner leaves the vehicle at the location, and
(b) is deemed to end,
(i) in the case of a cancellation, at the earlier of
(A) 2 hours after the time at which the cancellation was made, and
(B) the time at which the owner picks up the vehicle at the location, or
(ii) in the case of a renter who otherwise fails to take possession of the vehicle, at the earlier of
(A) 2 hours after the end of the vehicle rental period, and
(B) the time at which the owner picks up the vehicle at the location.

(7) If a vehicle is stolen or left at a location that is not the location where the owner has agreed to pick up the vehicle, the vehicle rental period is deemed to end at the earlier of
(a) 24 hours after the time at which the owner becomes aware or reasonably ought to have become aware of the location where the vehicle has been left or recovered, and
(b) the time at which the owner picks up the vehicle.

Rules if 2 or more P2P blanket certificates would provide coverage

154.93 If 2 or more P2P blanket certificates would provide coverage in respect of a vehicle, coverage is provided only by the P2P blanket certificate that provides coverage at the earliest time for which coverage is provided by any of those P2P blanket certificates.

P2P blanket certificate premium adjustment

154.94 At the beginning of a term of a P2P blanket certificate, the corporation may agree with the holder of the certificate to adjust, at the end of the term, the amount of premium payable for that term based on the total amount paid or payable by the corporation as a result of accidents that occurred during the term in respect of all vehicles insured under that certificate.

Section 155 is amended
(a) in subsection (1) in the definition of “fleet” by repealing paragraph (a) (iii) and substituting the following:

(iii) subject to subsection (2), more than one person, if the persons jointly operate a taxi business and the vehicles operated as taxis are controlled from one dispatching unit, and, and

(b) by adding the following subsection:

(2) A fleet that includes vehicles referred to in paragraph (a) (iii) of the definition of “fleet” in subsection (1) includes any vehicles not operated as taxis that are

(a) registered in the name of the person designated under section 157 (a), or

(b) rented as leased vehicles, by a person whose business is the renting of vehicles as leased vehicles, to the person designated under section 157 (a).

11 Section 181 is repealed and the following substituted:

Lessors of taxis, buses and limousine use vehicles to whom liability limit in section 82.1 of Act does not apply

181 The liability limit in section 82.1 (1) of the Act does not apply to any of the following:

(a) a taxi, bus or limousine use vehicle that has a seating capacity of 8 or more persons, including the driver;

(b) a lessor of a taxi, bus or limousine use vehicle if the lessor leases the taxi, bus or limousine use vehicle to a person who is not at arms-length from that lessor;

(c) a TNS-only vehicle operated under a transportation network services authorization if

(i) the vehicle has a seating capacity of 8 or more persons, including the driver, and

(ii) the loss or damage arises when

(A) a person is, for the purposes of the vehicle being hailed by passengers, signed into the online platform to which the transportation network services authorization relates, or

(B) a person is operating the vehicle for the purposes of picking up, transporting or dropping off passengers by or for whom the vehicle has been hailed through the use of the online platform to which the transportation network services authorization relates;

(d) a lessor of a vehicle operated as a TNS-only vehicle under a transportation network services authorization if

(i) the lessor leases the TNS-only vehicle to a person who is not at arms-length from that lessor, and

(ii) the loss or damage arises in the circumstances referred to in paragraph (c) (ii).

12 Section 1 of Schedule 3 is amended
(a) in subsections (2) (a) and (b), (4) (a) and (b) and (5) (c) and (d) by striking out “where the claims are made” and substituting “in the case of claims made”,

(b) in subsection (5) by striking out “on or after January 1, 1995, is,” and substituting “on or after January 1, 1995 is” and by repealing paragraphs (a) and (b) and substituting the following:

(a) $1 million, in the case of claims made in respect of
   (i) a taxi, or
   (ii) a bus or limousine use vehicle;
(b) $1 million, in the case of claims made in respect of an accident that occurs when a TNS-only vehicle is being operated under a transportation network services authorization for the purposes of picking up, transporting or dropping off passengers by or for whom the vehicle has been hailed through the use of the online platform to which the transportation network services authorization relates, , and

(c) by adding the following subsections:

(5.1) Claims referred to in subsection (5) (a) include claims made in respect of the personal baggage of passengers but do not include claims made in respect of any other freight.

(5.2) Claims referred to in subsection (5) (b), if those claims relate to an accident that occurs when there are passengers in the vehicle, include claims made in respect of the personal baggage of the passengers but do not include claims made in respect of any other freight.

13 Section 3 of Schedule 10 is amended by adding the following subsections:

(7.1) An insured must not operate a vehicle, in circumstances in which third party liability insurance coverage provided by a blanket certificate is extended under this contract, if the insured does, omits to do, participates in, assents to or acquiesces in anything that results in
   (a) a breach of the extended coverage provided under this contract,
   (b) the invalidity of a claim under the extended coverage provided under this contract, or
   (c) the forfeiture of a right under the extended coverage provided under this contract.

(7.2) An insured named in an owner’s certificate issued in respect of a vehicle must not permit the vehicle to be operated, in circumstances in which third party liability insurance coverage provided by a blanket certificate is extended under this contract, if the insured does, omits to do, participates in, assents to or acquiesces in anything that results in a breach, the invalidity of a claim or the forfeiture of a right referred to in subsection (7.1).