



**ORDER NUMBER**  
**G-40-18**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and  
the Insurance Corporation Act, RSBC 1996, Chapter 228, as amended

and

Insurance Corporation of British Columbia  
Application for Approval of a Change Regarding Driver Risk Premiums and  
Related Amendments to the Basic Insurance Tariff

**BEFORE:**

R. I. Mason, Commissioner  
M. Kresivo, QC, Commissioner  
B. A. Magnan, Commissioner  
R. D. Revel, Commissioner

on February 15, 2018

**ORDER**

**WHEREAS:**

- A. On February 1, 2018, the Lieutenant Governor in Council approved Order in Council 025 (OIC 025/18) amending Special Direction IC2 to the BC Utilities Commission, B.C. Reg. 307/2004 (Special Direction IC2), to direct the British Columbia Utilities Commission (Commission) to approve and set the changes to rates, within 20 days of the Insurance Corporation of British Columbia (ICBC) applying in accordance with a government directive for approval of changes to rates so that convictions for the use of an electronic device while driving are included in determining the annual driver risk premium payable by a person for a driver's certificate;
- B. On February 1, 2018, the Lieutenant Governor in Council approved Order in Council 024 (OIC 024/18) approving the Government Directive with respect to convictions for use of an electronic device while driving, which directs ICBC to implement changes to its rates effective March 1, 2018 to include driver risk premium payable following convictions for use of an electronic device while driving, as set out in the amended pages to the Basic Insurance Tariff (Tariff) that are attached to the Government Directive;
- C. On February 2, 2018, ICBC filed an application pursuant to OIC 024/18 seeking a Commission Order to amend the Tariff with respect to the Driver Risk Premium program (Application); and
- D. The Commission reviewed the Application and considers that approval is required as directed under OIC 025/18. The Commission has not reviewed the Application for its regulatory justification.

**NOW THEREFORE** the Commission orders the Tariff pages included as in Attachment A to this order are approved, effective March 1, 2018.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 15<sup>th</sup> day of February 2018.

BY ORDER

*Original signed by:*

R. I. Mason  
Commissioner

Attachment

Insurance Corporation of British Columbia  
Basic Insurance Tariff  
Schedule E: Driver Penalty Point Premium and Driver Risk Premium Page 1  
Fourth Revision Effective: March 1, 2018

**SCHEDULE E**  
**DRIVER PENALTY POINT PREMIUM AND DRIVER RISK PREMIUM**

**1. Definitions**

In this Schedule:

**"10 point MVA conviction"** means a conviction for any offence under the *Motor Vehicle Act* that is listed in Table 4 set out in the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

**"Contravention"** means any:

- (a) 10 point MVA Conviction,
- (b) Criminal Code of Canada Conviction,
- (c) Conviction for Excessive Speed,
- (d) Roadside Suspension, or
- (e) Conviction for Use of Electronic Device While Driving,

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**"Conviction for Excessive Speed"** means a conviction for an offence under section 148 of the *Motor Vehicle Act*,

**"Conviction for Use of Electronic Device While Driving"** means a conviction for an offence occurring on or after March 1, 2018 under the *Motor Vehicle Act* that is set out in Table 2.1 of the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

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**"Criminal Code of Canada Conviction"** means a conviction for any driving offence under the Criminal Code of Canada that is listed in Table 4 set out in the Schedule to Division 28 of the *Motor Vehicle Act Regulation*, BC Reg 26/58 as amended from time to time,

**"MVA Conviction"** means any conviction for an offence under the *Motor Vehicle Act* or the *Motor Vehicle Act Regulation* that

- (a) arises directly or indirectly out of the use or operation by the offender of a vehicle other than a cycle, or
- (b) is committed while the offender is using or operating a vehicle except a cycle, and a conviction will be considered to meet the requirements of subsection (a) or (b) of this definition if a notation appears on the violation ticket issue in respect of the offence indicating that offence was committed while driving,

**"one-year scan period"**, in respect of a person, means the 12 month period starting 17 months before the anniversary of the person's birth date,

**"Roadside Suspension"** means a suspension or prohibition pursuant to section 90.3 215 or 215.43 of the *Motor Vehicle Act*,

**"three-year scan period"** in respect of a person, means the 36 month period ending 152 days before the anniversary of the person's birth date, but does not include any portion of that 36 month period before January 1, 2008.

Amended effective: March 1, 2018

Accepted February 15, 2018

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**3. Driver Risk Premium**

3.1 Subject to section 5, the annual driver risk premium payable by a person for a driver's certificate is determined with reference to the Contraventions recorded by ICBC in respect of that person during the three-year scan period and is the total of the amounts set out in Column B of each of Tables 2, 3, 4 and 5 that correspond to the number and type of Contraventions referred to in each Table. Pursuant to Commission Order No. G-141-12, assessments of driver risk premium calculated by ICBC in accordance with Schedule E of the Basic Insurance Tariff:

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- (a) prior to February 29, 2012 are not to be re-calculated with respect to prohibitions pursuant to section 215.43 of the *Motor Vehicle Act*, and
- (b) prior to October 31, 2012, are not to be re-calculated with respect to prohibitions pursuant to section 215.43(2)(a) of the *Motor Vehicle Act* (this section of the *Motor Vehicle Act* was repealed effective June 15, 2012).

**TABLE 2 – Driver Risk Premium for Criminal Code Convictions and 10 Point MVA Convictions**

Driver Risk Premium Schedule	
Column A	Column B
Number of Contraventions: Criminal Code of Canada Conviction or 10 point MVA Conviction	Premium
1	\$ 905
2	\$ 3,760
3	\$ 8,160
4	\$ 14,560
5	\$ 24,000
6	\$ 24,000
7	\$ 24,000
8	\$ 24,000
9	\$ 24,000
10	\$ 24,000
11	\$ 24,000
12	\$ 24,000
13	\$ 24,000
14	\$ 24,000
15	\$ 24,000
16	\$ 24,000
17	\$ 24,000
18	\$ 24,000
19	\$ 24,000
20	\$ 24,000
21	\$ 24,000
22	\$ 24,000

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TABLE 5 – Driver Risk Premium for Convictions for Use of Electronic Device While Driving

Driver Risk Premium Schedule	
Column A	Column B
Number of Contraventions: Convictions for Use of Electronic Device While Driving	Premium
1	\$ 0
2	\$ 370
3	\$ 430
4	\$ 490
5	\$ 560
6	\$ 640
7	\$ 740
8	\$ 850
9	\$ 980
10	\$ 1,130
11	\$ 1,300
12	\$ 1,500
13	\$ 1,730
14	\$ 1,990
15	\$ 2,290
16	\$ 2,630
17	\$ 3,020
18	\$ 3,470
19	\$ 3,990
20	\$ 4,590
21	\$ 5,280
22	\$ 6,070
23	\$ 6,980
24	\$ 8,030
25	\$ 9,230
26	\$ 10,610
27	\$ 12,200
28	\$ 14,030
29	\$ 16,130
30	\$ 18,550
31	\$ 20,000
32	\$ 20,000
33	\$ 20,000

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Amended effective: March 1, 2018

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34	\$	20,000
35	\$	20,000
36	\$	20,000
37	\$	20,000
38	\$	20,000
39	\$	20,000
40	\$	20,000
41	\$	20,000
42	\$	20,000
43	\$	20,000
44	\$	20,000
45	\$	20,000
46	\$	20,000
47	\$	20,000
48	\$	20,000
49	\$	20,000
50	\$	20,000

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**4. Refunds**

4.1 In the circumstances described in column A of Table 6 of this Schedule E and subject to the minimum time requirements set out in column B of Table 6 and the additional requirements set out in column C of Table 6, ICBC shall, on application, refund to a person named on a driver's certificate or his personal representative that part of the premium, calculated according to section 2.H of this Basic Insurance Tariff, paid for the period the driver's certificate is not in use or for the term of the driver's certificate remaining unexpired on the day it is surrendered.

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4.2 Notwithstanding anything in section 4.1 of this Schedule E, if a person who has applied for and been granted a refund in accordance with section 4.1 is, during the term of the driver's certificate for which the refund has been granted:

- (a) convicted of an offence listed in Tables 2, 4 or 5, of this Schedule or convicted of any MVA Conviction, or receives a roadside suspension, or
- (b) involved in a motor vehicle crash while driving a motor vehicle,

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the person must repay the amount of the refund paid by ICBC as premium.

Amended effective: March 1, 2018

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Commission Secretary \_\_\_\_\_

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TABLE 6 — Refund of Premium

Column A Circumstances	Column B Minimum Time Requirements	Column C Additional Requirements
Suspension	60 days or more	Motor Vehicle Branch confirmation on suspensions before 1982.
Voluntary surrender	30 days or more	Motor Vehicle Branch confirmation
Out of province for part or whole period covered in billing	30 days or more	written confirmation of issue date, or photocopy of new drivers licence
Not in Canada or U.S.A. for part or whole period covered in billing	30 days or more	photocopies of passport date stamp confirming out of country dates
Incarceration	30 days or more	letter from prison authorities, confirming dates of incarceration and that there were no out privileges when driver's licence could have been used
Medical reason	30 days or more	physician's letter confirming that person is unable to drive no evidence of driving, e.g. points or claim on driving record
<b>* Minimum time requirement refers to a continuous period of time.</b>		

**5. Maximum Number of Billings**

If a person commits an offence that could result in premium being payable under both sections 2.3 and 3.1, the offence may not be referenced in the calculation of premium under this Schedule E in more than 3 years.

Amended effective: March 1, 2018

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29	\$	10,000
30	\$	10,000
31	\$	10,000
32	\$	10,000
33	\$	10,000
34	\$	10,000
35	\$	10,000
36	\$	10,000
37	\$	10,000
38	\$	10,000
39	\$	10,000
40	\$	10,000
41	\$	10,000
42	\$	10,000
43	\$	10,000
44	\$	10,000
45	\$	10,000
46	\$	10,000
47	\$	10,000
48	\$	10,000
49	\$	10,000
50	\$	10,000

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