

## DIVISION 8 – PRESCRIBED CONDITIONS (APV4S)

### Section 3, Prohibited Use

- (2) An insured must not operate a vehicle for which coverage is provided under this contract
- (a) if the insured is not authorized and not qualified by law to operate the vehicle,
  - (b) for an illicit or prohibited trade or transportation,
  - (c) to escape or avoid arrest or other similar police action, or
  - (d) in a race or speed test.
- (3) An insured does not contravene subcondition (2) merely because the insured operates a vehicle in contravention of a restriction or condition imposed on the driver's licence of the insured by section 30.06 (2), 30.07 (1) or (3), 30.071 (1), 30.072 (1) (a) or (b), 30.08 (1), 30.10 (2) or (4) or 30.11 (1) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58.
- (8) It is a breach of this condition if the injury, death, loss or damage in respect of which a claim is made by an insured is caused by or results from an intentional act of violence committed by the insured by means of a vehicle unless the insured is a mentally disordered person at the time of the act.
- (9) It is a breach of this condition if
- (a) an insured is operating a vehicle while the insured is under the influence of intoxicating liquor or a drug or other intoxicating substance to such an extent that the insured is incapable of proper control of the vehicle,
  - (b) an insured is convicted of
    - (i) a motor vehicle related *Criminal Code* offence,
    - (ii) an offence under section 95 or 102 of the Motor Vehicle Act, or
    - (iii) an offence under a provision of the law of another jurisdiction in Canada or the United States of America that is similar to a provision referred to in subparagraph (i) or (ii), or
  - (c) an insured is convicted of an offence committed
    - (i) before December 18, 2018 under section 253 (1) (b) of the *Criminal Code*, or
    - (ii) *Repealed*.
    - (iii) under a provision of the law of another jurisdiction in Canada or the United States of America that is similar to a provision referred to in subparagraph (i),  
and the accident in respect of which the insured's claim is made occurred during the insured's commission of the offence and while the insured was operating a vehicle,
  - (d) *Repealed*.
- (10) In subcondition (9):
- "convicted"** includes being
- (a) convicted under the *Youth Criminal Justice Act* (Canada) for contravening
    - (i) a provision referred to in the definition of "motor vehicle related *Criminal Code* offence", or
    - (ii) in the case of a contravention occurring before December 18, 2018, a provision referred to in subsection (9) (c) (i), and
  - (b) convicted or the subject of a similar result in a jurisdiction of the United States of America under a law similar to the *Youth Criminal Justice Act* (Canada) for contravening a provision of a law of that jurisdiction referred to in subsection (9) (b) (iii) or (c) (iii);
- "motor vehicle related *Criminal Code* offence"** means any of the following offences that an insured commits while operating or having care or control of a vehicle or by means of a vehicle:
- (a) an offence under section 220 or 221 of the *Criminal Code*;
  - (b) an offence committed before December 18, 2018 under any of the following provisions of the *Criminal Code*:
    - (i) section 249;
    - (ii) section 252;
    - (iii) section 253 (1) (a);
    - (iii.1) section 254 (5);
    - (iv) section 255 (2);
    - (v) section 255 (3);
    - (vi) section 259 (4);
  - (c) an offence committed on or after December 18, 2018 under any of the following provisions of the *Criminal Code*:
    - (i) section 235;
    - (ii) section 236;
    - (iii) section 239 (1);
    - (iv) section 320.13 (1);
    - (v) section 320.13 (2);
    - (vi) section 320.13 (3);
    - (vii) section 320.14 (1) (a);
    - (viii) section 320.14 (1) (b);
    - (ix) section 320.14 (1) (c);
    - (x) section 320.14 (1) (d);
    - (xi) section 320.14 (2);
    - (xii) section 320.14 (3);
    - (xiii) section 320.15 (1);
    - (xiv) section 320.15 (2);
    - (xv) section 320.15 (3);
    - (xvi) section 320.16 (1);
    - (xvii) section 320.16 (2);
    - (xviii) section 320.16 (3);
    - (xix) section 320.18 (1).