

**DIVISION 8 – PRESCRIBED CONDITIONS (APG33G)**

**Section 3, Prohibited Use**

(9) It is a breach of this condition if

- (a) an insured is operating a vehicle while 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),
- (c) an insured is convicted of an offence committed
  - (i) before December 18, 2018 under section 253 (1) (b) of the Criminal Code,
  - (ii) under section 224 of the Motor Vehicle Act, or
  - (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) or (ii),

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, or

- (d) an insured is convicted of an offence committed
  - (i) before December 18, 2018 under section 254 (5) of the Criminal Code,
  - (ii) on or after December 18, 2018 under any of the following provisions of the Criminal Code:
    - (A) section 320.14 (1) (b);
    - (B) section 320.14 (2) as that section relates to an offence committed under section 320.14 (1) (b);
    - (C) section 320.14 (3), as that section relates to an offence committed under section 320.14 (1) (b);
    - (D) section 320.15 (1);
    - (E) section 320.15 (2), as that section relates to an offence committed under section 320.15 (1);
    - (F) section 320.15 (3), as that section relates to an offence committed under section 320.15 (1),
  - (iii) under section 226 of the Motor Vehicle Act, or
  - (iv) 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), (ii), or (iii),

and the accident in respect of which the insured's claim is made occurred within the 2 hours preceding the insured's commission of the offence and while the insured was operating a vehicle.

(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",
  - (ii) in the case of a contravention occurring before December 18, 2018, under a provision referred to in subcondition 9 (c) (i) or (d) (i), or
  - (iii) in the case of a contravention occurring on or after December 18, 2018, under a provision referred to in subcondition 9 (d) (ii), 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 subcondition (9) (b) (iii), (c) (iii) or (d) (iv);

**"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);
  - (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 320.13 (1);
  - (ii) section 320.13 (2);
  - (iii) section 320.13 (3);
  - (iv) section 320.14 (1) (a);
  - (v) section 320.14 (2), as that section relates to an offence committed under section 320.14 (1) (a);
  - (vi) section 320.14 (3), as that section relates to an offence committed under section 320.14 (1) (a);
  - (vii) section 320.16 (1);
  - (viii) section 320.16 (2);
  - (ix) section 320.16 (3);
  - (x) section 320.18.