

**1 Section 17 of New Brunswick Regulation 97-28 under the Harmonized Sales Tax Act is amended**

**(a) by repealing the definition “wholesale price”;**

**(b) by repealing the definition “vehicle” and substituting the following:**

“vehicle” means a motor vehicle required to be registered under the *Motor Vehicle Act* that is taxable under Part V of the Act or an off-road vehicle required to be registered under the *Off-Road Vehicle Act* that is taxable under Part V of the Act. (*véhicule*)

**(c) by adding the following definitions in alphabetical order:**

“average wholesale price” means the average wholesale price provided for in section 17.2; (*prix de gros moyen*)

“off-road vehicle” means off-road vehicle as defined in the *Off-Road Vehicle Act*; (*véhicule hors route*)

**2 The heading “Wholesale price” preceding section 17.2 of the Regulation is repealed and the following is substituted:**

## **Average wholesale price**

### **3 Section 17.2 of the Regulation is amended**

*(a) by repealing subsection (1) and substituting the following:*

**17.2(1)** Subject to subsections (1.1), (2), (3) and (4), the average wholesale price of a vehicle is the average wholesale price as listed in a trade publication acceptable to the Commissioner.

*(b) by adding after subsection (1) the following:*

**17.2(1.1)** If a trade publication lists only the lowest wholesale price and the highest wholesale price for a vehicle, the average wholesale price of the vehicle shall be determined as follows:

$$(A + B) / 2$$

where

A is the lowest wholesale price of the vehicle; and

B is the highest wholesale price of the vehicle.

*(c) in subsection (2) in the portion preceding the formula by striking out “wholesale price” and substituting “average wholesale price”;*

*(d) in subsection (3) in the portion preceding paragraph (a) by striking out “wholesale price” and substituting “average wholesale price”;*

*(e) by adding after subsection (3) the following:*

**17.2(4)** If the make and model of a vehicle are not listed in a trade publication and no similar make and model are listed in a trade publication, the Commissioner shall determine the average wholesale price of the vehicle.

**4 Section 18 of the Regulation is repealed and the following is substituted:**

**18(1)** Subject to subsections (3), (4), (5), (6) and (7), the fair value of a vehicle for the purposes of taxation under Part V of the Act is the greater of the following amounts:

- (a) the purchase price of the vehicle determined under subsection (2); and
- (b) the average wholesale price of the vehicle.

**18(2)** The purchase price of a vehicle is the sum of the following amounts:

- (a) the price paid for the vehicle, including the value in terms of Canadian money of services rendered and things exchanged and other consideration accepted by the vendor or person from whom the property passed, as the price or on account of the price of the vehicle; and
- (b) the cost of or charges for customs, excise, transportation and federal taxes, excluding the taxes under Part IX of the *Excise Tax Act* (Canada).

**18(3)** Subject to subsections (4) and (5), if the difference between the average wholesale price of a vehicle and the purchase price of the vehicle does not exceed \$1,000, the fair value of the vehicle is its purchase price.

**18(4)** The minimum fair value of a motor vehicle required to be registered under the *Motor Vehicle Act*, other than a motorcycle, is \$1,000.

**18(5)** The minimum fair value of a motorcycle required to be registered under the *Motor Vehicle Act* or an off-road vehicle required to be registered under the *Off-Road Vehicle Act* is \$500.

**18(6)** The fair value of an antique vehicle for the purposes of taxation under Part V of the Act is the greatest of the following amounts:

- (a) the purchase price of the vehicle;
- (b) the insured value of the vehicle; and
- (c) the value of the vehicle determined by the Commissioner.

**18(7)** If a vehicle is leased, the fair value of the vehicle for the purposes of taxation under Part V of the Act is the value of the lease payments for the period that the vehicle is registered.

**18(8)** Despite any other provision in this section, the Commissioner may determine the fair value of a vehicle for the purposes of taxation under Part V of the Act if

- (a) in the opinion of the Commissioner, the vehicle has suffered extensive damage or has exceptionally high mileage,
- (b) there is no valid bill of sale, or
- (c) in the opinion of the Commissioner, the fair value attributed to the vehicle by the purchaser does not represent the fair value of the vehicle.

**5** *Section 21.1 of the Regulation is amended by adding after subsection (2) the following:*

**21.1(3)** The Minister may refund the tax paid by the purchaser of a vehicle in either or both of the following circumstances:

(a) the purchaser provides proof to the Minister that the vehicle was extensively damaged at the time it was registered under the *Motor Vehicle Act* or the *Off-Road Vehicle Act*;  
or

(b) the purchaser provides proof to the Minister that the vehicle had exceptionally high mileage at the time it was registered under the *Motor Vehicle Act* or the *Off-Road Vehicle Act*.

**21.1(4)** The purchaser referred to in subsection (3) may provide the Minister with a statement of the condition of the vehicle if it is on the form provided by the Minister and is completed by a person approved by the Commissioner.

**6** *This Regulation comes into force on November 30, 2015.*