

2018

## CHAPTER 6

An Act to amend *The Automobile Accident Insurance Act*

(Assented to May 30, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

**Short title**

1 This Act may be cited as *The Automobile Accident Insurance Amendment Act, 2018*.

**RSS 1978, c A-35 amended**

2 *The Automobile Accident Insurance Act* is amended in the manner set forth in this Act.

**Section 6 amended**

3 **Clause 6(1)(a) is repealed and the following substituted:**

“(a) ‘**chargeable incident**’ means a chargeable incident as defined in the regulations”.

**New section 7.2**

4 **Section 7.2 is repealed and the following substituted:**

**“Appeals of safety rating to board**

7.2(1) A driver may appeal a safety rating to the board in the prescribed circumstances.

(2) A driver may commence an appeal to the board in the prescribed manner and by paying any prescribed fee.

(3) On the application of a driver making an appeal pursuant to this section, the board may grant leave to file an appeal after the expiration of the prescribed period for commencing an appeal if the board considers it appropriate to do so.

(4) If a driver commences an appeal pursuant to this section, the insurer shall submit the prescribed documents to the board in the prescribed manner.

(5) Subject to this section and sections 7.3 and 7.4, an appeal to the board must be scheduled and conducted in the prescribed manner.

(6) If the driver who made the appeal fails to attend the hearing on the date scheduled, the board may, on evidence acceptable to the board that the driver received notice of the hearing, proceed with the hearing in the absence of the driver”.

## New section 7.3

**5 Section 7.3 is repealed and the following substituted:****“Hearing of appeal by board**

**7.3(1)** Subject to subsection (2), on appeal the board shall either:

- (a) confirm the insurer’s decision regarding the driver’s safety rating; or
- (b) vary the driver’s safety rating by reducing the number of points assigned by the insurer to the driver for the driver’s chargeable incident.

(2) The board shall not reduce the points assigned to a driver for a chargeable incident below zero.

(3) A decision of the board pursuant to this section is final and is not subject to appeal”.

## New section 7.5

**6 Section 7.5 is repealed and the following substituted:****“Proof**

**7.5** On an appeal pursuant to section 7.2, any prescribed documents that the insurer is required to deliver to the board are admissible as proof, in the absence of evidence to the contrary, of the facts contained in the documents”.

## New section 44.2

**7 The following section is added after section 44.1:****“Insurer subrogated re certain payments**

**44.2(1)** Subsection (2) applies if the operator of a motor vehicle is convicted of an offence pursuant to section 220, 221, 235, 236, 239, 249, subsection 249.1(3), section 249.2, 249.3, 249.4, paragraph 253(1) (a) or (b), subsection 254(5), subsection 255(2), (2.1), (2.2), (3), (3.1) or (3.2) or section 266, 267, 268 or 269 of the *Criminal Code* and the insurer makes a payment pursuant to:

- (a) subsection 41(4), section 41.13 or section 41.16 of this Act with respect to a non-economic loss as defined in Part IV; or
- (b) section 41.01, 41.131 or 41.17 and section 4.1 of *The Fatal Accidents Act* with respect to damages for bereavement.

(2) If the circumstances mentioned in subsection (1) exist, the insurer is subrogated to and deemed to be an assignee of the person to whom or on whose behalf or with respect to whom the benefits or insurance money is provided or to be provided.

(3) The insurer may bring an action in its own name for recovery of the benefits or insurance money paid for the damages sustained.

(4) An action may be brought against any person at fault whether or not that person is a Saskatchewan resident”.

## New section 80.3

**8 The following section is added after section 80.2:****“Fees and charges paid in instalments**

**80.3(1)** Subject to this Act and the regulations, the insurer may accept payment in instalments for any fees, charges or debts owed to the insurer.

(2) The instalment payments mentioned in subsection (1) must be calculated in the prescribed manner, and must be paid in accordance with the prescribed requirements”.

## Section 81 amended

**9 Subsection 81(1) is amended:**

**(a) by repealing clause (d);**

**(b) by repealing clause (d.1) and substituting the following:**

“(d.1) defining ‘**chargeable incident**’ for the purpose of Part I”;

**(c) by adding the following after clause (d.3):**

“(d.4) prescribing the circumstances in which a driver may appeal to the board for the purposes of section 7.2;

“(d.5) prescribing the fee that must be paid to commence an appeal pursuant to section 7.2;

“(d.6) respecting the period within which an appeal may be made pursuant to section 7.2;

“(d.7) respecting the manner in which an appeal is to be commenced, scheduled and conducted pursuant to section 7.2;

“(d.8) prescribing the documents the insurer is required to deliver to the board for the purpose of a safety rating appeal pursuant to section 7.2”;

**(d) by repealing clause (h.1); and**

**(e) by adding the following after clause (w):**

“(w.1) respecting payment in instalments of fees, charges or debts owed to the insurer and applications and elections for payment in instalments;

“(w.2) respecting the persons or categories of persons who may pay in instalments for fees, charges or debts owed to the insurer;

“(w.3) prescribing terms and conditions respecting applications and elections for payment in instalments of fees, charges or debts owed to the insurer;

“(w.4) respecting the calculation and cancellation of the instalment payments mentioned in clause (w.1);

“(w.5) prescribing the rate of interest to be charged if an election is made to pay in instalments for fees, charges or debts owed to the insurer”.

**Section 162.1 amended****10 Subsections 162.1(2) and (3) are repealed and the following substituted:**

“(2) The insurer may reimburse an immediate family member for the prescribed expenses incurred by that immediate family member to attend counselling.

(3) Subject to the regulations, the maximum aggregate benefit amount pursuant to subsection (2) is \$5,000”.

**Coming into force**

**11** This Act comes into force on assent.