



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 143

An Act to again amend the Automobile Insurance Act

Introduction

**Introduced by
Madam Louise Robic
Minister for Finance**

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EXPLANATORY NOTES

This bill amends the Automobile Insurance Act to transfer responsibility for collecting, and transmitting to insurers, information concerning the automobile driving experience of insured persons from the Inspector General of Financial Institutions to the Groupement des assureurs automobiles. In addition, the bill removes the obligation for insurers to file copies of their rate manuals with the Inspector General, and the obligation for the latter to produce a report analyzing the data obtained from them.

Lastly, the bill includes technical amendments and one transitional provision.

Bill 143

An Act to again amend the Automobile Insurance Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Automobile Insurance Act (R.S.Q., chapter A-25), amended by chapter 61 of the statutes of 1992, is again amended by inserting, after section 176, the following sections:

“176.1 The Groupement must require that every insurer file the information it determines, in the form prescribed, concerning the automobile driving experience of the persons insured by him.

The information concerning the automobile driving experience of persons insured by the insurers may cover only the last ten years.

The insurers are bound to file with the Groupement the information referred to in the first paragraph.

“176.2 The Groupement may, for purposes of classification and rate application, communicate to any authorized insurer who so requests, in respect of the issue or renewal of an automobile insurance policy, the following information:

(1) the driver’s licence number of the person submitting an application for insurance and of the regular drivers of his automobile;

(2) the date of any accident in which those persons have been involved as driver or as owner of an automobile;

(3) the description of the accident and the coverage affected;

(4) the class of use of the vehicle of which they had custody at the time of the accident;

(5) the description of the vehicle of which they had custody at the time of the accident;

(6) the amount of the indemnities paid under an automobile insurance contract entered into by those persons;

(7) the outstanding claims;

(8) the percentage of liability borne by those persons.

“176.3 Every insurer must, on issuing or renewing an automobile insurance policy, inform the insured in writing that he has requested and obtained information from the Groupement under section 176.2, where such is the case, in order to determine the rates applied to him.

“176.4 On payment of an indemnity subsequent to a claim, the insurer must notify the insured in writing of the percentage of liability attributed to him under the direct compensation agreement established under section 173 and specify the amounts paid to him under that part of the policy pertaining to liability insurance and under that part of the policy pertaining to coverage for damage sustained by the insured vehicle.

The notice must also indicate to the insured that he is not bound to accept the indemnity and that he may apply to the court to contest, in accordance with the ordinary rules of law, the percentage of liability attributed to him.

The insurer must also notify, in writing, the person who was driving the vehicle at the time of the accident of the percentage of liability attributed to him if he was not the designated insured.”

2. The heading of Title VII of the said Act is amended by striking out the words “AND RATES” in the second line.

3. Section 177 of the said Act is amended

(1) by striking out the words “and the automobile driving experience of persons insured by him” in the fourth and fifth lines of the first paragraph;

(2) by striking out the second and third paragraphs.

4. Sections 179.1 to 183.1 of the said Act are repealed.

5. Sections 189.1 and 189.2 of the said Act are repealed.

6. Section 190 of the said Act is amended by replacing the words and figures “177 to 179, and 179.2 to 181” in the second line by the words and figures “176.1, 176.3, 176.4 and 177 to 179”.

7. Information relating to the automobile driving experience of insured persons held on (*insert here the date of the day preceding the day of coming into force of this section*) by the Groupement des assureurs automobiles for the Inspector General of Financial Institutions shall become on (*insert here the date of coming into force of this section*) information that is deemed to have been filed with the Groupement pursuant to section 176.1, enacted by section 1 of this Act.

8. This Act will come into force on 1 January 1994.