

NATIONAL ASSEMBLY

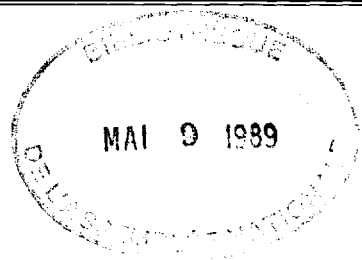
SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 133

An Act to amend the Automobile Insurance Act

Introduction



**Introduced by
Mr Pierre Fortier
Minister for Finance and Privatization**

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill introduces several amendments to the Automobile Insurance Act. In particular, it provides that the minimum amount of extended coverage applicable outside Québec under a contract of automobile insurance made in Québec will henceforth be determined according to the relevant effective legislation governing automobile insurance outside Québec.

A new provision is introduced in the Automobile Insurance Act to permit supplementary contract of liability insurance for an amount immediately above any amount that is compulsory under the Act.

The bill also provides that the cancellation of a contract by an insurer, in the case of an aggravation of the risk, will become effective, in the case of certain commercial vehicles, fifteen days after receipt of the cancellation notice.

The bill specifies that the recourse available to the owner of an automobile by reason of property damage sustained in an automobile accident is exercisable against his insurer insofar as the direct compensation agreement applies, whether the insurance is compulsory or optional.

Moreover, the bill permits that certain information concerning automobile driving transmitted by insurance holders be accessible to the Inspector General of Financial Institutions and communicated to certain insurers for purposes of classification and rate application, and the bill grants, in that respect, certain rights to the insurance holders.

Finally, the bill also contains certain technical amendments.

Bill 133

An Act to amend the Automobile Insurance Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 88 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the first paragraph by the following paragraph:

“88. The contract must stipulate that the amount of liability insurance is equal to the minimum amount of liability insurance prescribed by the legislation respecting automobile insurance in force in the state, province or territory of Canada or the United States where the accident occurs, when that amount is greater than the amount of liability insurance subscribed by the insured.”

2. The said Act is amended by inserting, after section 88, the following section:

“88.1 A supplementary contract for an amount immediately above the amount of the first contract may be entered into for an amount other than any minimum compulsory amount and not include the stipulations provided for in section 88. However, the contract is deemed to cover such minimum amount and include such stipulations when the first contract ceases to be in force.”

3. Section 91 of the said Act is amended by adding the words “or, if the automobile mentioned in the contract, with the exception of a school bus, is an automobile contemplated in Title VIII.1 of the Highway Safety Code, fifteen days after receipt of the notice” at the end of the third paragraph.

4. Section 116 of the said Act is amended by replacing the first paragraph by the following paragraph:

“116. The recourse of the owner of an automobile by reason of property damage sustained in an automobile accident shall not be exercised except against the insurer with whom he subscribed his automobile liability insurance, to the extent that the direct compensation agreement contemplated in section 173 applies.”

5. In paragraph 8 of section 1, the heading of Title VI, sections 156 to 159, 162, 164 to 171, 173, 176 and 178 of the said Act, the name “Corporation des assureurs agréés” and its abbreviated form “Corporation” are replaced by the name “Groupement des assureurs automobiles” or its abbreviated form “Groupement”, with the adaptations required.

6. In the French text of sections 171 and 172 and in paragraph 4 of section 176 of the said Act, the expression “centres d’évaluation” is replaced by the expression “centres d’estimation”.

7. Section 173 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“(1) the direct compensation for property damage sustained by an insured person by reason of an automobile accident;”.

8. Section 177 of the said Act is replaced by the following section:

“177. The Inspector General of Financial Institutions may require that every insurer file, in the form prescribed by him, the statistical data and information which he determines concerning the insurer’s automobile insurance experience in Québec and the automobile driving experience of persons insured by him.

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

If the Inspector General requires that insurers transmit information concerning the automobile driving experience of the persons they insure, each insurer shall notify in writing the persons insured by him that certain information in that respect may be transmitted to the Inspector General and, possibly to other insurers, and that they have, in respect of such information, the rights of access and correction provided for by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

9. Section 178 of the said Act is amended by replacing the words “data contemplated” in the second line of the first paragraph by the words “data and information contemplated”.

10. Section 179 of the said Act is amended by replacing the words “statistical data it receives” in the second and third lines by the words “data and information it receives”.

11. The said Act is amended by inserting, after section 179, the following section:

“179.1 The Inspector General of Financial Institutions may, for purposes of classification and rate application, communicate to any authorized insurer who so requests, in view of the issue or renewal of an automobile insurance policy, the following information:

(1) the driver’s licence numbers 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 the driver or owner of an automobile;

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

(4) the class of use of the vehicle of which the person concerned had custody at the time of an accident;

(5) the description of the vehicle of which the person concerned had custody at the time of an accident;

(6) the amount of the indemnities paid under an automobile insurance contract entered into by every person concerned;

(7) the outstanding claims;

(8) the percentage of liability assumed by the persons.

The Inspector General may also, on the conditions which he determines, authorize the agency designated in section 178 to make such communications for him.”

12. Section 182 of the said Act is amended

(1) by inserting the words “and information concerning the experience of insurers” after the word “data” in the first line of the first paragraph;

(2) by replacing the word “February” in the first line of the second paragraph by the word “March”;

(3) by replacing the third paragraph by the following paragraph :

“The Minister shall table the report contemplated in the second paragraph before the National Assembly within thirty days of its receipt if the National Assembly is in session or if it is not in session within thirty days of resumption.”

13. The said Act is amended by inserting, after section 183, the following section:

“183.1 Section 178 applies notwithstanding section 65 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

14. Section 190 of the said Act is amended by replacing the words and figures “and 177 to 181” in the first and second lines by the words and figures “, 177 to 179, 180 and 181”.

15. The provisions of this Act come into force on the date or dates to be fixed by the Government.