

NATIONAL ASSEMBLY
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1993, chapter 56
AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT

Bill 113

Introduced by Mr Sam L. Elkas, Minister of Transport

Introduced 3 November 1993

Passage in principle 17 November 1993

Passage 10 December 1993

Assented to 13 December 1993

Coming into force: 1 January 1994

Acts amended:

Automobile Insurance Act (R.S.Q., chapter A-25)

Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011)



CHAPTER 56

An Act to amend the Automobile Insurance Act

[Assented to 13 December 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-25,
s. 2, am.

1. Section 2 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended

(1) by replacing the definition of “spouse” by the following definition:

“spouse”

““spouse” means the man or woman who is married to and living with the victim or who has been living in a *de facto* union with the victim and has been publicly represented as his spouse for at least three years or, in the following cases, for at least one year:

- a child has been born or is to be born of their union;
- they have adopted a child together; or
- one of them has adopted a child of the other;”;

(2) by striking out the words “, on the date of the accident,” in the fourth line of paragraph 2 of the definition of “dependant”;

(3) by replacing paragraph 3 of the definition of “dependant” by the following paragraphs:

“(3) a minor child of the victim and a minor person to whom the victim stands *in loco parentis*;

“(4) a child of full age of the victim and a person of full age to whom the victim stands *in loco parentis*, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%;

“(5) any other person related to the victim by blood or adoption and any other person who stands *in loco parentis* to the victim, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%.”

c. A-25,
s. 12.1,
added

2. The said Act is amended by inserting, after section 12, the following section:

Impleading

“12.1 The Société must be impleaded in any action where a determination is to be made as to whether the bodily injuries were caused by an automobile.”

c. A-25,
s. 49.1,
added

3. The said Act is amended by inserting, after section 49, the following section:

Payment of
indemnity
continued

“49.1 Where, following an examination required by the Société under section 83.12, the victim is no longer entitled to the income replacement indemnity he was receiving on the date of the examination under section 14, 16, 17, 19, 21, 24, 26, 30, 32, 33, 37, 38, 39, 42 or 57, he shall continue to receive the indemnity until the date of the decision of the Société.

Exception

However, the first paragraph does not apply where, on the date of the examination, the victim is entitled to an income replacement indemnity under paragraph 4 of section 49 or section 50.”

c. A-25,
s. 55, am.

4. Section 55 of the said Act is amended by inserting the words “derives or” after the word “he” in the tenth line.

c. A-25,
s. 60, am.

5. Section 60 of the said Act is amended by striking out subparagraph 1 of the first paragraph.

c. A-25,
s. 63, am.

6. Section 63 of the said Act is amended by replacing the words “deceased victim” in the first line of the first paragraph by the words “victim on the date of the victim’s death”.

c. A-25,
s. 65, am.

7. Section 65 of the said Act is amended by replacing the words “deceased victim” in the first line by the words “victim on the date of the victim’s death”.

c. A-25,
s. 66, am.

8. Section 66 of the said Act is amended

(1) by replacing the words “deceased victim” in the first line of the first paragraph by the words “victim on the date of the victim’s death”;

(2) by replacing the words “the date of his death” in the third line of the first paragraph by the words “that date”.

c. A-25,
s. 68, am.

9. Section 68 of the said Act is amended

(1) by replacing the words “child as defined in paragraph 3 of the definition of the word “dependant” in section 2, the child” in the second and third lines by the words “dependant as defined in paragraph 3 or 4 of the definition of the word “dependant” in section 2, the dependant”;

(2) by replacing the word “child” in the seventh line by the word “dependant”.

c. A-25,
s. 69, am.

10. Section 69 of the said Act is amended

(1) by replacing the words “deceased victim” in the first line of the first paragraph by the words “victim is a minor and”;

(2) by adding, at the end, the following paragraph:

Payment to
succession

“If the victim is of full age and has no dependant on the date of his death, the indemnity shall be paid to his succession except where the property accrues to the State.”

c. A-25,
s. 77, am.

11. Section 77 of the said Act is amended by inserting the words “and revalorized in accordance with section 83.34, on the date on which the Société renders its decision in first instance on the right to the indemnity,” after the word “accident” in the third line.

c. A-25,
s. 83.22,
am.

12. Section 83.22 of the said Act is amended by replacing paragraph 2 by the following paragraphs:

“(2) the person entitled to the indemnity was not resident in Québec on the date of the accident and has not been resident therein since that date;

“(3) the person entitled to the indemnity was resident in Québec on the date of the accident or has been resident therein since that date but, at the time of the application for capitalization, has not been resident in Québec for at least three years.”

c. A-25,
s. 83.23,
struck out
c. A-25,
s. 83.24,
am.

13. Section 83.23 of the said Act is struck out.

14. Section 83.24 of the said Act is amended

(1) by replacing the word and figure "section 83.2" in the first line by the words and figures "sections 79, 83, 83.1, 83.2 and 83.7 and the cost of the medical report referred to in section 83.31";

(2) by adding, at the end, the following paragraphs:

Appoint-
ment of
inspector

"The Société may appoint any member of its staff to act as an inspector responsible for verifying, with suppliers, the accuracy of the costs and supply of goods delivered or services rendered to the victim by reason of the accident.

Communica-
tion of
information

An inspector may require the supplier to communicate any information or documents relevant to the carrying out of his assignment including books, accounts, registers or files, and make copies thereof.

Examination
by inspector

Every person who has the custody, possession or charge of such books, registers, accounts, files or other documents must, on request, furnish them to the inspector and facilitate his examination of them.

Prohibition

No person shall hinder the work of an inspector, mislead him by concealment or false information or refuse to supply information or a document he is entitled to require or to examine."

c. A-25,
s. 83.30,
am.

15. Section 83.30 of the said Act, amended by section 89 of chapter 21 of the statutes of 1992, is again amended by inserting the words "on the date of the accident" after the word "dependants" in the second line of the fourth paragraph.

c. A-25,
s. 83.32,
am.

16. Section 83.32 of the said Act is amended by inserting the words "the second paragraph of" after the word "under" in the first line of the second paragraph.

c. A-25,
s. 83.33,
am.

17. Section 83.33 of the said Act is amended by inserting the word and figures ", 46 or 47" after the figure "45" in the second line of the second paragraph.

c. A-25,
s. 190.1,
added

18. The said Act is amended by inserting, after section 190, the following section:

Offence and
penalty

"190.1 Any person who contravenes the provisions of the fifth paragraph of section 83.24 is liable to a fine of not less than \$300 nor more than \$600."

c. A-25,
s. 204,
replaced

19. Section 204 of the said Act is replaced by the following section:

Ministers
responsible

“204. The Minister of Transport is responsible for the administration of this Act, except for the provisions of Titles VI and VII, the administration of which falls under the authority of the Minister of Finance.”

c. S-11.011,
s. 2, am.

20. Section 2 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by striking out subsection 3.

Application
of former
s. 77

21. Section 77 of the Automobile Insurance Act, as it read prior to 1 January 1994, shall continue to apply to accidents having occurred before 1 January 1994.

Application
of former
s. 83.22

22. Section 83.22 of the Automobile Insurance Act, as it read prior to 1 January 1994, shall continue to apply to applications for capitalization made to the Société before 1 January 1994.

Coming into
force

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