

1989, chapter 47
AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT

Bill 133

Introduced by Mr Pierre Fortier, Minister for Finance and Privatization

Introduced 4 May 1989

Passage in principle 13 June 1989

Passage 20 June 1989

Assented to 22 June 1989

Coming into force: on the date or dates to be fixed by the Government

- 1 January 1990: ss. 1 to 15, except for the words "and the amount of his indemnity" in the second paragraph of section 179.3 introduced by section 11
G.O., 1989, Part 2, p. 3059 (p. 4695)

Act amended:

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



CHAPTER 47

An Act to amend the Automobile Insurance Act

[Assented to 22 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-25,
s. 88, am.

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:

Minimum
coverage
outside
Québec

“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.”

c. A-25,
s. 88.1,
added

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

Sup-
plementary
contract

“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.”

c. A-25,
s. 91, am.

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.

c. A-25,
s. 116, am.

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

Recourse
under
compensa-
tion
agreement

“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.”

c. A-25,
Title VI,
heading
replaced

5. In 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.

c. A-25,
ss. 171, 172,
176 (French
text), am.

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

c. A-25,
s. 173, am.

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;”.

c. A-25,
s. 177,
replaced

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

Statistical
data

“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.

Driving
record

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

Written
notification

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).”

c. A-25,
s. 178, am.

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”.

c. A-25,
s. 179, am.

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”.

c. A-25,
ss. 179.1-
179.3, added

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

Information
supplied to
insurer

“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 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 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.

Authorized
agency

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

Written
notification

“179.2 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 Inspector General under section 179.1, where such is the case, in order to determine the rates applied to him.

Liability

“179.3 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 pursuant to the direct compensation agreement contemplated in 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 insurance of the damage caused to the insured vehicle.

Contestation 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, in accordance with the ordinary rules of law, to contest the percentage of liability attributed to him and the amount of his indemnity."

c. A-25,
s. 182, am.

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:

Tabling

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

c. A-25,
s. 183.1,
added

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

Provisions
applicable

"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)."

c. A-25,
ss. 189.1 and
189.2, added

14. The said Act is amended by inserting, after section 189, the following sections:

Fine

"189.1 Any insurer who uses or tolerates the use of any information transmitted to him under section 179.1 otherwise than for purposes of classification or rate application is liable to a fine of not less than \$575 nor more than \$5 750.

Fine

"189.2 Any person who, knowingly, gives access to any information transmitted under section 179.1, communicates such information or permits the communication thereof without having obtained the authorization of the person concerned to disclose such information to a person determined or without having received the order of a person or body having the power to compel its communication is liable to a fine of not less than \$200 nor more than \$1 000."

c. A-25,
s. 190, am.

15. 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, and 179.2 to 181”.

Coming into
force

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