

C 14 Automobile Insurance Part I – Quebec (English)

Addendum-September 2006

(To be used with 2002 edition of the text)

(*Instructions in boldface font also to be used with 2005 edition of the text)

Study 1, pages 6-7 *Replace Exhibit 1–1 (2001 Facts Chart) with updated chart found at the end of this addendum.*

Study 2, page 17 *Replace second-to-last paragraph with the following:

Note that in most of the other Canadian provinces, this amount is \$200,000. As a general rule, 80% or 90% of this amount can be applied to bodily injury and 20% or 10% to property damage, in accordance with the priority of payment. In Nova Scotia, there is a \$500,000 inclusive limit.

Study 2, page 18 *Replace Second-to-last paragraph with the following:*

In most American States, it is usually mandatory to have an automobile third party liability insurance, although the minimum compulsory limits are usually much lower than the minimum applicable in each province, except Quebec where the minimum limit is only \$50,000, with bodily injury claims being covered by S.A.A.Q.

Study 2, page 19 *Amend priorities of payment chart to show Nova Scotia has an inclusive limit of \$500,000.

Study 3, page 7 *Replace the bulleted list under the heading **Accident Benefits Compensation/Bodily Injury** with the following:*

- Income replacement indemnity;
- Care allowance;
- Lump-sum indemnity for students;
- Lump-sum indemnity for consequences such as loss of enjoyment of life, mental suffering, and pain;
- Lump-sum death benefits;
- Funeral expenses;
- Availability allowance.

Study 3, page 10 *Amend example box to show 2005 indemnity values as follows:*

Maximum gross income = \$56,000
Net income subtotal = \$31,500
Indemnity paid = \$28,350

Study 3, page 13 *Add the following sentence to the end of the fourth paragraph under the heading "**Fonds d'indemnisation**":*

The overall limit of compensation is \$50,000 per accident.

Study 3, page 16 *Delete the last paragraph and the bulleted list which follows it.*

Study 13, page 5 *Replace second paragraph with the following:*

Because the Société de l'assurance automobile du Québec covers most bodily injury losses resulting from automobile accidents, *adjusters* are involved mostly with property damage losses. However, when accidents occur outside Québec, the law of the jurisdiction of the accident applies. In the event of bodily injury, Québecers are always compensated by the S.A.A.Q. However, victims could be entitled to compensation for their property damage and bodily injury if liability of a Québec insured is proven. Such situations require a more comprehensive investigation which includes the assessment of bodily injury.

Study 16, page 17 *Insert the following as the third paragraph:*

New Brunswick has adopted a direct compensation–property damage regime similar to the one in place in Ontario. Fault Determination Regulations are in place.

NEWFOUNDLAND AND LABRADOR

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$20,000

Medical payments \$25,000/person, including rehabilitation, excluding health insurance plans; time limit 4 years

Funeral expense benefits \$1,000

Disability income benefits 104 weeks partial disability; lifetime if totally disabled; maximum \$140/week; 7-day wait; unpaid housekeeper \$70/week, maximum 12 weeks

Death benefits Death within 180 days (or 2 years if continuously disabled prior to death); death of head of household \$10,000, plus \$1,000 for each dependant after first; death of spouse \$10,000; death of dependent child \$2,000

Right to sue for pain and suffering? Yes, but awards are subject to \$2,500 deductible

Right to sue for economic loss in excess of no-fault benefits? Yes

Administration Private insurers

NOVA SCOTIA

Compulsory minimum 3rd-party liability \$500,000 is available for any one accident

Medical payments \$25,000/person, including rehabilitation, excluding health insurance plans; time limit 4 years

Funeral expense benefits \$1,000

Disability income benefits 104 weeks partial disability; lifetime if totally disabled; maximum \$140/week; 7-day wait; unpaid housekeeper \$70/week, maximum 12 weeks

Death benefits Death within 180 days (or 2 years if continuously disabled prior to death); death of head of household \$10,000, plus \$1,000 for each dependant after first; death of spouse \$10,000; death of dependent child \$2,000

Right to sue for pain and suffering? Yes, but if injury a “minor injury,” maximum award is \$2,500

Right to sue for economic loss in excess of no-fault benefits? Yes

Administration Private insurers

Optional Section B benefits are now legislated.

NEW BRUNSWICK

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$20,000

Medical payments \$50,000/person, including rehabilitation, excluding health insurance plans; time limit 4 years

Funeral expense benefits \$2,500

Disability income benefits 104 weeks partial disability; lifetime if totally disabled; maximum \$250/week; 7-day wait; unpaid housekeeper \$100/week, maximum 52 weeks

Death benefits Death within 180 days (or 2 years if continuously disabled prior to death); death of head of household \$50,000, plus \$1,000 for each dependant after first; death of spouse \$25,000; death of dependent child \$5,000

Right to sue for pain and suffering? Yes, but if injury a “minor injury,” maximum award is \$2,500.

Right to sue for economic loss in excess of no-fault benefits? Yes

Administration Private insurers

Note: As of January 2005, a “no frills” policy with accident benefits limits at 1/2 standard policy limits will also be available.

PRINCE EDWARD ISLAND

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000

Medical payments \$25,000/person, including rehabilitation, excluding health insurance plans; time limit 4 years

Funeral expense benefits \$1,000

Disability income benefits 104 weeks partial disability; lifetime if totally disabled; maximum \$140/week; 7-day wait; unpaid housekeeper \$70/week, maximum 12 weeks

Death benefits Death within 180 days (or 2 years if continuously disabled prior to death); death of head of household \$10,000, plus \$1,000 for each dependant after first; death of spouse \$10,000; death of dependent child \$2,000

Right to sue for pain and suffering? Yes, but if injury a “minor injury,” maximum award is \$2,500

Right to sue for economic loss in excess of no-fault benefits? Yes

Administration Private insurers

QUEBEC

Lawsuits are not permitted with respect to injuries sustained in automobile accidents in Quebec. Victims and their dependants resident in Quebec are compensated by their government insurer for their injuries whether or not the accident occurs in Quebec. Accident victims who do not reside in Quebec are entitled to compensation only to the extent that they are not responsible for the accident, unless otherwise agreed between the Société de l'assurance automobile du Québec and authorities of the victims' place of residence; additional compensation may be available from their own insurers.

Compulsory minimum 3rd-party liability \$50,000; liability limits relate to property damage claims within Quebec and to personal injury and property damage claims outside Quebec.

Medical payments No time or amount limit; includes rehabilitation

Funeral expense benefits \$4,142

Disability income benefits 90% of net wages; maximum income gross \$55,000/year; temporary 3 years; permanent lifetime; 7-day wait, indexed

Death benefits Death anytime; benefits depend on wage and age of deceased; minimum \$55,246, maximum \$275,000; plus \$26,240-\$48,341 (total) to dependants according to age; plus \$22,789 to dependant should he or she be disabled as a result of the incident; if no surviving spouse or dependants, \$44,279 to parents

Impairment benefits Scheduled up to \$193,719

Right to sue for pain and suffering? No

Right to sue for economic loss in excess of no-fault benefits? No

Administration Bodily injury: government; property damage: private insurers

ONTARIO

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000

Medical payments \$100,000/person (\$1 million if injury “catastrophic”), including rehabilitation, excluding health insurance plans; attendant care \$72,000 (\$1 million if injury “catastrophic”)

Funeral expense benefits \$6,000

Disability income benefits 80% of net wages up to \$400/week, \$185/week for those not employed and completely unable to carry on a normal life (104 weeks maximum; longer if victim is unable to pursue any suitable occupation); 7-day wait for income replacement, otherwise 26 weeks for non-earner benefit

Ontario ... continued

Death benefits Death within 180 days, or 3 years if continuously disabled prior to death; \$25,000 to spouse; \$10,000 to surviving dependant; death of dependant \$10,000

Right to sue for pain and suffering? Yes, if injury meets verbal threshold; deductible applies. Lawsuit allowed only if injured person dies or sustains “permanent and serious” disfigurement and/or impairment of important physical, mental or psychological function; the court is directed to assess damages and then to deduct \$30,000 (\$15,000 if *Family Law Act* claim)

Right to sue for economic loss in excess of no-fault benefits? Yes. Injured person may sue for 80% of net income loss before trial, 100% of gross after trial; also for medical, rehabilitation and related costs when injury is catastrophic. Legislation is pending to permit claimants with permanent serious injuries to sue for excess health care costs

Administration Private insurers

Ontario “insureds” involved in accidents in Quebec can choose to receive, from their own insurer, the Ontario benefits or the equivalent to the benefits available to Quebec residents from the Société de l’assurance automobile du Québec. Policyholders may purchase coverage for economic loss greater than the standard accident benefits.

MANITOBA

Residents of Manitoba involved in accidents in Quebec can receive from their own insurer the equivalent to the benefits available to Quebec residents from the Société de l’assurance automobile du Québec. First-party all perils insurance is compulsory in Manitoba (deductibles vary according to type of vehicle). Policyholders may purchase coverage for economic loss greater than maximum accident benefits. Lawsuits are not permitted with respect to injuries sustained in automobile accidents in Manitoba. Victims and their dependants resident in Manitoba are compensated by the government insurer for their injuries whether or not the accident occurs in Manitoba.

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$20,000

Medical payments No time or amount limit; includes rehabilitation

Funeral expense benefits \$6,663

Disability income benefits 90% of net wages; maximum income gross \$65,000/year; 7-day wait; indexed

Death benefits Death anytime; benefits depend on wage and age of deceased; minimum \$48,899, maximum \$325,000; plus \$23,226-\$42,787 (total) to dependants according to age

Impairment benefits Scheduled up to \$122,244

Right to sue for pain and suffering? No

Right to sue for economic loss in excess of no-fault benefits? No

Administration Government (government and private insurers compete for optional and excess coverage)

SASKATCHEWAN

*Saskatchewan is a no-fault province where residents can opt out of the No Fault Plan** in favour of a tort plan. This choice has been available to Saskatchewan residents since January 1, 2003. Fewer than 5000 Saskatchewan residents, representing less than .05% of the population, have opted out of No Fault. First-party all perils insurance is compulsory in Saskatchewan (deductibles vary according to type of vehicle).*

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000

If No Fault option selected

Medical payments \$5,268,450/person; includes rehabilitation

Funeral expense benefits \$7,903

Disability income benefits 90% of net wages; maximum income gross \$59,062/year; 7-day wait; indexed

Death benefits \$54,351 to spouse/dependants; if no spouse, \$12,078 per person to a maximum of \$54,351 for five or more dependants; educational benefit \$36,234; other weekly benefits \$24 to one dependant, \$44 (total) to two, \$59 (total) to four or more

Impairment benefits Maximum \$150,947 for non-catastrophic; \$184,396 for catastrophic injury

Right to sue for pain and suffering? No

Right to sue for economic loss in excess of no-fault benefits? Yes; injured persons may sue for economic losses that exceed no-fault benefits.

However, award above no-fault benefit based on net income after deductions for income tax, Canada pension plan and employment insurance.

Administration Government (government and private insurers compete for optional and excess coverage)

If tort option selected

Medical payments \$20,600/person, unless catastrophically injured, then up to \$154,500

Funeral expense benefits \$5,150

Disability income benefits \$16,068/year for total disability from employment; \$8,060 for partial disability from employment for up to 104 weeks

Death benefits 50% of income disability benefits to spouse; 5% of disability income benefits to each dependent child

Impairment benefits Scheduled up to \$10,300, unless catastrophic, then up to \$133,900

Right to sue for pain and suffering? Yes; deductible of \$5,000

Right to sue for economic loss in excess of no-fault benefits? Yes. Any benefit amounts received from other insurance plans to be deducted from the court award or settlement

Administration Government (government and private insurers compete for optional and excess coverage)

**Chart has been modified to show the accepted name for this coverage.

ALBERTA

As at October 1, 2004

Alberta “insureds” involved in accidents in Quebec can receive from their own insurer the equivalent to the benefits available to Quebec residents from the Société de l’assurance automobile du Québec. Similar arrangements are in place for accidents involving Alberta “insureds” in Saskatchewan and Manitoba.

Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000

Medical payments \$50,000/person for surgical, chiropractic, dental, hospital, psychological, physical therapy, occupational therapy, massage therapy, acupuncture, professional nursing, ambulance and other necessary services; chiropractors maximum \$750; massage therapy \$250; acupuncture \$250; all limits are per person per accident

Funeral expense benefits \$2,000

Disability income benefits 80% gross wages; maximum \$300/week; 104 weeks total disability; 7-day wait; unpaid housekeeper \$100/week, maximum 26 weeks

Death benefits Death anytime; death of head of household \$10,000, plus 20% (\$2,000) to each survivor after first; to spouse/adult inter-dependent partner or dependent relative living in household, increased by \$15,000 for the first survivor and \$4,000 for each remaining; death of spouse/interdependent partner \$10,000; death of dependent relative according to age, maximum \$3,000; grief counseling \$400 per family

Right to sue for pain and suffering? Yes.

Maximum amount recoverable as damages for the non-pecuniary loss for all minor personal injuries \$4,000

Right to sue for economic loss in excess of no-fault benefits? Yes

Administration Private insurers

* “Collision” and “comprehensive” insurance for the policyholder’s vehicle

BRITISH COLUMBIA	NORTHWEST TERRITORIES & NUNAVUT	YUKON
<p>Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$20,000</p> <p>Medical payments \$150,000/person, rehabilitation included; excludes amounts payable under surgical, dental, hospital plan or other insurer</p> <p>Funeral expense benefits \$2,500</p> <p>Disability income benefits 75% gross wages; maximum \$300/week; 104 weeks temporary disability, lifetime total and permanent; 7-day wait; homemaker up to \$145/week, maximum 104 weeks</p> <p>Death benefits Death anytime; death of head of household \$5,000 and \$145 per week for 104 weeks to first survivor, plus \$1,000 and \$35 per week for 104 weeks to each survivor after first; death of spouse \$2,500; death of dependent child according to age, maximum \$1,500</p> <p>Right to sue for pain and suffering? Yes</p> <p>Right to sue for economic loss in excess of no-fault benefits? Yes</p> <p>Administration Government (government and private insurers compete for optional and excess coverage)</p>	<p>Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000</p> <p>Medical payments \$25,000/person, excluding medical and hospital plans; time limit 4 years</p> <p>Funeral expense benefits \$1,000</p> <p>Disability income benefits 80% gross wages; maximum \$140/week; 104 weeks temporary disability; lifetime if totally disabled; 7-day wait; unpaid housekeeper \$100/week, maximum 12 weeks</p> <p>Death benefits Death within 2 years; death of head of household \$10,000; death of spouse \$10,000; to each survivor after first \$2,500; if only one survivor, spouse or dependant, principal sum (\$10,000) increased by \$1,500</p> <p>Right to sue for pain and suffering? Yes</p> <p>Right to sue for economic loss in excess of no-fault benefits? Yes</p> <p>Administration Private insurers</p>	<p>Compulsory minimum 3rd-party liability \$200,000 is available for any one accident; however, if a claim involving both bodily injury and property damage reaches this figure, payment for property damage will be capped at \$10,000</p> <p>Medical payments \$10,000/person, rehabilitation included, amounts from medical and hospital plans excluded; time limit 2 years</p> <p>Funeral expense benefits \$2,000</p> <p>Disability income benefits 80% gross wages; maximum \$300/week; 104 weeks temporary or total disability; 7-day wait; unpaid housekeeper \$100/week, maximum 26 weeks</p> <p>Death benefits Death anytime; death of head of household \$10,000, plus \$2,000 to each dependant after first, and 1% of total principal sum for 104 weeks, no limit; death of spouse \$10,000; death of dependent child according to age, maximum \$3,000</p> <p>Right to sue for pain and suffering? Yes</p> <p>Right to sue for economic loss in excess of no-fault benefits? Yes</p> <p>Administration Private insurers</p>