

C 14 Automobile Insurance Part I – Saskatchewan Addendum—September 2006

(To be used with 2003 edition of the text and includes August 2003 Addendum)

Study 1, page 9 *Under the heading **Proof of Financial Responsibility**, second paragraph is referring to Section 60(2)(b) of the Vehicle Administration Act.*

Study 1, page 13 *Replace Exhibit 1—1 (2001 Facts Chart) with updated chart found at the end of this addendum.*

Study 2, page 2 *Under the heading **Negligence**, remove everything after the second sentence of the second paragraph.*

Study 3, page 5 *Replace section beside the marginal heading “Ontario” with the following:*

In 1990, Ontario enacted a “threshold” no-fault plan. The original definition of threshold has been modified as subsequent legislative amendments have been made, most recently in 2003. Lawsuits are now allowed for non-economic loss (pain and suffering) only if the injured person dies or sustains “permanent and serious” disfigurement and/or impairment of an important physical, mental or psychological function.

Replace paragraph beside the marginal heading “Saskatchewan” with the following:

Saskatchewan introduced a no fault-bodily injury plan in 1995, called the No Fault Plan. It permitted suits in certain circumstances. This right to sue was broadened in 2003.

*Amend paragraph under the heading **Fault for Premium Chargeability** to the following:*

The Fault Chart in Quebec and the Fault Determination Rules in Ontario and New Brunswick (see later studies) are given the force of law. This means they must be used, unlike the voluntary fault chart used by insurers who subscribe to the IBC Agreement. In Quebec, Ontario, and New Brunswick insurers rely on these charts or rules to establish chargeability for insurance premiums; they are subject to challenge by insureds.

Study 4, page 3 *Amend the last sentence in the section under the heading **B. The Saskatchewan Insurance Act**, to the following:*

The Insurance Act is not applicable to Auto Fund.

Study 6, page 2 *Under the heading **Coverage**, beside marginal heading “Basic Auto Fund” replace the list of coverages with the following:*

Part II Bodily Injury Benefits
Part III Comprehensive Insurance
Part IV Bodily Injury Liability and Property Damage Liability Insurance

Part VIII Bodily Injury Benefits (No Fault)

Study 6, page 5 *Under the heading **Statutory Conditions**, replace Part II–Accident Insurance and Benefits with Part II–Bodily Injury Benefits.*

Study 6, page 9 *Delete the second paragraph, regarding “**liability imposed by law.**”*

Study 7, page 3 *Change paragraphs above and beside the marginal heading “Choice in Accident Benefit Coverage” to the following:*

Prior to 1995 Saskatchewan benefits were provided under Part II of the Automobile Accident Insurance Act. In 1995, Part VIII of the Act was introduced to provide no-fault benefits.

Saskatchewan residents are able to choose between two accident benefit coverage options: Part II–Bodily Injury Benefits and Part VIII – Bodily Injury Benefits (No Fault) ...

*Change the heading, **Part II–Bodily Injury Benefits (Tort)** to **Part II–Bodily Injury Benefits** (also change this in the paragraph above the heading)*

Study 7 pages 4–6 *Change amounts given under **Benefits** to the following:*

i) Indemnity Benefits

Total Disability = \$323/week;

Partial Disability = \$162/week;

Homemaker = \$323/week if totally disabled or \$162/week if partially disabled.

Others = \$162/week.

ii) Medical or Rehabilitation Benefits = \$21,506 for non-catastrophic and \$161,369 for catastrophic.

iii) Permanent Impairment = \$10,758 for non-catastrophic and \$139,853 for catastrophic.

iv) Death Benefit

Spousal Weekly Death Benefit: maximum income = \$63,043

Dependent Child Weekly Death Benefit (with surviving spouse)

maximum income = \$63,043

Dependent Child Weekly Death Benefit (with no surviving spouse)

maximum income = \$63,043

Death Benefit with No Spouse or Dependents = \$10,758

Funeral Benefit = \$5,379

Study 7, page 6 *Change section under the Subheading **ii) Non-Economic Loss (Pain and Suffering)** to the following:*

The victim may sue the at-fault party for non-economic loss. Damages are subject to a \$5,000 deductible.

When the at-fault party is a Saskatchewan resident who chose the Part VIII – Bodily Injury Benefit (No Fault) option, the victim will sue SGI in the at-fault party’s stead.

A non-resident who is responsible and has injured a Saskatchewan resident can be sued for economic or non-economic losses in excess of the \$200,000 limit, provided the injured Saskatchewan resident has chosen the Tort option.

Study 7, page 7 *Change heading from **Part VIII – Personal Injury Benefits (No Fault)** to **Part VIII – Bodily Injury Benefits (No Fault)**.*

Study 7, Page 9 *Replace the section entitled **Personal Injury Benefits** with the following:*

Bodily Injury Benefits (No Fault)

There are four major categories of benefits:

1. **Rehabilitation and medical expenses** will be paid to a maximum of \$5,502,680.

Study 7, page 10 *In Section 2, **Income Replacement Benefits**, replace all instances of \$57,788 with \$63,043.*

*Under Subsection iii), change **Homemakers** to **Caregivers**, and change \$458 to \$504.*

Study 7, page 11 *Under Subsection IV), **Students**, replace \$14,901 with \$16,400*

*Replace **Example 2** (in box) with the following:*

- If the insured’s gross yearly employment income is \$70,000.
- Using the formula, the insured’s loss of net income would be \$934 per week.
- Auto Fund has a maximum yearly insurable earnings amount of \$63,043 (in 2006).
- Using \$63,043, the net income will work out to approximately \$841 per week.
- Auto Fund will pay $\$841 \times 90\% = \757 per week.
- SGI CANADA will pay the remaining \$84 per week plus the excess of \$93 per week for a total of \$177 dollars per week.

Study 7, page 12 *Under section 3, **Death Benefits**, change last two paragraphs (not in boxes) to the following:*

The minimum death benefit for surviving spouses is \$56,767*. If the victim has no spouse or dependents, the estate of the victim receives a payment of \$12,615*. Homemaking spouses are also entitled to a \$37,845* education and training allowance.

\$8,254* will be paid to cover funeral expenses.

Under section 4, ***Permanent impairment benefits***, replace \$143,282 with \$157,687 and replace \$175,000 with \$192,594.

Study 7, Page 13 *In the first sentence under the heading **Non-Economic Loss (Pain and Suffering)**, change Part VIII – Personal Injury Benefits (No Fault) to Part VIII – Bodily Injury Benefits (No Fault).*

Insert the following at the bottom of the page:

Appeal Process

Customers have the right to appeal decisions made by SGI under the No Fault Plan in one of three ways:

1. The customer has the right to appeal to the Court of Queen’s Bench through a lawyer.
2. The customer has the right to appeal to an independent body called the Automobile Injury Appeal Commission. This Commission was set up in January of 2004, to deal with injury appeals. The cost of this process is a \$75 application fee.
3. The customer may request mediation. With mediation there is a \$40 application fee.

All of these avenues must be pursued within 90 days of the date of the decision made by SGI.

If the customer chooses mediation and mediation fails to resolve the matter, the customer then has a further 60 days to pursue either the Court of Queen’s Bench or an appeal to the Automobile Accident Insurance Commission.

Study 8 page 2 *Replace the section under the heading **Saskatchewan: Uninsured or Unidentified Motorists** with the following:*

Uninsured motorist benefits

In Saskatchewan, victims who suffer bodily injury and property damage caused by uninsured motorists are protected by uninsured motorist benefits described in *The Automobile Accident Insurance Act*. However, these benefits apply only to accidents occurring in the province of Saskatchewan, or when Saskatchewan residents are involved in an accident with an uninsured motorist in another province. In some cases, the uninsured motorist benefits are also available to residents of other provinces, for mishaps that occur in Saskatchewan.

A motorist is considered to be an uninsured motorist if he or she is not named on an unexpired owner’s certificate, unexpired motor vehicle liability policy covering the owner or driver, or Crown vehicle of Canada.

The Automobile Accident Insurance Act describes how claims can be made under uninsured motorist coverage. There are two ways an eligible claimant can obtain payment.

**Two ways
to claim
benefits**

The claimant can make an Application for Payment before a judgment is obtained. In this case, a claimant submits an Application for Payment in the form prescribed by the insurer. The insurer then follows specified guidelines and forwards a copy of this application to the owner and the operator of the uninsured motor vehicle by registered mail or in person.

The insurer can then make payment to the claimant if certain conditions are met:

- a) the claimant releases the uninsured portion of their loss to discharge SGI only;
- b) the owner and driver of the uninsured motor vehicle agree to repay the insurer; and
- c) the uninsured motorist does not dispute his liability to the claimant's application within 30 days.

If an insurer makes a payment to an accident victim under the uninsured motorist coverage, it can subrogate against the uninsured motorist and ask the Highway Traffic Board to suspend his or her licence privileges.

**Judgment
required**

If the Uninsured Motorist disputes his liability, a claimant must obtain a judgment for payment under the uninsured motorist coverage to be made.

After a judgment is obtained, the claimant submits an Application for Payment after Judgment. However, the insurer is not required to make a payment unless

- a) judgments are obtained against all persons or other entities contributing through their negligence, to the loss, damage or injury of the claimant and the time limit for appeal of such Judgment has expired;
- b) the Judgment is assigned to the insurer and a copy tendered to the insurer; and
- c) the insurer has been notified of the action against the Uninsured Motorist and has been afforded an opportunity to defend.

The only amount payable under the uninsured motorist benefit is the uninsured portion of the accident victim's loss. Therefore, if the victim has a vehicle registered in Saskatchewan with a \$700 deductible, the only amount payable under the uninsured motorist benefit is the \$700 deductible. The uninsured motorist benefit will not reimburse any of the following which could also come into play due to property damage or bodily injury caused by the uninsured motorist:

- any insurance policies covering the property;
- any compensation from the Worker's Compensation Board;
- any services rendered under the Saskatchewan Hospital Services Plan;
- any services rendered under the Medical Care Insurance Act; and
- any payment or compensation received under the provisions of Part II and Part III of the Automobile Accident Insurance Act.

Hit and Run Accident

The Automobile Accident Insurance Act also governs the procedure to be followed when a hit and run accident occurs. There is a \$700 threshold for payment of benefits for a hit and run accident, so if an accident involves a single vehicle, which has a \$700 deductible, no payment would be made because the threshold was not met. As with the uninsured motorist benefit, the hit and run provisions allow only payments of the uninsured portion of the innocent party's loss. The following are not eligible for hit and run payments:

- the Government of Canada;
- the Government of Saskatchewan;
- a Crown Corporation established by either of the governments mentioned in clauses A and B;
- a municipality;
- any other prescribed corporation.

Study 11, page 4 *Change second paragraph (in the box) to the following:*

Liens are not recorded by SGI. A lien must be recorded by the Information Services Corporation and SGI undertakes to search such records in the event of a total loss or constructive total loss.

Study 11, page 5 *Replace SGI box with the following:*

Part II

**Parts III
and IV**

SGI

The insured is required by the regulations to be authorized or qualified by law to operate the vehicle.

An insured shall not:

- a) *operate a motor vehicle unless he is authorized or qualified by law to operate a motor vehicle or he is a person over the age of 12 years but under the age of 16 years operating a snowmobile under supervision as required by subsection 15(4) of The Snowmobile Act.*

The insured ... shall not drive or operate the vehicle

- b) *while he is not for the time being qualified or authorized by law to drive or operate the vehicle or, if the law does not prescribe any qualification or authority, subject to subsection 14(5) of The Snowmobile Act while under the age of 16 years;*

Please note that this section of the act coincides with Standard or extension policies where it is necessary that the operator be either qualified or authorized by law to drive.

Study 11 page 20-21 *Delete sections entitled **WHEN ACTION MAY BE BROUGHT** and **LIMITATION OF ACTIONS**.*

Study 11 page 31 *Insert the following at the bottom of the page*

The Limitations Act

The Limitations Act of Saskatchewan was proclaimed in 2005. It sets out the basic limitation period, which is the time period during which an action to recover the amount of a claim may be brought against the insurer by the insured. Unless otherwise provided in this Act, no action or proceedings shall be commenced with respect to a claim after two (2) years from the day on which the claim is discovered.

The limitation period was previously established under *The Automobile Accident Insurance Act* and *The Insurance Act*. Both have been amended to make no further reference to limitation periods because this is now covered under the new Limitations Act.

Study 11 page 33 *Delete Review Question #26:*

Study 14, page 4 *Insert the following above the last paragraph:*

CLEAR

But rating vehicles according to their list price does have some drawbacks. For instance, many claims require the vehicle to be repaired rather than replaced, and the list price of the vehicle does not necessarily determine the repair cost. Also, equipment such as anti-theft devices and airbags that can lower the likelihood or costs of claims could increase the list price of the vehicle, resulting in a higher insurance premium.

To address these issues, many insurers now use the Canadian Loss Experience Automobile Rating (CLEAR) system. Under CLEAR, the premium for the physical damage insurance is based on the likelihood of vehicles' being involved in claims, and what it will typically cost to settle each claim.

Study 14, page 12-13 *Please delete the sections **Driver Licence Rating Units** and **Driver Licence Rating Surcharges** and replace them with the following:*

The Safety Rating Scale

All Saskatchewan drivers are placed on a Safety Rating Scale based on their driving record since 1995. Safety points are accumulated depending on the number of years without demerit points and these points correspond to discounts applicable to the per vehicle insurance premium. The maximum discount available is 7%. Conversely, demerit points accumulate based on the number and/or severity of at-fault accidents and traffic violations. For example:

Failing to wear seat belt	=3 Demerit Points
Speeding (50 km/h over limit)	=4 Demerit Points
At-fault accidents	=6 Demerit Points

Unlike the previous driver's license surcharges, these demerit points equate to a financial penalty assessed immediately after the accident. The driver has 90 days to pay the charge. These penalties increase in value to a maximum penalty of \$500 for Criminal Code convictions (example—impaired driving).

Study 18, p.12 *Change heading and first paragraph, to the following:*

Alberta, Newfoundland, Nova Scotia and Prince Edward Island

Alberta, Newfoundland, Nova Scotia, and Prince Edward Island still have a tort-based system of automobile insurance operated entirely by private sector insurance companies. Accident Benefits are mandatory in all of these provinces except Newfoundland. Minimum limits of Third Party Liability are also mandatory in each of these provinces. In Alberta, Newfoundland, and Prince Edward Island the minimum Third Party Liability limit is \$200,000. In Nova Scotia the minimum limit is \$500,000.

The standard owner's policy (S.P.F. 1) is the approved form for insuring the majority of automobile risks. Other standard policies exist for special purposes... *(remainder of section remains unchanged).*

Study 18, page 14 *Please insert the following beneath the example box:*

New Brunswick

Automobile insurance in New Brunswick is also operated entirely through the private sector. There are minimum standards for mandatory Accident Benefits and a mandatory minimum Third Party Liability limit of \$200,000. But in January 2005, New Brunswick introduced direct compensation for vehicle damage. *(continued on next page)*

Also effective January 2005, New Brunswick has two types of S.P.F. No. 1, the Standard Form—S.P.F. No. 1 (SF), and the No Frills—S.P.F. No. 1 (NF). The No Frills policy offers reduced benefits at a lower rate compared to the Standard Form policy: Accident Benefits and Medical benefits are decreased by half, and there is a \$1,000 deductible on property damage. The deductible can also be increased.

Summary of Coverage

Section A.1— Direct Compensation –Property Damage

Coverages under the New Brunswick S.P.F. 1 are the same as those outlined in the previous chart for Alberta, Newfoundland, Nova Scotia, and Prince Edward Island, except that the New Brunswick policy has Direct Compensation–Property Damage coverage under Section A.1 of the S.P.F. No. 1 (SF and NF forms).

This coverage responds when insureds are involved in accidents for which third parties are wholly or partially responsible, so that insureds deal only with their own insurer, and do not have to claim from the third party's insurance company. The insureds' own insurer will indemnify them for the cost of repairs to the extent they were not at fault in the accident. Fault is determined in accordance with the Insurance Act and legislated Fault Determination Rules.

If the policy contains a Direct Compensation–Property Damage deductible, the insurer's liability is limited to the amount of loss exceeding the deductible stated on the insurance application, multiplied by the percentage to which the driver of the automobile was determined not at fault. There is a standard \$1,000 Direct Compensation–Property Damage deductible on No Frills policies, which may also be increased.

Loss Situation

New Brunswick's Direct Compensation–Property Damage coverage is modelled after Ontario's Direct Compensation–Property Damage coverage and responds to losses in the much the same manner as the Ontario coverage.

Study 18, P. 16 *Please insert Review Question 32.*

32. How does coverage in New Brunswick differ from Alberta and the other Atlantic provinces?

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

Exhibit 1—1 (continued)

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>