

2011

CHAPTER 3

An Act to amend *The Automobile Accident Insurance Act*

(Assented to May 18, 2011)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Automobile Accident Insurance Amendment Act, 2011*.

R.S.S. 1978, c.A-35 amended

2 *The Automobile Accident Insurance Act* is amended in the manner set forth in this Act.

Section 2 amended

3(1) The following clause is added after clause 2(1)(cc):

“(cc.1) ‘**occupant of a stolen motor vehicle**’ means an insured who is the occupant of a motor vehicle involved in an accident and who, in connection with that motor vehicle, is convicted of an offence pursuant to:

- (i) section 322, 333.1, 334 or 354 of the *Criminal Code*; or
- (ii) a law of a state of the United States of America that is substantially similar to an offence mentioned in subclause (i)”.

(2) The following subsection is added after subsection 2(4):

“(5) For the purposes of clause (1)(cc.1), a certificate purporting to be signed by a judge of the convicting court or other officer having custody of the records of the convicting court certifying that a person has been convicted of an offence mentioned in that clause is admissible in evidence as proof, in the absence of evidence to the contrary, of the conviction of the person without proof of the handwriting or position of the person purporting to have signed the certificate”.

Section 35 amended

4 The following paragraph is added after paragraph 2.1 of section 35:

“**No benefits for occupants of stolen motor vehicles**

2.2(1) Notwithstanding any other provision of this Act, no occupant of a stolen motor vehicle involved in an accident that occurs on or after the coming into force of this section, and no spouse or dependant of the occupant of the stolen motor vehicle claiming through, on behalf of or as a dependant of the occupant of the stolen motor vehicle, is entitled to any benefits pursuant to this Part with respect to the accident.

(2) Notwithstanding any other provision of this Part, the insurer may withhold the payment of any benefits pursuant to this Part with respect to an accident to an insured, the spouse of an insured or a dependant of an insured if, in connection with the accident, the insured has been charged with an offence mentioned in clause 2(1)(cc.1) until the disposition of that charge.

(3) If an amount has been withheld pursuant to subsection (2) and the insured is not convicted of the offence mentioned in clause 2(1)(cc.1), the insurer shall pay to the insured, the insured's spouse or the insured's dependants:

- (a) the withheld benefits to which that insured is entitled; and
- (b) interest on the withheld benefits at the pre-judgment interest rate established pursuant to *The Pre-Judgment Interest Act*.

Section 40.2 amended

5 The following subsection is added after subsection 40.2(5):

“(6) Notwithstanding any other provision of this Act, no occupant of a stolen motor vehicle involved in an accident that occurs on or after the coming into force of this subsection, and no spouse or dependant of the occupant of the stolen motor vehicle claiming through, on behalf of or as a dependant of the occupant of the stolen motor vehicle, is entitled to bring an action for loss or damage respecting, arising out of or stemming from bodily injury caused by the motor vehicle arising out of the accident”.

New section 107.1

6 The following section is added after section 107:

“No Part VIII benefits to occupants of stolen motor vehicles

107.1(1) Notwithstanding any other provision of this Act, no occupant of a stolen motor vehicle involved in an accident that occurs on or after the coming into force of this section, and no surviving spouse or dependant of the occupant of the stolen motor vehicle claiming through, on behalf of or as a dependant of the occupant of the stolen motor vehicle, is entitled to any benefits pursuant to this Part with respect to the accident.

(2) Notwithstanding any other provision of this Part, the insurer may withhold the payment of any benefits pursuant to this Part with respect to an accident to an insured, the surviving spouse of an insured or a dependant of an insured if, in connection with the accident, the insured has been charged with an offence mentioned in clause 2(1)(cc.1) until the disposition of that charge.

(3) If an amount has been withheld pursuant to subsection (2) and the insured is not convicted of the offence mentioned in clause 2(1)(cc.1), the insurer shall pay to the insured, the insured's surviving spouse or the insured's dependants:

- (a) the withheld benefits to which that insured is entitled; and
- (b) interest on the withheld benefits at the pre-judgment interest rate established pursuant to *The Pre-Judgment Interest Act*.

(4) An insured or insured's surviving spouse or dependant who disagrees with a decision of the insurer pursuant to subsection (1) may appeal that decision to the Court of Queen's Bench or the appeal commission, in the prescribed manner, within 180 days after receiving the insurer's written decision".

Coming into force

7 This Act comes into force on assent.

