

# 1998

## CHAPTER 18

### An Act to amend *The Automobile Accident Insurance Act*

(Assented to June 11, 1998)

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, 1998*.

#### 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** The following clause is added after clause 2(ff):

“(ff.1) ‘snowmobile’ means a snowmobile as defined in *The Snowmobile Act*”.

#### Section 12 amended

**4** The following subsections are added after subsection 12(1):

“(1.1) Subject to subsection (1.2), a certificate of insurance issued pursuant to this Act gives coverage under:

- (a) Part III to the extent prescribed in the regulations and subject to the terms and conditions prescribed in the regulations; and
- (b) Part IV.

“(1.2) Notwithstanding any other Part, or any other Act, a certificate of insurance issued pursuant to this Act for a snowmobile does not provide coverage under Part II or Part III”.

#### New section 17

**5** Section 17 is repealed and the following substituted:

#### “Conditions of certificate issued with permit

**17(1)** Subject to subsection (2), a certificate issued in conjunction with a permit issued pursuant to *The Vehicle Administration Act*, or any other authority to drive, gives coverage under:

- (a) Part III to the extent prescribed in the regulations and subject to the terms and conditions prescribed in the regulations; and
- (b) Part IV.

(2) Notwithstanding any other Part, or any other Act, a certificate issued in conjunction with a permit issued pursuant to *The Vehicle Administration Act*, or any other authority, for a snowmobile does not provide coverage under Part II or Part III”.

## New section 17.1

**6 The following section is added after section 17:****“Certain certificates not valid after July 31, 1999**

**17.1** Every certificate of registration or registration permit respecting a snowmobile issued pursuant to *The Vehicle Administration Act* and every certificate of insurance issued pursuant to *The Automobile Accident Insurance Act* respecting a snowmobile that is in force on July 31, 1999 is deemed to be cancelled”.

## Section 22 amended

**7 Subsection 22(3) is repealed.**

## Section 34 amended

**8 Clause 34(1)(b) is amended by striking out** “or a snowmobile as defined in *The Snowmobile Act*”.

## Section 35 amended

**9 Section 35 is amended by repealing statutory condition 1(a) and substituting the following:**

“(a) operate a motor vehicle unless he or she is authorized and qualified by law to operate the motor vehicle”.

## Section 39 amended

**10 Section 39 is amended:**

**(a) in statutory condition 2(1)(b) by striking out** “, subject to subsection 15(4) of *The Snowmobile Act*”; **and**

**(b) in statutory condition 2(2)(b) by striking out** “, subject to subsection 15(4) of *The Snowmobile Act*”.

## New section 77.2

**11 The following section is added after section 77.1:****“Use of annuities**

**77.2** The insurer may pay an indemnity pursuant to Part II or a benefit pursuant to Part VIII by means of an annuity if the insurer and the person entitled to the indemnity or benefit agree”.

## New section 80.1

**12 The following section is added after section 80:****“Insurer subrogated**

**80.1(1)** This section applies where:

(a) loss or damage to a vehicle that is designated in an owner’s certificate is caused by a person who is in the course of committing, who has committed or who has attempted to commit an offence pursuant to one of the following provisions of the *Criminal Code*:

(i) section 322;

(ii) section 335;

(iii) clause 430(1)(a) or (b); and

(b) the insurer makes or assumes a liability to make a payment, with respect to the loss or damage mentioned in clause (a).

(2) This section applies whether or not the person mentioned in clause (a) is convicted of the offence.

- (3) Where the insurer makes or assumes a liability to make a payment mentioned in clause (1)(b), the insurer is subrogated to and deemed to be an assignee of all rights of recovery of the person to whom, with respect to whom or for whose benefit the payment is made or is payable against any other person responsible for the loss or damage.
- (4) In the circumstances mentioned in subsection (3), the insurer may:
- (a) bring a separate action in its own name to recover the amount of the payment; or
  - (b) join with the person to whom, with respect to whom or for whose benefit the payment is made or is payable to bring one action in the name of that person for recovery of the damages resulting from the loss or damage.
- (5) Notwithstanding clause (4)(a), the person to whom or with respect to whom or for whose benefit the payment is made or is payable may bring an action in that person's own name for the amount by which the loss or damage sustained by the person exceeds the amount paid or payable by the insurer.
- (6) For the purposes of clause (4)(b), the insurer and the person to whom or with respect to whom or for whose benefit the payment is made or is payable may make an arrangement to apportion the costs of recovery.
- (7) Where the insurer is entitled to bring or join an action pursuant to this section against another person, no account must be taken for the benefit of that other person of the payments made or payable pursuant to this Act with respect to the loss or damage caused by the other person.
- (8) For the purposes of Part VII of *The Vehicle Administration Act*, where the insurer obtains a judgment against a person responsible for the loss or damage:
- (a) the judgment is to be treated as if it were a judgment for damages on account of damage to property; and
  - (b) the administrator may deal with the person against whom the insurer obtains a judgment as if that person were a person against whom a judgment for damages on account of damage to property was obtained".

**Section 100 amended**

**13 Subclause 100(1)(b)(ii) is repealed.**

**Section 101 amended**

**14 The following subclause is added before subclause 101(2)(b)(v):**

"(iv.1) by a snowmobile, as defined in *The Snowmobile Act*".

**Coming into force**

**15(1)** Subject to subsection (2), this Act comes into force on assent.

(2) Sections 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 come into force on August 1, 1999.

