

2000

## CHAPTER 5

An Act to amend *The Automobile Accident Insurance Act*  
and to make a consequential amendment to  
*The Automobile Accident Insurance Amendment Act, 1984*

(Assented to June 21, 2000)

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, 2000 (No. 2)*.

**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 **Clause 2(bb.1) is amended by striking out “and the Northwest Territories” and substituting “, the Northwest Territories and Nunavut”.**

**Section 3 amended**

4 **Subsection 3(2) is repealed and the following substituted:**

“(2) Subsection (1) applies to motor vehicles owned and operated by the Government of Saskatchewan and to the drivers of those motor vehicles, but does not apply to:

(a) vehicles owned or operated by the Government of Canada, the government of a province other than Saskatchewan or the government of a state; or

(b) vehicles exempted by the regulations”.

**Section 6 amended**

5 **Subsection 6(6) is amended by striking out the portion preceding clause (a) and substituting the following:**

“A driver who is assessed a surcharge may raise a dispute with respect to the assessment of the surcharge by filing with the insurer at the time the surcharge is assessed a notice in writing in the form prescribed in the regulations, accompanied by the payment of:”.

**Section 7 amended**

6 **Clause 7(c) is repealed and the following substituted:**

“(c) ‘**notice of dispute**’ means a notice filed pursuant to subsection 6(6)”.

**Section 7.1 amended**

**7(1) Subsection 7.1(2) is amended by striking out “by registered mail”.**

**(2) Subsection 7.1(3) is repealed and the following substituted:**

“(3) A notice of the time and place set for hearing a dispute may be served personally or mailed by ordinary or registered mail to the last known address of the person to be served.

“(3.1) A notice served by ordinary or registered mail is deemed to have been received on the tenth day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date”.

**(3) Subsection 7.1(6) is repealed and the following substituted:**

“(6) After considering the matters mentioned in subsection (5), the board shall make a decision as to whether or not the person is required to pay the surcharge.

“(7) A decision of the board pursuant to subsection (6) is final and is not subject to appeal”.

**Section 7.2 amended**

**8 Subsection 7.2(8) is repealed and the following substituted:**

“(8) After considering the matters mentioned in subsection (6), the judge shall make a decision as to whether or not the person is required to pay the surcharge.

“(9) A decision of a judge pursuant to subsection (8) is final and is not subject to appeal”.

**Section 7.3 amended**

**9 Section 7.3 is amended by striking out “liable” and substituting “required”.**

**Section 38 amended**

**10(1) Subsection 38(3) is amended:**

**(a) by repealing clause (a) and substituting the following:**

“(a) to tires, unless the loss or damage is coincident with other loss or damage that is insured against pursuant to this section;

“(a.1) caused by mechanical fracture or breakdown of any part of the vehicle or by rusting, corrosion, wear and tear, freezing or explosion within the combustion chamber, unless the loss or damage is coincident with other loss or damage that is insured against pursuant to this section”;

**(b) by repealing clause (e) and substituting the following:**

“(e) to sound equipment or communications equipment located within or attached to the vehicle, other than equipment prescribed in the regulations;

“(e.1) to radar warning devices”; **and**

**(c) by adding the following clauses after clause (g):**

“(h) to any type of equipment prescribed in the regulations;

“(i) of any other type prescribed in the regulations;

“(j) that exceeds any limit prescribed in the regulations”.

**(2) The following subsection is added after subsection 38(3):**

“(3.1) In clause (3)(e.1), ‘**radar warning device**’ means any device designed or intended for use in a motor vehicle to warn the driver of the presence of radar or laser speed measuring equipment in the vicinity, and includes any device designed or intended for use in a motor vehicle to interfere with the effective operation of radar or laser speed measuring equipment”.

**Section 39 amended**

**11(1) Subsection (1) of statutory condition 2 set out in section 39 is amended:**

**(a) by striking out “or” after clause (b);**

**(b) by adding “or” after clause (c); and**

**(c) by adding the following clause after clause (c):**

“(d) with the intent to evade a police officer”.

**(2) Subsection (2) of statutory condition 2 set out in section 39 is amended:**

**(a) by striking out “or” after clause (b);**

**(b) by adding “or” after clause (c); and**

**(c) by adding the following clause after clause (c):**

“(d) by a person with the intent to evade a police officer”.

**Section 42 amended**

**12 Subsection 42(1) is amended in the portion preceding clause (a) by striking out “drives the vehicle” and substituting “operates the vehicle or any part of the vehicle”.**

**Section 48 amended**

**13(1) Subsection (1) of statutory condition 2 set out in section 48 is amended:**

**(a) by striking out “or” after clause (b);**

**(b) by adding “or” after clause (c); and**

**(c) by adding the following clause after clause (c):**

“(d) with the intent to evade a police officer”.

**(2) Subsection (2) of statutory condition 2 set out in section 48 is amended:**

- (a) by striking out “or” after clause (a);**
- (b) by striking out “or” after clause (b);**
- (c) by adding “or” after clause (c); and**
- (d) by adding the following clause after clause (c):**

“(d) by a person with the intent to evade a police officer”.

Section 54 amended

**14 Subsection 54(5) is amended by striking out “shall forthwith” and substituting “may at any time”.**

Section 80.1 amended

**15 The following subclause is added after subclause 80.1(1)(a)(ii):**

“(ii.1) section 354”.

New section 80.2

**16 The following section is added after section 80.1:**

**“Suspension pending recovery of payments**

**80.2(1)** Where the insurer has made a payment pursuant to Part III or IV of this Act with respect to loss, damage, injury or death caused by the fault of an operator of a motor vehicle, the administrator may suspend the driving privileges of the operator if the operator:

- (a) was violating a provision of this Act or a statutory condition imposed by this Act; and
- (b) pursuant to this Act, is liable to reimburse the insurer for that payment.

(2) Where the administrator suspends the driving privileges of an operator pursuant to subsection (1), the administrator shall not issue a driver’s licence to that operator or renew a driver’s licence of that operator and may refuse to issue a permit or certificate of registration with respect to a motor vehicle to that operator or renew a permit or certificate of registration with respect to a motor vehicle issued to that operator until the operator:

- (a) has furnished proof of financial responsibility in a form and to the amount prescribed by Part VII of *The Vehicle Administration Act*; and
- (b) has executed under seal an undertaking to repay the amount paid by the insurer pursuant to Part III or IV of this Act.

(3) Where a person is in default on the undertaking mentioned in subsection (2) for a period of 10 days, the administrator shall suspend the person’s driving privileges, the person’s privilege to register a motor vehicle and any driver’s licence and any permit or certificate of registration for a motor vehicle issued to or with respect to that person pursuant to *The Vehicle Administration Act*”.

**Section 81 amended****17 Section 81 is amended:****(a) by adding the following clause after clause (b):**

“(b.1) exempting any motor vehicle or trailer or any class of motor vehicle or trailer from the application of this Act or any provision of this Act”; and

**(b) by adding the following clauses after clause (k):**

“(k.1) prescribing types of sound equipment and communications equipment to which clause 38(3)(e) does not apply;

“(k.2) prescribing types of equipment for the purposes of clause 38(3)(h);

“(k.3) prescribing types of loss or damage for the purposes of clause 38(3)(i);

“(k.4) prescribing limits to loss or damage for the purposes of clause 38(3)(j)”.

**New section 81.1****18 The following section is added after section 81:****“Exemption**

**81.1(1)** The administrator may exempt a person from the application of any provision of Part I, III or IV of the Act or any provision of the regulations where, in the opinion of the administrator:

(a) the application of the provision would cause a hardship to the person or to other residents of Saskatchewan; and

(b) granting the exemption would not be contrary to the public interest.

(2) The administrator shall not grant an exemption pursuant to subsection (1) where the exemption would:

(a) interfere with a decision of the board; or

(b) remove any right to a hearing or right of appeal granted pursuant to this Act”.

**S.S. 1984-85-86, c. 1 amended****19 Section 25 of *The Automobile Accident Insurance Amendment Act, 1984* is repealed.****Coming into force**

**20** This Act comes into force on proclamation.

