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Implementing Bill 59: New and revised Commissioner's Guidelines

To the attention of all insurance companies licensed

to transact automobile insurance in Ontario

With this Bulletin, the Ontario Insurance Commission (OIC) is issuing six Commissioner's Guidelines (Guidelines) under Section 268.3 of the *Insurance Act*. They reflect the changes to the automobile insurance system resulting from *Bill 59*, the *Automobile Insurance Rate Stability Act, 1996*. These Guidelines were published in the October 19, 1996 edition of [The Ontario Gazette](#).

Of the six Guidelines being released, two are new and apply only to *Bill 59* accidents, two are replacing previously issued Guidelines and apply to both *Bill 164* and *Bill 59* accidents, and two are *Bill 59* versions of existing Guidelines and only apply to *Bill 59* accidents. The Guidelines being issued with this Bulletin are outlined below.

New Guidelines (effective November 1, 1996)

1. [Transportation Expense Guidelines](#). Commissioner's Guideline No. 6/96.
2. [Optional Indexation Benefit Guidelines](#). Commissioner's Guideline No. 7/96.

Revised Guidelines replacing those previously issued (effective October 19, 1996)

1. Guideline for Identifying Self-Employed Individuals, Commissioner's Guideline No. 4/96, replaces the Guideline with the same title, Guideline for Identifying Self-Employed Individuals, Commissioner's Guideline No. 1/95, dated April 25, 1995.

Note: The replacing Guideline contains these revisions: (a) the note referencing net income tables was deleted since there are no such tables under *Bill 59*; and (b) all references to "Unemployment Insurance", and "UI", have been changed to "Employment Insurance" to reflect the revised legislation.

2. Guideline on the Management of Claims Involving Whiplash-Associated Disorders, Commissioner's Guideline No. 5/96, **replaces** the Guideline with the same title, Guideline on the Management of Claims Involving Whiplash-Associated Disorders, Commissioner's Guideline No. 1/96, dated February 15, 1996.

Note: The replacing Guideline contains these revisions: all references to specific sections of the *Bill 164 SABS* were replaced by references that apply to both *Bill 59* and *Bill 164*.

Bill 59 versions of existing Guidelines (effective November 1, 1996)

1. Guideline for Statutory Accident Benefits Applications, the Claims Process and the Mediation Process (Bill 59), Commissioner's Guideline No. 2/96.

Note: The previously issued Guideline with the same title, "Guideline for Statutory Accident Benefits Applications, the Claims Process and the Mediation Process", Commissioner's Guideline No. 2/95, dated November 15, 1995, applies only to *Bill 164*.

2. Guideline for Identifying Students Who Qualify for the Student Non-Earner Benefit (Bill 59), Commissioner's Guideline No. 3/96.

Note: The previously issued Guideline that addresses students and individuals who recently completed their education, applies only to *Bill 164*; this Guideline is entitled, Guideline for Identifying Individuals Who Qualify for Education Disability Benefits, Commissioner's Guideline No. 4/95, dated November 1, 1995.

Previously issued Commissioner's Guidelines now time limited

The following three previously issued Guidelines have neither been changed nor reissued/republished. They now have a limitation: they must only be used for accidents occurring between January 1, 1994 and October 31, 1996.

1. [Guideline for Selecting the Nearest Designated Assessment Centre](#). Commissioner's Guideline No. 3/95, dated September 12, 1995.

2. [Guideline for Statutory Accident Benefits Applications, the Claims Process and the Mediation Process](#). Commissioner's Guideline No. 2/95, dated June 1, 1995.

3. [Guideline for Identifying Individuals Who Qualify for Education Disability Benefits](#). Commissioner's Guideline No. 4/95, dated November 1, 1995.

Distribution of Guidelines to DR Co-ordinators, Claims and Adjusting Departments

Guidelines issued under the *Insurance Act* are important information documents. The OIC, therefore, urges insurance companies to ensure that copies of these documents are provided to their claims and adjusting staff as well as to their Alternative Dispute Resolution (ADR) Co-ordinators. Insurers should note that these Guidelines will be incorporated into the next [Dispute Resolution Practice Code](#) update which is scheduled to be released in early 1997.

The OIC will also be providing copies of these Guidelines to all designated assessment centres (DACs) as well as to a number of associations representing professional health care providers.

D. Blair Tully

Commissioner

October 28, 1996

