Bulletin

No. A-7/98

Property & Casualty

- Auto

Changes to Family Protection Coverage Endorsement (OPCF 44) and Garage Family Protection Endorsement (O.E.F. 81)

To the attention of all insurance companies licensed

to transact automobile insurance in Ontario

This bulletin is to notify you about changes to the Family Protection Coverage Endorsement (OPCF 44) and the Garage Family Protection Endorsement (O.E.F. 81). These changes apply to all New Business and Renewals effective on or after May 1, 1998. It is expected that these changes will also be read in by the industry to all policies now in force.

In order to address an inequity in the existing Family Protection Coverage Endorsements, some changes have been made to their wording. Under the existing wording, victims of unidentified drivers are not able to claim under the Family Protection Coverage Endorsements. A recent Court of Appeal decision recommended this situation be remedied.

The definition of "inadequately insured motorist" in clause 1.5(b) has been amended and the following added to section 1.5, to extend coverage to victims of unidentified drivers, provided there is independent corroborating evidence as defined:

C. where an eligible claimant alleges that both the owner and driver of an automobile referred to in clause 1.5(b) cannot be determined, the eligible claimant's own evidence of the involvement of such automobile must be corroborated by other material evidence; and

D. "other material evidence" for the purposes of this subsection means

E. (i) independent witness evidence, other than the evidence of a spouse as defined in section 1.10 of this change form or a dependent relative as defined in section 1.2 of this change form; or

(ii) physical evidence indicating the involvement of an unidentified automobile.

This amendment has the support of the joint industry/government Automobile Insurance Policy Committee and the Canadian Insurance Claims Managers Association (CICMA).

The Ontario Insurance Commission has reviewed the cost of this amendment, which is minimal, and it is anticipated that premiums will not be affected in any significant way.

A change has also been made to section 7(d), which clarifies that recourse to Ontario's Motor Vehicle Accident Claims Fund is unavailable when Family Protection Coverage applies.

The amended Family Protection Coverage Endorsement OPCF 44 has been renamed OPCF 44R and the amended Garage Family Protection Endorsement has been renamed O.E.F. 81R.

Dina Palozzi

Commissioner

April 9, 1998

Attachments:

- OPCF 44R Family Protection Coverage
- O.E.F. 81R Garage Family Protection Coverage

*The attached endorsement forms are samples only. They are not the actual forms and must not be used as such.

To view PDF files, you will require Adobe Acrobat® Reader version 7.0. You can download this free software from Adobe's Web site.

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