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Bulletin

No. A-17/10
Property & Casualty
– Auto

Changes to the Insurance Act and Statutory Accident Benefits Schedule - Effective September 1, 2010

To the attention of all insurance companies licensed to transact automobile insurance in Ontario

With this Bulletin, the Financial Services Commission of Ontario (FSCO) is highlighting legislative changes that will become effective on September 1, 2010, in conjunction with the regulation changes that were previously announced in Property and Casualty – Auto Bulletin [A-01/10](#). FSCO is also highlighting several amendments to the Statutory Accident Benefits Schedule – Effective September 1, 2010 (new SABS) that are intended to provide some clarification on the new SABS which becomes effective on September 1, 2010. Finally, Ontario Regulation 461/96 was amended by Ontario Regulation 290/10 and Ontario Regulation 664 was amended by Ontario Regulation 291/10.

Bill 16, the Creating the Foundation for Jobs and Growth Act, 2010

Bill 16, the Creating the Foundation for Jobs and Growth Act, 2010, received Royal Assent on May 18, 2010. It included the following legislative amendments to the Insurance Act:

- ▷ Eliminating tort deductibles for fatality claims (s. 267.5(8.1.1) of the Insurance Act).
- ▷ Changing the calculation of tort income loss from 80 per cent of net income to 70 per cent of gross income (s. 267.5 (1) of the Insurance Act).

SABS Amendments

The new SABS has been amended by Ontario Regulation 289/10 to clarify the following:

- ▷ The definition of "minor injury" means any one or more of the injuries specified in the definition.
- ▷ The circumstances in which a determination of catastrophic impairment may be conducted by a physician and by a neuropsychologist.
- ▷ The circumstances in which an expense is deemed to be incurred.
- ▷ Accountants do not need a public licence to prepare reports in connection with income replacement benefit claims, as long as they are members of a regulatory body that is designated under the Public Accounting Act, 2004.
- ▷ The definition of "qualified case manager."
- ▷ The \$2,000 cap on fees and expenses for conducting any one assessment or examination includes the preparation of reports in connection with the assessment or examination.
- ▷ In conducting an assessment or examination in connection with a determination of catastrophic impairment, a physician or neuropsychologist may be assisted by such other regulated health professionals as the physician or neuropsychologist may reasonably require.

Other Amendments to Ontario Regulations

Ontario Regulation 461/96 has been amended by Ontario Regulation 290/10, changing the calculation of income loss in tort to 70 per cent of gross income. In addition, Ontario Regulation 664 has been amended by Ontario Regulation 291/10, changing the requirements for accountants who provide reports in connection with income replacement benefit claims under the dispute resolution system.

Effective Date

The amendments to the Insurance Act and the regulations are effective September 1, 2010.

Copies of the Insurance Act and Regulations

Bill 16, Ontario Regulations 289/10, 290/10 and 291/10, the amended Insurance Act and the amended new SABS can be downloaded from the e-laws website at www.e-laws.gov.on.ca.

Philip Howell
Chief Executive Officer and
Superintendent of Financial Services

July 21, 2010

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