Technical Amendments to Auto Insurance Regulations

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– Auto

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 two technical amendments to regulations under the Insurance Act to reflect changes to the federal Criminal Code related to the legalization of cannabis, which came into effect on October 17, 2018.

The amendments to Regulation 668 – Fault Determination Rules and to O. Reg. 34/10 – Statutory Accidents Benefit Schedule (SABS) are being made to ensure that drug-impaired driving is treated equally to alcohol-impaired driving under insurance contracts.

The amendments expand the types of driving offences where the Fault Determination Rules do not apply. The amendments also expand the types of driving offences where, regardless of fault, certain accident benefits, such as income replacement, are not provided (e.g. impairment by a combination of alcohol and a drug, failing or refusing to perform a physical coordination test, or refusing to submit to an evaluation).

Policy Form Changes

FSCO will also be releasing consequential changes to policy forms to reflect these regulation amendments. Those forms will be shared in a forthcoming bulletin.

Copies of Regulations and Legislation

The regulations (O.Reg 445/18 and O.Reg 444/18) can be downloaded from the Ontario e-Laws website at **Ontario.ca/laws**.

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