

# BILL

No. 92

An Act to amend *The Automobile Accident Insurance Act*

(Assented to \_\_\_\_\_)

HIS 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 (Miscellaneous) Amendment Act, 2022*.

#### RSS 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 Subsection 2(1) is amended:**

**(a) by adding the following clause after clause (b):**

“(b.1) ‘**automated vehicle**’ means an automated vehicle as defined in the regulations”;

**(b) by adding the following clause after clause (n):**

“(n.1) ‘**connected vehicle**’ means a connected vehicle as defined in the regulations”;

**(c) in clause (v) by striking out the portion preceding subclause (i) and substituting the following:**

“ ‘**insured**’ means, except as otherwise provided:”; **and**

**(d) by adding the following clauses after clause (ss):**

“(ss.01) ‘**test permit**’ means a test permit as defined in the regulations;

“(ss.02) ‘**test vehicle**’ means a test vehicle as defined in the regulations”.

#### Section 20 amended

**4 Subclause 20(3)(b)(iii) is amended by striking out “wheelchair” and substituting “mobility aid”.**

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Section 26.1 amended

**5 The following subsection is added after subsection 26.1(1):**

“(1.1) For the purposes of this section, a sentence of imprisonment does not include any period that an insured is detained before the disposition of a charge pursuant to the *Criminal Code*”.

Section 35.72 amended

**6(1) The following subsection is added after subsection 35.72(1):**

“(1.1) For the purposes of this section, a sentence of imprisonment does not include any period that an insured is detained before the disposition of a charge pursuant to the *Criminal Code*”.

**(2) Paragraph 35.72(3)(b)(ii)(A) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

Section 35.73 amended

**7 Paragraph 35.73(1)(c)(ii)(A) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

New section 35.781

**8 The following section is added after section 35.78:**

“Subrogation re accidents involving test vehicles

**35.781(1)** In this section, ‘operator’ means an operator as defined in the regulations.

(2) Notwithstanding anything in this Act, if an insured or insured’s surviving spouse or dependant is entitled to benefits pursuant to this Part respecting an accident that involved a test vehicle, the insurer has the right to recover the amount of the benefits from the holder of the test permit that was issued with respect to the test vehicle to the extent that the operator of the test vehicle is responsible for the accident”.

New section 35.92

**9 Section 35.92 is repealed and the following substituted:**

“Subrogation for compensation pursuant to other Acts

**35.92(1)** In this section:

- (a) ‘compensation legislation’ means:
  - (i) *The Workers’ Compensation Act, 2013*;
  - (ii) *The Saskatchewan Medical Care Insurance Act*; or
  - (iii) *The Health Administration Act*;
- (b) ‘operator’ means an operator as defined in the regulations.

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(2) Subject to section 41.12, if an insured receives compensation pursuant to compensation legislation with respect to bodily injury caused by a motor vehicle arising out of an accident, the body authorizing compensation pursuant to compensation legislation is subrogated to the insured's rights and has the same remedies as the insurer to recover the compensation from:

- (a) any person who is not resident in Saskatchewan and is responsible for the accident;
- (b) any other person who is liable to pay compensation for bodily injury caused by a person mentioned in clause (a), to the extent the person mentioned in clause (a) is responsible for the accident; or
- (c) the holder of a testing permit that was issued with respect to a test vehicle, to the extent that the operator of the test vehicle is responsible for the accident”.

**Section 40 amended**

**10 The following clause is added after clause 40(a):**

“(a.1) **‘non-economic loss’** means any non-pecuniary loss respecting, arising out of or stemming from bodily injury caused by a motor vehicle arising out of an accident”.

**Section 41 amended**

**11(1) Subsection 41(1) is repealed and the following substituted:**

“(1) In this section, **‘economic loss’** means any pecuniary loss respecting, arising out of or stemming from bodily injury caused by a motor vehicle arising out of an accident”.

**(2) Subclause 41(4)(b)(ii) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 41.01 amended**

**12 Clause 41.01(2)(b) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 41.13 amended**

**13(1) Subsection 41.13(1) is repealed and the following substituted:**

“(1) In this section, **‘insured’** means a prescribed person or member of a prescribed class of persons”.

**(2) Paragraph 41.13(2)(a)(ii)(B) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 41.131 amended**

**14 Paragraph 41.131(2)(b)(ii)(B) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

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**Section 41.16 amended**

**15(1) Subsection 41.16(1) is repealed.**

**(2) Paragraph 41.16(2)(a)(ii)(B) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 41.17 amended**

**16 Paragraph 41.17(2)(b)(ii)(B) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 44.2 amended**

**17 Subsection 44.2(1) is amended:**

**(a) in the portion preceding clause (a) by striking out “268 or 269” and substituting “268, 269 or 320.13”; and**

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

“(b) damages for bereavement pursuant to section 41.01, 41.131 or 41.17”.

**Section 80 amended**

**18 Subsection 80(2) is repealed and the following substituted:**

“(2) Notwithstanding subsection (1), if the insurer makes any payment pursuant to Part II, III or IV with respect to loss, damage, injury or death, the insurer may bring an action in its own name or join in an action pursuant to this section:

(a) against an operator or owner designated in an unexpired operator’s certificate or an unexpired owner’s certificate if the loss, damage, injury or death is caused by the fault of that operator or owner, but only where that operator or owner has forfeited the right to claim any or all payments pursuant to Part II, III or IV by reason of section 78; or

(b) if the loss, damage, injury, or death is caused by a test vehicle, against the holder of the test permit that was issued with respect to the test vehicle to the extent that the operator, as defined in the regulations, of the test vehicle is responsible for the accident”.

**Section 81 amended**

**19 Subsection 81(1) is amended by adding the following clause after clause (b.1):**

“(b.2) prescribing insurance requirements for automated vehicles, connected vehicles, and test vehicles”.

**Section 101 amended**

**20 Subclause 101(2)(b)(iii) is amended by striking out “wheelchair” and substituting “mobility aid”.**

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**New section 111.1**

**21 The following section is added after section 111:**

**“Subrogation re accidents involving test vehicles**

**111.1(1)** In this section, **‘operator’** means an operator as defined in the regulations.

(2) Notwithstanding anything in this Act, if an insured or insured’s surviving spouse or dependant is entitled to benefits pursuant to this Part respecting an accident that involved a test vehicle, the insurer has the right to recover the amount of the benefits from the holder of the test permit that was issued with respect to the test vehicle to the extent that the operator of the test vehicle is responsible for the accident”.

**Section 162.1 amended**

**22 Subsection 162.1(3) is repealed and the following substituted:**

“(3) Subject to the regulations, the maximum aggregate benefit amount available to the immediate family members of an insured is \$5,428.00 for each accident that gives rise to a claim pursuant to this Part”.

**Section 174 amended**

**23(1) The following subsection is added after subsection 174(1):**

“(1.1) For the purposes of this section, a sentence of imprisonment does not include any period that an insured is detained before the disposition of a charge pursuant to the *Criminal Code*”.

**(2) Paragraph 174(3)(b)(ii)(A) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**Section 175 amended**

**24 Subparagraph 175(1)(b)(iii)(B)(I) is amended by striking out “235, 236, 239, 249, 266, 267, 268 or 269” and substituting “235, 236, 239, 266, 267, 268, 269 or 320.13”.**

**New section 204**

**25 Section 204 is repealed and the following substituted:**

**“Subrogation for compensation pursuant to other Acts**

**204(1)** In this section:

- (a) **‘compensation legislation’** means:
  - (i) *The Workers’ Compensation Act, 2013*;
  - (ii) *The Saskatchewan Medical Care Insurance Act*; or
  - (iii) *The Health Administration Act*;
- (b) **‘operator’** means an operator as defined in the regulations.

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(2) Subject to section 41.15, if an insured receives compensation pursuant to compensation legislation with respect to bodily injury caused by a motor vehicle arising out of an accident, the body authorizing compensation pursuant to compensation legislation is subrogated to the insured's rights and has the same remedies as the insurer to recover the compensation from:

- (a) any person who is not resident in Saskatchewan and is responsible for the accident;
- (b) any other person who is liable to pay compensation for bodily injury caused by a person mentioned in clause (a), to the extent the person mentioned in clause (a) is responsible for the accident; or
- (c) from the holder of a testing permit for a test vehicle, to the extent that the operator of the test vehicle is responsible for the accident”.

**Coming into force**

**26(1)** Subject to subsection (2), this Act comes into force on assent.

(2) Sections 3, 8, 9, 18, 19, 21 and 25 come into force by order of the Lieutenant Governor in Council.



THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 92

An Act to amend *The Automobile  
Accident Insurance Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don Morgan

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