

Draft for consultation purposes only

**Regulations Respecting Motor Vehicle Insurance
made by the Minister of Transportation and Infrastructure Renewal under Section 150
of Chapter 29 of the Acts of 2018,
the *Traffic Safety Act***

Interpretation

1 Citation

These regulations may be cited as the *Motor Vehicle Insurance Regulations*.

2 Definitions

In these regulations

“Act” means the *Traffic Safety Act*;

“driver’s policy” means a motor vehicle liability insurance policy issued by an insurer that provides coverage for a driver;

“insurance certificate” means a certificate issued by an insurer, in a form approved by the Superintendent of Insurance, attesting to the insurance status of a motor vehicle for which a vehicle permit has been issued, as described in Section 4;

“motor vehicle liability card” means a document issued by an insurer, in a form approved by the Superintendent of Insurance, attesting to the insurance status of a motor vehicle for which a vehicle permit has been issued;

“personal vehicle” means a light motor vehicle that is owned and driven by an individual;

“third party liability coverage” means insurance under a motor vehicle insurance policy that provides third-party coverage in respect of liability for loss or damage resulting from bodily injury to or the death of individuals and for damage to property of others.

Proof of Insurance

3 Proof of insurance

- (1) For the purpose of Section 147 of the Act, the following forms are prescribed for use as proof of insurance for a motor vehicle:
 - (a) except as provided in clause (b), a motor vehicle liability card provided by the insurer in paper or electronic form;
 - (b) an insurance certificate, for the period of time specified in Section 5, if the vehicle permit for the motor vehicle has been suspended for either of the following reasons:
 - (i) the owner of the motor vehicle allowed it to be driven on a highway while not insured,
 - (ii) the owner of the motor vehicle failed to comply with a request by the Registrar to provide proof of insurance for the motor vehicle;
 - (c) if the driver is excluded under the motor vehicle liability policy issued for the motor vehicle, a policy confirmation issued by the insurer confirming coverage for the driver under a driver's policy, in addition to the proof of insurance prescribed by clause (a) or (b).
- (2) An insurer must provide proof of insurance in accordance with clause (1)(a) or (b) to the owner of a motor vehicle insured under a policy issued by the insurer.
- (3) An insurer must provide proof of insurance in accordance with clause (1)(c) to a driver who is insured under a driver's policy issued by the insurer.
- (4) If requested by the Registrar, an insurer must provide the Registrar with a true copy of an insurance certificate that the insurer issued to an owner of a motor vehicle.

4 Insurance certificate

- (1) An insurance certificate must contain all of the following information about the insurance policy referred to in the certificate:
 - (a) the name of each person insured under the policy;
 - (b) the effective date and the expiry date of the policy;
 - (c) the policy number;
 - (d) a list of the vehicles insured under the policy;
 - (e) the names of any individuals excluded from the policy.

- (2) An insurer must notify the Registrar in writing immediately if it cancels an insurance policy before the end of the 1-year period following the date it issues an insurance certificate with respect to the policy or the date the policy is effective, whichever is later.

5 Proof of insurance as condition of reinstatement

- (1) Subject to subsections (2) and (3), on suspension of a vehicle permit for either of the reasons set out clause 3(1)(b), the owner of the vehicle must provide the Registrar with an insurance certificate as proof of insurance as a condition of reinstatement of the vehicle permit.
- (2) An owner described in subsection (1) must maintain an insurance certificate as proof of insurance for an uninterrupted period of 1 year.
- (3) If the insurance policy confirmed by an insurance certificate issued to an owner described in subsection (1) is cancelled before the end of the 1-year period referred to in subsection 4(2), the vehicle permit that had been reinstated is suspended and the owner must obtain and hold a new insurance certificate until they have held a certificate for an uninterrupted period of 1 year.

6 Reports by insurer

- (1) In this Section, “report” means a report that the Registrar may require from an insurer under subsection 148(3) of the Act.
- (2) The Registrar may specify that a report be with respect to a registered vehicle or to the holder of a driver’s licence issued under the Act.
- (3) A report must include all of the following details of any insurance policy issued by the insurer for the vehicle or individual specified by the Registrar:
 - (a) the effective date of the policy;
 - (b) the expiry date of the policy;
 - (c) the policy number;
 - (d) the cancellation date of the policy, if applicable;
 - (e) the name of each person insured under the policy;
 - (f) a list of vehicles insured under the policy, if applicable;
 - (g) the names of any individuals excluded from the policy.
- (4) An insurer must provide the Registrar with a report as required by the Registrar.

Motor Vehicle Liability Policies

7 Liability insurance amounts for carriers

In addition to any other policy of insurance required by the Act or any other legislation, each carrier must maintain a motor vehicle insurance policy that meets all of the following criteria:

- (a) it is issued by a company duly authorized to issue the policy in the Province;
- (b) it is in a form approved by the Superintendent of Insurance;
- (c) except as provided in clause (d), it provides third party liability coverage to the limit of at least \$1 000 000, exclusive of interest and costs;
- (d) for commercial vehicles carrying dangerous goods under a policy that provides inclusive coverage for each commercial vehicle used, it provides third party liability coverage to the limit of at least \$2 000 000, exclusive of interest and costs.

8 Personal vehicle sharing programs

- (1) In this Section,

“personal vehicle sharing program” or “program” means a program that facilitates the sharing of personal vehicles for non-commercial use by individuals within the Province;

“PVSP operator” means a person that operates a personal vehicle sharing program;

“PVSP vehicle” means a personal vehicle that is driven as part of a personal vehicle sharing program.

- (2) A PVSP operator must be registered and in good standing with the Registry of Joint Stock Companies.
- (3) A PVSP operator must do all of the following:
- (a) obtain an insurance policy in the form approved by the Superintendent of Insurance that covers the operation of the program and meets all of the following criteria:
 - (i) it provides third party liability coverage to the limit of at least \$2 000 000, exclusive of interest and costs,
 - (ii) it covers a PVSP vehicle while it is being driven or used as part of the program and while it is parked in an advertised pickup location;
 - (b) provide proof of the insurance required by clause (a) to each person who owns a PVSP vehicle that is used in the program;

- (c) ensure that the proof of insurance described in clause (b) is
 - (i) present in each PVSP vehicle that is used in the program, or
 - (ii) provided to each driver of a PVSP vehicle that is used in the program in paper or electronic form;
 - (d) ensure that each driver of a PVSP vehicle used in the program is aware of the requirements in subsection (4) with respect to proof of the insurance required by clause (a);
 - (e) cooperate with any insurer investigating a potential claim in a motor vehicle incident involving a PVSP vehicle that is used in the program and at the time of the incident was being driven by an individual who was renting it, and provide any of the following information to the insurer, as requested:
 - (i) the date and time of the incident,
 - (ii) the locations of the PVSP vehicle at the beginning and at the end of the trip during which the incident occurred,
 - (iii) the distance driven in the PVSP vehicle on the trip during which the incident occurred.
- (4) Each driver of a PVSP vehicle used in a program must have proof of the insurance for the program required by clause (3)(a) present in the PVSP vehicle in addition to the proof of insurance prescribed by Section 3 and must produce it on demand of a peace officer.

9 Transportation network companies

- (1) In this Section,
- “transportation network company” or “TNC” means a legal entity that uses a digital network to connect passengers to TNC drivers who provide prearranged drives;
- “TNC driver” means an individual who does all of the following:
- (i) in exchange for payment of a fee to a TNC, receives referrals from the TNC to potential passengers,
 - (ii) uses a personal vehicle to drive passengers to a prearranged destination through a digital network controlled by a TNC in return for compensation or payment of a fee.
- (2) A transportation network company must be registered and in good standing with the Registry of Joint Stock Companies.
- (3) A transportation network company must do all of the following:

- (a) obtain an insurance policy in the form approved by the Superintendent of Insurance that covers the operation of the TNC's services and provides third party liability coverage to a limit of at least all of the following amounts:
 - (i) \$1 000 000 during the time that a TNC driver is logged onto the TNC's digital network and is available to be matched with a passenger to be transported,
 - (ii) \$2 000 000 when a TNC driver has accepted a trip referral through the TNC's digital network and is en route to pick up a passenger,
 - (iii) \$2 000 000 when a passenger referred through the TNC's digital network has entered the TNC driver's vehicle and is being transported to a prearranged destination;
 - (b) provide proof of the insurance required by clause (a) in paper or electronic form to each TNC driver who uses the TNC's digital network;
 - (c) ensure that each TNC driver who uses the TNC's digital network is aware of the requirements in subsection (4) with respect to proof of the insurance required by clause (a).
 - (d) cooperate with any insurer investigating a potential claim in a motor vehicle incident involving a personal vehicle being driven by a TNC driver through the TNC's digital network, and provide any of the following information to the insurer if requested:
 - (i) the date and time of the incident,
 - (ii) the times that the TNC driver logged on and off of the TNC's digital network on the date of the incident.
- (4) Each TNC driver who uses the TNC's digital network must have proof of the insurance for the operation of the TNC's services required by clause (3)(a) present in the TNC driver's personal vehicle in addition to the proof of insurance prescribed by Section 3 and must produce it on demand of a peace officer.