

chapter A-25

AUTOMOBILE INSURANCE ACT

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TITLE I

DEFINITIONS



Title I of the Automobile Insurance Act (chapter A-25) in force on 31 December 1989 remains in force and continues to apply to persons who have suffered bodily injury before 1 January 1990. (1989, c. 15, s. 23).

1989, c. 15, s. 1.

1. In this Act, unless otherwise indicated by the context,

“accident” means any event in which damage is caused by an automobile;

“automobile” means any vehicle propelled by any power other than muscular force and adapted for transportation on public highways but not on rails;

“damage caused by an automobile” means any damage caused by an automobile, by the use thereof or by the load carried in or on an automobile, including damage caused by a trailer used with an automobile, but excluding damage caused by the autonomous act of an animal that is part of the load and injury or damage caused to a person or property by reason of an action performed by that person in connection with the maintenance, repair, alteration or improvement of an automobile;

“load” means any property in, on, or transported by an automobile;

“owner” means a person who acquires or possesses an automobile under a title of ownership, under a title involving a condition or a term giving him the right to become the owner thereof, or under a title giving him the right to use it as the owner thereof charged to deliver over, and a person who leases an automobile for a period of not less than one year;

“public highway” means that part of any land or structure which is intended for public automobile traffic, except any part of any land or structure which is mainly used by the following vehicles, as defined by regulation:

- (1) farm tractors, farm trailers, specialized equipment or drawn machinery;
- (2) snowmobiles;
- (3) vehicles intended for use off a public highway;

“theft” refers to the offence described in section 322 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

1977, c. 68, s. 1; 1980, c. 38, s. 1; 1980, c. 38, s. 24; 1981, c. 7, s. 540; 1982, c. 59, s. 1; 1982, c. 52, s. 50, s. 51; 1982, c. 59, s. 68; 1986, c. 91, s. 661; 1989, c. 15, s. 1; 1991, c. 58, s. 1.

1.1. *(Replaced).*

1981, c. 7, s. 541; 1989, c. 15, s. 1.

TITLE II

COMPENSATION FOR BODILY INJURY



Title II of the Automobile Insurance Act (chapter A-25) in force on 31 December 1989, except sections 29 and 45, remains in force and continues to apply to persons who have suffered bodily injury before 1 January 1990. (1989, c. 15, s. 23; 1995, c. 55, s. 7).

1989, c. 15, s. 1.

CHAPTER I

GENERAL PROVISIONS

1989, c. 15, s. 1.

DIVISION I

DEFINITIONS AND INTERPRETATION

1989, c. 15, s. 1.

2. In this title, unless otherwise indicated by the context,

“bodily injury” means any physical or mental injury, including death, suffered by a victim in an accident, and any damage to the clothing worn by a victim;

“dependant” means

- (1) the spouse;
- (2) the person who is separated from the victim *de facto* or legally, whose marriage to or civil union with the victim has been dissolved or declared null by a final judgment, or whose civil union has been dissolved by a notarized joint declaration of dissolution and who is entitled to receive support from the victim by virtue of a judgment or agreement;
- (3) a minor child of the victim and a minor person to whom the victim stands *in loco parentis*;
- (4) a child of full age of the victim and a person of full age to whom the victim stands *in loco parentis*, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%;
- (5) any other person related to the victim by blood or adoption and any other person who stands *in loco parentis* to the victim, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%;

“employment” means any remunerative occupation;

“spouse” means the person who is married to or in a civil union with and living with the victim or who has been living in a *de facto* union with the victim, whether the person is of the opposite or the same sex, and has been publicly represented as the victim’s spouse for at least three years or, in the following cases, for at least one year:

- a child has been born or is to be born of their union;
- they have adopted a child together; or
- one of them has adopted a child of the other.

1977, c. 68, s. 2; 1989, c. 15, s. 1; 1993, c. 56, s. 1; 1999, c. 14, s. 6; 2002, c. 6, s. 85.

3. *(Repealed).*

1977, c. 68, s. 3; 1989, c. 15, s. 1; 1992, c. 57, s. 433.

4. For the purposes of this title, compensation includes the reimbursement of the expenses referred to in Chapter V.

1977, c. 68, s. 4; 1985, c. 6, s. 485; 1989, c. 15, s. 1.

DIVISION II

GENERAL RULES

1989, c. 15, s. 1.

5. Compensation under this title is granted by the Société de l'assurance automobile du Québec regardless of who is at fault.

1977, c. 68, s. 5; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

6. Every person who suffers bodily injury in an accident is a victim.

1977, c. 68, s. 6; 1989, c. 15, s. 1; 1999, c. 40, s. 26; 2010, c. 34, s. 96.

7. Every victim resident in Québec and his dependants are entitled to compensation under this title, whether the accident occurs in Québec or outside Québec.

Subject to paragraph 1 of section 195, a person resident in Québec is a person who lives in Québec and is ordinarily in Québec, and has the status of Canadian citizen, permanent resident or person having lawful permission to come into Québec as a visitor.

1977, c. 68, s. 7; 1989, c. 15, s. 1.

8. Where an automobile for which a registration certificate has been issued in Québec is involved in an accident in Québec, the owner, the driver and the passengers are deemed to be resident in Québec.

1977, c. 68, s. 8; 1989, c. 15, s. 1; 2000, c. 64, s. 30.

9. Where the victim of an accident that occurs in Québec is not resident in Québec, he is entitled to compensation under this title but only to the extent that he is not responsible for the accident, unless otherwise agreed between the Société and the competent authorities of the place of residence of the victim.

Subject to sections 108 to 114, responsibility is determined according to the ordinary rules of law.

Notwithstanding sections 83.45, 83.49 and 83.57, in case of disagreement between the Société and the victim with regard to his responsibility, the remedy of the victim against the Société in that respect is submitted to the competent court. The remedy must be exercised within 180 days of the decision as to responsibility rendered by the Société.

1977, c. 68, s. 9; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

10. No person is entitled to compensation under this title in the following cases:

(1) if the injury is caused, while the automobile is not in motion on a public highway, by, or by the use of, a device that can be operated independently, as defined by regulation, and that is incorporated with the automobile;

(2) if the accident in which an injury is caused by a farm tractor, a farm trailer, a specialized vehicle or drawn machinery, as defined by regulation, occurs off a public highway;

(3) if the injury is caused by a snowmobile or a vehicle intended for use off a public highway, as defined by regulation;

(4) if the accident occurs as a result of a contest, show, race, open trial, demonstration or exhibition involving one or more automobiles on a track or other location temporarily or permanently closed to all other automobile traffic or inside a building, whether or not the automobile that causes the injury is participating in the contest, show, race, open trial, demonstration or exhibition;

(5) if the injury is caused by a motor-assisted bicycle, a motorized mobility aid or a motorized personal mobility device, as defined by regulation.

In each case, subject to sections 108 to 114, responsibility is determined according to the ordinary rules of law.

However, in the cases described in subparagraphs 2, 3 and 5 of the first paragraph, a victim is entitled to compensation if an automobile in motion, other than a vehicle mentioned in those subparagraphs, is involved in the accident.

1977, c. 68, s. 10; 1978, c. 57, s. 92; 1979, c. 63, s. 329; 1985, c. 6, s. 486; 1988, c. 51, s. 100; 1989, c. 15, s. 1; 2018, c. 7, s. 174.

11. Entitlement to compensation under this title is prescribed by three years from the accident or the time the injury appears and, with regard to a death benefit, from the time of death.

The Société may allow an applicant to apply for compensation after the prescribed time if the applicant was unable, for serious and valid reasons, to act sooner.

An application for compensation filed in accordance with this title interrupts the prescription that applies pursuant to the Civil Code until a final decision is rendered.

1977, c. 68, s. 11; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 1.

11.1. *(Replaced).*

1982, c. 59, s. 2; 1989, c. 15, s. 1.

12. Any transfer of the right to an indemnity contemplated in this title is absolutely null.

Any person who transfers part of his indemnity pursuant to such an assignment has a right of recovery against the person receiving it.

1977, c. 68, s. 12; 1989, c. 15, s. 1; 1992, c. 57, s. 434; 1999, c. 40, s. 26.

12.1. The Société must be impleaded in any action where a determination is to be made as to whether the bodily injuries were caused by an automobile.

1993, c. 56, s. 2.

CHAPTER II

INCOME REPLACEMENT INDEMNITY AND OTHER INDEMNITIES

1989, c. 15, s. 1.

DIVISION I

ENTITLEMENT TO AN INDEMNITY

1989, c. 15, s. 1.

§ 1. — *Victim holding full-time employment*

1989, c. 15, s. 1.

13. This subdivision does not apply to a victim under 16 years of age or to a victim 16 years of age or over attending a secondary or post-secondary educational institution on a full-time basis.

1977, c. 68, s. 13; 1989, c. 15, s. 24; 1989, c. 15, s. 1.

13.1. (*Repealed*).

1982, c. 59, s. 3; 1989, c. 15, s. 24.

14. A victim who, at the time of the accident, holds a regular employment on a full-time basis is entitled to an income replacement indemnity if, by reason of the accident, he is unable to hold his employment.

1977, c. 68, s. 14; 1989, c. 15, s. 1.

15. The income replacement indemnity is computed in the following manner:

(1) if the victim holds an employment as a salaried worker, the indemnity is computed on the basis of the gross income he derives from his employment;

(2) if the victim is self-employed, the indemnity is computed on the basis of the gross income determined by regulation of the Société for an employment of the same class, or on the basis of the gross income he derives from his employment, if that is higher.

A victim who, by reason of the accident, is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident is entitled to receive an additional indemnity computed on the basis of the benefits that would have been paid to him. These benefits are deemed to form part of his gross income.

1977, c. 68, s. 15; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 2; 1999, c. 22, s. 39.

16. A victim who, at the time of the accident, holds more than one regular employment including at least one full-time employment is entitled to an income replacement indemnity if, by reason of the accident, he is unable to hold one of these employments.

The indemnity is computed, in accordance with the rules set out in section 15, on the basis of the gross income the victim derives from the employment he is unable to hold, or on the basis of the aggregate of the gross incomes he derives from the several employments he becomes unable to hold, where that is the case.

1977, c. 68, s. 16; 1982, c. 59, s. 4; 1989, c. 15, s. 1.

17. A victim who proves that he would have held a more remunerative employment at the time of the accident but for special circumstances is entitled to receive an income replacement indemnity computed on the basis of the gross income he would have derived from that employment, provided he is unable to hold it by reason of the accident.

The employment must be a regular full-time employment that would have been compatible with the training, experience and physical and intellectual abilities of the victim on the date of the accident.

1977, c. 68, s. 17; 1982, c. 59, s. 5; 1989, c. 15, s. 1.

§ 2. — *Victim holding temporary or part-time employment*

1989, c. 15, s. 1.

18. This subdivision does not apply to a victim under 16 years of age or to a victim 16 years of age or over attending a secondary or post-secondary educational institution on a full-time basis.

1977, c. 68, s. 18; 1982, c. 59, s. 6; 1985, c. 6, s. 487; 1989, c. 15, s. 1.

18.1. *(Replaced).*

1985, c. 6, s. 487; 1989, c. 15, s. 1.

18.2. *(Replaced).*

1985, c. 6, s. 487; 1989, c. 15, s. 1.

18.3. *(Replaced).*

1985, c. 6, s. 487; 1989, c. 15, s. 1.

18.4. *(Replaced).*

1985, c. 6, s. 487; 1989, c. 15, s. 1.

19. A victim who, at the time of the accident, holds a regular employment on a temporary or part-time basis is entitled to an income replacement indemnity for the first 180 days following the accident if, by reason of the accident, he is unable to hold his employment.

During that period, the victim is entitled to the indemnity for such time as he remains unable, by reason of the accident, to hold that employment.

1977, c. 68, s. 19; 1989, c. 15, s. 1.

20. The income replacement indemnity is computed in the following manner:

(1) if the victim holds an employment as a salaried worker, the indemnity is computed on the basis of the gross income he derives from his employment;

(2) if the victim is self-employed, the indemnity is computed on the basis of the gross income determined by regulation of the Société for an employment of the same class, or on the basis of the gross income he derives from his employment, if that is higher;

(3) if the victim holds more than one employment, the indemnity is computed on the basis of the gross income he derives from the employment or, where such is the case, the employments he becomes unable to hold.

A victim who, by reason of the accident, is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident is entitled to receive an additional indemnity computed on the basis of the benefits that would have been paid to him. These benefits are deemed to form part of his gross income.

1977, c. 68, s. 20; 1982, c. 59, s. 7; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 3; 1999, c. 22, s. 39.

21. From the one hundred and eighty-first day after the accident, the Société shall determine an employment for the victim in accordance with section 45.

The victim is entitled to an income replacement indemnity if, by reason of the accident, he is unable to hold the employment determined by the Société.

The indemnity is computed on the basis of the gross income that the victim could have derived from the employment determined for him by the Société. The Société shall establish the gross income of the victim in the manner prescribed by regulation, taking into account

- (1) the fact that the victim could have held the employment on a full-time or part-time basis;
- (2) the work experience of the victim in the five years preceding the accident and, in particular, the periods during which he was fit to hold employment or was unemployed or held only temporary or part-time employment;
- (3) the gross income the victim derived from an employment held before the accident.

If the victim held more than one temporary or part-time employment at the time of the accident, the Société shall determine only one employment for him in accordance with section 45.

The first paragraph does not apply to a victim entitled to an indemnity for care expenses under section 80.

1977, c. 68, s. 21; 1982, c. 59, s. 8; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

21.1. *(Replaced).*

1982, c. 59, s. 8; 1989, c. 15, s. 1.

21.2. *(Replaced).*

1982, c. 59, s. 8; 1989, c. 15, s. 1.

21.3. *(Replaced).*

1982, c. 59, s. 8; 1989, c. 15, s. 1.

22. *(Repealed).*

1977, c. 68, s. 22; 1982, c. 59, s. 9; 1989, c. 15, s. 1; 1999, c. 22, s. 2.

§ 3. — *Victim unemployed but able to work*

1989, c. 15, s. 1.

23. This subdivision does not apply to a victim under 16 years of age or to a victim 16 years of age or over attending a secondary or post-secondary educational institution on a full-time basis.

1977, c. 68, s. 23; 1989, c. 15, s. 1.

24. A victim who, at the time of the accident, is unemployed but able to work is entitled to an income replacement indemnity for the first 180 days following the accident if,

(1) by reason of the accident, he is unable to hold an employment that he would have held during that period had the accident not occurred;

(2) by reason of the accident, he is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident.

The victim is entitled, during that period, to the indemnity, in the case described in subparagraph 1 of the first paragraph, for such time as the employment would have been available and for such time as he is unable to hold it by reason of the accident or, in the case described in subparagraph 2 of the first paragraph, for such time as he is deprived of benefits by reason of the accident.

However, where both subparagraphs 1 and 2 of the first paragraph apply, the victim cannot receive both indemnities, but shall, for such time as both of the said subparagraphs continue to apply, receive the greater of the indemnities.

1977, c. 68, s. 24; 1989, c. 15, s. 1; 1991, c. 58, s. 4; 1999, c. 22, s. 39.

25. The indemnity to which the victim described in subparagraph 1 of the first paragraph of section 24 is entitled is computed on the basis of the gross income he would have derived from the employment he would have held had the accident not occurred.

The indemnity to which the victim described in subparagraph 2 of the first paragraph of section 24 is entitled is computed on the basis of the benefits that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits to which the victim would have been entitled are deemed to be his gross income.

1977, c. 68, s. 25; 1989, c. 15, s. 1; 1991, c. 58, s. 5; 1999, c. 22, s. 39; 1999, c. 40, s. 26.

26. From the one hundred and eighty-first day after the accident, the Société shall determine an employment for the victim in accordance with section 45.

The victim is entitled to an income replacement indemnity if, by reason of the accident, he is unable to hold the employment determined by the Société.

The indemnity is computed in accordance with the third paragraph of section 21.

The first paragraph does not apply to a victim entitled to an indemnity for care expenses under section 80.

1977, c. 68, s. 26; 1982, c. 59, s. 10; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 3.

26.1. *(Replaced).*

1982, c. 59, s. 11; 1989, c. 15, s. 1.

§ 4. — *Victim 16 years of age or over in full-time attendance at an educational institution*

1989, c. 15, s. 1.

27. For the purposes of this subdivision,

(1) current studies are studies forming part of a program of studies at the secondary or post-secondary level which, on the day of the accident, the victim has admission to begin or continue at an educational institution;

(2) a victim is deemed to be attending, on a full-time basis, an institution offering courses at the secondary or post-secondary level from such time as he is admitted by the institution as a full-time student in a program of that level, until such time as he completes the last term, abandons his studies, or no longer meets the requirements set by the institution he is attending for continuing his studies, whichever occurs first.

1977, c. 68, s. 27 (*part*); 1982, c. 59, s. 12; 1989, c. 15, s. 1; 1999, c. 40, s. 26.

28. A victim who on the day of the accident is 16 years of age or over and attending a secondary or post-secondary educational institution on a full-time basis is entitled to an indemnity for such time as, by reason of the accident, he is unable to begin or to continue his current studies, if they are delayed. The right to the indemnity ceases on the date scheduled, at the time of the accident, for the completion of his current studies.

1977, c. 68, s. 28; 1989, c. 15, s. 1; 1992, c. 68, s. 157.

29. The indemnity shall be in the amount of

(1) \$5,500 for every school year missed at the secondary level;

(2) \$5,500 for every term missed at the post-secondary level, up to \$11,000 a year.

1977, c. 68, s. 29; 1982, c. 59, s. 13; 1989, c. 15, s. 1.

29.1. A victim who, by reason of the accident, is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident is entitled to an income replacement indemnity for such time as he is deprived of benefits by reason of the accident but not beyond the date scheduled, at the time of the accident, for the completion of current studies.

The indemnity to which the victim is entitled is computed on the basis of the benefits that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits to which the victim would have been entitled are deemed to be his gross income.

1991, c. 58, s. 6; 1999, c. 22, s. 39; 1999, c. 22, s. 4.

30. A victim who, at the time of the accident, also holds an employment or, had the accident not occurred, would have held an employment is entitled, in addition, to an income replacement indemnity if, by reason of the accident, he is unable to hold that employment.

The victim is entitled to the indemnity for such time as the employment would have been available and for such time as he is unable to hold it by reason of the accident but not beyond the date scheduled, at the time of the accident, for the completion of current studies.

1977, c. 68, s. 30; 1989, c. 15, s. 1; 1999, c. 22, s. 5.

31. The income replacement indemnity is computed in the following manner:

(1) if the victim holds or could have held an employment as a salaried worker, the indemnity is computed on the basis of the gross income he derives or would have derived from his employment;

(2) if the victim is or could have been self-employed, the indemnity is computed on the basis of the gross income determined by regulation of the Société for an employment of the same class, or on the basis of the gross income he derives or would have derived from his employment, if that is higher;

(3) if the victim holds or could have held more than one employment, the indemnity is computed on the basis of the gross income he derives or would have derived from the employment or employments he becomes unable to hold.

1977, c. 68, s. 31; 1982, c. 59, s. 14; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

32. A victim who, after the scheduled date at the time of the accident for completion of his current studies, is unable, by reason of the accident, to begin or to continue the studies and unable to hold any employment is entitled to an income replacement indemnity for as long as he remains incapacitated for that reason.

The indemnity is computed on the basis of a gross income equal to a yearly average computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the scheduled date of completion of his studies.

1977, c. 68, s. 32; 1982, c. 59, s. 15; 1989, c. 15, s. 1.

33. A victim who resumes his studies but who, by reason of the accident, is unable to hold any employment after completing or ending his current studies is entitled to an indemnity from the date of the end of his studies and for such time as he remains incapacitated for that reason.

If his studies end before the scheduled date therefor at the time of the accident, the victim is entitled

(1) until the date scheduled, at the time of the accident, as the date of the end of his studies, to an indemnity of

(a) \$5,500 for every school year not completed at the secondary level;

(b) \$5,500 for every term of studies not completed at the post-secondary level, up to \$11,000 per year;

(2) from the date scheduled as the date of the end of his studies, to the income replacement indemnity provided for in the third paragraph.

If his studies end after such date, the victim is entitled to an income replacement indemnity computed on the basis of a gross income equal to an annual average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the date on which his studies end.

1977, c. 68, s. 33; 1982, c. 59, s. 16; 1989, c. 15, s. 1; 1991, c. 58, s. 7.

§ 5. — *Victim under 16 years of age*

1989, c. 15, s. 1.

34. For the purposes of this subdivision,

(1) a school year begins on 1 July in one year and ends on 30 June in the following year;

(2) the elementary level extends from kindergarten to the sixth grade.

1977, c. 68, s. 34; 1982, c. 59, s. 17; 1989, c. 15, s. 1.

35. A victim who, at the time of the accident, is under 16 years of age is entitled to an indemnity for such time as, by reason of the accident, he is unable to begin or to continue his studies, if they are delayed.

The right to the indemnity ceases at the end of the school year in which he reaches 16 years of age.

1977, c. 68, s. 35; 1989, c. 15, s. 1.

36. The indemnity shall be in the amount of

- (1) \$3,000 for every school year missed at the elementary level;
- (2) \$5,500 for every school year missed at the secondary level.

1977, c. 68, s. 36; 1989, c. 15, s. 1.

36.1. A victim who, by reason of the accident, is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident is entitled to an income replacement indemnity for such time as he is deprived of benefits by reason of the accident but not beyond the end of the school year in which he reaches 16 years of age.

The indemnity to which the victim is entitled is computed on the basis of the benefits that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits to which the victim would have been entitled are deemed to be his gross income.

1991, c. 58, s. 8; 1999, c. 22, s. 39; 1999, c. 40, s. 26; 1999, c. 22, s. 6.

37. A victim who, at the time of the accident, also holds an employment or, had the accident not occurred, would have held an employment is, in addition, entitled to an income replacement indemnity if, by reason of the accident, he is unable to hold that employment.

The victim is entitled to the indemnity for such time as the employment would have been available and for such time as he is unable to hold it by reason of the accident but not beyond the end of the school year in which he reaches 16 years of age.

The indemnity is computed in the manner set out in section 31.

If the victim is entitled to both the income replacement indemnity contemplated in this section and that contemplated in section 39, he cannot receive both indemnities.

He shall receive, however, the greater of the indemnities to which he is entitled.

1977, c. 68, s. 37; 1982, c. 59, s. 18; 1989, c. 15, s. 1; 1999, c. 22, s. 7.

38. A victim who, from the end of the school year in which he reaches 16 years of age, is unable to begin or to continue his studies and to hold any employment, by reason of the accident, is entitled to an income replacement indemnity for such time as he remains incapacitated for that reason.

The indemnity is computed on the basis of a gross income equal to a yearly average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the end of the school year during which the victim reaches 16 years of age.

1977, c. 68, s. 38; 1982, c. 59, s. 19; 1989, c. 15, s. 1.

39. A victim who resumes his studies but who, by reason of the accident, is unable to hold any employment after finishing or ending his studies is entitled to an indemnity from the end of his studies and for such time as he remains incapacitated for that reason.

If his studies end before the scheduled date therefor at the time of the accident, the victim is entitled

(1) until the date scheduled as the date of the end of his studies, to an indemnity of

(a) \$3,000 for every school year not completed at the elementary level;

(b) \$5,500 for every school year not completed at the secondary level;

(2) from the date scheduled as the date of the end of his studies, to the income replacement indemnity provided for in the third paragraph.

If his studies end after the scheduled date, the victim is entitled to an income replacement indemnity computed on the basis of a gross income equal to a yearly average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the date on which the studies are interrupted.

1977, c. 68, s. 39; 1982, c. 59, s. 20; 1984, c. 27, s. 39; 1989, c. 15, s. 1; 1991, c. 58, s. 9.

§ 6. — *Victims 64 years of age or over*

1989, c. 15, s. 1.

40. Where a victim is 64 years of age or over on the date of the accident, the income replacement indemnity to which he is entitled is reduced by 25% from the second year following the date of the accident, by 50% from the third year and by 75% from the fourth year.

The victim ceases to be entitled to the indemnity four years after the date of the accident.

1977, c. 68, s. 40; 1989, c. 15, s. 1.

41. A victim who, on the date of the accident, is 65 years of age or over and does not hold any employment is not entitled to an income replacement indemnity.

1977, c. 68, s. 41; 1982, c. 59, s. 21; 1989, c. 15, s. 1.

42. Notwithstanding section 41, a victim 65 years of age or over is entitled to an income replacement indemnity during the first 180 days following the accident if

(1) by reason of the accident, he is unable to hold an employment that he would have held during that period had the accident not occurred;

(2) by reason of the accident, he is deprived of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23) to which he was entitled at the time of the accident.

During that period, the victim is entitled to the indemnity, in the case described in subparagraph 1 of the first paragraph, for such time as the employment would have been available and for such time as he is unable to hold it by reason of the accident and, in the case described in subparagraph 2 of the first paragraph, for such time as he is deprived of the benefits or allowances by reason of the accident.

However, if both subparagraphs 1 and 2 of the first paragraph apply, the victim cannot receive both indemnities but shall receive the greater indemnity for as long as the situation prevails.

From the one hundred and eighty-first day following the accident, the victim is entitled to an income replacement indemnity computed in accordance with section 21, subject to section 40.

1977, c. 68, s. 42; 1989, c. 15, s. 1; 1991, c. 58, s. 10; 1999, c. 22, s. 39; 1999, c. 22, s. 8.

42.1. The indemnity to which the victim described in subparagraph 1 of the first paragraph of section 42 is entitled is computed on the basis of the gross income derived from the employment he would have held had the accident not occurred.

The indemnity to which the victim described in subparagraph 2 of the first paragraph of section 42 is entitled is computed on the basis of the benefits that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits to which the victim would have been entitled are deemed to be his gross income.

1991, c. 58, s. 10; 1999, c. 22, s. 39.

43. When a victim receiving an income replacement indemnity under this chapter reaches his sixty-fifth birthday, the indemnity to which he is entitled is reduced by 25% from that date; it is reduced by 50% from the date of his sixty-sixth birthday and by 75% from the date of his sixty-seventh birthday.

The victim ceases to be entitled to the indemnity from the date of his sixty-eighth birthday.

1977, c. 68, s. 43; 1989, c. 15, s. 1.

§ 7. — Victim regularly unable to hold any employment

1989, c. 15, s. 1.

44. A victim who, at the time of the accident, is regularly unable to hold any employment for any reason whatever except age is not entitled to an income replacement indemnity.

1977, c. 68, s. 44; 1989, c. 15, s. 1.

DIVISION II

DETERMINATION OF AN EMPLOYMENT FOR A VICTIM

1989, c. 15, s. 1.

45. Where the Société is required, from the one hundred and eighty-first day after an accident, to determine an employment for a victim, it must take into account, in addition to the standards and terms and conditions prescribed by regulation, the training, work experience and physical and intellectual abilities of the victim on the date of the accident.

The employment must be an employment which the victim could have held at the time of the accident on a regular and full-time or, failing that, part-time basis.

1977, c. 68, s. 45; 1982, c. 59, s. 23; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

46. From the third year after the date of an accident, the Société may determine an employment that could be held by a victim able to work but who, by reason of the accident, has become unable to hold

(1) the employment he held at the time of the accident and which is contemplated in either section 14 or section 16;

(2) an employment referred to in section 17; or

(3) the employment determined for him by the Société pursuant to section 45 from the one hundred and eighty-first day after the accident.

1977, c. 68, s. 46; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

47. The Société may determine an employment for a victim contemplated in subdivisions 4 and 5 of Division I at any time from the scheduled date of the end of his current studies if the victim is able to work but unable, by reason of the accident, to hold an employment from which the gross income is equal to or greater than the gross income that would have applied to him under section 32, 33, 38 or 39, as the case may be, if he had been unable to hold any employment by reason of the accident.

1977, c. 68, s. 47; 1982, c. 59, s. 24; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

48. In determining an employment in any case described in section 46 or 47, the Société shall take the following factors into account, in addition to the standards and terms and conditions prescribed by regulation:

(1) the training, work experience and physical and intellectual abilities of the victim at the time it decides to determine an employment for him pursuant to that section;

(2) where applicable, the knowledge and skills acquired by the victim through a rehabilitation program approved by the Société.

The employment must be an employment which is normally available in the region where the victim resides and which he is able to hold on a regular and full-time or, failing that, part-time basis.

1977, c. 68, s. 48; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

DIVISION III

CESSATION OF ENTITLEMENT TO INCOME REPLACEMENT INDEMNITY

1989, c. 15, s. 1.

49. A victim ceases to be entitled to an income replacement indemnity

(1) when he becomes able to hold the employment he held at the time of the accident;

(2) when he becomes able to hold the employment he would have held at the time of the accident but for particular circumstances;

(3) when he becomes able to hold an employment determined for him by the Société pursuant to section 45;

(4) one year after becoming able to hold an employment determined for him by the Société pursuant to section 46 or 47;

(4.1) when he holds an employment from which he derives a gross income equal to or greater than the gross income on the basis of which the Société has computed the income replacement indemnity;

(5) at any time fixed pursuant to a provision of Division I of this chapter different from the times provided for in paragraphs 1 to 4; or,

(6) at his death.

1977, c. 68, s. 49; 1982, c. 59, s. 25; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 11.

49.1. Where, following an examination required by the Société under section 83.12, the victim is no longer entitled to the income replacement indemnity he was receiving on the date of the examination under

section 14, 16, 17, 19, 21, 24, 26, 30, 32, 33, 37, 38, 39, 42 or 57, he shall continue to receive the indemnity until the date of the decision of the Société.

However, the first paragraph does not apply where, on the date of the examination, the victim is entitled to an income replacement indemnity under paragraph 4 of section 49 or section 50.

1993, c. 56, s. 3.

50. Notwithstanding paragraphs 1 to 3 of section 49, a victim who, at the time of the accident, held a regular full-time or part-time employment continues to be entitled to the income replacement indemnity even when he regains the ability to hold his employment, if he lost such employment by reason of the accident.

The Société shall continue to pay the indemnity to the victim after he regains the ability to hold his employment for a period of

- (1) 30 days if the victim's disability lasted for not less than 90 days but not more than 180 days;
- (2) 90 days if the disability lasted for more than 180 days but not more than one year;
- (3) 180 days if the disability lasted for more than one year but not more than two years;
- (4) one year if the disability lasted for more than two years.

Where, following an examination required under section 83.12, the victim is informed by the Société that he is no longer entitled to an income replacement indemnity, the period determined under the second paragraph only begins on the date of the Société's decision.

1977, c. 68, s. 50; 1982, c. 59, s. 26; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 12; 1999, c. 22, s. 9.

DIVISION IV

COMPUTATION OF INDEMNITY

1989, c. 15, s. 1.

51. The income replacement indemnity of a victim contemplated by this chapter is equal to 90% of his net income computed on a yearly basis.

Subject to sections 40, 43, 55 and 56, the income replacement indemnity of a victim who, at the time of the accident, held a regular full-time employment, or of a victim for whom the Société determines an employment from the one hundred and eighty-first day following the accident, in accordance with section 45, shall not be less, however, than the indemnity that would be computed on the basis of a gross annual income determined on the basis of the minimum wage as defined in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3) and, except in the case of a part-time employment, of the regular workweek as defined in section 52 of the Act respecting labour standards (chapter N-1.1), as they read on the day on which they are applied.

1977, c. 68, s. 51; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 13.

52. The net income of the victim is equal to his gross yearly employment income up to the amount of the Maximum Yearly Insurable Earnings less an amount equivalent to the income tax determined under the Taxation Act (chapter I-3) and the Income Tax Act (Statutes of Canada, 1970-71-72, chapter 63), the employee's premium determined under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23), the worker's premium determined under the Act respecting parental insurance (chapter A-29.011) and the contribution determined under the Act respecting the Québec Pension Plan (chapter R-9), all of which are computed in the manner prescribed by regulation.

The Acts mentioned in the first paragraph apply as they read on 1 January of the year for which the Société makes the computation of net income.

1977, c. 68, s. 52; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 39; 2005, c. 1, s. 1; 2001, c. 9, s. 126.

53. For the purposes of the deductions under section 52, the Société shall take into account the number of dependants of the victim on the date of the accident.

1977, c. 68, s. 53; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

54. For the year 1989, the amount of the Maximum Yearly Insurable Earnings is \$38,000.

For the year 1990 and each subsequent year, the amount of the Maximum Yearly Insurable Earnings is obtained by multiplying the Maximum for the year 1989 by the ratio between the sum of the average of weekly salaries and wages of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed and the same sum for each of the 12 months preceding 1 July 1988.

The amount of the Maximum Yearly Insurable Earnings shall be rounded off to the next highest \$500 and is applicable for one year from 1 January of each year.

For the purposes of this section, the Société shall use the data furnished by Statistics Canada on 1 October of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed.

If, on 1 October in any year, the data furnished by Statistics Canada are incomplete, the Société may use the data available at that time to establish the Maximum Yearly Insurable Earnings.

If Statistics Canada uses a new method to determine the average of weekly salaries and wages, the Société shall adjust the computation of the amount of the Maximum Yearly Insurable Earnings in relation to the evolution of the average of weekly salaries and wages from 1 January of the year following the change of method.

1977, c. 68, s. 54; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

55. If the victim becomes able to hold an employment determined for him by the Société pursuant to section 46 or 47 and if, by reason of his bodily injury, he can derive from his employment only a gross income that is less than the income used by the Société as the basis for computing the income replacement indemnity he was receiving before the determination of that employment, the victim is entitled, at the expiry of the year referred to in paragraph 4 of section 49, to an income replacement indemnity equal to the difference between the indemnity he was receiving at the time the Société determined the employment for him and the net income he derives or could derive from the employment determined by the Société.

1977, c. 68, s. 55; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1993, c. 56, s. 4.

56. Where a victim who is entitled to an income replacement indemnity holds an employment providing him with a gross income less than the income used by the Société as the basis for computing his income replacement indemnity, such indemnity shall be reduced by 75% of the net income he derives from the employment.

This section does not apply in the case of an indemnity reduced pursuant to section 55.

1977, c. 68, s. 56; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

57. If a victim suffers a relapse of his bodily injury within two years from the end of his last period of disability in respect of which he was entitled to an income replacement indemnity or, if he was not entitled to such an indemnity, within two years of the accident, he shall receive compensation from the date of the relapse as though his disability resulting from the accident had not been interrupted.

However, if the indemnity computed on the basis of the gross income actually earned by the victim at the time of the relapse is greater than the indemnity to which the victim would be entitled under the first paragraph, the victim shall receive the greater indemnity.

If the victim suffers a relapse more than two years after the time referred to in the first paragraph, he shall receive compensation as if the relapse were a second accident.

1977, c. 68, s. 57; 1989, c. 15, s. 1.

58. The income replacement indemnity referred to in the first paragraph of section 57 does not include the indemnity contemplated in either section 55 or section 56.

1977, c. 68, s. 58; 1982, c. 59, s. 27; 1989, c. 15, s. 1.

59. A victim receiving an income replacement indemnity, other than those under sections 50, 55 and 56, who claims such an indemnity following a second accident or a relapse cannot receive both indemnities.

He shall receive, however, the greater of the indemnities to which he is entitled.

1977, c. 68, s. 59; 1989, c. 15, s. 1.

CHAPTER III

DEATH BENEFIT

1989, c. 15, s. 1.

DIVISION I

INTERPRETATION AND APPLICATION

1989, c. 15, s. 1.

60. For the purposes of this chapter,

(1) *(subparagraph repealed)*;

(2) mother or father of a victim includes the person who stands *in loco parentis* to the victim at the time of his death;

(3) a person suffering from severe and prolonged physical or mental disability is considered to be disabled.

For the purposes of subparagraph 3 of the first paragraph, a disability is severe if the person is incapable regularly of pursuing any substantially gainful occupation; a disability is prolonged if it is likely to result in death or to be of indefinite duration.

1977, c. 68, s. 60; 1989, c. 15, s. 1; 1993, c. 56, s. 5.

61. For the application of this chapter, a person who would have been a dependant of the victim if the victim had had an employment at the time of the accident is deemed to be a dependant of the victim although the victim had no employment at that time.

1977, c. 68, s. 61; 1989, c. 15, s. 1; 1999, c. 40, s. 26.

62. The death of a victim by reason of an accident gives entitlement to the following compensation:

(1) the lump sum death benefit provided for in Division II; and

(2) the reimbursement, to the person who is entitled to the death benefit provided for in subparagraph 1, of the expenses incurred by the person to receive up to 15 hours of psychological treatment, on the conditions and up to the maximum amounts set out for such treatment in the regulation under paragraph 15 of section 195.

This section applies to the extent that the victim complies with the rules set out in sections 7 to 11.

1977, c. 68, s. 62; 1989, c. 15, s. 1; 2010, c. 34, s. 97.

DIVISION II

INDEMNITIES TO DEPENDANTS

1989, c. 15, s. 1.

63. The spouse of a victim on the date of the victim's death is entitled to a lump sum indemnity equal to the greater of

(1) the amount obtained by multiplying the gross income used in computing the income replacement indemnity to which the victim was entitled on the one hundred and eighty-first day after the accident, or would have been entitled to on that date if he had survived but had been unable to hold any employment by reason of the accident, by the factor appearing in Schedule I opposite the age of the victim on the date of his death; and

(2) \$49,121.

If the spouse was disabled on the date of the victim's death, the indemnity amount referred to in subparagraph 1 of the first paragraph is determined on the basis of the factors appearing in Schedule II.

1977, c. 68, s. 63; 1989, c. 15, s. 1; 1993, c. 56, s. 6; 1999, c. 22, s. 10.

64. *(Repealed).*

1977, c. 68, s. 64; 1989, c. 15, s. 1; 1999, c. 22, s. 11.

65. *(Repealed).*

1977, c. 68, s. 65; 1989, c. 15, s. 1; 1993, c. 56, s. 7; 1999, c. 22, s. 11.

66. The dependant of a victim on the date of the victim's death, other than his spouse, is entitled to a lump sum indemnity in the amount listed in Schedule III opposite the age of the dependant on that date.

For the purposes of this section, the posthumous child of the victim is deemed a dependant under one year of age.

1977, c. 68, s. 66; 1989, c. 15, s. 1; 1993, c. 56, s. 8; 1999, c. 40, s. 26.

67. If the dependant referred to in section 66 is disabled on the date of death of the victim, he is entitled to an additional lump sum indemnity of \$16,500.

1977, c. 68, s. 67; 1989, c. 15, s. 1.

68. If the victim has no spouse on the date of his death but has a dependant as defined in paragraph 3 or 4 of the definition of the word "dependant" in section 2, the dependant is entitled, in addition to an indemnity under section 66 and, as the case may be, in addition to an indemnity under section 67, to a lump sum

indemnity in an amount equal to the indemnity provided for by section 63. If there is more than one dependant, the indemnity shall be divided equally among them.

1977, c. 68, s. 68; 1989, c. 15, s. 1; 1993, c. 56, s. 9; 1999, c. 22, s. 12.

68.1. *(Replaced).*

1982, c. 59, s. 28; 1989, c. 15, s. 1.

69. If the victim is a minor and has no dependants on the date of his death, his mother and father are entitled to equal shares of a lump sum indemnity of \$40,000. If one of the parents is deceased, has been deprived of parental authority or has abandoned the victim, the share of that parent accrues to the other parent. If both parents are deceased, the indemnity shall be paid to the victim's succession except where the property of the succession is to be taken by the State.

If the victim is of full age and has no dependants on the date of his death, the indemnity shall be paid to his succession except where the property of the succession is to be taken by the State.

1977, c. 68, s. 69; 1989, c. 15, s. 1; 1993, c. 56, s. 10; 1999, c. 22, s. 13.

70. The succession of a victim is entitled to a lump sum indemnity of \$3,000 for funeral expenses.

1977, c. 68, s. 70; 1981, c. 25, s. 12; 1982, c. 53, s. 57; 1986, c. 95, s. 16; 1987, c. 68, s. 17; 1989, c. 15, s. 1.

71. The Société, on the application of a dependant entitled to an indemnity under this division, may pay the indemnity over a period not exceeding 20 years, in periodic instalments corresponding to a proportion of the value of the lump sum indemnity.

1977, c. 68, s. 71; 1986, c. 95, s. 17; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

DIVISION III

Repealed, 1999, c. 22, s. 14.

1989, c. 15, s. 1; 1999, c. 22, s. 14.

72. *(Repealed).*

1977, c. 68, s. 72; 1987, c. 68, s. 18; 1989, c. 15, s. 1; 1999, c. 22, s. 14.

CHAPTER IV

NON-PECUNIARY DAMAGE INDEMNITY

1989, c. 15, s. 1; 1999, c. 22, s. 15.

73. For loss of enjoyment of life, pain, mental suffering and other consequences of the temporary or permanent injuries or functional or cosmetic sequelae that a victim may suffer following an accident, a victim is entitled, to the extent determined by regulation, to a lump sum indemnity not exceeding \$175,000 for non-pecuniary damage.

1977, c. 68, s. 73; 1987, c. 68, s. 19; 1989, c. 15, s. 1; 1999, c. 22, s. 15.

74. No indemnity is payable if the victim dies within 24 hours after the accident.

1977, c. 68, s. 74; 1981, c. 12, s. 44; 1982, c. 53, s. 57; 1988, c. 51, s. 101; 1989, c. 15, s. 1; 1999, c. 22, s. 15.

75. If the victim dies more than 24 hours but within 12 months after the accident, the indemnity that may be paid is the indemnity fixed by regulation for the compensation of bodily injury.

1977, c. 68, s. 75; 1982, c. 59, s. 29; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 15.

76. The indemnity shall be determined by the Société on the basis of the amounts in force on the date of the decision.

1977, c. 68, s. 76; 1982, c. 59, s. 29; 1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 15.

77. *(Replaced).*

1977, c. 68, s. 77; 1982, c. 59, s. 29; 1989, c. 15, s. 1; 1993, c. 56, s. 11; 1999, c. 22, s. 15.

78. *(Replaced).*

1977, c. 68, s. 78; 1982, c. 59, s. 29; 1989, c. 15, s. 1; 1999, c. 22, s. 15.

CHAPTER V

REIMBURSEMENT OF CERTAIN EXPENSES AND REHABILITATION

1989, c. 15, s. 1.

DIVISION I

REIMBURSEMENT OF CERTAIN EXPENSES

1989, c. 15, s. 1.

§ 1. — *Personal assistance and care expenses*

1989, c. 15, s. 1.

79. Where, by reason of the accident, a victim's physical or mental condition warrants the continual attendance of another person or renders him unable to care for himself or perform, without assistance, the essential activities of everyday life, he is entitled to the reimbursement of expenses incurred for personal home assistance.

The Société shall determine, subject to the conditions and in accordance with the computation method prescribed by regulation, the personal home assistance needs of the victim and the amount of the reimbursement. Expenses are reimbursed on presentation of vouchers, but no reimbursement may exceed \$614 per week.

In the cases and subject to the conditions prescribed by regulation, the Société may replace the reimbursement of expenses by an equivalent weekly allowance.

1977, c. 68, s. 79; 1982, c. 59, s. 29; 1989, c. 15, s. 1; 1991, c. 58, s. 14; 1999, c. 22, s. 16.

80. Subject to section 80.1, a victim holding a part-time employment or an unemployed victim able to work whose main occupation consists, on the date of the accident and for no remuneration, in taking care of a child under 16 years of age or of a person who, for any reason whatever, is ordinarily unable to hold any employment is entitled to an indemnity for care expenses.

The indemnity shall be a weekly payment in the amount of

- (1) \$250 where the victim has the care of a person contemplated in the first paragraph;

- (2) \$280 where the victim has the care of two persons contemplated in the first paragraph;
- (3) \$310 where the victim has the care of three persons contemplated in the first paragraph;
- (4) \$340 where the victim has the care of four or more persons contemplated in the first paragraph.

The victim shall receive the indemnity for as long as he is unable to care for the person contemplated in the first paragraph.

During such time as the victim is so unable, the indemnity shall be adjusted, in the cases and on the conditions prescribed by regulation, according to any variation in the number of persons contemplated in the first paragraph.

The adjustment or cessation of payment of the indemnity shall take effect at the end of the week during which the number of persons varied or the victim ceased to be so unable, as the case may be.

1977, c. 68, s. 80; 1982, c. 59, s. 30; 1989, c. 15, s. 1; 1991, c. 58, s. 15.

80.1. If, by reason of full-time or temporary employment the victim would have held, section 80 and subparagraph 1 of section 24 apply, the victim cannot receive both indemnities but shall receive the income replacement indemnity for as long as the situation prevails.

However, during that period, section 83 applies to the victim on the conditions set forth therein.

1991, c. 58, s. 16.

81. (*Repealed*).

1977, c. 68, s. 81; 1982, c. 59, s. 30; 1989, c. 15, s. 1; 1991, c. 58, s. 17.

82. From the one hundred and eighty-first day following his accident, the victim contemplated in section 80 may, at any time he considers appropriate, elect one of the following indemnities:

- (1) the same indemnity as he is already receiving under section 80;
- (2) an income replacement indemnity granted under section 26 to an unemployed victim who is able to work.

The Société shall, before the one hundred and eighty-first day following the accident, provide the victim with the assistance and information necessary to make an enlightened choice.

1977, c. 68, s. 82; 1982, c. 59, s. 30; 1989, c. 15, s. 1; 1990, c. 19, s. 11.

83. A victim who, by reason of the accident, has become unable to care for a child under 16 years of age or for a person ordinarily unable, for any reason whatever, to hold any employment is entitled, if the victim is not already receiving an indemnity under section 80, to the reimbursement of expenses incurred for the care of that child or person.

Entitlement to the reimbursement is maintained when the victim regains the ability to care for the child or person but cannot do so for a time because the victim must

- (1) receive medical or paramedical care; or
- (2) undergo an examination by a health professional, as required by the Société.

The expenses shall be reimbursed on a weekly basis on presentation of vouchers, up to the amount of

- (1) \$75 where the victim has the care of one person contemplated in the first paragraph;
- (2) \$100 where the victim has the care of two persons contemplated in the first paragraph;
- (3) \$125 where the victim has the care of three persons contemplated in the first paragraph;
- (4) \$150 where the victim has the care of four or more persons contemplated in the first paragraph.

The expenses shall be reimbursed for such time as the victim remains unable to care for the person contemplated in the first paragraph.

For such time as the victim is so unable, the reimbursement of expenses shall be adjusted, in the cases and on the conditions prescribed by regulation, according to any variation in the number of persons contemplated in the first paragraph.

However, where the victim has a spouse, the victim cannot receive the reimbursement of his expenses unless his spouse, by reason of illness, disability or absence for the purposes of work or studies is also unable to care for the person contemplated in the first paragraph.

1977, c. 68, s. 83; 1982, c. 59, s. 30; 1989, c. 15, s. 1; 1991, c. 58, s. 18; 1999, c. 22, s. 17.

83.1. A victim working at the time of the accident without pay in a family enterprise who is unable to perform his regular duties by reason of the accident is entitled to the reimbursement of his expenses during the 180 days after the accident to cover the cost of workforce required to perform those duties in his place.

Such expenses of up to \$500 weekly shall be reimbursed on the presentation of vouchers.

1989, c. 15, s. 1; 2007, c. 3, s. 72.

§ 2. — *General expenses*

1989, c. 15, s. 1.

83.2. A victim is entitled, in the cases and on the conditions prescribed by regulation, to the extent that they are not already covered by a social security scheme, to the reimbursement of his expenses incurred by reason of the accident

- (1) for medical and paramedical care;
- (2) for transportation and lodging for the purpose of receiving such care;
- (3) for the purchase of prostheses or orthopedic devices;
- (4) for the cleaning, repair or replacement of clothing he was wearing and which was damaged.

The victim is also entitled, in the cases and on the conditions prescribed by regulation, to the reimbursement of any other expenses determined by regulation of the Société.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.3. A person who pays any of the expenses referred to in section 83.2 on behalf of a victim is entitled to the reimbursement of the expenses as provided in that section.

1989, c. 15, s. 1.

83.4. No social security scheme may exclude expenses incurred by or on behalf of a victim from its coverage.

1989, c. 15, s. 1.

83.5. A victim who undergoes an examination as required by the Société is entitled to the reimbursement of lodging and transportation expenses.

As well, a victim who must be absent from work for a time to receive medical or paramedical care by reason of the accident or to undergo an examination as required by the Société is entitled to an indemnity for any resulting loss of salary.

A person who accompanies a victim whose physical or mental condition or age so requires when the victim must receive medical or paramedical care or undergo an examination as required by the Société is entitled to an availability allowance. The person is also entitled to the reimbursement of lodging and transportation expenses.

The payment of the allowance and of the indemnity and the reimbursement of lodging and transportation expenses shall be made in the cases and subject to the conditions prescribed by regulation.

1989, c. 15, s. 1; 1999, c. 22, s. 18.

83.6. The expenses contemplated in this subdivision shall be reimbursed on the presentation of vouchers.

1989, c. 15, s. 1.

DIVISION II

REHABILITATION

1989, c. 15, s. 1.

83.7. The Société may take any necessary measures to contribute to the rehabilitation of a victim, to lessen or cure any disability resulting from bodily injury and to facilitate his return to a normal life or his reintegration into society or the labour market.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

CHAPTER VI

CLAIMS PROCEDURE

1989, c. 15, s. 1.

83.8. For the purposes of this chapter, a member of a professional order designated by a regulation of the Société is a health professional.

1989, c. 15, s. 1; 1999, c. 22, s. 19.

83.9. A person applying to the Société for compensation must do so on a form provided by the Société and in accordance with the rules it determines by regulation.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.10. Every employer shall, at the request of the Société, furnish to it within the following six days an attestation of the salary of any of his employees who applies to the Société for compensation.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.11. A person who applies for compensation shall, at the request of the Société and at its expense, undergo an examination to be administered by the health professional of his choice.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.12. The Société, where it considers it necessary, may, at its own expense, require a person to be examined by a health professional chosen by the Société from a list of professionals drawn up after consultation with the professional orders concerned.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 20.

83.13. *(Repealed).*

1989, c. 15, s. 1; 1999, c. 22, s. 21.

83.14. The health professional who examines a victim at the request of the Société shall make a report to the Société on the condition of the victim and on any other matter for which the examination was required.

The Société shall, on receiving the report, transmit a copy to any health professional designated by the person who underwent the examination referred to in the first paragraph.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.15. Every institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) and every health professional having treated a person or having been consulted by a person following an accident shall, at the request of the Société, make a report of its or his findings, treatment and recommendations to the Société.

The report must be transmitted within six days following the request of the Société.

Any other report required by the Société in respect of that person must be transmitted within the same time limit.

This section applies notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2).

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1992, c. 21, s. 88, s. 375; 1994, c. 23, s. 23; 2005, c. 32, s. 235.

83.16. Every person who applies for compensation must notify the Société without delay of any change in his situation affecting his right to an indemnity or which may affect the amount of such indemnity.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.17. A person must furnish to the Société any relevant information required for the purposes of this Act or give the authorizations that are necessary to obtain it.

A person must furnish to the Société the proof of any fact establishing his entitlement to compensation.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.18. The Société may, on the conditions it determines by regulation, authorize a person required to transmit a notice, report, statement or other document to send it by means of a magnetic medium or electronic system.

A written transcription of the data contemplated in the first paragraph must reproduce such data faithfully. The transcription, where certified by an officer authorized in accordance with section 15 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011), is proof of its contents.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.19. An intelligible transcription in writing of the data stored by the Société in a computer or on any other magnetic medium is a document of the Société and is proof of its contents where such transcription is certified by an authorized officer in accordance with section 15 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011).

1989, c. 15, s. 1; 1990, c. 19, s. 11.

CHAPTER VII

PAYMENT OF INDEMNITIES

1989, c. 15, s. 1.

83.20. An income replacement indemnity shall be paid in the form of a pension once every 14 days.

The indemnity is not due until the seventh day following the date of the accident, except in the case provided for in the third paragraph of section 57.

The indemnity granted to a person contemplated in section 80 shall be paid once every 14 days.

The indemnity granted under section 28 or 35 shall be paid at the end of the term or school year that the student misses by reason of the accident.

Except for the income replacement indemnity, the indemnity granted to a person contemplated in section 33 or 39 shall be paid at the end of the uncompleted term or school year.

1989, c. 15, s. 1.

83.21. On receiving an application for compensation, the Société may pay an indemnity even before rendering its decision on entitlement to the indemnity if it is of the opinion that the application appears *prima facie* to be well founded.

Notwithstanding section 83.50, if the Société subsequently dismisses the application or grants it only in part, the amount already paid shall not be recoverable unless it was obtained through fraud.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.22. The Société may pay an income replacement indemnity in a single payment, the amount of which shall be computed in accordance with the rules, conditions and method prescribed by regulation, where

- (1) the amount to be paid once every 14 days is less than \$100;
- (2) the person entitled to the indemnity was not resident in Québec on the date of the accident and has not been resident therein since that date;
- (3) the person entitled to the indemnity was resident in Québec on the date of the accident or has been resident therein since that date but, at the time of the application for capitalization, has not been resident in Québec for at least three years.

An income replacement indemnity may not be paid in a single payment if the person who is entitled to it is a person to whom section 105.1 of the Act respecting the Québec Pension Plan (chapter R-9) applies.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1993, c. 56, s. 12; 1995, c. 55, s. 4; 1999, c. 22, s. 22.

83.23. *(Repealed).*

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1993, c. 56, s. 13.

83.24. The expenses referred to in sections 79, 83, 83.1, 83.2 and 83.7 and the cost of the medical report referred to in section 83.31 may, at the request of the victim, be paid directly to the suppliers.

The Société may appoint any member of its staff to act as an inspector responsible for verifying, with suppliers, the accuracy of the costs and supply of goods delivered or services rendered to the victim by reason of the accident.

An inspector may require the supplier to communicate any information or documents relevant to the carrying out of his assignment including books, accounts, registers or files, and make copies thereof.

Every person who has the custody, possession or charge of such books, registers, accounts, files or other documents must, on request, furnish them to the inspector and facilitate his examination of them.

No person shall hinder the work of an inspector, mislead him by concealment or false information or refuse to supply information or a document he is entitled to require or to examine.

1989, c. 15, s. 1; 1993, c. 56, s. 14.

83.25. Any unpaid indemnity on the date of death of the person entitled thereto shall be paid to his succession.

1989, c. 15, s. 1.

83.26. An application for review or a proceeding brought before the Administrative Tribunal of Québec does not suspend the payment of an indemnity.

1989, c. 15, s. 1; 1997, c. 43, s. 39.

83.27. Where a person entitled to compensation is under legal incapacity, the Société shall pay the indemnity to his tutor or curator, as the case may be, or, if none, to the person it designates; the designated person has the powers and duties of a tutor or of a curator, as the case may be.

The Société shall notify the Public Curator of any payment it makes pursuant to the first paragraph.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.28. Income replacement indemnities are deemed to be the salary of the person receiving them and are seizable as a debt for support in accordance with articles 694 and following of the Code of Civil Procedure (chapter C-25.01), adapted as required. Such indemnities are unseizable in respect of any other debt.

Every other indemnity paid under this title is unseizable.

The Société shall, at the request of the Minister of Employment and Social Solidarity, deduct from the indemnities payable to a person under this Act the amount repayable under section 90 of the Individual and Family Assistance Act (chapter A-13.1.1).

The Société shall remit the deducted amount to the Minister of Employment and Social Solidarity.

The Société shall also, at the request of Retraite Québec, deduct from the income replacement indemnity payable to a person under this Act the amount of disability pension or retirement pension which was paid to such person under the Act respecting the Québec Pension Plan (chapter R-9) but which should not have been paid by reason of section 105.1 or 106.3 of the said Act. The Société shall remit the deducted amount to Retraite Québec.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1992, c. 44, s. 81; 1994, c. 12, s. 67; 1995, c. 55, s. 5; 1997, c. 63, s. 128; 1997, c. 73, s. 89; 1998, c. 36, s. 166; 2001, c. 44, s. 30; 2005, c. 15, s. 141; 2015, c. 20, s. 61; I.N. 2016-01-01 (NCCP).

83.29. The Société may refuse to pay compensation, reduce the amount of an indemnity or interrupt or terminate its payment

(1) where the claimant

(a) deliberately produces false or inaccurate information;

(b) refuses or neglects to produce any information required by the Société or to give the authorization necessary for obtaining it;

(2) where the person, without valid reason,

(a) refuses a new employment, refuses to return to his former employment or leaves an employment that he could continue to hold;

(b) interferes with an examination required by the Société or neglects or refuses to undergo such an examination;

(c) does not follow the recommended medical or paramedical treatment or is not available for or refuses such treatment;

(d) prevents or delays his recovery by his action or activities;

(e) does not follow the rehabilitation program put at his disposal by the Société under section 83.7 or is not available for or refuses such program.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.30. Where a victim is committed to penitentiary, imprisoned in a correctional facility or detained in a facility maintained by an institution operating a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2) or in a reception centre governed by the Act respecting health services and social services for Cree Native persons (chapter S-5) by reason of an offence described in any of sections 320.13 to 320.16 of the Criminal Code (R.S.C. 1985, c. C-46) or, if the offence is committed with an automobile, any of sections 220, 221 and 236 of that Code, the Société shall reduce the income replacement indemnity to which the victim is entitled by reason of the accident, by an amount equivalent on a yearly basis to the following percentage thereof:

(1) 75% in the case of a victim with no dependants;

(2) 45% in the case of a victim with one dependant;

(3) 35% in the case of a victim with two dependants;

(4) 25% in the case of a victim with three dependants;

(5) 10% in the case of a victim with four or more dependants.

This reduction remains in force until the end of the period of committal, imprisonment or detention of the victim or, as the case may be, until the date of the judgment finding the victim not guilty of the offence contemplated in the first paragraph.

The reduction shall be adjusted during the committal, imprisonment or detention of the victim, in the cases and on the conditions prescribed by regulation, according to variations in the number of dependants.

For the purposes of this section, the income replacement indemnity to which a victim with one or several dependants on the date of the accident is entitled shall be paid to the dependants in accordance with the terms and conditions prescribed by regulation.

If the victim is found not guilty of the offence contemplated in the first paragraph, the Société shall remit to the victim the amount that had been subtracted from the income replacement indemnity, with interest computed in accordance with section 83.32 from the start of the reduction.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1992, c. 21, s. 89; 1993, c. 56, s. 15; 1994, c. 23, s. 23; 2002, c. 24, s. 209; 2018, c. 19, s. 20.

83.31. A person whose application for review or proceeding before the Administrative Tribunal of Québec is allowed and who has filed a medical expert's written report in support of his application is entitled to reimbursement of the cost of that report, up to the amount established by regulation.

1989, c. 15, s. 1; 1997, c. 43, s. 40; I.N. 2016-01-01 (NCCP).

83.32. Where, following an application for review or a proceeding brought before the Administrative Tribunal of Québec, the Société or the Tribunal recognizes a person's entitlement to an indemnity that was formerly denied or increases the amount of an indemnity, the Société shall order, in every case, that the person be paid interest computed from the date of the decision refusing to recognize entitlement to an indemnity or refusing to increase the amount of an indemnity, as the case may be.

Other cases requiring the payment of interest by the Société may be prescribed by regulation.

The applicable interest rate is the rate fixed under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1993, c. 56, s. 16; 1997, c. 43, s. 41; 1999, c. 22, s. 23; 2010, c. 31, s. 175.

CHAPTER VIII

REVALORIZATION

1989, c. 15, s. 1.

83.33. The amount of the gross annual income used as the basis for computing the income replacement indemnity shall be revalorized each year, on the anniversary of the accident.

The amount of the gross annual income fixed by the Société for the employment determined pursuant to section 45, 46 or 47 shall be revalorized each year on that date.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1993, c. 56, s. 17.

83.34. All amounts of money listed in Schedule III or referred to in this title shall be revalorized on 1 January each year.

The amount provided for in section 73 as well as the indemnity amounts prescribed by a regulation under that section shall also be revalorized on 1 January each year.

1989, c. 15, s. 1; 1999, c. 22, s. 24.

83.35. The revalorization is made by multiplying the amount to be revalorized by the ratio between the Consumer Price Index for the current year and that for the preceding year.

1989, c. 15, s. 1.

83.36. The Consumer Price Index for a year is the yearly average computed on the basis of the monthly Consumer Price Index in Canada established by Statistics Canada for the 12 months preceding 1 November of the year preceding the year for which the Index is computed.

If, on 1 December of a year, the data furnished by Statistics Canada are incomplete, the Société may use the data available at that time to establish the Consumer Price Index.

If Statistics Canada uses a new method to compute the monthly Consumer Price Index, the Société shall modify the computation of the revalorization according to the change in the monthly Consumer Price Index from 1 January of the year following the change of method.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.37. If the yearly average computed on the basis of the monthly Consumer Price Index includes more than one decimal, only the first digit is retained and it is increased by one unit if the second digit is greater than 4.

1989, c. 15, s. 1.

83.38. If the ratio between the Consumer Price Index for the current year and that for the preceding year includes more than three decimals, only the first three digits are retained and the third digit is increased by one unit if the fourth digit is greater than 4.

1989, c. 15, s. 1.

83.39. The amount obtained through revalorization is rounded off to the nearest dollar.

1989, c. 15, s. 1.

83.40. The amount of a pension paid under a private insurance scheme shall in no way be diminished by reason of the revalorization of the gross annual income used as the basis for computing an income replacement indemnity.

1989, c. 15, s. 1.

CHAPTER IX

JURISDICTION OF THE SOCIÉTÉ, REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 42.

DIVISION I

JURISDICTION OF THE SOCIÉTÉ

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.41. Subject to sections 83.49 and 83.67, the Société has exclusive jurisdiction to examine and decide any matter related to compensation under this title.

For that purpose, the Société may delegate its powers to one or several of its officers whom it designates.

The members of the Société and the officers so designated are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 43.

83.42. The Société may by regulation establish the rules of procedure applicable to the examination of matters over which it has jurisdiction.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 44.

83.43. A decision must give reasons and be transmitted in writing to the interested person.

If the decision is rendered by an officer, he shall, when transmitting his decision, inform the interested person that he may apply for a review, except in the case of a decision granting a maximum indemnity or the full reimbursement of expenses to which such person is entitled. The officer shall also inform the person that he may contest the decision before the Administrative Tribunal of Québec, subject to the conditions set out in the second paragraph of section 83.49.

If the decision is rendered by the Société, it shall, when transmitting its decision, inform the interested person that he may contest the decision before the Administrative Tribunal of Québec, except in the case of a decision granting a maximum indemnity or the full reimbursement of expenses to which such person is entitled.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 45; 2005, c. 17, s. 33.

83.44. The Société may, at any time, render a new decision if a change affecting the right of the person concerned to an indemnity or likely to have repercussions on the amount of an indemnity occurs.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 19.

83.44.1. So long as no application for review has been presented and no proceeding brought before the Administrative Tribunal of Québec in respect of a decision, the Société may, on its own motion or at the request of an interested person, reconsider the decision

(1) if the decision was rendered before an essential fact became known, or was based on an error pertaining to an essential fact;

(2) where a substantive or procedural defect is likely to invalidate the decision;

(3) if the decision contains an error in writing, mistakes in calculation or any other clerical error.

The new decision replaces the initial decision which ceases to be effective and the provisions of Division II apply where expedient.

1991, c. 58, s. 19; 1997, c. 43, s. 46.

83.44.2. A decision concerning the reimbursement of expenses under Division I of Chapter V has effect only in respect of the subject-matter of the decision and shall not be construed as a recognition of entitlement to any other indemnity.

1999, c. 22, s. 25.

DIVISION II

REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

1989, c. 15, s. 1; 1997, c. 43, s. 47.

83.45. Except in the case of a decision granting a maximum indemnity or the full reimbursement of expenses to which he is entitled, a person who believes he has been wronged by a decision rendered by an officer may, within 60 days of notification of the decision, apply in writing to the Société for a review of the decision.

The application must mention the main grounds on which it is based.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 48.

83.46. The Société may allow a person to act after the expiry of the time prescribed in section 83.45 if the person was unable, for serious and valid reasons, to act sooner.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1999, c. 22, s. 26.

83.47. The Société may, where an application for review is submitted to it, confirm, quash or amend the decision.

The Société may also grant an indemnity and determine the amount thereof or decide that no indemnity is payable under this title.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 49.

83.48. A decision rendered in review by an officer must give reasons and be transmitted in writing to the interested person.

The officer, when transmitting his decision, shall inform the person that he may contest the decision before the Administrative Tribunal of Québec, except in the case of a decision granting a maximum indemnity or the full reimbursement of expenses to which such person is entitled.

1989, c. 15, s. 1; 1997, c. 43, s. 50.

83.49. A person who believes he has been wronged by a decision rendered by the Société or by a decision rendered after a review may, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec, except in the case of a decision granting a maximum indemnity or the full reimbursement of expenses to which such person is entitled.

Moreover, a person may contest before the Tribunal the decision whose review the person applied for if the Société does not make a decision within 90 days after the receipt of the application, subject to the following:

(1) if the person who applied for the review requested more time to present observations or produce documents, the 90-day time limit runs from the time observations are presented or documents are produced; and

(2) if the Société considers it necessary, to allow it to make a decision, that an examination be conducted by a health professional or that documents be produced, the time limit is extended for 90 days; the person who applied for the review must be notified of the extension.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 51; 2005, c. 17, s. 34.

CHAPTER X

REMEDIES

1989, c. 15, s. 1.

DIVISION I

RECOVERY OF INDEMNITIES

1989, c. 15, s. 1.

83.50. A person who has received an indemnity to which he is not entitled or the amount of which exceeds that to which he is entitled shall reimburse the amount received in excess to the Société.

The Société may recover the amount of the debt within three years of payment of the indemnity.

The Société may also cancel the debt if it considers that the amount is unrecoverable under the circumstances or deduct, in the manner determined by regulation, the amount of the debt from any sum due to the debtor by the Société.

The Société may make a deduction pursuant to the third paragraph notwithstanding an application for review or proceeding brought before the Administrative Tribunal of Québec by a debtor.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 52.

83.51. Notwithstanding section 83.50, if, following an application for review or a proceeding brought before the Administrative Tribunal of Québec, the Société or the Tribunal renders a decision which cancels an indemnity or reduces its amount, the sums already paid are not recoverable unless they were obtained through fraud or unless the application for review or the proceeding brought before the Tribunal pertains to a decision rendered pursuant to section 83.50.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 53.

83.52. Notwithstanding section 83.50, where a decision is reconsidered by the Société because it was rendered before an essential fact became known or was based on an error pertaining to an essential fact, or because it contains a substantive or procedural defect which is likely to invalidate it, the sum already paid shall not be recoverable unless it was obtained through fraud.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1991, c. 58, s. 20.

83.53. A person who, contrary to the second paragraph of section 83.59, prevents the Société from exercising its recourse as subrogee is required to reimburse the indemnity received from the Société.

The Société may recover the amount of the debt within three years of the action preventing the Société from acting as subrogee.

The Société may also cancel the debt if it considers that the amount is unrecoverable under the circumstances.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.54. The Société shall put the debtor in default by a decision stating the amount and reasons for the exigibility of the debt.

The decision interrupts prescription as provided in section 83.50, 83.53 or 83.61, as the case may be.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.55. Where a debt referred to in this division is not recovered or cancelled, the Société may issue a certificate

(1) attesting the failure of the debtor to appeal from the decision rendered under section 83.54 or confirming the decision of the Commission des affaires sociales maintaining the decision, as the case may be;

(2) attesting the exigibility of the debt and the amount due.

The certificate is proof of the exigibility of the debt. It may be issued by the Société at any time after the end of the time allotted to apply for a review of the decision or to contest the decision or after the decision of the Administrative Tribunal of Québec.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 54.

83.56. From the filing of the certificate in the office of the court of competent jurisdiction, the decision of the Société or of the Administrative Tribunal of Québec becomes executory as if it were a final decision without appeal of such court and has all the effects of such a decision.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 55.

DIVISION II

CIVIL LIABILITY

1989, c. 15, s. 1.

83.57. Compensation under this title stands in lieu of all rights and remedies by reason of bodily injury and no action in that respect shall be admitted before any court of justice.

Subject to sections 83.63 and 83.64, where bodily injury was caused by an automobile, the benefits or pecuniary benefits provided for the compensation of such injury by the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6) stand in lieu of all rights and remedies by reason of such bodily injury and no action in that respect shall be admitted before any court of justice.

1989, c. 15, s. 1.

83.58. Nothing in this division limits the right of a person to claim an indemnity under a private insurance scheme, regardless of who is at fault.

1989, c. 15, s. 1.

83.59. A person entitled to compensation under this title by reason of an accident that occurred outside Québec may benefit by the compensation while retaining his remedy with regard to any compensation in excess thereof under the law of the place where the accident occurred.

No person who exercises such remedy may, unless authorized by the Société, prevent the Société from exercising its remedy as subrogee pursuant to section 83.60. The Société is released from its obligation toward a person who prevents it from exercising that remedy.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.60. Notwithstanding section 83.57, where the Société compensates a person by reason of an accident that occurred outside Québec, it is subrogated to the person's rights and is entitled to recover the indemnities

and the capital representing the pensions that the Société is required to pay from any person not resident in Québec who, under the law of the place where the accident occurred, is responsible for the accident and from any person liable for compensation for bodily injury caused in the accident by such non-resident.

The subrogation is effected of right by the decision of the Société to compensate the victim.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.61. Notwithstanding section 83.57, where the Société compensates a person by reason of an accident that occurred in Québec, it is subrogated to the person's rights and is entitled to recover the indemnities and the capital value of the pensions that the Société is required to pay from any person not resident in Québec who is responsible for the accident to the extent that he is responsible therefor and from any person liable for compensation for bodily injury caused in the accident by such non-resident.

The subrogation is effected of right by the decision of the Société to compensate the victim.

The remedy of the Société as subrogee is subject to decision of the court and is prescribed by three years from the date of the decision.

Responsibility is determined according to the ordinary rules of law to the extent that sections 108 to 114 do not derogate therefrom.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.62. Notwithstanding section 83.57, where, following an accident, the following bodies are subrogated to the rights of a person under the Acts hereinafter mentioned, they shall have the same remedies as the Société to recover their claim from the person not resident in Québec who is responsible for the accident or from the person liable for compensation for bodily injury caused in the accident by that person:

(1) the Commission des normes, de l'équité, de la santé et de la sécurité du travail and, as the case may be, the employer by virtue of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(2) the Commission des normes, de l'équité, de la santé et de la sécurité du travail by virtue of the Act to promote good citizenship (chapter C-20) and the Crime Victims Compensation Act (chapter I-6);

(3) the Régie de l'assurance maladie du Québec by virtue of the Health Insurance Act (chapter A-29);

(4) the Government by virtue of the Hospital Insurance Act (chapter A-28) and the Individual and Family Assistance Act (chapter A-13.1.1).

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1998, c. 36, s. 167; 1999, c. 89, s. 53; 2005, c. 15, s. 142; 2015, c. 15, s. 237.

DIVISION III

REMEDIES UNDER OTHER PLANS

1989, c. 15, s. 1.

83.63. Where, by reason of an accident, a person is entitled to both an indemnity under this title and an indemnity or pecuniary benefit under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or another Act relating to the compensation of persons who are victims of an industrial accident, in force in or outside Québec, that person shall claim the indemnity or pecuniary benefit provided for by that Act.

1989, c. 15, s. 1.

83.64. Where, by reason of an accident, a person is entitled to both an indemnity under this title and an indemnity or pecuniary benefit under the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), that person may elect to avail himself of the compensation provided for by this title or claim the indemnity or benefit.

Compensation under the Act to promote good citizenship or the Crime Victims Compensation Act sets aside any right to compensation under this title.

1989, c. 15, s. 1.

83.65. A person who receives an income replacement indemnity under this title and who, by reason of a new event, claims an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or total disability benefits under the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), is not entitled to receive both indemnities at the same time.

The Société shall continue to pay the income replacement indemnity, where that is the case, until the entitlement to and the amount of the indemnity and the pension payable under each of the Acts applicable are determined.

1989, c. 15, s. 1; 1990, c. 19, s. 11.

83.66. The Société shall reach an agreement with the Commission des normes, de l'équité, de la santé et de la sécurité du travail to establish a procedure for the processing of claims filed under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6) by any person contemplated in section 83.65.

The agreement must make it possible to

(1) distinguish between the damage resulting from the new event and the damage attributable to the accident;

(2) determine the entitlement to and the amount of the benefits, compensation or indemnities payable under each of the applicable Acts;

(3) determine the benefits, compensation or indemnities each body is required to pay and specify the cases, amounts and conditions of reimbursement among them.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 2015, c. 15, s. 237.

83.67. Where a person referred to in section 83.65 claims an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or total disability benefits under the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), the Société and the Commission des normes, de l'équité, de la santé et de la sécurité du travail shall, in carrying out the agreement described in section 83.66, render a joint decision which distinguishes between the damage attributable to each event and determines the corresponding entitlement to and amount of the benefits, compensation or indemnities payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to contest the decision before the Administrative Tribunal of Québec under this Act, the Act respecting industrial accidents and occupational diseases, the Act to promote good citizenship or the Crime Victims Compensation Act, as the case may be.

A proceeding brought before the Tribunal under any of the said Acts precludes any proceeding before the Tribunal under any other of them and the decision made by the Tribunal is binding on both bodies.

1989, c. 15, s. 1; 1990, c. 19, s. 11; 1997, c. 43, s. 56; 2015, c. 15, s. 237.

83.68. Where, by reason of an accident, a victim is entitled to both an income replacement indemnity payable under this Act and a disability benefit payable under an income security program of another jurisdiction equivalent to the program established by the Act respecting the Québec Pension Plan (chapter R-9), the income replacement indemnity is reduced by the amount of disability benefit payable to the victim under such a program.

1989, c. 15, s. 1; 1995, c. 55, s. 6.

TITLE III

COMPENSATION FOR PROPERTY DAMAGE — CIVIL LIABILITY AND INSURANCE SCHEME

CHAPTER I

INSURANCE SCHEME

DIVISION I

COMPULSORY INSURANCE

84. The owner of any automobile operating in Québec must have, in accordance with Division II of this chapter, a liability insurance contract guaranteeing compensation for property damage caused by such automobile.

1977, c. 68, s. 84.

84.1. For the purposes of this title, any damage caused in an accident to an automobile or to other property is deemed to be property damage.

For the purposes of this title, every person who sustains property damage in an accident is deemed to be a victim.

1989, c. 15, s. 2.

DIVISION II

LIABILITY INSURANCE CONTRACT

85. The liability insurance contract must protect the owner of an automobile and any person driving it, except a person having obtained it by theft, against the pecuniary consequences of any civil liability they may incur by reason of property damage caused in an accident in Canada or the United States.

The liability insurance contract must also protect the insured owner against the pecuniary consequences of any liability he may incur while driving the automobile of a third person.

The liability insurance contract must also protect the persons contemplated in this section against the pecuniary consequences of any liability they may incur for bodily injuries referred to in the definition of “bodily injury” in section 2 and that have been caused by the automobile outside Québec, elsewhere in Canada and in the United States.

1977, c. 68, s. 85; 1989, c. 15, s. 3.

86. Notwithstanding any provision to the contrary that it may contain, an insurance contract is deemed to provide protection at least equal to that required by this Act and the regulations hereunder.

1977, c. 68, s. 86.

87. The minimum compulsory amount of liability insurance is \$50,000.

1977, c. 68, s. 87.

87.1. The minimum compulsory amount of liability insurance for an owner or operator subject to Title VIII.1 of the Highway Safety Code (chapter C-24.2) is \$1,000,000.

However, the amount is \$2,000,000 if the person referred to in the first paragraph transports a dangerous substance listed in Schedule 1 to the Transportation of Dangerous Good Regulations made by Privy Council Order 2001-1366 (*Canada Gazette*, Part II, Supplement of 15 August 2001, 1) in a quantity exceeding that indicated in column 7 of that schedule.

1987, c. 94, s. 104; 1998, c. 40, s. 52; 2008, c. 14, s. 102.

88. The contract must stipulate that the amount of liability insurance is equal to the minimum amount of liability insurance prescribed by the legislation respecting automobile insurance in force in the state, province or territory of Canada or the United States where the accident occurs, when that amount is greater than the amount of liability insurance subscribed by the insured.

The contract shall also stipulate that the insurer shall not set up any ground of defence prohibited to insurers of the place of the accident if it occurred in Canada or the United States.

1977, c. 68, s. 88; 1989, c. 47, s. 1.

88.1. A supplementary contract for an amount immediately above the amount of the first contract may be entered into for an amount other than any minimum compulsory amount and not include the stipulations provided for in section 88. However, the contract is deemed to cover such minimum amount and include such stipulations when the first contract ceases to be in force.

1989, c. 47, s. 2.

89. An insurance contract may stipulate that the insured shall remain liable for a portion of the indemnity owed to the victim under a deductible coverage clause or otherwise; in such case, the insurer remains liable to the victim for the payment of the full indemnity, including the portion for which the insured remains liable under the contract.

The insurer is then subrogated in the rights of the victim against the insured for the portion the insurer has had to pay to the victim for which the insured remains liable under the contract.

1977, c. 68, s. 89.

90. The insurance contract is renewed of right, for the same premium and for the same period, at each maturity of the contract, unless notice to the contrary is given by the insurer or the insured; if given by the insurer, the notice of non-renewal or of a change in the premium must be sent to the insured, at his last known address, not later than the thirtieth day preceding the date of maturity, counting that date.

Where the insured deals through a broker, the notice provided for in the first paragraph is sent by the insurer to the broker, the latter being entrusted to remit it to the insured.

1977, c. 68, s. 90.

91. The insurer may cancel a contract within 60 days after its coming into force by a mere notice to the insured; in that case, the contract is terminated 15 days after such notice is received.

At the expiry of such period of 60 days, an insurance contract shall not be cancelled by the insurer except in the case of an aggravation of risk which is likely to materially influence a reasonable insurer in the decision to continue to insure, or when the premium has not been paid.

The insurer so wishing to cancel the contract must notify the insured of it in writing; the cancellation has effect thirty days after such notice is received or, if the automobile mentioned in the contract, with the exception of a school bus, is an automobile contemplated in Title VIII.1 of the Highway Safety Code (chapter C-24.2), 15 days after receipt of the notice.

1977, c. 68, s. 91; 1989, c. 47, s. 3.

92. The insurer shall not demand that the contract be void *ab initio* unless the insured has misrepresented or deceitfully concealed any fact known to him likely to materially influence a reasonable insurer in the decision to cover the risk.

1977, c. 68, s. 92.

Not in force

93. The insurer must, on every document stating the amount of the premium required for the insurance contract, clearly indicate the amount and the percentage of the commission paid to a firm, to an independent partnership or to an independent representative within the meaning of the Act respecting the distribution of financial products and services (chapter D-9.2); this information must also appear on any such document issued by a firm, an independent partnership or independent representative.

The insurer who is not doing business through brokers must, on every document stating the amount of the premium required for the insurance contract, clearly indicate the amount and the percentage of his marketing expenses, as determined by regulation of the Government, upon the recommendation of the Autorité des marchés financiers.

1977, c. 68, s. 93; 1977, c. 5, s. 14; 1982, c. 52, s. 51; 1989, c. 48, s. 222; 1998, c. 37, s. 495; 2002, c. 45, s. 165; 2004, c. 37, s. 90.

94. Insurance taken out by a person other than the owner does not discharge the latter from his obligation under section 84 unless the identity of such owner has been declared to the insurer and mention of it is made in the insurance contract.

1977, c. 68, s. 94.

95. No opposition, contestation or intervention lies against the seizure of an automobile having caused an accident giving rise to the payment of an indemnity, unless the owner proves he has contracted liability insurance.

1977, c. 68, s. 95.

DIVISION III

CERTIFICATE OF INSURANCE

2008, c. 14, s. 103.

96. The Société may, at any time, require the owner of an automobile to furnish a statement attesting that he meets the requirements imposed under this Act with respect to liability insurance as well as a certificate of insurance.

Such a declaration must state the name of the insurer and, except in the case of a person holding a temporary certificate referred to in section 98, the policy number and its date of expiry.

1977, c. 68, s. 96; 1980, c. 38, s. 18; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1990, c. 83, s. 244; 2008, c. 14, s. 104.

97. An insurer must, without cost, issue a certificate of insurance for each of the automobiles insured by the policy, setting forth:

- (1) the name and address of the insurer;
- (2) the name and address of the owner of the automobile and, if such is the case, of the person insured;
- (3) the number and date of expiry of the policy;
- (4) the fact that the certificate is issued to a garagist, if such is the case;
- (5) except in the case of a garagist, the specifications of the automobile, in particular the serial number;
- (6) any other information determined by regulation of the Government.

For the purposes of this title, a garagist or garage operator is a person who operates an establishment where automobiles are maintained or repaired, and receives payment therefor.

1977, c. 68, s. 97; 1977, c. 5, s. 14; 1989, c. 15, s. 4.

97.1. An authorized insurer may also issue a certificate of insurance to a person who is not resident in Québec provided that the policy issued by him outside Québec meets the requirements of Division II.

An unauthorized insurer may be authorized by the Autorité des marchés financiers to issue such a certificate to such a person if he authorizes the Autorité des marchés financiers to receive service of any proceeding instituted against him by reason of an accident that occurred in Québec.

In both cases, the insurer must, furthermore, undertake, in a written document remitted to the Autorité des marchés financiers, to satisfy any judgment as if the insurance policy and the certificate had been issued in Québec.

The Autorité des marchés financiers shall revoke the authorization of every insurer who fails to carry out his undertakings; from then on, the certificates issued by that insurer are void.

1981, c. 7, s. 542; 1989, c. 15, s. 5; 2002, c. 45, s. 166; 2004, c. 37, s. 90.

98. The insurer shall issue the certificate of insurance not over twenty-one days after the application for insurance.

If the certificate of insurance is not issued upon acceptance, the insurer must deliver, without cost, at the time of acceptance, a temporary certificate for a period of twenty-one days; such certificate must set forth the particulars provided for in paragraphs 1, 2 and 4 to 6 of section 97 and the date of expiry of the certificate.

1977, c. 68, s. 98.

99. *(Repealed).*

1977, c. 68, s. 99; 1980, c. 38, s. 18; 1990, c. 19, s. 11; 1991, c. 58, s. 21.

100. The Société may at all times require from any insurer the information necessary for it to exercise its powers and respecting the obligation contemplated in section 84.

1977, c. 68, s. 100; 1980, c. 38, s. 18; 1990, c. 19, s. 11.

101. The Government, its agents and mandataries of the State are exempt from the obligation of contracting the insurance provided for in section 84.

1977, c. 68, s. 101; 1977, c. 5, s. 14; 1999, c. 40, s. 26.

102. *(Repealed).*

1977, c. 68, s. 102; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 2008, c. 14, s. 105.

103. With respect to any automobile owned by it or him, the Government, its agents and mandataries of the State have the rights and obligations of an insurer under this Act.

If a person has, by theft, obtained possession of an automobile owned by the Government, its agents and mandataries of the State, they are liable towards the victim for the obligations imposed upon the Société.

1977, c. 68, s. 103; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1999, c. 40, s. 26; 2008, c. 14, s. 106.

104. *(Repealed).*

1977, c. 68, s. 104; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1999, c. 40, s. 26; 2008, c. 14, s. 107.

105. *(Repealed).*

1977, c. 68, s. 105; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1999, c. 40, s. 26; 2008, c. 14, s. 107.

106. Garagists must have a liability insurance contract, for themselves and the persons under their authority; such contract must protect them against the pecuniary consequences of any liability they may incur by reason of property damage caused by the automobiles entrusted to them by reason of their duties and ordinary activities.

1977, c. 68, s. 106.

107. In the case of loss or theft of the documents provided for in this title, the insurer or competent authority shall deliver a duplicate of them upon application of the person for whose benefit the original document had been established.

The duplicate contains, in addition to the particulars of the original document, the date on which it is established and the word “duplicate”; the duplicate has the value of an original document.

1977, c. 68, s. 107.

CHAPTER II

CIVIL LIABILITY

108. The owner of an automobile is liable for the property damage caused by such automobile.

He cannot rebut or reduce such liability unless he proves:

(1) that the damage has been caused by the fault of the victim or of a third person, or by superior force other than that resulting from the condition or the running order of the automobile, or from the fault or the state of health of the driver or a passenger;

(2) that, at the time of the accident, he had lost possession of his automobile by theft and that he had not yet been able to recover it, except, however, in the cases contemplated in section 103;

(3) that at the time of an accident that occurred elsewhere than on a public highway, the automobile was in the possession of a garagist or a third person for storage, repair or transportation.

In the cases contemplated in subparagraphs 2 and 3 of the second paragraph, the person in possession of the automobile is liable as if he were the owner.

The liability of the owner extends even beyond the minimum compulsory amount of insurance; the insurer is directly liable towards the victim for the payment of any indemnity that may be payable to him, up to the amount of the insurance subscribed.

1977, c. 68, s. 108.

109. The driver of an automobile is solidarily liable in like manner with the owner, unless he proves that the accident has been caused by the fault of the victim or of a third person, or by superior force other than that resulting from his state of health or the fault of a passenger.

1977, c. 68, s. 109.

110. When an automobile is registered in the name of a person other than the owner, such person is jointly and severally liable with the owner, unless he proves that the registration was effected by fraud and without his knowledge.

1977, c. 68, s. 110.

111. The insurer of the driver of an automobile is not obliged to contribute towards payment for any loss to a victim for which the owner is liable except to the extent that such loss exceeds the obligation of the insurer of such automobile towards the owner.

1977, c. 68, s. 111.

112. Every insurance contract in which the automobiles insured are not designated expressly, affording protection against the pecuniary consequences of the civil liability of garagists, must cover by priority over any other insurance contract, any property damage caused by automobiles not belonging to the garagist which are at the time of the accident the object of a garagist's professional activity; the protection of the other insurance contracts applies only in the case of insufficiency of the protection of the garagist's insurance contract.

1977, c. 68, s. 112.

113. Liability as established in sections 108 to 112 applies even if an accident involves several automobiles.

Between owners who cannot exonerate themselves, the liability is joint and several and, failing evidence of unequal faults, such liability is presumed to be equally shared by each owner.

1977, c. 68, s. 113.

114. Notwithstanding this chapter, when an accident involves an automobile effecting public transportation or transportation for a consideration in the normal course of business, its owner or its insurer alone is liable for the property damage sustained by the passengers, without prejudice to his right to be subrogated against the author of the accident.

Liability for other damage is established in accordance with this title.

1977, c. 68, s. 114.

CHAPTER III

COMPENSATION FOR PROPERTY DAMAGE

115. The victim of property damage caused by an automobile is compensated in accordance with the ordinary rules of law to the extent that sections 108 to 114 do not derogate therefrom.

1977, c. 68, s. 115.

116. The recourse of the owner of an automobile by reason of property damage sustained in an automobile accident shall not be exercised except against the insurer with whom he subscribed his automobile liability insurance, to the extent that the direct compensation agreement contemplated in section 173 applies.

However, the owner may, if he is not satisfied with the settlement made in accordance with the agreement, exercise such recourse against the insurer in accordance with the ordinary rules of law to the extent that sections 108 to 114 do not derogate therefrom.

1977, c. 68, s. 116; 1989, c. 47, s. 4.

117. The waiver, by a victim or an insured, of a right arising under this title, cannot be set up against him unless it is in writing and bears his signature.

1977, c. 68, s. 117.

118. If the amount of insurance is insufficient to pay all the indemnities payable following the same accident, the insurer pays such indemnities *pro rata*.

1977, c. 68, s. 118.

119. The insurer of a person subject to the obligation imposed in section 84 shall not, up to the compulsory amount of liability insurance, set up against a third person any nullity, lapse or exception susceptible of being invoked against the insured; up to such amount, the insurer remains bound to pay the indemnities and, to the extent permitted by section 120, is subrogated in the third person's rights against the insured.

1977, c. 68, s. 119.

120. The insurer has no right of subrogation against the insured or against a person whose liability is covered by the insurance contract, except when the insurer pays an indemnity to which he was not bound under the insurance contract.

1977, c. 68, s. 120.

121. When an automobile is involved in an accident while being driven by a person who obtained it by theft or who knew it to have been obtained by theft, the insurer is discharged from any obligation towards such person and any receiver.

The insurer of the owner of the automobile may also claim from them jointly and severally the amount of indemnities paid as a consequence of the accident.

1977, c. 68, s. 121.

TITLE IV

INDEMNISATION BY THE SOCIÉTÉ

1990, c. 19, s. 11.

CHAPTER I

Repealed, 1982, c. 59, s. 33.

1982, c. 59, s. 33.

122. *(Repealed).*

1977, c. 68, s. 122; 1982, c. 59, s. 33.

123. *(Repealed).*

1977, c. 68, s. 123; 1982, c. 59, s. 33.

124. *(Repealed).*

1977, c. 68, s. 124; 1977, c. 5, s. 14; 1982, c. 59, s. 33.

125. *(Repealed).*

1977, c. 68, s. 125; 1982, c. 59, s. 33.

126. *(Repealed).*

1977, c. 68, s. 126; 1982, c. 59, s. 33.

127. *(Repealed).*

1977, c. 68, s. 127; 1977, c. 5, s. 14; 1982, c. 59, s. 33.

128. *(Repealed).*

1977, c. 68, s. 128; 1978, c. 15, s. 133, s. 140; 1982, c. 59, s. 33.

129. *(Repealed).*

1977, c. 68, s. 129; 1982, c. 59, s. 33.

130. *(Repealed).*

1977, c. 68, s. 130; 1982, c. 59, s. 33.

131. *(Repealed).*

1977, c. 68, s. 131; 1982, c. 59, s. 33.

132. *(Repealed).*

1977, c. 68, s. 132; 1979, c. 37, s. 43; 1982, c. 59, s. 33.

133. *(Repealed).*

1977, c. 68, s. 133; 1982, c. 59, s. 33.

134. *(Repealed).*

1977, c. 68, s. 134; 1982, c. 59, s. 33.

135. *(Repealed).*

1977, c. 68, s. 135; 1982, c. 59, s. 33.

136. *(Repealed).*

1977, c. 68, s. 136; 1977, c. 5, s. 14; 1982, c. 59, s. 33.

137. *(Repealed).*

1977, c. 68, s. 137; 1977, c. 5, s. 14; 1982, c. 59, s. 33.

138. *(Repealed).*

1977, c. 68, s. 138; 1982, c. 59, s. 33.

139. *(Repealed).*

1977, c. 68, s. 139; 1982, c. 59, s. 33.

140. *(Repealed).*

1977, c. 68, s. 140; 1982, c. 59, s. 33.

141. *(Repealed).*

1977, c. 68, s. 141; 1977, c. 5, s. 14; 1982, c. 59, s. 33.

CHAPTER II

OPERATION OF THE SOCIÉTÉ

1982, c. 59, s. 69; 1990, c. 19, s. 11.

141.1. For the purposes of this title, every person who sustains property damage in an accident is deemed to be a victim.

1989, c. 15, s. 6.

142. The victim of property damage described in section 84.1 and the victim of bodily injury contemplated in subparagraphs 2 and 3 of the first paragraph of section 10 who have obtained in Québec a final judgment in their favour by reason of an automobile accident that occurred in Québec may, within a delay of one year, apply to the Société to have such judgment satisfied in accordance with the rules and conditions contained in this chapter.

1977, c. 68, s. 142; 1982, c. 59, s. 69; 1989, c. 15, s. 7; 1990, c. 19, s. 11.

143. The maximum amounts that may be paid by the Société, exclusive of interest and judicial costs, are \$50,000 per accident for bodily injury and \$10,000 per accident for property damage.

1977, c. 68, s. 143; 1982, c. 59, s. 69; 1989, c. 15, s. 8; 1990, c. 19, s. 11; 1999, c. 22, s. 27.

144. The victims contemplated in section 142 apply to the Société by a sworn declaration,

(a) establishing that the judgment has in no way been satisfied, or indicating, if such is the case, the amount paid, the value of the thing given in payment or of the services rendered in partial compensation;

(b) establishing that no insurer will benefit by the amount claimed; and

(c) disclosing any other possible claim arising out of the same accident.

1977, c. 68, s. 144; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

145. Within seven days of receipt of the application accompanied by an authentic copy of the judgment, the Société must satisfy this judgment, up to the amount indicated in section 143, but deducting from such amount any sum or value received by the claimant and deducting from any amount due for property damage the deductible fixed by a regulation of the Société.

If, however, there is a possibility of claims exceeding the amount contemplated in the first paragraph, the Société may defer payment to the extent deemed necessary until the other claims are liquidated.

1977, c. 68, s. 145; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1999, c. 22, s. 28.

146. Payment by the Société transfers to it all the claimant's rights, without restriction.

Such conveyance shall be notified to the clerk of the court which rendered the judgment by the filing of a certificate from the Société establishing that it is subrogated in the rights of the creditor and the Société shall then be entitled to execute in its own name.

1977, c. 68, s. 146; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

147. No application can be made to the Société in respect of a judgment rendered by default, *ex parte*, on acquiescence in the demand, by consent, or in the absence of the defendant or his attorney, unless thirty days' notice of the plaintiff's intention so to proceed has been given to the Société. The Société may then intervene in the case and set up any ground of defence that the defendant might have set up without regard to any consent or acquiescence in the demand.

1977, c. 68, s. 147; 1982, c. 17, s. 37; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

148. The victim having a claim that could be the basis of an application to the Société who cannot ascertain the identity of the driver or owner of the automobile that caused the accident may give the Société a detailed notice thereof within 60 days of the accident; failure to give such notice does not deprive such victim of his right of action, if he proves that he was prevented from giving it for reasons deemed sufficient. No claim is admissible if

- (1) the repairs were made before the damage was appraised by the expert designated by the Société; or
- (2) the accident was not reported to a police department within 48 hours, unless the claimant was unable, for serious and valid reasons, to act sooner.

Within 60 days of receiving the notice referred to in the first paragraph, the Société must satisfy the claim covering the part of the damage for which the victim is not responsible up to the amounts indicated in section 143, deducting from any amount due for damage to property the deductible fixed by a regulation of the Société.

If the Société fails to satisfy the claim within the time prescribed in the second paragraph, the victims may take action against the Société and the Société must satisfy the judgment up to the amounts indicated in section 143, deducting from any amount due for damage to property the deductible fixed by a regulation of the Société.

1977, c. 68, s. 148; 1982, c. 59, s. 69; 1989, c. 15, s. 9; 1990, c. 19, s. 11; 1999, c. 22, s. 29.

149. The following persons shall not make a claim to the Société:

- (1) the insurer, the Government, its agents and mandataries of the State, legal persons or partnerships;
- (2) the person who sustains damage in an accident occurring by reason of a contest, show, race, open trial, demonstration or exhibition involving one or more automobiles on a track or land that is permanently or temporarily closed to all other automobile traffic or inside a building, with regard to damage caused by an automobile participating in the contest, show, race, open trial, demonstration or exhibition;
- (3) for the objects which, at the time of the accident, were transported in the automobile of the debtor, the owner of them;

(4) persons domiciled in a state, province or territory where persons residing in Québec do not enjoy rights equivalent to those granted by this title;

(5) a person who is insured against the damage sustained;

(6) the owner of an automobile for damage to the automobile or, where applicable, to other property if, at the time of the accident,

— the owner was driving the automobile while under a sanction within the meaning of section 106.1 of the Highway Safety Code (chapter C-24.2) or without the licence required by section 65 of that Code;

— the owner, in contravention of section 84, did not have a liability insurance contract guaranteeing compensation for property damage caused by an automobile;

— the automobile was not registered or the duties provided for in section 31.1 of the Highway Safety Code were unpaid.

1977, c. 68, s. 149; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1989, c. 15, s. 10; 1990, c. 19, s. 11; 1999, c. 40, s. 26; 1999, c. 22, s. 30; 2008, c. 14, s. 108; 2018, c. 7, s. 175.

CHAPTER III

ACCIDENTS HAVING OCCURRED BEFORE 1 MARCH 1978

1981, c. 7, s. 543.

149.1. The Société is bound to satisfy the unsatisfied claims of victims of accidents having occurred between 30 September 1961 and 1 March 1978 in the manner and to the extent provided under this chapter.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.2. The owner of an automobile is responsible for all damage caused by such automobile or by the use thereof, unless he proves

(1) that the damage is not imputable to any fault on his part or on the part of a person in the automobile or of the driver thereof, or

(2) that at the time of the accident the automobile was being driven by a third person who obtained possession thereof by theft, or

(3) that at the time of an accident that occurred elsewhere than on a public highway the automobile was in possession of a third party for storage, repair or transportation.

The driver of an automobile is responsible in like manner unless he proves that the damage is not imputable to any fault on his part.

Damage caused, when the automobile is not in motion on a public highway, by apparatus incorporated therein that can be operated independently or by the use of such apparatus is not contemplated by this section.

1981, c. 7, s. 543.

149.3. Any creditor under a final judgment rendered in Québec awarding damages of \$100 or more resulting from bodily injuries or death and arising out of an automobile accident that occurred in Québec after 30 September 1961, or for damage to the property of another in excess of \$200 and arising out of such an accident, may apply to the Société within a delay of one year to satisfy such judgment.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.4. The creditor shall apply to the Société by a sworn declaration

- (1) establishing that the judgment has in no way been satisfied or indicating, if need be, the amount paid, the value of the thing given in payment or of the services rendered in partial indemnification;
- (2) establishing that no insurer will benefit by the amount claimed; and
- (3) disclosing any other possible claim arising out of the same accident.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.5. Within seven days of receipt of the application accompanied with an authentic copy of the judgment, the Société shall satisfy the judgment, up to \$35,000 in addition to interest and costs, but deducting from such amount any sum or value received by the creditor and deducting from any amount due for damage to property the sum of \$200.

If, however, there is a possibility of claims exceeding the whole of the prescribed amount, the Société may defer payment to the extent deemed necessary until the other claims are liquidated.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.6. The application to the Société transfers to it all the creditor's rights without restriction.

Such conveyance shall be notified to the clerk of the court which rendered the judgment by the filing of a certificate from the Société establishing that it is subrogated in the rights of the creditor and the Société shall then be entitled to execute in its own name.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.7. The following persons cannot make an application to the Société:

- (1) an insurer to whom a recourse contemplated by section 149.2, 149.3 or by section 200 of the Highway Safety Code (chapter C-24.2) has been assigned or who is subrogated in such a recourse;
- (2) a person entitled to compensation under the Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- (3) the child or the spouse of the debtor, as defined under the definition of the word "spouse" in section 2;
- (4) for articles which were being transported in the debtor's automobile at the time of the accident, the owner of such articles;
- (5) any person, including the State, subrogated in the rights of the persons mentioned above or to whom the same have been assigned;
- (6) any person domiciled in a State, province or territory where residents of Québec do not enjoy rights equivalent to those granted by this chapter.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1985, c. 6, s. 477; 1986, c. 91, s. 655; 1989, c. 15, s. 11; 1990, c. 19, s. 11; 1999, c. 40, s. 26.

149.8. No application can be made to the Société in respect of a judgment rendered by default to appear or to plead, on confession of judgment, by consent, or in the absence of the defendant or his attorney, unless thirty days' notice of the plaintiff's intention so to proceed has been given to the Société. The Société may then intervene in the case and set up any ground of defence that the defendant might have set up without regard to any consent or confession of judgment.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.9. Any person having a claim that could be the basis of an application to the Société who cannot ascertain the identity of the driver or owner of the automobile that caused the accident may give the Société a detailed notice thereof.

Failing settlement within 60 days, such person may take action against the Société and the Société must satisfy the judgment to the same extent as if it had been rendered against the author of the accident.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

149.10. For the purposes of this chapter, the Société has the following powers:

(1) to pay, to the extent prescribed, the unsatisfied judgments awarding damages arising out of accidents or the claims susceptible of giving rise to such judgments;

(2) to obtain subrogation in the rights of any person indemnified;

(3) to intervene in any action resulting from an accident;

(4) to indemnify the victims of accidents when the author thereof is unknown;

(5) to transact or compromise with claimants.

The moneys necessary to indemnify the victims contemplated in this chapter are taken out of the moneys of the Société.

1981, c. 7, s. 543; 1982, c. 59, s. 69; 1990, c. 19, s. 11.

TITLE V

FINANCIAL PROVISIONS

1986, c. 28, s. 1.

CHAPTER I

INSURANCE CONTRIBUTIONS AND DUTIES

1986, c. 28, s. 1; 1990, c. 19, s. 11; 2004, c. 34, s. 15.

150. *(Repealed).*

1977, c. 68, s. 150; 1980, c. 38, s. 18; 1981, c. 7, s. 544; 1982, c. 59, s. 31; 1986, c. 91, s. 655; 1990, c. 19, s. 7; 1990, c. 83, s. 245; 2004, c. 34, s. 16.

151. The Société may fix, by regulation, after actuarial valuation, the insurance contribution exigible on obtaining a learner's licence, probationary licence, restricted licence or driver's licence and the contribution exigible pursuant to section 93.1 of the Highway Safety Code (chapter C-24.2), on the basis of one or more of the following factors:

(1) the nature of the licence applied for;

(2) its class;

(3) its category;

(4) the number of demerit points entered in the applicant's record kept in accordance with section 113 of the Highway Safety Code;

(5) the cancellations of the applicant's licence or suspensions of his right to obtain such licence imposed under any of sections 180, 185 and 191.2 of the Highway Safety Code.

1977, c. 68, s. 151; 1977, c. 5, s. 14; 1984, c. 47, s. 12; 1986, c. 91, s. 662; 1990, c. 19, s. 11; 1990, c. 83, s. 246; 1996, c. 56, s. 145; 2007, c. 40, s. 84.

151.1. The Société may fix, by regulation, after actuarial valuation, the insurance contribution exigible on obtaining the registration of a road vehicle and the contribution exigible pursuant to section 31.1 of the Highway Safety Code (chapter C-24.2) according to the accident risk attached to that type of road vehicle. Accident risk may be measured on the basis of such factors as:

- (1) the class or sub-class of road vehicles to which the vehicle belongs;
- (2) its net mass;
- (3) its number of axles;
- (4) its make, model or piston displacement;
- (5) its use;
- (6) the professional activity, the legal personality or the identity of its owner;
- (7) the territory where it is used.

The list of the makes and models or piston displacements of the road vehicles contained in a regulation under the first paragraph is not subject to the publication requirement and date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation.

1990, c. 83, s. 246; 1999, c. 22, s. 31; 2002, c. 29, s. 77.

151.2. The Société may prescribe, by regulation, calculation methods for the following insurance contributions:

(1) the contribution exigible upon the issue of a learner's licence, probationary licence, restricted licence or driver's licence on the basis of one or more of the following factors:

(a) the time remaining between the date of issue of the licence and the date of the prescribed day within the prescribed period under paragraph 4.2 of section 619 of the Highway Safety Code (chapter C-24.2) for the payment of the insurance contribution exigible under section 93.1 of the said Code;

(b) the time expired between the date of issue of the licence and the expiration date of a previous licence;

(c) the cancellation of a previous licence;

(d) the cancellation of a previous licence at the holder's request;

(e) the applicant's entitlement to a reimbursement of part of the insurance contribution for his previous licence;

(2) the insurance contribution exigible upon the registration of a road vehicle on the basis of one or more of the following factors:

(a) the time remaining between the date of registration and the date of the prescribed day within the prescribed period under paragraph 8.8 of section 618 of the Highway Safety Code for the payment of the insurance contribution exigible under section 31.1 of the said Code;

(b) the entitlement of the applicant to a reimbursement of part of the insurance contribution for another road vehicle;

(c) a percentage of the insurance contribution fixed pursuant to section 151.1 which would be exigible under section 31.1 of the Highway Safety Code for the road vehicle.

The calculation methods prescribed on the basis of the factors referred to in subparagraph 1 of the first paragraph must be based on one of the following insurance contributions:

(1) the insurance contribution on the licence fixed under section 151 which would be exigible under section 93.1 of the Highway Safety Code;

(2) the monthly insurance contribution fixed, by regulation, by the Société, on the basis of one or more of the factors referred to in section 151.

The calculation methods prescribed on the basis of the factors referred to in paragraphs *a* and *b* of subparagraph 2 of the first paragraph must be based on one of the following insurance contributions:

(1) the insurance contribution fixed under section 151.1 which would be exigible in respect of the vehicle under section 31.1 of the Highway Safety Code;

(2) the monthly insurance contribution fixed, by regulation, by the Société in respect of the vehicle on the basis of one or more of the factors referred to in section 151.1.

1990, c. 83, s. 246; 1996, c. 56, s. 146; 2007, c. 40, s. 85.

151.3. The Société may, by regulation,

(1) prescribe the cases and conditions giving entitlement to an exemption or a reduction of the insurance contribution on a learner's licence, a probationary licence, restricted licence or a driver's licence exigible under section 93.1 of the Highway Safety Code (chapter C-24.2) or to a reduction of the insurance contribution exigible with respect to a road vehicle under section 31.1 of the said Code and establish the calculation method or fix the exact amount of the insurance contribution to be deducted;

(2) prescribe, with regard to the owner of a road vehicle any exemptions from the insurance contribution exigible in respect of that vehicle under section 31.1 of the Highway Safety Code according to the class or sub-class of road vehicles to which it belongs.

1990, c. 83, s. 246; 1996, c. 56, s. 147; 1999, c. 22, s. 32; 2007, c. 40, s. 86.

151.3.1. The Société may fix, by regulation, after actuarial valuation, the insurance contribution exigible, as the case may be,

(1) from the owner of an authorized automobile under the Act respecting remunerated passenger transportation by automobile (chapter T-11.2); or

(2) from a transportation system operator under that Act.

The insurance contribution is established according to the accident risk attached to automobiles used to offer remunerated passenger transportation. The accident risk is measured on the basis of the factors determined by the Société.

The Société may prescribe, by regulation, the calculation methods for the insurance contribution.

2019, c. 18, s. 217.

151.4. For the year 1996 and for each subsequent year, the Government may revalorize the duties fixed pursuant to paragraph 8.4 of section 618 and sections 619.1 to 619.3 of the Highway Safety Code (chapter C-24.2). Revalorization shall be carried out in accordance with the calculation method provided in sections 83.35 to 83.39.

After consulting the Société, the Government shall fix the date on which the revalorization takes effect.

The decision of the Government to revalorize or not the duties, in respect of a given year, shall be published in the *Gazette officielle du Québec*.

1993, c. 57, s. 1; 2004, c. 34, s. 17.

152. *(Repealed)*.

1977, c. 68, s. 152; 1981, c. 7, s. 545; 1982, c. 59, s. 32; 1984, c. 47, s. 13; 1986, c. 28, s. 2; 1986, c. 91, s. 655; 1990, c. 19, s. 11; 1990, c. 83, s. 247; 1993, c. 57, s. 2; 1999, c. 22, s. 33; 2004, c. 34, s. 18.

152.1. *(Repealed)*.

1999, c. 22, s. 34; 2004, c. 34, s. 18.

153. *(Repealed)*.

1977, c. 68, s. 153; 1990, c. 19, s. 11; 2004, c. 34, s. 18.

154. *(Repealed)*.

1977, c. 68, s. 154; 1990, c. 83, s. 248; 2004, c. 34, s. 18.

155. *(Repealed)*.

1977, c. 68, s. 155; 1990, c. 19, s. 11; 2004, c. 34, s. 18.

CHAPTER II

HEALTH SERVICES

1986, c. 28, s. 3; 1999, c. 22, s. 35.

155.1. For the fiscal year 1998, the Société shall pay into the Consolidated Revenue Fund the sum of \$88,654,360, which represents the annual cost of health services required as a result of automobile accidents.

1986, c. 28, s. 3; 1990, c. 19, s. 11; 1999, c. 22, s. 35.

155.2. For the fiscal year 1999 and subsequent fiscal years of the Société, the sum representing the annual cost of health services required as a result of automobile accidents and defrayed by the Régie de l'assurance maladie du Québec shall be determined by agreement between that body, the Minister of Finance and the Société.

For those same fiscal years, the sum representing the annual cost of health services required as a result of automobile accidents and defrayed by the Ministère de la Santé et des Services Sociaux shall be determined by agreement between the Minister of Health and Social Services, the Minister of Finance and the Société.

If an agreement under this section is not made for a given fiscal year, the Société shall pay, for that fiscal year, the sum indicated in section 155.1.

The Société shall pay the sum representing the cost of health services annually into the Consolidated Revenue Fund in two equal instalments, on 31 March and 30 September.

1986, c. 28, s. 3; 1999, c. 22, s. 35; 1999, c. 89, s. 53.

155.3. If agreed between the Minister of Health and Social Services and the Société, the cost of health services paid under the second paragraph of section 155.2 may be reimbursed, in whole or in part, upon billing of the services.

1986, c. 28, s. 3; 1999, c. 22, s. 35.

155.3.1. *(Replaced).*

1993, c. 57, s. 3; 1999, c. 22, s. 35.

155.4. The parties referred to in this chapter may exchange such personal information as is necessary for the purposes of this chapter.

In that case, they shall make an agreement specifying the information to be transmitted, the means to be used to ensure confidentiality and the security measures to be applied. The agreement shall be submitted to the Commission d'accès à l'information for an opinion.

Should the Commission give an unfavourable opinion, the agreement may be submitted to the Government for approval; it comes into force on the date of its approval.

The agreement, together with the opinion of the Commission d'accès à l'information and, where applicable, the approval of the Government, shall be tabled in the National Assembly within 30 days of the issue of such opinion or approval or, if the Assembly is not sitting, within 30 days of resumption.

1987, c. 88, s. 1; 1999, c. 22, s. 35; 2006, c. 22, s. 177.

CHAPTER III

Repealed, 2004, c.34, s. 19.

1990, c. 19, s. 8; 2004, c. 34, s. 19.

155.5. *(Repealed).*

1990, c. 19, s. 8; 1992, c. 21, s. 90; 1994, c. 23, s. 23; 1998, c. 39, s. 175; 2002, c. 69, s. 121; 2004, c. 34, s. 19.

155.6. *(Repealed).*

1990, c. 19, s. 8; 2004, c. 34, s. 19.

CHAPTER IV

Repealed, 1999, c. 22, s. 36.

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.7. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.8. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.9. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.10. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.11. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.12. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.13. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

155.14. *(Repealed).*

1993, c. 57, s. 4; 1999, c. 22, s. 36.

TITLE VI

THE GROUPEMENT DES ASSUREURS AUTOMOBILES

1989, c. 47, s. 5.

156. A Groupement des assureurs automobiles, hereinafter called the “Groupement”, is established by this Act.

An authorized insurer is an insurer authorized to transact automobile insurance under the Insurers Act (chapter A-32.1), except a person who transacts exclusively in reinsurance.

1977, c. 68, s. 156; 1989, c. 15, s. 12; 1989, c. 47, s. 5; 2002, c. 45, s. 167; 2004, c. 37, s. 90; 2018, c. 23, s. 719.

157. The Groupement is a legal person.

1977, c. 68, s. 157; 1989, c. 47, s. 5; 1999, c. 40, s. 26.

158. The head office of the Groupement is in Québec, at the place chosen by it with the approval of the Minister. Notice of the location of the head office or of any change in its location shall be published in the *Gazette officielle du Québec*.

The Groupement may hold its sittings anywhere in Québec.

1977, c. 68, s. 158; 1989, c. 47, s. 5.

159. The Groupement is administered by a board of directors consisting of not under nine nor over fifteen members.

No person may be a director unless the person is a resident of Québec and represents an authorized insurer.

1977, c. 68, s. 159; 1989, c. 47, s. 5; 2011, c. 26, s. 1.

160. *(Repealed).*

1977, c. 68, s. 160; 2011, c. 26, s. 2.

161. The Autorité des marchés financiers and one other person appointed by the Minister are entitled to attend the sittings of the board of directors of the Groupement, which must convene them as if they were members of the board.

1977, c. 68, s. 161; 1982, c. 52, s. 51; 1999, c. 40, s. 26; 2002, c. 45, s. 168; 2004, c. 37, s. 90.

162. The directors are elected, by ballot, by the authorized insurers, who shall hold their general meeting on or before 31 March each year.

The Groupement by by-law, may provide for weighted votes, taking into account the proportion of the direct gross premiums collected for automobile insurance in Québec in the preceding year by each authorized insurer, who in every case has at least one vote.

On the expiry of their term, the directors remain in office until they are re-elected or replaced.

1977, c. 68, s. 162; 1989, c. 47, s. 5.

163. The directors elect one of their number chairman and appoint a general manager to manage day-to-day business.

1977, c. 68, s. 163.

164. Five directors form a quorum of the board of the Groupement.

In the case of a tie-vote, the chairman has a casting vote.

1977, c. 68, s. 164; 1989, c. 47, s. 5.

165. The directors, as such, receive no remuneration; their expenses incurred in attending meetings are reimbursed to them by the Groupement.

1977, c. 68, s. 165; 1989, c. 47, s. 5.

166. The Groupement may pass by-laws for its internal management.

1977, c. 68, s. 166; 1989, c. 47, s. 5.

167. A development fund is created at the Groupement. Each authorized insurer must contribute an amount fixed by the Groupement; however, such amount shall not be less than \$10,000.

The Groupement may annually pay interest to the authorized insurers on these contributions, out of its operating surplus.

The Groupement, by by-law, shall determine the terms and conditions of reimbursement, to insurers ceasing to be authorized to transact automobile insurance in Québec, of their contributions to the development fund.

1977, c. 68, s. 167; 1989, c. 47, s. 5.

168. At the commencement of each financial year, the Groupement shall prepare a budget of its revenues and expenditures for that year, and levy a provisional assessment from the authorized insurers on the basis of this budget; it may also levy a supplementary assessment during the year; at the end of the year, it shall levy a final assessment or, as the case may be, refund the over-assessment, as indicated by the balance-sheet of its actual revenues and expenditures.

Assessments and refunds are computed for each insurer proportionally to the amount of direct gross premiums collected for automobile insurance in Québec in the preceding year.

1977, c. 68, s. 168; 1989, c. 47, s. 5.

169. The financial year of the Groupement ends 31 December each year.

1977, c. 68, s. 169; 1989, c. 47, s. 5.

170. The Groupement must establish a mechanism designed to enable every automobile owner to find an authorized insurer with whom he may take out liability insurance provided for in section 84.

1977, c. 68, s. 170; 1989, c. 47, s. 5.

171. The Groupement must establish or certify appraisal centres for the appraisal of damage sustained to automobiles.

The Groupement determines the standards on which centres certified by it may be established and operated, and the conditions on which it may withdraw certification.

Appraisal centres established or certified under this section must offer their services to every authorized insurer, and each authorized insurer must engage their services whenever possible.

The Groupement is, in addition, responsible for ensuring that the persons acting as appraisers are qualified. For that purpose, it shall establish and administer training programs and determine the minimum requirements applicable to the activity of appraiser.

1977, c. 68, s. 171; 1989, c. 47, s. 5; 1989, c. 48, s. 223.

172. The appraisal centres may be entrusted with verifying repairs effected following their appraisal of damage.

1977, c. 68, s. 172.

173. The Groupement must establish a direct compensation agreement regarding:

(1) the direct compensation for property damage sustained by an insured person by reason of an automobile accident;

(2) the appraisal of damage sustained to automobiles, and the necessary adjustments;

(3) the tabulation of accident circumstances to apportion the liability of the owner of each automobile involved;

(4) the establishment of an arbitration board to decide disagreements between authorized insurers arising from the application of the agreement;

(5) the exercise of the right of subrogation between insurers.

1977, c. 68, s. 173; 1989, c. 47, s. 5, s. 7.

174. If a direct compensation agreement obtains the consent of the authorized insurers who collect at least fifty per cent of the direct gross premiums collected for automobile insurance in Québec, every authorized insurer must comply with the agreement, from its coming into force.

Such compensation agreement shall not come into force except on thirty days' notice published in the *Gazette officielle du Québec*, setting out its text.

1977, c. 68, s. 174.

175. The Government, its agents and mandataries of the State and every person contemplated in section 102 are bound in the same manner as an authorized insurer, by the agreement contemplated in section 174.

In exercising its powers, the Société is not bound by the direct compensation agreement contemplated in section 174.

1977, c. 68, s. 175; 1977, c. 5, s. 14; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1999, c. 40, s. 26.

176. In addition to its powers under this Act, the Groupement may

- (1) establish a centre to examine and perfect techniques of appraisal and repair of damage to automobiles;
- (2) standardize the forms to be used by all authorized insurers for reporting accidents and adjusting losses;
- (3) establish or certify loss adjustment centres;
- (4) provide information to the public, particularly on the direct compensation agreement and its application, on the establishment or certification of appraisal centres and their operation, and on the mechanism established to enable any automobile owner required to take out liability insurance provided for in section 84 to find an authorized insurer with whom he may take out such insurance;
- (5) act as an authorized agency under section 178.

1977, c. 68, s. 176; 1989, c. 47, s. 5.

TITLE VII

POWERS OF THE AUTORITÉ DES MARCHÉS FINANCIERS AS REGARDS STATISTICS AND RATES

1982, c. 52, s. 51; 2002, c. 45, s. 169; 2004, c. 37, s. 90.

177. The Autorité des marchés financiers may require that every insurer file, in the form prescribed by it, the statistical data and information which it determines concerning the insurer's automobile insurance experience in Québec and the automobile driving experience of the persons insured.

The information concerning the automobile driving experience of persons insured by the insurers shall cover only the past 10 years.

If the Autorité des marchés financiers requires that insurers transmit information concerning the automobile driving experience of the persons they insure, each insurer shall notify in writing the persons insured by him that certain information in that respect may be transmitted to the Autorité des marchés financiers and, possibly to other insurers, and that they have, in respect of such information, the rights of access and correction provided for by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1977, c. 68, s. 177; 1982, c. 52, s. 51; 1989, c. 47, s. 8; 2002, c. 45, s. 170; 2004, c. 37, s. 90.

178. The Autorité des marchés financiers may authorize an agency to collect the data and information contemplated in section 177 for it, and every insurer must furnish them to that agency on demand, in the indicated form.

This authorization shall not be granted, however, unless the agency has its main establishment in Québec, and keeps its records and books in Québec.

The agency so authorized is subject to the powers of investigation and inspection vested in the Autorité des marchés financiers under the Insurers Act (chapter A-32.1).

The Autorité des marchés financiers may designate the Groupement as an authorized agency under this section.

1977, c. 68, s. 178; 1982, c. 52, s. 51; 1989, c. 47, s. 5, s. 9; 2002, c. 45, s. 171; 2004, c. 37, s. 90; 2018, c. 23, s. 811.

179. The Autorité des marchés financiers may require the authorized agency under section 178 to process the data and information it receives, in the manner the Authority considers appropriate; every authorized insurer must pay his share of the agency's operating costs, proportionally to the amount of the direct gross premiums collected for automobile insurance in Québec.

1977, c. 68, s. 179; 1982, c. 52, s. 51; 1989, c. 47, s. 10; 2002, c. 45, s. 172; 2004, c. 37, s. 90.

179.1. The Autorité des marchés financiers may communicate the following information to the authorized insurer who so requests for the purpose of issuing or renewing an automobile insurance policy:

(1) the driver's licence number of the person submitting an application for insurance and of the regular drivers of his automobile;

(2) the date of any accident in which those persons have been involved as the driver or owner of an automobile;

(3) the description of the accident and the coverage affected;

(4) the class of use of the vehicle of which the person concerned had custody at the time of an accident;

(5) the description of the vehicle of which the person concerned had custody at the time of an accident;

(6) the amount of the indemnities paid under an automobile insurance contract entered into by every person concerned;

(7) the outstanding claims;

(8) the percentage of liability assumed by the persons.

That information may be communicated at the time a person expresses the intention to apply for or renew an automobile insurance policy with an insurer; that information may only be used for purposes of classification and rate application based on the risk the person represents.

If the insurer issues a policy, the information referred to in the first paragraph is presumed to have been confirmed by that person, subject to any other circumstances the person is required to declare in that respect, and the obligation relating to that declaration is presumed to have been properly discharged.

The Autorité des marchés financiers may, at the request of the Société, communicate to the Société the same information if it is necessary for the purposes of section 22 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3).

The Authority may also, on the conditions it determines, authorize the agency designated in section 178 to make such communications on its behalf.

1989, c. 47, s. 11; 1999, c. 22, s. 37; 2002, c. 45, s. 173; 2004, c. 37, s. 90; 2005, c. 39, s. 52; 2018, c. 23, s. 654.

179.2. Every insurer must, on issuing or renewing an automobile insurance policy, inform the insured in writing that he has requested and obtained information from the Autorité des marchés financiers under section 179.1, where such is the case, in order to determine the rates applied to him.

1989, c. 47, s. 11; 2002, c. 45, s. 174; 2004, c. 37, s. 90.

179.3. On payment of an indemnity subsequent to a claim, the insurer must notify the insured in writing of the percentage of liability attributed to him pursuant to the direct compensation agreement contemplated in section 173 and specify the amounts paid to him under that part of the policy pertaining to liability insurance and under that part of the policy pertaining to insurance of the damage caused to the insured vehicle.

The notice must also indicate to the insured that he is not bound to accept the indemnity and that he may apply to the court, in accordance with the ordinary rules of law, to contest the percentage of liability attributed to him and the amount of his indemnity.

1989, c. 47, s. 11.



At the end of the second paragraph, the following words are not in force:

“and the amount of his indemnity”.

These words will come into force on the date to be fixed by order of the Government (1989, c. 47, s. 16).

180. Every authorized insurer must file a copy of its rate manual with the Autorité des marchés financiers on the dates and in the form the Autorité des marchés financiers determines.

The rate manual is a manual that is made up of the documents of an authorized insurer in which his rules of classification of risks and the premiums applicable to each are identified and defined.

1977, c. 68, s. 180; 1982, c. 52, s. 51; 1989, c. 15, s. 13; 2002, c. 45, s. 175; 2004, c. 37, s. 90; 2008, c. 7, s. 12; 2018, c. 23, s. 655.

181. Every authorized insurer must furnish such proof to the Autorité des marchés financiers as it may demand regarding any matter or matters in his rate manual.

1977, c. 68, s. 181; 1982, c. 52, s. 51; 2002, c. 45, s. 176; 2004, c. 37, s. 90.

181.1. If it is brought to its attention that an authorized insurer has failed to comply with section 180 or 181, the Autorité des marchés financiers may, once the facts have been established, impose on that authorized insurer a monetary administrative penalty not exceeding \$1,000.

Sections 495 and 497 to 512 of the Insurers Act (chapter A-32.1) apply, with the necessary modifications, if the Autorité des marchés financiers imposes such a penalty.

2018, c. 23, s. 656.

182. On receiving the data and information concerning the experience of insurers and the rate manuals contemplated in this title, the Autorité des marchés financiers must analyze them.

Not later than 30 June each year, the Autorité des marchés financiers shall report to the Minister the results of its analysis of the data and manuals furnished to it in the preceding year.

The Minister shall table the report contemplated in the second paragraph before the National Assembly within 15 days of its receipt if the National Assembly is in session or if it is not in session within 15 days of resumption.

1977, c. 68, s. 182; 1982, c. 52, s. 51; 1989, c. 47, s. 12; 2002, c. 45, s. 177; 2004, c. 37, s. 90; 2008, c. 7, s. 13.

183. The Autorité des marchés financiers must allow every person requesting it to examine the rate manuals filed with it.

1977, c. 68, s. 183; 1982, c. 52, s. 51; 2002, c. 45, s. 178; 2004, c. 37, s. 90.

183.1. Section 178 applies notwithstanding section 65 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1989, c. 47, s. 13.

TITLE VIII

PENAL PROVISIONS AND SUSPENSIONS

1992, c. 61, s. 59.

184. No person shall knowingly obtain or receive, directly or indirectly, the payment of indemnities or the reimbursement of expenses that he is not entitled to obtain or receive under this Act or the regulations.

Every person who contravenes this section is liable to a fine of not less than \$325 nor more than \$2,800.

1977, c. 68, s. 184; 1986, c. 58, s. 6; 1991, c. 33, s. 6; 1992, c. 61, s. 60.

185. No person shall knowingly aid or abet another person in committing an offence contemplated in section 184.

Every person who contravenes this section is liable to a fine of not less than \$325 nor more than \$2,800.

1977, c. 68, s. 185; 1986, c. 58, s. 7; 1991, c. 33, s. 7; 1992, c. 61, s. 60.

186. Except in the case provided for in section 94, the owner of an automobile or an owner or operator subject to Title VIII.1 of the Highway Safety Code (chapter C-24.2) who has not contracted the compulsory liability insurance is guilty of an offence and is liable to a fine

(1) of not less than \$325 nor more than \$2,800 if he is an owner who uses or allows another person to use his automobile;

(2) of not less than \$750 nor more than \$7,300 if he is an owner or operator to which Title VIII.1 of the Highway Safety Code applies who uses or allows another person to use his motor vehicle.

The peace officer who evidences an offence contemplated in this section must report it to the Société without delay.

In any proceedings instituted under this section, the burden is on the defendant or accused to prove that he has contracted the compulsory liability insurance.

1977, c. 68, s. 186; 1980, c. 38, s. 18; 1982, c. 59, s. 34; 1986, c. 58, s. 8; 1987, c. 94, s. 105; 1990, c. 19, s. 11; 1990, c. 4, s. 68; 1991, c. 33, s. 8; 1998, c. 40, s. 53; 2002, c. 29, s. 78.

187. Where the owner of an automobile or another person on his behalf has not taken out liability insurance, the driver of that automobile is liable to a fine of not less than \$325 nor more than \$2,800, unless he is in good faith and had been given reason to believe that such insurance had been taken out.

In any proceedings instituted under this section, the burden is on the defendant or accused to prove that liability insurance had been contracted for the automobile he was driving.

1977, c. 68, s. 187; 1982, c. 59, s. 35; 1986, c. 58, s. 9; 1991, c. 33, s. 9; 1992, c. 61, s. 60.

188. In the cases provided for in sections 186 and 187, the judge seized of the suit may, in addition, declare the suspension, for a period not exceeding one year, of the driver's permit of the person convicted.

Prior notice of the application for suspension shall be given to the person by the prosecutor, except where the parties are in the presence of the judge.

Where proof is made to the satisfaction of the judge that the person convicted must drive a specific automobile or a specific type of automobile in carrying on his principal means of livelihood, the judgment may allow such person to drive an automobile or such type of automobile solely in carrying on his principal means of livelihood. In such cases, the judge must immediately send the suspended permit to the Société and notify it that it may issue a special permit in accordance with the judgment so long as the ordinary conditions for obtaining a permit are met.

1977, c. 68, s. 188; 1980, c. 38, s. 18; 1981, c. 7, s. 546; 1990, c. 19, s. 11; 1992, c. 61, s. 61.

189. (*Repealed*).

1977, c. 68, s. 189; 1982, c. 59, s. 69; 1990, c. 19, s. 11; 1992, c. 61, s. 62.

189.1. Any insurer who uses or tolerates the use of any information transmitted to him under section 179.1 otherwise than for purposes of classification or rate application is liable to a fine of not less than \$575 nor more than \$5,750.

1989, c. 47, s. 14.

189.2. Any person who, knowingly, gives access to any information transmitted under section 179.1, communicates such information or permits the communication thereof without having obtained the authorization of the person concerned to disclose such information to a person determined or without having received the order of a person or body having the power to compel its communication is liable to a fine of not less than \$200 nor more than \$1,000.

1989, c. 47, s. 14.

190. The person who contravenes sections 83.10, 83.15, 97, 174, 177 to 179, and 179.2 to 181 is liable to a fine of not less than \$700 nor more than \$7,000.

1977, c. 68, s. 190; 1986, c. 58, s. 10; 1989, c. 15, s. 14; 1989, c. 47, s. 15; 1991, c. 33, s. 10; 1992, c. 61, s. 60.

190.1. Any person who contravenes the provisions of the fifth paragraph of section 83.24 is liable to a fine of not less than \$300 nor more than \$600.

1993, c. 56, s. 18.

191. Any person who fails to surrender, when so required, a certificate or a duplicate issued under this Act is liable to a fine of not less than \$325 nor more than \$2,800.

1977, c. 68, s. 191; 1986, c. 58, s. 11; 1991, c. 33, s. 11; 1992, c. 61, s. 60.

192. Any person who, without reasonable excuse, the proof of which devolves upon him, uses a certificate of insurance after the annulment, cancellation or expiry of the insurance or of the coverage mentioned therein, is liable to a fine of not less than \$325 nor more than \$2,800.

1977, c. 68, s. 192; 1986, c. 58, s. 12; 1991, c. 33, s. 12; 1992, c. 61, s. 63; 2008, c. 14, s. 109.

193. Any person who infringes a provision of this Act or the regulations for the violation of which no penalty is specially provided, is liable to a fine not exceeding \$1,400.

1977, c. 68, s. 193; 1986, c. 58, s. 13; 1990, c. 4, s. 69; 1991, c. 33, s. 13; 1992, c. 61, s. 60.

193.1. Penal proceedings for an offence under Title VII may be instituted by the Autorité des marchés financiers.

2008, c. 7, s. 14.

193.2. The fine imposed by the court is remitted to the Autorité des marchés financiers if it has taken charge of the prosecution.

2008, c. 7, s. 14.

193.3. Penal proceedings for an offence under any of sections 177 to 181 of Title VII are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence

The certificate of the secretary of the Autorité des marchés financiers indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.

2008, c. 7, s. 14.

194. *(Repealed).*

1977, c. 68, s. 194; 1990, c. 4, s. 70; 1992, c. 61, s. 64.

TITLE IX

REGULATIONS

195. The Société may make regulations for the purposes of Titles I and II

- (1) to specify or to restrict the meaning of the definition of the expression “person resident in Québec”;
- (2) to define, for the purposes of subparagraph 1 of the first paragraph of section 10, the expression “a device that can be operated independently”;
- (3) to define, for the purposes of the definition of “public highway” in section 1 and of subparagraph 2 of the first paragraph of section 10, the words “farm tractor”, “farm trailer”, “specialized vehicle” and “drawn machinery”;
- (4) to define, for the purposes of the definition of “public highway” in section 1 and of subparagraph 3 of the first paragraph of section 10, the words “snowmobile” and “vehicle intended for use off a public highway”;
- (4.1) to define, for the purposes of subparagraph 5 of the first paragraph of section 10, the expressions “motor-assisted bicycle”, “motorized mobility aid” and “motorized personal mobility device”;
- (5) to specify the cases where and the conditions on which an employment is deemed to be full-time, part-time or temporary;
- (6) to establish the manner of determining the gross income that a salaried worker or self-employed worker derives from his employment;
- (7) to establish the manner of determining the gross income for the purposes of section 17;
- (8) to establish the manner of determining the gross income for the purposes of section 21;
- (9) to identify classes of employments, determine gross incomes on a weekly or yearly basis corresponding to each class according to work experience and establish the manner of reducing such incomes

to take into account the fact that the victim holds a part-time employment, for the purposes of sections 15, 20 and 31;

(10) to establish the standards and procedures for determining an employment for a victim for the purposes of sections 45 and 48, identifying classes of employments, determining gross incomes on a yearly or weekly basis corresponding to each class according to work experience, and to establish the manner of reducing such incomes to take into account the fact that a victim holds a part-time employment;

(11) to establish the method for computing the net income of a victim and the amount equivalent to the income tax, the premium and the contribution referred to in section 52;

(12) to determine the injuries, the functional or cosmetic sequelae and the minimum eligibility requirements applicable to the compensation of non-pecuniary damage under section 73 and to prescribe rules for evaluating non-pecuniary damage and rules for fixing indemnity amounts;

(13) *(paragraph replaced)*;

(14) *(paragraph replaced)*;

(15) to determine the cases and conditions entitling a person to the reimbursement of the expenses referred to in section 83.2 and to fix the maximum amount thereof;

(16) to determine what expenses may be reimbursed to a victim under the second paragraph of section 83.2;

(17) to fix the amounts paid to reimburse the cost of a medical expert's report to a person whose application for review or proceeding before the Administrative Tribunal of Québec is allowed;

(18) to prescribe conditions and a computation method for the determination of personal home assistance needs and the amount to be reimbursed and to prescribe the cases in which and the conditions subject to which the Société may replace the reimbursement of expenses by an equivalent weekly allowance;

(19) to prescribe the cases and conditions which give entitlement to the reimbursement of expenses or an availability allowance and to determine the maximum amount of such reimbursement and allowance;

(20) to determine the rules that a person applying for compensation must observe;

(21) to determine the rules that a health professional must observe when examining a person at the request of the Société;

(22) *(paragraph repealed)*;

(23) to determine the conditions on which the Société may authorize the transmission of a document by means of a magnetic medium or an electronic system;

(24) to determine the rules of procedure applicable to the examination of matters under the jurisdiction of the Société;

(25) to determine the manner in which a person's debt may be deducted from any sum due to that person by the Société;

(26) *(paragraph repealed)*;

(27) to prescribe in what cases and on what conditions the indemnity described in section 80 and the reimbursement of expenses described in section 83 may be adjusted according to the variation in the number of persons contemplated therein;

(28) to define, for the purposes of the second paragraph of section 48, the expressions “employment normally available” and “region where the victim resides”;

(29) to prescribe the cases and conditions in which and on which the income replacement indemnity contemplated in section 83.30 may be adjusted according to variations in the number of dependants;

(30) to prescribe the terms and conditions of payment to dependants of the indemnity contemplated in section 83.30;

(31) to determine the standards and methods allowing the computation of the number of offences or the number of demerit points to be taken into account and limiting the period to be taken into consideration in fixing or computing insurance contributions under sections 151, 151.2 and 151.3;

(32) to determine the standards and methods permitting to limit the period to be taken into consideration in fixing or computing insurance contributions under sections 151, 151.2 and 151.3;

(33) to determine the professional orders whose members are health professionals for the purposes of Chapter VI of Title II;

(34) to prescribe rules, conditions and a method applicable to the computation of a single-payment indemnity paid under section 83.22;

(35) to prescribe cases requiring the payment of interest by the Société;

(36) to determine rules governing the application of Chapter II of Title IV as well as rules for the determination of the deductibles provided for in sections 145 and 148 and to prescribe the reimbursement of other expenses to victims, the maximum amount that may be so reimbursed and the conditions for reimbursement.

1977, c. 68, s. 195; 1982, c. 59, s. 36; 1986, c. 91, s. 663; 1989, c. 15, s. 15; 1990, c. 19, s. 11; 1990, c. 83, s. 249; 1991, c. 58, s. 22; 1997, c. 43, s. 57; 1999, c. 40, s. 26; 1999, c. 22, s. 38; 2018, c. 7, s. 176.

195.1. The Société may, by regulation,

(1) define, in relation to the fixing and computing of the insurance contribution exigible for obtaining the registration of a road vehicle and in relation to the fixing and computing of the insurance contribution exigible under section 31.1 of the Highway Safety Code (chapter C-24.2), the terms “axle” and “net mass” and establish a method for calculating the number of axles of a road vehicle as well as rules governing any increase in the number of axles or any change in the net mass during the period of registration of the vehicle;

(2) prescribe the cases and conditions giving entitlement to the reimbursement of part of the insurance contribution fixed or calculated under any of sections 151 to 151.3.1 and establish the calculation method or fix the exact amount of the insurance contribution to be reimbursed.

1989, c. 15, s. 15; 1990, c. 19, s. 9; 1990, c. 19, s. 11; 1990, c. 83, s. 250; 2019, c. 18, s. 218.

196. The Government may, by regulation,

(a) determine what must be determined by regulation of the Government under this Act;

(b) specify or restrict the definition of the word “automobile” for the purposes of this Act, except Title II;

(c) exempt owners of the categories of automobiles it indicates from the obligation of section 84, in whole or in part and on the conditions it determines;

(d) specify or restrict the definition of the word “resident” for the purposes of this Act, except Title II;

(e) *(paragraph repealed)*;

(f) (paragraph repealed).

1977, c. 68, s. 196; 1977, c. 5, s. 14; 2008, c. 14, s. 110.

197. Regulations of the Société must be approved by the Government, except those made under sections 151 to 151.3.1, paragraphs 31 and 32 of section 195 and section 195.1.

1977, c. 68, s. 197; 1977, c. 5, s. 14; 1986, c. 91, s. 664; 1990, c. 19, s. 11; 2004, c. 34, s. 20; 2018, c. 7, s. 177; 2019, c. 18, s. 219.

TITLE X

TRANSITIONAL AND FINAL PROVISIONS

198. The owner of an automobile is deemed to have contracted the insurance required by this Act if he shows proof of a contract of liability insurance taken out with an insurer before 1 March 1978, and this presumption holds for as long as the contract is in force.

1977, c. 68, s. 198; 1999, c. 40, s. 26.

199. This Act entails a change *pleno jure*, within the limits of its provisions, in the obligations of an insurer under a contract of insurance in force.

Such change shall not justify any increase of the amount of the premium fixed by the contract, nor its cancellation.

If the obligations of an insurer under a contract in force are reduced, the premium provided for with regard to such contract must be adjusted accordingly.

If the premium has been paid in advance, the amount of adjustment must be remitted within three months unless the insured accepts during that period to be credited with the amount.

1977, c. 68, s. 199.

200. Every suspension imposed before 1 March 1978 in accordance with section 22 of the Highway Victims Indemnity Act (chapter I-5) is cancelled on such date and the proof of financial responsibility required under such section shall no longer be required.

1977, c. 68, s. 201.

201. *(Repealed).*

1977, c. 68, s. 202; 1981, c. 7, s. 536; 1981, c. 7, s. 547; 1982, c. 59, s. 60; 1982, c. 59, s. 33.

202. The original board of directors of the Groupement established by Title VI of this Act is composed of 13 members appointed by the Government for a period of one year.

Before the expiry of their term, the directors must call a general meeting of authorized insurers for the purpose of electing the members of the board of directors provided for in section 159.

1977, c. 68, s. 215; 1977, c. 5, s. 14; 1999, c. 40, s. 26.

202.1. Notwithstanding section 151, the Société, without actuarial valuation but with the approval of the Government, may alter the exigible sums fixed under that section which are in force on 23 April 1985.

The alteration has effect from 24 April 1985 but does not apply to a person who before that date received a renewal notice respecting a registration or a driver's licence and who paid the exigible amounts before 16 June 1985.

1986, c. 15, s. 1; 1990, c. 19, s. 11.

202.2. The first regulation made after 26 May 1986 under paragraph *n* of section 195 is not subject to the first paragraph of section 197 and has effect from 24 April 1985.

1986, c. 15, s. 1.

203. This Act applies to the Government.

1977, c. 68, s. 243; 1977, c. 5, s. 14.

204. The Minister of Transport is responsible for the administration of this Act, except for the provisions of Titles VI and VII and sections 193.1 to 193.3, the administration of which falls under the authority of the Minister of Finance.

1977, c. 68, s. 244; 1993, c. 56, s. 19; 2008, c. 7, s. 15.

205. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE I

(Section 63, first paragraph)

LUMP SUM INDEMNITY TO SPOUSE OF DECEASED VICTIM

Age of victim (years)	Factor
25 or less	1.0
26	1.2
27	1.4
28	1.6
29	1.8
30	2.0
31	2.2
32	2.4
33	2.6
34	2.8
35	3.0
36	3.2
37	3.4
38	3.6
39	3.8
40	4.0
41	4.2
42	4.4
43	4.6
44	4.8
45	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 or over	1.0

1989, c. 15, Schedule I.

SCHEDULE II

(Section 63, second paragraph)

LUMP SUM INDEMNITY TO DISABLED SPOUSE OF DECEASED VICTIM

Age of victim (years)	Factor
45 or less	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 or over	1.0

1989, c. 15, Schedule II.

SCHEDULE III

(Section 66)

LUMP SUM INDEMNITY TO DEPENDANT OF DECEASED VICTIM

Age of dependant (years)	Amount of indemnity (\$)
Less than 1	\$35,000
1	\$34,000
2	\$33,000
3	\$32,000
4	\$31,000
5	\$30,000
6	\$29,000
7	\$28,000
8	\$27,000
9	\$26,000
10	\$25,000
11	\$24,000
12	\$23,000
13	\$22,000
14	\$21,000
15	\$20,000
16 or over	\$19,000

1989, c. 15, Schedule III.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 68 of the statutes of 1977, in force on 31 December 1977, is repealed, except sections 200, 203 to 214, 216 to 242 and 245, effective from the coming into force of chapter A-25 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 4, 6 to 70, 74 to 92, 94 to 150, 153, 156 to 194, paragraphs *a* to *m* and *o* to *t* of section 195, paragraphs *c* to *f* of section 196, sections 197 to 199, 201 to 213, 215 to 223, 225 to 240 and 242 to 244 of chapter 68 of the statutes of 1977, in force on 1 June 1979, are repealed, effective from the coming into force of the updating to 1 June 1979 of chapter A-25 of the Revised Statutes.