

The Insurance Policy for All Quebecers

*In the event of **injury**
or **death** due to an
automobile accident*



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**Société de l'assurance
automobile**

Québec



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Foreword

*Under Québec's public automobile insurance plan, all residents are covered for **injury or death** due to an automobile accident, regardless:*

- *of who is at fault;*
- *of wherever in the world the accident occurs.*

The main goal the province's automobile insurance plan is to ensure fair compensation for all Quebecers who become accident victims, while holding administrative costs down.

*This document has been prepared by the Société de l'assurance automobile du Québec to give you a clear picture of how the plan operates and the coverage it provides. Keep it in a safe place for ease of consultation: **it's your insurance policy.***

*You will find a **Compensation Table** at the end, showing the maximum amounts payable by the Société in connection with an accident.*



Coverage

Who is covered by the public plan?

All Québec residents have insurance coverage for **injury or death** resulting from a motor vehicle accident whether as:

- a driver
- a passenger
- a pedestrian
- a bicycle rider
- a motorcycle rider
- or any other road user.



Is the person at fault entitled to compensation?

Under the plan, victims of bodily injury sustained in an accident are compensated **regardless of which party is to blame**. The need for proceedings before civil courts is accordingly eliminated, replaced by the right of all Quebecers to compensation for injuries.

People who commit driving-related Criminal Code offences (impaired driving, hit and run,

dangerous driving, etc.) are, of course, still subject to prosecution.

Income compensation to an accident victim who is imprisoned for a driving-related Criminal Code offence is reduced. The income replacement indemnity to an incarcerated victim without any dependant is reduced by 75%; if that prisoner had dependants, the rate will be set according to their number, and paid directly to them.

What about property damage?

To round out the protection offered by the public plan, the Automobile Insurance Act requires the owner of a motor vehicle travelling in Québec to hold liability insurance for at least \$50,000. This additional coverage, for property damage that might be caused by the holder's vehicle to another party, is available from private insurers.

While holding such insurance, accident victims who sustain property damage may find themselves without coverage in a hit-and-run situation or insolvency of the person responsible for the accident. The Société de l'assurance automobile du Québec compensates those victims for damage to their vehicle or other property sustained in the accident, under certain conditions. The

coverage provided by the SAAQ does not replace insurance contracted by a person for collision damage to the policyholder's own vehicle, theft, all-risks or damage to property other than the vehicle. Rather, it complements the universal no-fault plan administered by the Société for bodily injury sustained in a road accident.

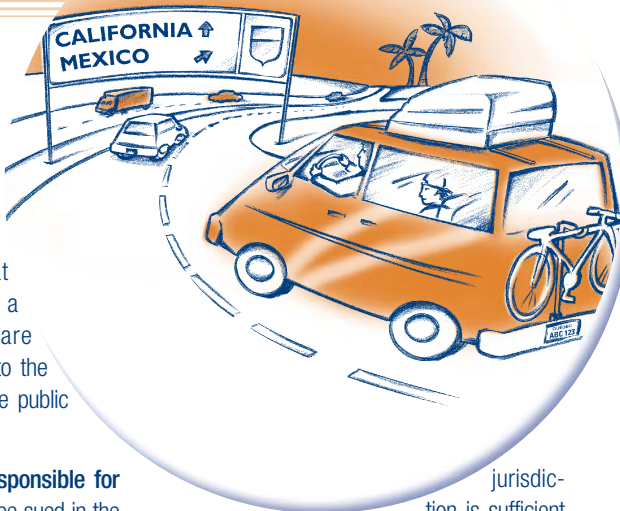
Depending on whether the case is one of hit-and-run situation or insolvency, the SAAQ pays compensation up to \$10,000 for property damage and up to \$50,000 for injuries as well as any interest and legal costs that apply but to a sum not in excess of \$50,000. All compensation payable for property damage is subject to a \$500 deductible set by regulation.

Are Quebecers covered outside Québec?

Whether or not they are at fault, Quebecers injured in a road accident while they are outside Québec are entitled to the same compensation under the public plan.

However, if a Quebecer **is responsible for the accident**, he or she may be sued in the courts of the jurisdiction where the accident occurred for compensation of bodily injury and property damage caused. The Quebecer is then protected by the liability insurance mandatory for travel in Canada and the United States, which in such a case covers both bodily injury and property damage to another party. The insurance protection must be of a sufficient amount.

It is important that Quebecers who expect to operate a motor vehicle elsewhere in Canada or in the United States check with their insurer that the amount of liability insurance coverage they will have in the



jurisdiction is sufficient to pay for all property damage and bodily injury caused to other parties. The same precaution is called for prior to travel to other countries.

If the Quebecer is not responsible for the accident, he or she retains the right to sue under the laws of the jurisdiction where the mishap occurred, if this is allowed, in order to recover damages or seek greater compensation than what the Société might pay.

Before suing, however, the Quebecer must advise the Société, which has the right of first remedy, which it may decide to exercise.

Non-residents also covered

A non-resident travelling on Québec roads who is the operator or passenger **of a motor vehicle registered in Québec** is entitled to the same compensation as a resident for an accident sustained in Québec.

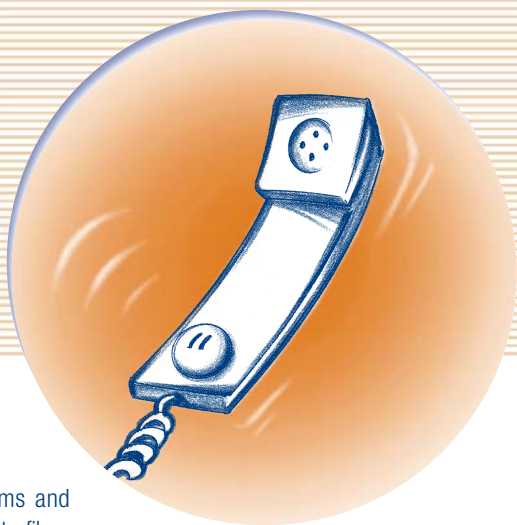
Where the motor vehicle is not registered in Québec, non-resident operators and passengers qualify for compensation in

inverse proportion to their share of responsibility for the accident that occurred in Québec (ex.: the non-resident bearing 20% of the blame will be entitled to 80% of the benefits provided under the plan), unless the person's home jurisdiction has entered into a reciprocal agreement with the Société, providing for other terms.

How to File for Compensation with the Société

As soon as possible after the accident, you or your agent should get in touch with the Société by calling this telephone number:

1 888 810-2525



The Société will provide the forms and explanatory documentation needed to file a **claim for compensation**. The Claim for Compensation and Claim for Death Benefit forms are also available in SAAQ service centres, which handle driver's licences and vehicle registration.

Help will be provided free of charge by the Société to assist in preparing a claim. A Société representative could go to the hospital or your home, to help you complete the form and submit documents.

Time limit

The time limit for filing a claim with the Société is **three years** from the date of the accident or the first sign of resulting bodily injury. The same limit applies for claiming a death benefit, three years from the time of death. However, the less you wait, the easier it will be for you to provide the necessary information and for the Société to process your claim.

Compensation

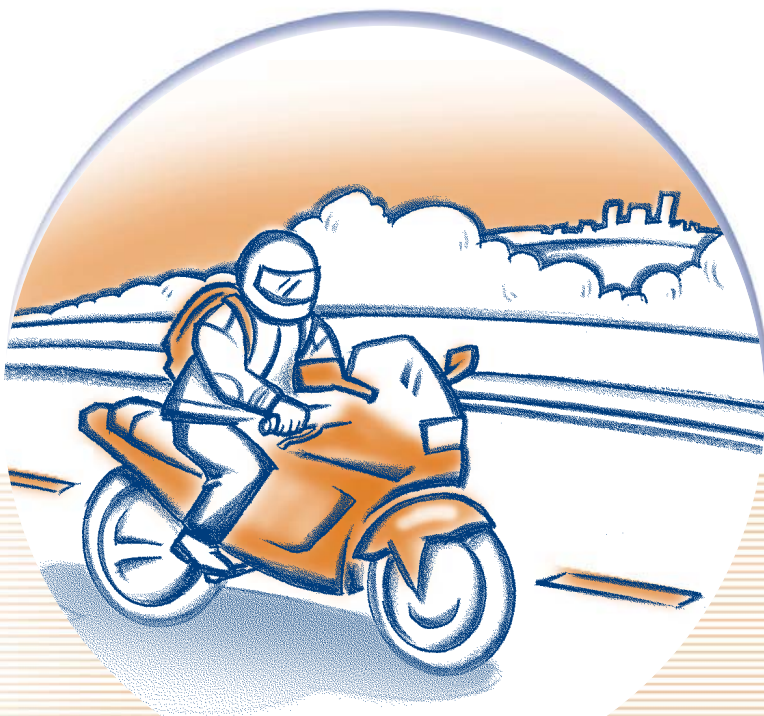
Compensation paid by the Société

The Société compensates persons injured in an automobile accident and the surviving family of victims who die as a result of injury sustained in an accident. SAAQ compensation is not taxable, although it may affect some income tax credits or social program benefits. Nor is compensation subject to seizure, except for an income replacement indemnity which may be seized when there is failure to pay alimony.

Benefits may take the form of a pension paid at regular intervals, a lump sum or the reimbursement of accident-related expenses.

Indexation

With a view to maintaining the purchasing power of income replacement indemnity recipients, the gross income used in calculating the indemnity is indexed each year on the anniversary date of the accident. Many other compensation amounts are indexed on January first.



Compensation

for injuries

Disability and entitlement to compensation

The Société pays compensation in one or more forms, such as an income replacement indemnity, a lump-sum indemnity for a delay in studies or an indemnity for care expenses, to the victims of bodily injury sustained in a motor vehicle accident for as long as the injury prevents the person from resuming employment or regular activities.

The right to compensation is grounded in the relation between the accident and injury, the consequences of injury and on the person's fitness to resume employment or regular activities.

Types of compensation

The Société pays compensation in several forms:

- income replacement indemnity
- lump-sum indemnity for a delay in studies
- lump-sum indemnity for aftereffects of injury
- death benefits
 - to a surviving spouse
 - to dependants
 - to a disabled dependant (additional amount)
 - in the case of someone leaving no spouse or dependant
 - for funeral expenses
- indemnity for care expenses
 - care allowance
 - reimbursement of expenses
- indemnity for substitute labour costs (family business)
- payment of medical and paramedical expenses
- rehabilitation indemnity

Most regular compensation payments can be deposited directly into a claimant's account.

The **Compensation Table** at the end shows the maximum amounts payable by the Société in connection with an accident.

Occupational categories

For compensation due to disability, accident victims are categorized as follows:

- full-time employees;
- temporary or part-time employees;
- persons unemployed but able to work;
- persons under age 16;
- students age 16 or over in full-time attendance at an educational institution;
- persons age 65 or over who are not employed;
- persons regularly unable to hold employment.

Employment held by a self-employed or salaried worker is classed as full-time, part-time or temporary.

Income replacement

The Société compensates a victim for **real loss of income** if the person is unable to resume employment or regular activities because of injury sustained in an automobile accident.

These persons are:

- full-time employees
- temporary or part-time employees

The same applies to persons who, during the first 180 days after an accident, would have been employed were it not for the accident, or were deprived of employment insurance benefits (formerly called unemployment insurance benefits) or employment assistance payments from the Ministère de l'Emploi et de la Solidarité sociale. Among these are victims who were unemployed yet capable of working, unless a person is age 65 or older.

A biweekly income replacement indemnity is paid for the period of disability, **except for the first seven days after the accident**, including that day.

The amount of indemnity is generally calculated on the basis of employment held at the time of the accident.

Beginning the 181st day after an accident

So as to not penalize, in the longer term, those victims who did not suffer an actual loss of income due to the accident because they were not holding full-time employment (they held temporary or part-time employment or were unemployed), their disability is reassessed from the 181st day following the accident on the basis of employment they could have held at the time of the accident. This covers:

- temporary or part-time employees
- people under age 65 at the time of the accident, not employed but capable of working
- people age 65 or older, not employed but who would have held employment were it not for the accident.

As of the 181st day following the accident, such people will be compensated on the basis of their potential loss of income from employment they would have been fit to hold.

In determining suitable employment, the Société takes into account:

- physical and mental capabilities at the time of the accident
- training
- work experience.

Employment determined for a victim must be full time, unless the person does not have the physical and mental ability to do such work.

Duration

Income compensation is generally paid to a person for the length of disability due to an accident, depending on occupational conditions.

Full-time employees, and temporary or part-time employees, are entitled to income replacement indemnity payments for as long as they are unable, because of accident-related injury, to resume employment normally held when the accident occurred or to hold employment determined for them from the 181st day after the accident.

People under age 16, as well as a person age 16 or older in full-time attendance at an educational institution, who also had a job at the time of the accident, are entitled to income compensation until their 16th birthday or the expected end of current studies, whichever applies, as long as that employment remains available and they are unfit to hold it because of injury sustained.

A person who is deprived of employment insurance benefits because of an automobile accident entitled to income compensation for as long as he or she qualifies for those benefits.

Job loss indemnity

Income replacement indemnity payments may be extended to a victim who has lost his or her employment because of the accident yet is fit to resume that position. This financial support may be paid for as long as a year starting from the date of the Société's decision.

From the third year following an accident

If a victim is deemed fit to work two years after an accident, but with diminished capabilities because of injury, the Société will determine suitable employment for him or her in light of abilities.

Income compensation will be adjusted accordingly.

In case of relapse

An accident victim's file may be reopened even after the end of a disability period and the cessation of indemnity payments. A victim who suffers a relapse in connection with injury sustained is again entitled to compensation.

This extension does not apply, however, in the case of a victim who held temporary employment when the accident occurred.

Lump-sum for the loss of an academic year or term

A lump-sum indemnity is payable to students who lose a school year or academic term because of injuries sustained in an automobile accident. It is paid at the end of the lost school year or semester, and ceases on the

date studies under way at the time of the accident were scheduled to end, or the end of the school year when the accident victim turns sixteen, as the case may be.

Care

Care allowance

An indemnity for care expenses in the form of an allowance is paid to an accident victim whose **main occupation** was taking care of children under the age of 16 or disabled persons without remuneration.

The victim must have been unemployed or holding part-time employment (under 28 hrs/weekly) at the time of the accident in order to qualify.

The amount of indemnity depends on the number of children or disabled people who were in the victim's care.

Reimbursement of care expenses

The reimbursement of care expenses is also possible in cases **where a victim is unable to take care of children under the age of 16 or disabled persons** by reason of the accident. Care expenses cannot, of course, be reimbursed to someone already receiving a care allowance.

The right to reimbursement of care expenses is maintained when a victim regains the ability to provide care but cannot do so because of having to go for medical attention or an examination at the Société's request.

Reimbursement is subject to certain conditions, **on presentation of receipts**, up to the maximum weekly amounts.

Reimbursement of expenses

The Société will reimburse certain expenses incurred due to an accident if they are not already covered by a social security scheme, under terms set by regulation.

Qualifying expenses relate to:

- outlays on personal care at home;
- substitute labour costs for a family business (the remuneration paid to someone for replacing the accident victim, who had been working without pay);
- the escort of a victim for treatment or to a medical examination requested by the Société;
- medical and paramedical care as well as travel expenses to receive that care;
- the purchase of prostheses, orthopedic devices or eyeglasses;
- ambulance transportation;
- cleaning or repair of the clothing worn that was damaged in the accident, or replacement of the clothing if it cannot be cleaned or repaired;
- the purchase of medication.

Lump-sum indemnity for aftereffects

There may be aftereffects of bodily injury sustained in an accident such as pain, mental suffering, loss of enjoyment of life, impairment or damage to the appearance.

The amount of compensation varies according to the severity of injuries and their consequences. To establish the amount of the indemnity, an accident victim's medical condition is assessed on the basis of infor-

mation on file and, where necessary, by one or more specialist physicians who are experts in the field.

Payment is generally made in a single sum. An interim payment may, however, be made before a final assessment of accident-related injury takes place where medical information on file allows this.

Rehabilitation

The Société is authorized to take the steps necessary for a victim's rehabilitation, so as to reduce or eliminate disability resulting from bodily injury, and facilitate his or her return to a normal life as well as reintegration into the working world.

For instance, the Société may cover the cost of alterations to a home or vehicle, the

purchase of special equipment and job training or labour market reintegration if it considers the means essential to the rehabilitation of an accident victim.

In all cases, the measures must be part of a rehabilitation program approved by the Société, so reimbursement can take place.

Death

benefits

Surviving spouse

The surviving spouse is entitled to **the higher** of:

- a lump-sum benefit based on the victim's age at the time of the accident and gross annual income (on which income compensation would have been calculated);
- the minimum indemnity shown on the enclosed table.

Compensation may be made in the form of a single payment or in regular instalments over a period of up to twenty years.

For the surviving spouse who is disabled

If the accident victim was age 45 or younger at the time of death, the disabled spouse qualifies for an indemnity multiplied by a factor of up to five, as shown on the **Compensation Table** at the end of this brochure.

Other dependants

Surviving dependants, other than the spouse, are entitled to a lump-sum indemnity calculated according to their age at the time of the victim's death. The children of a single-parent family are entitled to the death benefit, in equal shares, that would be payable to a surviving spouse, in addition to their own indemnity. As is the case with compensation to a surviving spouse, the indemnity may take the form of a single payment or regular instalments over a period of up to twenty years.

A dependant who is disabled at the time of the victim's death is entitled to an additional lump sum.

No surviving dependants

In the case of an **underage deceased victim** who had no spouse or dependant when the accident occurred, the Société pays a lump-sum benefit to the parents or to the estate, if neither is alive. The amount is paid to the estate **if the late victim was of age**.

Lump sum to cover funeral expenses

The Société pays a lump sum to the estate of a deceased victim, to offset funeral expenses.



Excluded

Types of accident excluded

Some types of accident are not covered by the public plan and the persons injured are not entitled to compensation.

Such is the case:

- **of an accident that occurs in an automobile race, contest or show** on a track closed to traffic, whether the victims be drivers, passengers or spectators, regardless of whether or not the automobile that caused injury was taking part in the event;
- **of an accident involving a snowmobile or other vehicle intended for off-road use**, unless the collision involves a moving motor vehicle that is not excluded (ex.: a snowmobile crashing into an automobile);
- **of an accident that occurs off a public highway involving an equipment vehicle, a trailer or a farm tractor**, unless the collision involves a moving motor vehicle that is not excluded (ex.: a tractor colliding with an automobile);
- **of injury caused by equipment which can function independently from the vehicle of which it is a part**, when that vehicle is not in motion on a public roadway (ex.: injury caused by a crane operating from a truck chassis);
- **of injury sustained during maintenance, repair, modification or improvement of an automobile**, or caused by the independent act of an animal carried in an automobile.

In these cases, the vehicle or equipment owner or user must take out appropriate coverage with a private insurer for any bodily injury and property damage that might be caused by the vehicle or equipment.



Special

Cases

On-the-job automobile accidents

Any claim for compensation in connection with automobile accidents that occur on the job must be submitted to the Commission de la santé et de la sécurité du travail (CSST), or to another equivalent agency.

A claimant who has been turned down by the CSST or to another equivalent agency may then file a claim for compensation with the Société, enclosing the letter of refusal.

Victims of assault

The victim of an assault in which an automobile was used to cause injury or as a weapon to threaten violence, either directly or indirectly, has the option of being compensated under the **Crime Victims Compensation Act** or the **Automobile Insurance Act**.

Persons injured while assisting someone in distress

A person injured by an automobile while assisting someone in distress may elect compensation under the Act to promote good citizenship, or the Automobile Insurance Act.

A person who chooses to be compensated under either the **Crime Victims Compensation Act** or the **Act to promote good citizenship** must contact the nearest CSST regional office.

Challenge

Right of Challenge

A person who is dissatisfied with a decision rendered by the Société may ask for a review of the case. This is done by the administrative review office serving the region. Then if need be, it can be challenged before the Administrative Tribunal of Québec.

Time limit for issuing a review decision

The SAAQ has 90 days from the date it receives an application to render a review decision.

This time limit can be extended if:

- the person wish to make comments or submit documents in support of the application. The SAAQ has an additional 90 days from the date it receives the comments or documents;
- the SAAQ must obtain documents or have an assessment made by a health care professional; the SAAQ then has a further 90 days to issue a review decision.

After those time limits...

If a review decision has not been issued, the person can:

- either await the SAAQ's decision, after which it can be challenged within 60 days of the date of the decision before the Administrative Tribunal of Québec; or
- contest the decision before the Tribunal without waiting for the SAAQ's decision.



A Brief

Example

Vincent works full time as an office clerk, employment that brings in a net annual income of \$18,000.

On his way home one afternoon, he lost control of his car on a slick expressway lane surface, causing an accident that involved

three vehicles. Vincent sustained a fracture of the cervical spine which left him unable to work for four months. To help his recovery, he underwent ten physiotherapy sessions.

For what compensation from the Société does Vincent qualify?

Whether or not Vincent is at fault for the accident, he is entitled to be compensated for his injury. As for property damage, Vincent's share of blame will be set by his private insurer, according to the terms of his third-party liability insurance contract.

Monetary and non-monetary losses (such as pain, mental suffering and loss of enjoyment of life) are taken into consideration in assessing the consequences of injury for compensation purposes.

Income

Since Vincent's cervical fracture prevented him from returning to work for four months, he will be paid an income replacement indemnity equivalent to **90% of his net income of \$18,000** every two weeks, starting after the first seven days of disability.

Treatment cost

Vincent's expenses for the treatment of injury will be reimbursed. These include the physical therapy sessions he underwent in a private clinic, as well as the medication he

was prescribed and other supplies, not to mention travel expenses incurred for treatment and medical follow-up.

Aftereffects of injury

There may be aftereffects such as pain, mental suffering, and loss of enjoyment of life, which are quite real although there may be no associated economic loss. If Vincent were to remain with lifelong impairment or damage to the appearance, he would be entitled to lump-sum compensation.

Even if there were no significant long-lasting consequences, Vincent could be entitled to a lump sum for the temporary aftereffects of injury.

The amount of a lump-sum indemnity is determined according to the severity of injuries sustained and their consequences, in accordance with regulations.

What To Do in the Event of an Accident

1. Call the **POLICE** so a report can be made of the accident;
2. See a **PHYSICIAN** without delay and have all signs of injury entered on the doctor's report. Make sure the report will be sent to the SAAQ;
3. Contact the **SOCIÉTÉ'S** claimant information service as soon as possible by telephoning **1 888 810-2525**
Société staff will send you a claim form;
4. Notify your **INSURER** of any property damage caused.

If you were seriously injured **outside Québec**, within Canada, or in the United States, call 1 877 229-0536; from anywhere else in the world call 418 528-4579 collect.

Should injuries sustained require lengthy hospitalization or place you in a complex situation, the SAAQ will do everything possible your condition allows to bring you back to Québec.



Notes

Notes

This is not a text of law. For questions of a legal nature,
please refer to the Automobile Insurance Act.

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**Société de l'assurance
automobile**

Québec

