

# *The Automobile Accident Insurance (General) Regulations, 2002*

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[Chapter A-35 Reg 4](#) (effective July 1, 2002, except s.12 and s.s.24(6) and (7), effective September 1, 2002) as amended by Saskatchewan Regulations [99/2002](#), [52/2003](#), [5/2004](#), [97/2004](#), [108/2004](#), [58/2005](#), [91/2005](#), [36/2006](#), [100/2006](#); [12/2007](#), [25/2008](#), [6/2009](#), [37/2009](#), [4/2010](#), [5/2010](#), [14/2010](#), [20/2011](#), [55/2014](#), [98/2014](#), [44/2015](#), [9/2016](#), [72/2016](#), [97/2016](#), [103/2017](#), [66/2018](#), [47/2021](#), [36/2022](#), [72/2022](#) and [27/2023](#).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.



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**CHAPTER A-35 REG 4**  
*The Automobile Accident Insurance Act*

PART I  
**Title and Interpretation**

**Title**

**1** These regulations may be cited as *The Automobile Accident Insurance (General) Regulations, 2002*.

**Interpretation**

**2(1)** In these regulations:

- (a) **“Act”** means *The Automobile Accident Insurance Act*;
- (b) **“antique vehicle”** means, subject to subsection (3), a vehicle:
  - (i) that is not used for commercial or business purposes;
  - (ii) whose model year is 1987 or earlier; and
  - (iii) that is eligible to be registered in Class PV or Class LV;
- (c) **“Auto-Lease”** means an arrangement pursuant to which a vehicle is rented or leased without a driver for a period in excess of 30 days to one person;
- (d) **“cabin trailer”** means a trailer used as a mobile living accommodation, other than a tent trailer;
- (e) **“CAVR”** means the Canadian Agreement on Vehicle Registration between Canadian provincial governments, as amended from time to time, respecting commercial vehicle registration;
- (f) **“certificate of registration”** means a certificate of registration for a vehicle issued pursuant to *The Traffic Safety Act*;
- (g) **“Class”** means, except in section 9, the classification of a vehicle pursuant to *The Vehicle Classification and Registration Regulations*;
- (h) **“combination of vehicles”** means independent vehicles coupled or joined together to form a train;
- (i) **“gross weight”** means:
  - (i) the combined weight of a vehicle and its load; or
  - (ii) the combined weight of two or more vehicles coupled or joined together and the combined weight of the loads carried on each vehicle;

- (j) **“IRP”** means the International Registration Plan, being an agreement between jurisdictions in North America, as amended from time to time, respecting commercial vehicle registration;
- (k) **“licence”** includes:
- (i) a driver’s licence issued pursuant to *The Traffic Safety Act*; and
  - (ii) any licence, permit or authority to drive a vehicle issued or given by the government or other competent authority of any province, state, territory or country;
- (l) **“licence issuer”** means a person designated pursuant to section 34 to accept applications and premiums for insurance pursuant to the Act;
- (m) **“model year”** means the model year of a vehicle as determined by the manufacturer;
- (n) **“motor home”** means a motor vehicle that is registered in Class PV, an integral section of which is designed for personal habitation and is equipped with one or more permanently attached beds together with two or more of the following:
- (i) a refrigerator that is wired permanently into the vehicle’s electrical system;
  - (ii) a permanently attached stove;
  - (iii) a permanently attached washing and toilet facility;
- and includes a bus, van or a truck that has been converted to conform with the foregoing and is registered in Class PV;
- (o) **Repealed.** 19 Nov 2004 SR 108/2004 s3.
- (p) **“registered”** means registered pursuant to *The Vehicle Classification and Registration Regulations*;
- (p.1) **“restricted bus”** means a bus or van that is used exclusively:
- (i) to transport, without compensation, individuals to and from places of religious worship or study; or
  - (ii) to transport, without compensation, patients or persons with special needs to and from hospitals, special-care homes or other facilities as defined in *The Regional Health Services Act*;
- (q) **“scheduled premium”** means the basic premium for 12 months established by the insurer pursuant to subsection 5(2) of the Act;
- (r) **“Table”** means a Table set out in Appendix C to these regulations;
- (s) **“tent trailer”** means a trailer with collapsible canvas walls and canvas roof that is used as living quarters;
- (t) **“U-Drive vehicle”** means a vehicle that is rented or leased without a driver for a period of 30 days or less to any person.

- (2) For the purposes of these regulations and unless otherwise specified:
- (a) each truck, trailer, power unit and semi-trailer separately constitutes a vehicle; and
  - (b) if a trailer or semi-trailer is registered in Class TS, the trailer or semi-trailer is to be treated, taking into consideration its uses, as if it were in the same class as the truck or power unit with which it is authorized to be used.
- (3) For the purposes of these regulations, a vehicle is eligible to be considered an antique vehicle only if:
- (a) the person whose name is on the certificate of registration for the antique vehicle has another primary use vehicle that:
    - (i) is not the antique vehicle; and
    - (ii) is registered either:
      - (A) in that person's name, in the name of the person's spouse or in the joint names of the person and the person's spouse; or
      - (B) in the name of a corporation for the person's exclusive use; and
  - (b) the primary use vehicle mentioned in clause (a):
    - (i) is registered in Class F, Class PV or Class LV;
    - (ii) is the main source of transportation for the person mentioned in clause (a); and
    - (iii) is not a motorcycle, snowmobile or an antique vehicle.

23 Aug 2002 cA-35 Reg 4 s2; 19 Nov 2004 SR 108/2004 s3; 5 May 2006 SR 36/2006 s3; 3 Nov 2006 SR 100/2006 s3; 3 Nov 2006 SR 100/2006 s3; 23 Jan 2009 SR 6/2009 s3; 26 Mar 2010 SR 14/2010 s3; 15 Sep 2017 SR 103/2017 s3.

## PART II Classifications

### Classifications

- 3(1) Subject to subsections (2) and (3), for the purposes of the Act and these regulations:
- (a) the classification of vehicles set out in *The Vehicle Classification and Registration Regulations* is adopted;
  - (b) vehicles are to be classified in the same manner as set out in *The Vehicle Classification and Registration Regulations*; and
  - (c) *The Vehicle Classification and Registration Regulations* apply, with any necessary modification, to the classification of vehicles pursuant to these regulations.

(2) A vehicle may be placed in Class PV or Class LV even if it is capable of being used as:

- (a) an ambulance;
- (b) a motor home;
- (c) a hearse;
- (d) a police vehicle;
- (e) an amphibious vehicle;
- (f) a private bus; or
- (g) a U-Drive vehicle.

23 Aug 2002 cA-35 Reg 4 s3; 19 Nov 2004 SR  
108/2004 s4.

**Vehicles with perpetual trailer registration exempt from Act**

**3.1(1)** In this section, “**perpetual trailer registration**” means a certificate of registration issued pursuant to *The Traffic Safety Act* that, subject to subsection 60(2), (3) or (4) of that Act, will not expire unless suspended, revoked or cancelled by the administrator.

(2) The following vehicles with a perpetual trailer registration are exempt from the provisions of the Act:

- (a) a trailer or semi-trailer registered in Class TS;
- (b) a trailer or semi-trailer registered in Class F.

(3) For the purposes of subsection (2), the administrator shall not provide an owner’s certificate to the registered owner of a vehicle mentioned in clause (2)(a) or (b).

16 Sep 2005 SR 91/2005 s2; 26 Mar 2010 SR  
14/2010 s4.

PART III  
**Premium Rates for Vehicles**

**Basic premium**

4(1) The basic premium payable for a vehicle is the scheduled premium for a vehicle of its classification.

(2) Subject to subsections (4) and (5), an applicant may apply for and obtain an owner’s certificate for a licence period that is less than 12 months.

(3) The minimum licence period for which an owner’s certificate may be issued is 28 days.

(4) The premium and registration fee payable for an owner's certificate for a licence period that is less than 12 months is the amount P, expressed in dollars and rounded to the nearest dollar, calculated in accordance with the following formula:

$$P = \frac{LP}{365} \times (BP + RF) + \left[ A + \left[ \left[ \frac{LP}{365} \times (BP + RF) \right] \times T \right] \right]$$

where:

LP is the number of days in the licence period;

BP is the amount of the basic premium payable pursuant to these regulations based on a 12-month registration;

RF is the registration fee payable pursuant to *The Traffic Safety Act Fees Regulations*;

A is the administrative cost, as determined by the insurer, of providing a licence in accordance with this section; and

T is the average rate of return, expressed as a percentage, on the fund's investments, as determined by the insurer in accordance with subsection (4.1).

(4.1) For the purposes of the letter T in subsection (4), the insurer shall:

(a) determine, for January 1 of each year, an average rate of return on the fund's investments for the five years preceding that January 1; and

(b) apply the average rate of return determined pursuant to clause (a) in calculating the premium and registration fee in subsection (4) for the year mentioned in clause (a).

(5) Subsections (3) and (4) apply to all vehicles except those vehicles to which the IRP applies.

23 Aug 2002 cA-35 Reg 4 s4; 29 Oct 2004 SR  
97/2004 s3; 19 Feb 2010 SR 5/2010 s3.

#### Payment in instalments

5(1) In this section:

(a) **“applicant”** means an applicant for an owner's certificate mentioned in subsection (2);

(b) **“financial institution”** means a member of the Canadian Payments Association;

(c) **“holder”** means a person to whom an owner's certificate has been issued and who:

(i) has made an election pursuant to subsection (2); and

(ii) has paid a down payment, a one-time fee, if any, and a finance fee pursuant to subsection (5) at the date of the election mentioned in subclause (i).

- (2) Subject to the other provisions of these regulations, an applicant for an owner's certificate may elect to pay the basic premium in instalments by authorizing the administrator to draw on an account at a financial institution.
- (3) The authorization remains in force until it is cancelled:
- (a) by the owner notifying the insurer; or
  - (b) by the insurer after notifying the owner, if the insurer considers it appropriate to cancel the authorization.
- (4) Subsection (2):
- (a) applies to all classes of vehicles except snowmobiles and vehicles to which the IRP applies; and
  - (b) does not apply if the owner's certificate and registration will expire less than 365 days from the date of issue.
- (5) On the date of an election pursuant to subsection (2), an applicant shall pay:
- (a) a down payment of the basic premium calculated pursuant to subsection (6);
  - (b) if required in the circumstances mentioned in subsection (7), a one-time fee;
  - (c) a finance fee equal to 4% of the total of the amounts payable pursuant to clauses (a) and (b); and
  - (d) the total of the amounts payable pursuant to subsection 22(4) of *The Traffic Safety Act Fees Regulations*.
- (6) The down payment payable pursuant to clause (5)(a) is the amount DP calculated in accordance with the following formula:

$$DP = \frac{BP \times CWD}{365}$$

where:

BP is the amount of the basic premium payable pursuant to these regulations based on a 12-month registration; and

CWD is the number of days from and including the date the certificate of registration is issued to the applicant to the date designated by the applicant as the date the monthly instalment fee is to be paid.

- (7) For the purposes of clause (5)(b), if, at the date of the election, the insurer determines that the amount of the basic premium remaining after payment of the down payment calculated pursuant to subsection (6) cannot be divided into 11 equal monthly instalments:
- (a) the insurer shall:
    - (i) determine equal monthly instalment payments for each of the 11 payment months; and
    - (ii) determine the amount of the basic premium that would remain after payment of the 11 monthly instalments mentioned in subclause (i); and
  - (b) the applicant shall, on the date of the election, pay the amount mentioned in subclause (a)(ii) as a one-time fee.

(8) In each of the first 11 months following the date of the election, the holder shall pay a monthly amount equal to the sum of:

- (a) a monthly instalment calculated by dividing the basic premium remaining to be paid into 11 equal monthly instalments; and
- (b) a finance fee of 4% of the monthly instalment paid pursuant to clause (a).

(9) A holder who has made an election pursuant to subsection (2) shall pay the monthly amount mentioned in subsection (8) on the date each month that is designated by that holder to the insurer.

(10) In each month of each year after the anniversary date of his or her election, the holder shall pay a monthly amount equal to the monthly amount required by subsection (11).

(11) For the purposes of subsection (10), the monthly amount the holder shall pay is:

- (a) if, on the anniversary date, the insurer determines that the basic premium:
  - (i) can be divided into 12 equal monthly instalments, the monthly instalment calculated pursuant to subsection (13); or
  - (ii) cannot be divided into 12 equal monthly instalments, the monthly instalments determined pursuant to clause (12)(a)(i);
- (b) a finance fee of 4% of the monthly instalments paid pursuant to clause (a); and
- (c) the total of the amounts payable pursuant to subsection 22(7) of *The Traffic Safety Act Fees Regulations*.

(12) If, on each anniversary date after the election, the insurer determines that the basic premium to be paid by the holder for the following year cannot be divided into 12 equal monthly instalments for each of the 12 payment months in the following year:

- (a) the insurer shall:
  - (i) determine equal monthly instalment amounts for each of the 12 payment months; and
  - (ii) determine the amount of the basic premium that would remain after payment of the 12 monthly instalments mentioned in subclause (i); and
- (b) the holder shall, along with his or her first monthly instalment payment, pay the amount mentioned in subclause (a)(ii) as a one-time fee and a finance fee equal to 4% of the one-time fee.

(13) The monthly instalment payable pursuant to subsection (11) is the amount MPP calculated in accordance with the following formula:

$$\text{MPP} = \frac{\text{BP}}{12}$$

where BP is the amount of the basic premium payable pursuant to these regulations based on a 12-month registration.

(14) A holder who made an election shall pay the monthly amount mentioned in subsection (11) on the date each month that is designated by that holder to the insurer.

23 Aug 2002 cA-35 Reg 4 s5; 19 Feb 2010 SR  
5/2010 s4.

**Notice of additional premium**

**6(1)** If, pursuant to section 8 of the Act, the insurer determines that an applicant for or holder of a certificate of insurance is entitled to a discount in premium or must pay an additional premium, the insurer shall notify the applicant or holder.

(2) A notice sent pursuant to subsection (1) must be in writing and is to be sent by ordinary mail addressed to the applicant's or holder's last known address.

(3) A notice sent pursuant to subsection (1) must:

(a) set forth the amount of:

(i) the applicant's or holder's discounted premium; or

(ii) the additional premium assessed against the applicant or holder;

(b) if the applicant or holder is liable to pay an additional premium, advise the applicant or holder to whom it is directed of the penalty provided by section 11 of the Act for default in payment of the additional premium; and

(c) inform the applicant or holder of the applicant's or holder's right to appeal to the board pursuant to section 10.1 of the Act.

23 Aug 2002 cA-35 Reg 4 s6.

**Change in licence period**

**7(1)** If a person applies for an owner's certificate for a licence period other than the licence period in which the application is made, the premium payable is the premium payable by that owner for that class of vehicle when the owner's certificate comes into force.

(2) If the premium payable when the application is made pursuant to subsection (1):

(a) is less than the premium in force when the owner's certificate comes into force, the insurer shall pay the difference, rounded to the nearest dollar, to the applicant; or

(b) is greater than the premium in force when the owner's certificate comes into force, the applicant shall pay the difference, rounded to the nearest dollar, to the insurer.

23 Aug 2002 cA-35 Reg 4 s7.

**Exchanging a certificate of registration**

**8** If the owner applies to the insurer to cancel an owner's certificate for a vehicle before the expiry of that owner's certificate and to have issued an owner's certificate for another vehicle and:

(a) the premium for the owner's certificate for the first vehicle is less than the premium for the owner's certificate for the other vehicle, the applicant shall pay the difference, rounded to the nearest dollar, to the insurer; or

(b) the premium for the owner's certificate for the other vehicle is less than the premium for the owner's certificate for the first vehicle, the insurer shall refund the difference, rounded to the nearest dollar, to the applicant.

23 Aug 2002 cA-35 Reg 4 s8.

**Basic premium for certain vehicles**

9(1) Notwithstanding any other provision of these regulations, snowmobiles are to constitute a separate class of vehicle and the basic premium for snowmobiles is the scheduled premium.

(2) Notwithstanding any other provision of these regulations, vehicles to which section 18 of the Act applies constitute a separate class of vehicle and the basic premium for those vehicles is the scheduled premium established for those motor vehicles.

23 Aug 2002 cA-35 Reg 4 s9.

PART III.01  
**Insurance Rebates Program 2021**

**Definitions for Part**

**9.01** In this Part:

- (a) **“co-owner”** means any person who is the registered owner of a vehicle along with one or more persons;
- (b) **“eligible insured”** means:
  - (i) a person who held an eligible owner's certificate in that person's name for a portion or the whole of the eligible period and:
    - (A) is a Saskatchewan resident on the day on which the insurer makes a payment pursuant to section 9.02;
    - (B) is permitted to register a vehicle in Saskatchewan on the day on which the insurer makes a payment pursuant to section 9.02; or
    - (C) was legally required to register a vehicle in Saskatchewan for a portion or the whole of the eligible period; or
  - (ii) a person who is a co-owner but only if at least 1 of the other co-owners of the same vehicle meets the requirements of subclause (i);
- (c) **“eligible owner's certificate”** means an owner's certificate issued pursuant to the Act but does not include a certificate that is a certificate of insurance issued with respect to a permit;
- (d) **“eligible period”** means the period beginning on January 1, 2018 and ending on December 31, 2020;
- (e) **“insurance rebate”** means the amount payable to an eligible insured pursuant to section 9.02;

(f) “**outstanding indebtedness**” means, with respect to a person, an indebtedness of that person that is:

- (i) outstanding on the date on which an insurance rebate is payable to that person; and
- (ii) owed:
  - (A) to the insurer pursuant to the Act or these regulations;
  - (B) to the insurer pursuant to a deductible finance agreement as defined in *The Traffic Safety Act* and that person has defaulted on a payment pursuant to that deductible finance agreement; or
  - (C) to the administrator for any fee or charge imposed on the person pursuant to *The Traffic Safety Act*.

14 May 2021 SR 47/2021 s3.

**Insurance rebate**

**9.02(1)** Subject to subsections (2) to (7) and section 9.03, the insurer shall pay an insurance rebate to an eligible insured for the eligible period.

(2) An insurance rebate is to be paid on or before June 30, 2021.

(3) The amount of an insurance rebate payable to an eligible insured with respect to each vehicle for which the eligible insured held an eligible owner’s certificate in the eligible insured’s name during the eligible period is the amount IR calculated in accordance with the following formula:

$$IR = \frac{BP}{\text{Total BP}} \times \$285,000,000$$

where:

IR is the insurance rebate payable;

BP is the scheduled premium amount for each vehicle for which an eligible insured holds an eligible owner’s certificate; and

Total BP is the sum of all scheduled premiums for all vehicles registered with the insurer during the eligible period.

(4) If the eligible insured did not hold an eligible owner’s certificate for a vehicle for every day in the eligible period:

(a) the insurer shall prorate the amount of the insurance rebate payable for the vehicle based on the number of days the eligible insured held that eligible owner’s certificate in the eligible period; and

(b) the eligible insured is eligible to be paid only the prorated insurance rebate with respect to that vehicle.

(5) No person is eligible for an insurance rebate if the amount of the insurance rebate is less than \$5.00.

(6) If an eligible insured held an eligible owner’s certificate for more than 1 vehicle in the eligible insured’s name during the eligible period, the insurer may provide all insurance rebates to that eligible insured in 1 payment.

(7) An insurance rebate with respect to a vehicle for which the eligible owner's certificate is in the name of 2 or more co-owners must be made payable to all of the co-owners listed in the eligible owner's certificate.

14 May 2021 SR 47/2021 s3.

**Set-off of insurance rebate**

**9.03(1)** Subject to subsection (3), if an eligible insured is eligible for an insurance rebate pursuant to this Part and that eligible insured has an outstanding indebtedness, the insurer may:

- (a) if the indebtedness is equal to or greater than the amount of the insurance rebate, apply all of the insurance rebate towards satisfaction of the eligible insured's outstanding indebtedness; or
- (b) if the indebtedness is less than the amount of the insurance rebate:
  - (i) apply that portion of the insurance rebate that is required to satisfy the eligible insured's outstanding indebtedness to that debt; and
  - (ii) pay any remainder of the insurance rebate to the eligible insured.

(2) Any set-off pursuant to subsection (1) reduces the eligible insured's outstanding indebtedness by the amount of the insurance rebate that is applied.

(3) This section does not apply to an insurance rebate owed to a co-owner unless all listed co-owners on the eligible owner's certificate have the same outstanding indebtedness.

14 May 2021 SR 47/2021 s3.

Part III.02  
**Insurance Rebates Program 2022**

**Definitions for Part**

**9.04(1)** In this Part:

- (a) **"co-owner"** means any person who is the registered owner of a motor vehicle along with one or more persons;
- (b) **"eligible date"** means March 9, 2022;
- (c) **"eligible insured"** means a person who, with respect to a motor vehicle:
  - (i) held an eligible owner's certificate for the motor vehicle in that person's name on the eligible date; or
  - (ii) is a co-owner of the motor vehicle but only if at least 1 of the other co-owners of the same motor vehicle meets the requirements of subclause (i);
- (d) **"eligible owner's certificate"** means an owner's certificate issued pursuant to the Act but does not include any of the following:
  - (i) a certificate that is a certificate of insurance issued with respect to a permit;

(ii) a certificate of insurance issued to a person with respect to the following:

- (A) a motor vehicle owned by the Government of Canada;
- (B) a snowmobile;
- (C) a trailer;
- (D) a semi-trailer;
- (E) a motor vehicle for which a dealer certificate of registration has been issued pursuant to *The Traffic Safety Act*;

(e) “**insurance rebate**” means the amount payable to an eligible insured pursuant to section 9.05.

20 May 2022 SR 36/2022 s2.

**Insurance rebate**

**9.05(1)** Subject to subsections (2) to (5), the insurer shall pay an insurance rebate to an eligible insured in accordance with this Part.

(2) An insurance rebate is to be paid on or before August 31, 2022.

(3) The amount of an insurance rebate payable to an eligible insured with respect to each motor vehicle for which the eligible insured held an eligible owner’s certificate in the eligible insured’s name on the eligible date is \$100.

(4) If an eligible insured held an eligible owner’s certificate for more than 1 motor vehicle in the eligible insured’s name on the eligible date, the insurer may provide all insurance rebates to that eligible insured in 1 payment.

(5) An insurance rebate with respect to a motor vehicle for which the eligible owner’s certificate is in the name of 2 or more co-owners must be made payable to all of the co-owners listed in the eligible owner’s certificate.

20 May 2022 SR 36/2022 s2.

PART III.1  
**Premium Rebates Program**

DIVISION 1  
**General Provisions**

**9.1 Repealed.** 21 Sep 2018 SR 66/2018 s3.

**9.2 Repealed.** 21 Sep 2018 SR 66/2018 s3.

**9.21 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 2  
**2005 Program**

**9.22 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 3  
**2006 Program**

**9.23 Repealed.** 21 Sep 2018 SR 66/2018 s3.

**9.3 Repealed.** 23 Mar 2007 SR 12/2007 s3.

PART III.2  
**Green (Fuel-Efficient or Hybrid) Motor Vehicle Rebate Program**

DIVISION 1  
**Preliminary Matters**

**9.31 Repealed.** 21 Sep 2018 SR 66/2018 s3.

**9.32 Repealed.** 21 Sep 2018 SR 66/2018 s3.

**9.33 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 2  
**2008 Program**

**9.34 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 3  
**2009 Program**

**9.35 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 4  
**2010 Program**

**9.36 Repealed.** 21 Sep 2018 SR 66/2018 s3.

DIVISION 5  
**2011 Program**

**9.37 Repealed.** 21 Sep 2018 SR 66/2018 s3.

PART IV  
**Deductible****Deductible**

**10(1)** For the purposes of Part III of the Act, the deductible amount is the amount set out in the Comprehensive Deductible column of Appendix A for the Class in which the vehicle belongs.

(2) Notwithstanding subsection (1), the owner of any of the following vehicles may elect a deductible of \$15,000:

- (a) a vehicle that is registered in Class A; and
- (b) a vehicle that is registered in Saskatchewan pursuant to the IRP.

23 Aug 2002 cA-35 Reg 4 s10.

**Prescribed minimum damage**

**11** For the purposes of subsection 51(9) of the Act, the specified amount of property damage is fixed at \$700.

23 Aug 2002 cA-35 Reg 4 s11.

**Acquisition of replacement vehicle**

**12(1)** In this section, “**replacement vehicle**” means a vehicle that:

- (a) is acquired to replace a vehicle designated in an owner’s certificate;
- (b) is of a type and class similar to the vehicle designated in an owner’s certificate; and
- (c) has a gross weight that is equal to or less than the gross weight of the vehicle designated in an owner’s certificate.

(2) This section applies if:

- (a) a vehicle designated in an owner’s certificate is sold; and
- (b) the holder of an owner’s certificate acquires a replacement vehicle to replace the vehicle that was sold.

(3) In the circumstances described in subsection (2), the owner’s certificate continues in effect with respect to the replacement vehicle until the earlier of:

- (a) seven days after the date the replacement vehicle was purchased; and
- (b) the expiration of the owner’s certificate.

(4) In the event of loss or damage occurring to the replacement vehicle as a result of one of the perils mentioned in section 38 of the Act within the seven-day period mentioned in subsection (3), the premium for the replacement vehicle is to be adjusted pursuant to section 7 from the date on which the replacement vehicle was acquired.

(5) For the purposes of ascertaining the deductible, the replacement vehicle is deemed to have been in the class of vehicle set out in Appendix A that it would have been in had the owner’s certificate been transferred or exchanged on the day of its acquisition.

23 Aug 2002 cA-35 Reg 4 s12.

PART IV.1  
**Fees**

**Interest**

**12.1(1)** In this section, “**person in default**” means a person who has not provided the insurer with the entire payment for the purchase of a product or service available pursuant to this Act or the regulations or has provided payment and that payment has been dishonoured.

(2) A person in default is indebted to the insurer for the amount in arrears, any administrative fees associated with a dishonoured payment and any interest chargeable pursuant to subsection (3), and the insurer may recover the arrears, administrative fees and any interest against the person in default.

(3) If the amount owing by the person in default is not paid on the date set out in the statement of account or collection letter issued by the insurer, the person in default is liable for the amount owing and shall pay interest equal to 1.5% per month on the amount owing.

4 Mar 2016 SR 9/2016 s3.

PART V  
**Registration**

**Vehicles exempt from Act**

**13(1)** A vehicle or class of vehicles may be designated in a reciprocal agreement between the insurer and a province or a state of the United States of America, or any authorized agent of them, in which the vehicle is first registered if the province or state has enacted laws providing a system of insurance substantially similar to the system under the Act.

(2) An agreement made pursuant to subsection (1) may:

- (a) exempt the vehicle and the owner from the provisions of the Act; and
- (b) establish terms and conditions governing the exemptions.

23 Aug 2002 cA-35 Reg 4 s13.

**Vehicles registered pursuant to IRP**

**14** If a vehicle is registered in another jurisdiction pursuant to the IRP and that vehicle is also registered in Saskatchewan pursuant to the IRP, no premium is payable in connection with the Saskatchewan registration.

23 Aug 2002 cA-35 Reg 4 s14.

**Farm car**

**15(1)** In this section and for the purposes of the Appendix, “**car**” means a vehicle that:

- (a) is a sedan-type vehicle capable of carrying and properly restraining no more than six persons; and

- (b) is eligible to be registered in Class LV of *The Vehicle Classification and Registration Regulations*.
- (2) A car is eligible to be insured as a farm car if it is owned by a person:
- (a) who resides on a farm within the meaning of *The Vehicle Classification and Registration Regulations* for a total of at least six months per year;
  - (b) who is eligible to register a vehicle in Class F pursuant to *The Vehicle Classification and Registration Regulations*; and
  - (c) whose primary occupation is farming.
- (3) A car that is owned by a corporation is eligible to be insured as a farm car if:
- (a) the principal operator of the car resides on a farm within the meaning of *The Vehicle Classification and Registration Regulations*;
  - (b) the corporation is eligible to register a vehicle in Class F pursuant to *The Vehicle Classification and Registration Regulations*; and
  - (c) the primary occupation of the principal operator of the car is farming.
- (4) For the purposes of this section, a person's primary occupation is farming if he or she satisfies the administrator that he or she is engaged in farming operations for not less than 720 hours in the calendar year in which the application for insurance is made.
- (5) A car registered in Class LV that is owned by the spouse of a person described in subsection (2) is eligible to be insured as a farm car if the spouse resides on the farm with the person eligible to insure a car as a farm car pursuant to subsection (2).

23 Aug 2002 cA-35 Reg 4 s15; 19 Nov 2004 SR  
108/2004 s5.

**Specially authorized purpose**

**16(1)** In this section, "**specially authorized purpose**" means the use of a vehicle for a purpose not permitted in the vehicle's certificate of registration if that use is authorized by:

- (a) the administrator pursuant to clause 73(1)(b) or (c) of *The Traffic Safety Act*; or
  - (b) the board pursuant to subsection 73(4) of *The Traffic Safety Act*.
- (2) While a vehicle is used for a specially authorized purpose:
- (a) the basic premium payable for that vehicle is the scheduled premium for the class of vehicle to which the vehicle belongs;
  - (b) the liability of the insurer pursuant to Part III of the Act with respect to loss or damage occurring while the vehicle is being used for the specially authorized purpose is the amount L calculated in the following manner:

$$L = P - D$$

where:

P is the lesser of:

- (i) the actual cash value of the vehicle and its equipment at the time of the loss, with proper deductions for depreciation; and

(ii) the maximum value of the vehicle, for the class of vehicle to which the vehicle belongs; and

D is the deductible amount of the vehicle as described in clause (c); and

(c) the deductible amount of the vehicle is the amount provided for in Appendix A based on the class to which the vehicle would belong determined using the specially authorized purpose.

23 Aug 2002 cA-35 Reg 4 s16; 26 Mar 2010  
SR 14/2010 s5.

#### Permits

17(1) In this section, “**permit**” means a registration permit issued pursuant to section 73 of *The Traffic Safety Act*.

(2) The insurer may issue a certificate of insurance for a 24-hour or eight-day permit to operate a vehicle in Saskatchewan.

(3) Subject to subsection (4), if an individual seeks to operate or move a vehicle from one point in Saskatchewan to a point in another province, the insurer may issue a certificate of insurance for a seven-day permit.

(4) No certificate of insurance shall be issued for a seven-day permit for the commercial purpose of transporting passengers, commodities or equipment that is mounted or attached to a motor vehicle.

(5) The premium for a certificate of insurance for a 24-hour, seven-day or eight-day permit is the scheduled premium.

(6) The deductible amount for a 24-hour, seven-day or eight-day certificate of insurance is the amount determined as though the vehicle for which the certificate of insurance is issued were classified as a vehicle of its make, model, year and gross weight.

19 Feb 2010 SR 5/2010 s5.

#### Temporary certificate

18(1) In this section, “**authorization**” means a permit or other document permitting the operation of a vehicle in the jurisdiction where it is being operated.

(2) The insurer may issue a temporary certificate of insurance for any vehicle that is being moved from a point outside Saskatchewan to the place of residence in Saskatchewan of the person named in the temporary certificate of insurance.

(3) No temporary certificate of insurance is to be issued for the purpose of transporting passengers, goods, wares, merchandise or commodities or for any other commercial or business purpose.

(4) A temporary certificate of insurance is valid only if:

(a) the vehicle is operated pursuant to an authorization granted by or recognized in the jurisdiction in which the vehicle is operated;

(b) the terms and conditions of the authorization have been complied with; and

- (c) the person named in the temporary certificate of insurance applies for and is issued an owner's certificate during the term of the temporary certificate of insurance or immediately following its expiry.
- (5) If an owner's certificate is issued pursuant to clause (4)(c), it is deemed to be in effect from the date the temporary certificate of insurance was issued.
- (6) The basic premium for a temporary certificate of insurance is the premium rate payable by the owner for that class of vehicle.

23 Aug 2002 cA-35 Reg 4 s18; 20 Feb 2004 SR  
5/2004 s3.

## PART VI Cancellation and Premium Refund

### Refund of premium

**19(1)** If an owner's certificate is cancelled and the licence plates for that vehicle are surrendered to the administrator:

- (a) subject to section 20, the insurer shall refund the amount by which the premium paid with respect to the owner's certificate exceeds the prorated premium for the period in which the owner's certificate was in force; and
- (b) the insurer shall make the refund payable to the owner.
- (2) Notwithstanding subsection (1), the insurer may make a refund without the surrender of the licence plates for a vehicle if the insurer is satisfied that the licence plates:
- (a) cannot reasonably be obtained; or
- (b) have been accounted for to the satisfaction of the insurer.

23 Aug 2002 cA-35 Reg 4 s19.

### Calculation of refund

**20(1)** For the purposes of section 19, the amount of the prorated premium is calculated on the basis of the annual premium that the owner was obligated to pay at the time the owner's certificate was purchased, regardless of the date of issue of the owner's certificate.

(2) The results of any calculation made pursuant to subsection (1) are to be rounded to the nearest dollar.

23 Aug 2002 cA-35 Reg 4 s20.

**Minimum amount retained**

**21(1)** Notwithstanding any other provision of these regulations, the insurer shall not refund any amount unless the amount exceeds \$4.99.

(2) Subject to section 22, the insurer is entitled to a cancellation fee with respect to an owner's certificate in an amount equal to the lesser of:

- (a) \$15; and
- (b) an amount equal to the prorated premium calculated in accordance with subsection 20(1).

(3) If the insurer considers it appropriate, it may waive the cancellation fee in subsection (2).

(4) Notwithstanding subsection (2), if an owner's certificate has been purchased with the premium fee determined pursuant to section 4 or 5, on cancellation of the owner's certificate the insurer is entitled to retain:

- (a) the down payment finance fee paid pursuant to subsection 5(7); or
- (b) the premium and registration fee paid pursuant to subsection 4(4).

23 Aug 2002 cA-35 Reg 4 s21; 23 Mar 2007 SR  
12/2007 s4; 23 Dec 2016 SR 97/2016 s3.

**Certificate issued in error**

**22** The insurer shall refund to an owner all of the basic premium paid with respect to an owner's certificate if the insurer is satisfied that:

- (a) the owner's certificate has been issued in error; or
- (b) no owner's certificate has been issued or will be issued even though an application has been made and the owner has paid the required premium.

23 Aug 2002 cA-35 Reg 4 s22.

**Death of owner**

**23(1)** In this section, "**registration period**" means the period during which an owner's certificate is valid.

(2) If in a registration period the owner of a vehicle dies and the vehicle is registered pursuant to *The Vehicle Classification and Registration Regulations* in the same class under the name of the executor or administrator of the deceased's estate or in the name of the person legally entitled to the vehicle, the insurer shall not:

- (a) require the surrender of the licence plates for the vehicle to the administrator;
- (b) pay a refund with respect to the owner's certificate issued to the deceased owner; or
- (c) require a premium to be paid by the person in whose name the vehicle is re-registered.

(3) The premium payable for a vehicle mentioned in subsection (2) in a registration period following the registration period in which the owner of the vehicle died is the scheduled premium if the vehicle is registered solely under the name of the executor or administrator of the deceased's estate.

- (4) Subsection (5) applies with respect to a vehicle if:
- (a) the vehicle is a vehicle for which a discount in the basic premium applies pursuant to subsection 29(3);
  - (b) the vehicle was registered in a registration period in the name of two or more co-owners as defined in section 26 and, in that registration period, one of the co-owners died;
  - (c) the vehicle is registered in a registration period following the registration period mentioned in clause (b); and
  - (d) the executor or administrator of the deceased's estate is registered as a co-owner of the vehicle in a registration period following the registration period in which that co-owner of the vehicle died.
- (5) In the circumstances mentioned in subsection (4):
- (a) the premium payable for the vehicle mentioned in that subsection is to be based on the average safety rating of all co-owners; and
  - (b) the executor or administrator of the deceased's estate, in that executor or administrator's status a co-owner, is deemed to have a safety rating of zero.

23 Aug 2002 cA-35 Reg 4 s23; 22 Nov 2002 SR  
99/2002 s3.

## PART VII Limitations on Insurer's Liability

### Limits on liability of insurer

- 24(1)** Subject to the other provisions of these regulations, the liability of the insurer pursuant to Part III of the Act for loss or damage to any vehicle is limited with respect to each separate claim to the amount by which the loss or damage is greater than the amount set out in the Comprehensive Deductible column of Appendix A.
- (2) For the purposes of Part III of the Act, the maximum value of an amphibious vehicle together with all its equipment is deemed to be \$15,000.
- (3) For the purposes of Part III of the Act, the maximum value of an antique vehicle together with all its equipment is deemed to be \$800.
- (4) For the purposes of Part III of the Act, if an owner of a vehicle applies for or renews an owner's certificate and the basic premium payable for that vehicle is determined using the declared value of the vehicle and all its equipment at the time of the application for or renewal of insurance, the maximum value of the vehicle is deemed to be the declared value of the vehicle and all its equipment as set out in the application for insurance or application for renewal of insurance.
- (5) For the purposes of Part III of the Act, the maximum value of a vehicle and all its equipment registered in Class A, C, D or TS is deemed to be \$15,000 unless a higher declared value of the vehicle is set out in the application for insurance or application for renewal of insurance.

(6) Notwithstanding subsection (5) and for the purposes of Part III, the maximum value of the vehicle is the actual cash value of the vehicle or any part or item of the equipment of the vehicle, as the case may be, at the time of the loss or damage, with proper deduction for depreciation if:

- (a) the vehicle is registered in Class A, C or D and the insurer determined the basic premium of the vehicle on the basis of the make and model of the vehicle; or
- (b) the vehicle is an ambulance or hearse registered in Class A, C or D.

(6.1) Notwithstanding subsections (5) and (6) and for the purposes of Part III of the Act, the maximum value of a vehicle that is registered in Saskatchewan pursuant to the IRP and all its equipment is deemed to be \$15,000 if:

- (a) the certificate of insurance for that vehicle is purchased or renewed after this subsection comes into force; or
- (b) the certificate of insurance for that vehicle was originally issued for another vehicle and has been amended, after this subsection comes into force, to change the vehicle registered under the certificate of insurance.

(7) Subject to subsection (6), if the owner of a vehicle is eligible to elect and does elect a deductible of \$15,000 pursuant to section 10, the liability of the insurer for loss or damage to the vehicle respecting each separate claim is not to be greater than the deemed maximum value of the vehicle pursuant to this section.

(8) A dealer's certificate of registration issued pursuant to section 68 of *The Traffic Safety Act* does not provide coverage pursuant to Part III of the Act for snowmobiles.

23 Aug 2002 cA-35 Reg 4 s24; 13 Jun 2003 SR  
52/2003 s2; 26 Mar 2010 SR 14/2010 s6.

**Insurance coverage for equipment**

**25(1)** In this section:

- (a) **“after-market equipment”** means sound and communication equipment that:
  - (i) is intended for use in a vehicle; and
  - (ii) is not manufacturer-installed equipment;
- (b) **“manufacturer-installed equipment”** means sound and communication equipment that:
  - (i) is intended for use in a vehicle; and
  - (ii) is available from the manufacturer as standard or optional equipment for a vehicle of that particular make, model and year.

(2) Subject to subsections (4) and (5), for the purposes of Part III of the Act, an owner's certificate insures the person named in the owner's certificate against loss or damage to the vehicle designated in the owner's certificate with respect to sound and communication equipment including:

- (a) electronic data processing devices; and
- (b) audiovisual equipment.

(3) Subsection (2) does not apply to loss or damage to any type of sound equipment or communication equipment if the Act or these regulations declare that the insurer is not liable for loss or damage to that type of sound equipment or communication equipment.

(4) If there is loss or damage solely to after-market equipment, the liability of the insurer for that loss or damage is limited to the amount by which the loss or damage, including all associated and incidental costs, exceeds the deductible amount fixed pursuant to these regulations to a maximum of \$1,500 per claim.

(5) If there is loss or damage to after-market equipment and other loss or damage to the vehicle for which the insurer is liable pursuant to the Act and these regulations, the maximum liability of the insurer for all loss or damage is the amount ML calculated in accordance with the following formula:

$$ML = (EL + VL) - D$$

where:

EL is the loss or damage to the after-market equipment and is equal to the lesser of:

- (a) the amount of the loss or damage; and
- (b) \$2,200;

VL is the loss or damage to the vehicle for which the insurer is liable pursuant to the Act and these regulations;

D is the deductible amount fixed pursuant to these regulations.

23 Aug 2002 cA-35 Reg 4 s25.

## PART VIII Safety Rating Assessment

### Interpretation

**26(1)** In this Part:

- (a) **“assigned points”** means the points assigned to a chargeable incident as set out in Appendix B to these regulations;
- (b) **“chargeable incident”** means:
  - (i) a conviction for:
    - (A) an offence listed in Appendix B;

- (B) an offence pursuant to section 130 of the *National Defence Act* (Canada) for having contravened paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4) or subsection 320.15(1), (2) or (3) of the *Criminal Code*; or
  - (C) contravening a law of the United States of America that is substantially similar to any of the offences listed in paragraph (B) or Appendix B;
- (ii) a motor vehicle accident set out in Appendix B; or
  - (iii) a suspension or disqualification set out in Appendix B;
- (c) **“clear year”** means, with respect to a driver, a period of 365 consecutive days commencing on or after January 1, 1995 during which the driver at all times held a valid driver’s licence and was not involved in a chargeable incident;
- (d) **“co-owner”** means an individual who:
- (i) is registered as the owner of a motor vehicle along with one or more individuals; and
  - (ii) has provided the insurer, on a form acceptable to the insurer, with his or her permission to disclose his or her safety rating to all other individuals registered as co-owners of the motor vehicle
- (e) **“multiple incident”** means an event described in subsection (2).
- (1.1) For the purpose of determining a clear year with respect to a driver, the date on which a driver is involved in a chargeable incident is:
- (a) the date of a motor vehicle accident involving that driver;
  - (b) the date of an event that gave rise to that driver’s suspension or disqualification; or
  - (c) with respect to a conviction, the date on which that driver was charged with the related offence.
- (2) For the purposes of this Part, a driver is considered to have been involved in a multiple incident if the driver:
- (a) is involved in a motor vehicle accident that is determined to be a chargeable incident against the driver; and
  - (b) is charged and subsequently convicted of one or more of the chargeable incidents that:
    - (i) are set out in items 5, 5.1, 6 and 7 of Appendix B, other than a conviction for contravening subsection 140(1) or (3) of *The Traffic Safety Act*; and
    - (ii) occurred on the same day as the motor vehicle accident mentioned in clause (a).

(3) For the purposes of this Part, in the case of accidents that occur on or after October 12, 2016, the amount of a payment made by the insurer is the amount CP calculated in accordance with the following formula:

$$CP = TP - SP$$

where:

TP is the total amount paid by the insurer to the insured pursuant to the Act, less any claims expenses, for the loss or damage caused by a motor vehicle accident;

SP is the proceeds retained by the insurer for the sale of any salvage belonging to the insured arising from the same motor vehicle accident.

23 Aug 2002 cA-35 Reg 4 s26; 22 Nov 2002 SR 99/2002 s4; 23 Jan 2009 SR 6/2009 s4; 26 Aug 2016 SR 72/2016 s3; 21 Sep 2018 SR 66/2018 s4; 30 Sep 2022 SR 72/2022 s3; 5 May 2023 SR 27/2023 s3.

**26.1 Repealed.** 4 Jly 2014 SR 55/2014 s3.

**Safety rating**

**27(1)** The insurer shall not consider any driver's record or motor vehicle accident claims history that predates January 1, 1995.

(1.1) If the insurer concludes that a driver was involved in a chargeable incident, the insurer shall determine that driver's safety rating as at:

- (a) the date of a motor vehicle accident involving that driver;
- (b) the date of an event that gave rise to that driver's suspension or disqualification; or
- (c) with respect to a conviction for an offence, the date on which that driver was charged with the related offence.

(2) Subject to these regulations, in determining a driver's safety rating the insurer shall:

- (a) in the case of a chargeable incident, subtract the assigned points for the chargeable incident from the driver's safety rating; and
- (b) in the case of a clear year, add one point to the driver's safety rating.

(3) For each chargeable incident, a driver shall pay a surcharge based on the driver's accumulated points for all chargeable incidents, including the chargeable incident for which the surcharge is being determined, in the amount:

- (a) set out in Table 2, if the incident that gave rise to the chargeable incident occurred before October 12, 2016; or
- (b) set out in Table 2.1, if the incident that gave rise to the chargeable incident occurred on or after October 12, 2016.

(4) Notwithstanding clause (2)(a) and subsection (3), if a driver is involved in a multiple incident:

- (a) the insurer shall subtract the assigned points from the driver's safety rating for the motor vehicle accident that is a chargeable incident; and
- (b) the driver shall pay a surcharge, if applicable, for the motor vehicle accident mentioned in clause (a).

(5) If a driver is involved in a multiple incident and is determined to have a safety rating of minus one or lower as a result of the application of subsection (4), the insurer shall subtract the assigned points from the driver's safety rating for all the chargeable incidents, other than the motor vehicle accident, that are associated with that multiple incident.

(6) Notwithstanding clause (4)(b) but subject to subsection (6.1), if the driver is involved in a multiple incident and the driver has a safety rating of minus one or lower, the driver is not required to pay a surcharge for the motor vehicle accident if:

- (a) the board or the insurer at any time determines that it is not a chargeable incident; or
- (b) the driver fully reimburses the insurer for the motor vehicle accident in accordance with section 30.

(6.1) Subsection (6) applies only to multiple incidents that occur before October 12, 2016.

(6.2) Subject to subsection (6.4), if a driver is involved in a multiple incident and the board determines that the motor vehicle accident is not a chargeable incident or the driver fully reimburses the insurer, the insurer shall subtract the assigned points from the driver's safety rating for all chargeable incidents, other than the motor vehicle accident, associated with that multiple incident.

(6.3) Subject to subsection (6.4), a driver shall pay a surcharge for all chargeable incidents, other than a motor vehicle accident, that are part of the multiple incident if the driver has a safety rating of minus one or lower even if the driver is not required to pay the surcharge with respect to a motor vehicle accident because:

- (a) the board or the insurer at any time determines that it is not a chargeable incident; or
- (b) the driver fully reimburses the insurer for the motor vehicle accident in accordance with section 30.

(6.4) Subsection (6.2) and (6.3) apply only to multiple incidents that occur on or after October 12, 2016.

(7) If a driver has three consecutive clear years and, at the end of those three consecutive clear years, has a safety rating of minus one or lower, the insurer shall:

- (a) remove any assigned points entered against the driver's safety rating; and
- (b) place the driver at zero on the safety rating scale.

(8) The accumulated points registered against a driver's safety rating pursuant to this section is the driver's safety rating.

(9) Notwithstanding any other provision of these regulations and subject to subsection (10), the insurer shall determine the safety rating of a co-owner who does not reside in Saskatchewan based on his or her:

- (a) driving record within Saskatchewan; and
- (b) motor vehicle accident claims history.

(10) If a co-owner mentioned in subsection (9) does not have a driving record within Saskatchewan or a motor vehicle accident claims history, the co-owner's safety rating is deemed to be zero.

23 Jan 2009 SR 6/2009 s6; 26 Aug 2016 SR  
72/2016 s4; 5 May 2023 SR 27/2023 s4.

**Safety rating for medical disability**

**27.01(1)** Notwithstanding section 27, a registered owner of a motor vehicle who qualifies for a medical discount and who meets the criteria set out in subsection (2) is deemed to have the maximum safety rating that is available for an insured at the time the safety rating is determined by the insurer.

(2) For the purposes of subsection (1), a registered owner of a motor vehicle must meet the following criteria:

- (a) the registered owner must satisfy the insurer that he or she cannot and will not operate a motor vehicle because he or she does not meet the Canadian Medical Association guidelines for safe driving;
- (b) the registered owner must not have been convicted of a motor vehicle related *Criminal Code* offence within the past 10 years;
- (c) the registered owner must be at least 15 years of age.

26 Mar 2010 SR 14/2010 s7; 26 Aug 2016 SR  
72/2016 s5.

**Surcharge to be paid for convictions for special offences**

**27.1(1)** In this section and section 29, "**special offence**" means an offence contrary to any of the following provisions of the *Criminal Code* committed by means of a motor vehicle:

- (a) section 220;
- (b) section 221;
- (c) section 236;
- (d) subsection 320.13(2) or (3);
- (e) subsection 320.14(2) or (3);
- (f) subsection 320.15(2) or (3);
- (g) subsection 320.16(2) or (3);
- (h) **Repealed.** 21 Sep 2018 SR 66/2018 s5.
- (i) **Repealed.** 21 Sep 2018 SR 66/2018 s5.
- (j) **Repealed.** 21 Sep 2018 SR 66/2018 s5.
- (k) **Repealed.** 21 Sep 2018 SR 66/2018 s5.

- (2) Notwithstanding any other provision of this Part, if a driver is convicted of a special offence:
- (a) if the driver has a safety rating of greater than minus 11, the driver's safety rating is deemed to be minus 20; and
  - (b) the insurer shall charge the driver, and the driver shall pay, a surcharge of \$2,500.

23 Jan 2009 SR 5/2009 s7; 4 Jly 2014 SR  
55/2014 s4; 21 Sep 2018 SR 66/2018 s5.

**Safety rating for drivers establishing a residence in Saskatchewan**

**28(1)** If a person establishes a residence or re-establishes a residence in Saskatchewan, for the purpose of initially placing the driver on the safety rating scale, the insurer shall:

- (a) determine the number of points that, in the opinion of the insurer, the person would have accumulated based on the number of at-fault motor vehicle accidents since January 1, 1995;
  - (b) determine the number of points that, in the opinion of the insurer, the person would have accumulated based on the number of convictions the person has for chargeable offences as if those offences occurred in Saskatchewan since January 1, 1995;
  - (c) determine the number of points that the person would have earned for clear years based on the person's driving history as if that person, during that period, had been issued a valid Saskatchewan driver's licence; and
  - (d) place the person on the safety rating scale pursuant to this Part.
- (2) In making a determination pursuant to subsection (1), the insurer shall consider all reports and other information that, on reasonable grounds, it considers relevant to the determination.
- (3) For the purposes of assisting in making a determination pursuant to subsection (1) and in determining whether a person who is establishing or re-establishing residence in Saskatchewan should be credited with one or more clear years:
- (a) the person may provide the insurer with a copy of the person's insurance claims history in a form that is acceptable to the insurer; and
  - (b) the insurer shall consider the person's insurance claims history provided pursuant to clause (a) in addition to any other information that the insurer, on reasonable grounds, considers relevant to the determination.
- (4) In making a determination pursuant to subsection (1), the insurer shall not impose a surcharge on a driver, and the driver is not required to pay a surcharge, for any chargeable incident that arose before the date the insurer makes the determination pursuant to subsection (1).

23 Jan 2009 SR 6/2009 s8.

**Safety rating and premium discount**

**29(1)** No person with a safety rating of zero or less is entitled to a discount in the basic premium pursuant to subsection 5(2) of the Act.

(2) Subject to these regulations, the owner of a motor vehicle is entitled to a discount in the basic premium if:

(a) the motor vehicle is registered in the name of the owner and the owner has a safety rating of one or greater; or

(b) the motor vehicle is registered to co-owners and the average safety rating of all co-owners is one or greater.

(3) Subject to subsections (3.1) to (3.3), a discount in the basic premium applies only to the following motor vehicles:

(a) a motor vehicle that is registered in Class PV or LV other than a hearse, U-Drive vehicle, restricted bus, ambulance, police vehicle, RCMP vehicle or a vehicle owned by either the federal government or a Crown corporation;

(b) a motor vehicle that is registered in Class F and that is a one-ton model or smaller.

(3.1) This Part does not apply to the owner of a motor vehicle if:

(a) the owner is a non-resident owner within the meaning of section 18 of the Act; or

(b) the owner or one of the co-owners is not an individual.

(3.2) Subject to subsection (3.3), a discount is not available to a motorcycle that is registered in Class LV unless:

(a) the owner of the motorcycle has a driver's licence with an "M" endorsement that does not have a novice 1 or 2 restriction; or

(b) the owner of the motorcycle has a driver's licence with an "M" endorsement and a novice 2 restriction and the owner of the motorcycle has taken a motorcycle training course approved by the insurer.

(3.3) Subsection (3.2) does not apply to the owner or co-owner of a motorcycle that had an endorsement on his or her driver's licence to operate a motorcycle before November 19, 2014 unless that person's motorcycle endorsement has expired or is suspended, cancelled or removed by the administrator.

(4) **Repealed.** 19 Nov 2004 SR 108/2004 s7.

(5) If a driver is convicted of an offence contrary to section 219, subsection 320.13(1), 320.16(1), 320.17 or 320.18(1) of the *Criminal Code* committed by means of a motor vehicle:

(a) if the driver has a safety rating of greater than minus 11, the driver's safety rating is deemed to be minus 20; and

(b) the insurer shall charge the driver, and the driver shall pay, a surcharge of \$1,000.

(5.1) If a driver is convicted of an offence contrary to paragraph 320.14(1)(a), (b), (c) or (d) or subsection 320.14(4) of the *Criminal Code* committed by means of a motor vehicle:

- (a) if the driver has a safety rating of greater than minus 11, the driver's safety rating is deemed to be minus 20; and
- (b) the insurer shall charge the driver, and the driver shall pay, a surcharge of:
  - (i) \$1,250 if the driver is convicted of an offence contrary to paragraph 320.14(1)(a) or (c) or subsection 320.14(4) of the *Criminal Code*;
  - (ii) \$1,250, if the driver is convicted of an offence contrary to paragraph 320.14(1)(b) or (d) of the *Criminal Code* and the driver's venous blood contains less than 160 milligrams of alcohol per 100 millilitres of blood; or
  - (iii) \$2,250, if the driver is convicted of an offence contrary to paragraph 320.14(1)(b) or (d) of the *Criminal Code* and the driver's venous blood contains 160 milligrams or more of alcohol per 100 millilitres of blood.

(5.2) If a driver is convicted of an offence contrary to subsection 320.15(1) of the *Criminal Code* committed by means of a motor vehicle:

- (a) if the driver has a safety rating of greater than minus 11, the driver's safety rating is deemed to be minus 20; and
- (b) the insurer shall charge the driver, and the driver shall pay, a surcharge of \$2,250.

(6) If an owner or co-owner is entitled to a discount in the premium payable, the premium payable is the amount PP calculated in accordance with the following formula:

$$PP = BP - (BP \times DA)$$

where:

BP is the basic premium set out in subsection 5(2) of the Act;

DA is:

- (a) in the case of a vehicle registered before October 12, 2016:
  - (i) if registered in the name of one owner, the identified discount percentage based on the owner's points determined using the safety rating scale set out in Table 3; or
  - (ii) if registered in the name of co-owners, the average of the identified discount percentages based on each co-owner's points determined using the safety rating scale set out in Table 3; or
- (b) in the case of a vehicle registered on or after October 12, 2016:
  - (i) if registered in the name of one owner, the identified discount percentage based on the owner's points determined using the safety rating scale set out in Table 3.1; or
  - (ii) if registered in the name of co-owners, the average of the identified discount percentages based on each co-owner's points determined using the safety rating scale set out in Table 3.1.

(7) Notwithstanding subsection (6), each co-owner of a motorcycle registered in class LV must meet the requirements set out in clause (3.2)(a) or (b) before a discount in the basic premium is available with respect to the motorcycle.

22 Nov 2002 SR 99/2002 s6; 20 Feb 2004 SR 5/2004 s5; 19 Nov 2004 SR 108/2004 s7; 23 Jan 2009 SR 6/2009 s9; 4 Jly 2014 SR 55/2014 s5; 5 Dec 2014 SR 98/2014 s3; 26 Aug 2016 SR 72/2016 s6; 21 Sep 2018 SR 66/2018 s6 and s7.

#### Claims payback

**30(1)** If a driver is involved in a motor vehicle accident and that motor vehicle accident is a chargeable incident against the driver, the driver may elect to reimburse the insurer for any moneys paid out by the insurer pursuant to the Act on behalf of that driver.

(2) If a driver elects to reimburse the insurer pursuant to subsection (1) and makes full payment of the reimbursement:

(a) the motor vehicle accident is not to be considered a chargeable incident for the purposes of this Part; and

(b) the insurer shall adjust the driver's safety rating and reimburse the driver for any excess premium the driver paid as a result of that motor vehicle accident.

23 Aug 2002 cA-35 Reg 4 s30; 23 Jan 2009 SR 6/2009 s10; 4 Jly 2014 SR 55/2014 s6.

**31 Repealed.** 23 Jan 2009 SR 6/2009 s11.

### PART VIII.1 Commercial Rate Assessment

#### Interpretation of Part

**31.1(1)** In this Part:

(a) **“assessment date”** means the assessment date for a registrant that is set by the insurer;

(b) **“chargeable incident”** means an accident involving a commercial vehicle in which the driver of the commercial vehicle caused or contributed to the accident and is at least 50% at fault for the accident;

(b.1) **“claims paid”**, subject to subsection (4), means:

(i) if the insurer conducts an annual assessment effective May 1 of each year, the sum of all amounts paid by the insurer on behalf of a registrant, less any claims expenses, that are attributable to all chargeable incidents involving the registrant's commercial vehicles that occurred in the preceding calendar year, with the amount paid for each chargeable incident being determined in accordance with section 31.3; or

(ii) if the insurer conducts an assessment at any time of the year other than as set out in subclause (i), the sum of all amounts paid by the insurer on behalf of a registrant, less any claims expenses, that are attributable to all chargeable incidents involving the registrant's commercial vehicles that occurred in the 365 days before the assessment date, with the amount paid for each chargeable incident being determined in accordance with section 31.3;

(c) **“commercial vehicle”** means a vehicle that is registered:

(i) in Class A, C, D, L, PB, PC, PS or PT;

(ii) in Class F, but only if:

(A) the vehicle is larger than a one ton model; or

(B) the registrant is a corporation;

(iii) in Class PV or LV, but only if:

(A) the vehicle is registered as a hearse, U-Drive vehicle, restricted bus, ambulance, police vehicle, RCMP vehicle or a vehicle owned by either the federal government or a Crown corporation; or

(B) the registrant is a corporation;

but does not include any vehicle that is registered in Saskatchewan by a non-resident owner as defined in section 18 of the Act and to whom that section applies;

(c.1) **“IRP commercial vehicle”** means a commercial vehicle registered in Saskatchewan pursuant to the IRP;

(d) **“loss ratio”** means the loss ratio for a registrant determined pursuant to section 31.3, 31.4, 31.81 or 31.9, as the case may be;

(d.1) **“national safety code audit”** means an audit conducted pursuant to the National Safety Code that was adopted by the Council of Ministers Responsible for Transportation;

(e) **“new registrant”** means a registrant that has never registered a commercial vehicle with the administrator before its first application to register a commercial vehicle;

(e.1) **“premiums paid”** means:

(i) if the insurer conducts an annual assessment on May 1:

(A) with respect to any year ending before January 1, 2015, the amount of all premiums paid pursuant to the Act to the insurer on behalf of the registrant to register all of the registrant's commercial vehicles in the preceding calendar year; and

(B) with respect to the year 2015, and any year after 2015, the basic premiums paid for the registrant's commercial vehicles for that calendar year; or

- (ii) if the insurer conducts an assessment at any time of the year other than as set out in subclause (i):
  - (A) with respect to any 365-day period ending before January 1, 2015, the amount of all premiums paid pursuant to the Act to the insurer on behalf of the registrant to register all of the registrant's commercial vehicles in that 365-day period; and
  - (B) with respect to any 365-day period ending on or after January 1, 2015, the basic premiums paid for the registrant's commercial vehicles for that 365-day period;
- (f) **“prior registrant”** means a registrant that has previously registered a commercial vehicle with the administrator;
- (g) **“registrant”** means a person or partnership that registers a commercial vehicle with the administrator.
- (2) In this Part, a registrant is considered to be related to a prior registrant if:
  - (a) **Repealed.** 23 Dec 2016 SR 97/2016 s4.
  - (b) **Repealed.** 23 Dec 2016 SR 97/2016 s4.
  - (c) the insurer is satisfied that:
    - (i) the persons who directly or indirectly control the registrant also directly or indirectly controlled the prior registrant; or
    - (ii) the persons who directly or indirectly control the registrant and the persons who directly or indirectly controlled the prior registrant are not dealing at arm's length.
- (3) For the purposes of these regulations, persons are considered not to be dealing at arm's length if they are not dealing at arm's length within the meaning of the *Income Tax Act* (Canada).
- (4) Notwithstanding clause (1)(b.1), if a motor vehicle accident occurs on or after October 12, 2016, claims paid must be reduced by any proceeds retained by the insurer from the sale of the registrant's salvage.

20 Feb 2004 SR 5/2004 s6; 19 Nov 2004 SR  
108/2004 s8; 23 Jan 2009 SR 6/2009 s12; 4 Mar  
2016 SR 9/2016 s4; 26 Aug 2016 SR 72/2016 s7;  
23 Dec 2016 SR 97/2016 s4.

#### Application of Part

- 31.2(1)** This Part applies only to commercial vehicles and to registrants of commercial vehicles.
- (2) Subject to subsection (3), on or after May 1, 2015, this Part does not apply to a motorcycle registered in Class LV other than a motorcycle operated as a police vehicle.
- (3) For the purpose of calculating an insured's loss ratio pursuant to section 31.1, all claims and premiums paid for a Class LV motorcycle before January 1, 2014 are to be included in the loss ratio calculation for the prescribed calendar years.

5 Dec 2014 SR 98/2014 s4.

**Limit to claims history and setting assessment date**

**31.21(1)** Subject to sections 31.4, 31.81 and 31.9, in determining if a registrant is entitled to a discount or is required to pay a surcharge on its basic premium with respect to a commercial vehicle, the insurer shall only consider chargeable incidents involving a registrant's commercial vehicles that occurred in the five calendar years preceding the registrant's assessment date.

(2) For the purposes of this Part, the insurer shall set an assessment date for every registrant and provide every registrant with written notice of the registrant's assessment date and the date of an assessment within 30 days after the assessment.

20 Feb 2004 SR 5/2004 s6; 23 Jan 2009 SR  
6/2009 s13; 4 Mar 2016 SR 9/2016 s5.

**Loss ratio**

**31.3(1)** For the purpose of determining the claims paid by the insurer on behalf of a registrant pursuant to subsection (2), the insurer shall include for each chargeable incident involving at least one of the registrant's commercial vehicles the lesser of the amounts mentioned in clauses (a) and (b):

(a) if:

(i) the driver of the commercial vehicle is determined to be 50% at fault for a particular chargeable incident, one half of all claims paid by the insurer on behalf of the registrant with respect to that chargeable incident involving that commercial vehicle; and

(ii) the driver of the commercial vehicle is determined to be more than 50% at fault for a particular chargeable incident, all claims paid by the insurer on behalf of the registrant with respect to that chargeable incident involving that commercial vehicle;

(b) either:

(i) if the insurer conducts an annual assessment effective May 1 of each year:

(A) with respect to any calendar year ending before January 1, 2015, two times the amount of all premiums paid by a registrant to register all of the registrant's commercial vehicles for the calendar year in which the chargeable incident occurred; or

(B) with respect to the calendar year 2015 and any subsequent calendar year, the lesser of:

(I) three times the premiums paid by the registrant for all of the registrant's commercial vehicles for the calendar year in which the chargeable incident occurred; and

(II) \$50,000; or

(ii) if the insurer conducts an assessment at any time of the year other than as set out in subclause (i):

(A) with respect to any 365-day period ending before January 1, 2015, two times the amount of all premiums paid by a registrant to register all of the registrant's commercial vehicles in the 365-day period in which the chargeable incident occurred; or

(B) with respect to any 365-day period ending on or after January 1, 2015, the lesser of:

(I) three times the premiums paid by the registrant for all of the registrant's commercial vehicles in the 365-day period in which the chargeable incident occurred; and

(II) \$50,000.

(2) Subject to subsection (3) and section 31.4 or 31.81, if the insurer conducts an annual assessment effective May 1, the loss ratio for a registrant is the amount LR expressed as a percentage and calculated in accordance with the following formula:

$$LR = \frac{(CP1 + CP2 + CP3 + CP4 + CP5)}{(PP1 + PP2 + PP3 + PP4 + PP5)} \times 100$$

where:

CP1 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the calendar year before the registrant's assessment date;

CP2 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the calendar year that is two years before the registrant's assessment date;

CP3 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the calendar year that is three years before the registrant's assessment date;

CP4 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the calendar year that is four years before the registrant's assessment date;

CP5 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the calendar year that is five years before the registrant's assessment date;

PP1 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the calendar year before the registrant's assessment date;

PP2 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the calendar year that is two years before the registrant's assessment date;

PP3 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the calendar year that is three years before the registrant's assessment date;

PP4 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the calendar year that is four years before the registrant's assessment date;

PP5 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the calendar year that is five years before the registrant's assessment date.

(3) Notwithstanding subsection (2) but subject to section 31.4 or 31.81, if the insurer conducts an assessment at any time of the year other than as set out in subsection (2), the loss ratio for a registrant is the amount LR expressed as a percentage and calculated in accordance with the following formula:

$$\text{LR} = \frac{(\text{CP1} + \text{CP2} + \text{CP3} + \text{CP4} + \text{CP5})}{(\text{PP1} + \text{PP2} + \text{PP3} + \text{PP4} + \text{PP5})} \times 100$$

where:

CP1 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the 365-day period that ended on the registrant's assessment date;

CP2 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the 365-day period that ended on the day that is two years before the registrant's assessment date;

CP3 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the 365-day period that ended on the day that is three years before the registrant's assessment date;

CP4 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the 365-day period that ended on the day that is four years before the registrant's assessment date;

CP5 is the amount of claims paid on behalf of the registrant, or a person operating the vehicle on behalf of the registrant, with respect to chargeable incidents that occurred in the 365-day period that ended on the day that is five years before the registrant's assessment date;

PP1 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the 365-day period that ended on the registrant's assessment date;

PP2 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the 365-day period that ended on the day that is two years before the registrant's assessment date;

PP3 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the 365-day period that ended on the day that is three years before the registrant's assessment date;

PP4 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the 365-day period that ended on the day that is four years before the registrant's assessment date;

PP5 is the amount of premiums paid on behalf of the registrant to register all of its commercial vehicles for the 365-day period that ended on the day that is five years before the registrant's assessment date.

**Loss ratio for new registrants**

**31.4(1)** Subject to subsection (2) and section 31.9, the loss ratio for a new registrant is deemed to be 61%.

(2) If a new registrant is related to a prior registrant, the insurer shall calculate the loss ratio for the new registrant pursuant to section 31.3 as if the new registrant were the prior registrant and, for that purpose:

(a) all the claims paid on behalf of the prior registrant with respect to all chargeable incidents on every commercial vehicle registered to the prior registrant are deemed to be claims paid on behalf of the new registrant;

(b) the premiums paid by the prior registrant are deemed to be premiums paid by the new registrant; and

(c) section 31.3 applies, with any necessary modification, to the new registrant as if it were the prior registrant.

(3) **Repealed.** 23 Dec 2016 SR 97/2016 s5.

(4) **Repealed.** 23 Dec 2016 SR 97/2016 s5.

20 Feb 2004 SR 5/2004 s6; 4 Mar 2016 SR  
9/2016 s7; 23 Dec 2016 SR 97/2016 s5.

**Discount on basic premium**

**31.5(1)** No registrant with a loss ratio greater than 60% is entitled to a discount in the basic premium established pursuant to subsection 5(2) of the Act.

(2) Subject to these regulations, a registrant is entitled to a discount in the basic premium only if:

(a) the commercial vehicle with respect to which the discount is to be paid is registered in the name of the registrant;

(b) the registrant has a loss ratio equal to or less than 60%; and

(c) either:

(i) the registrant has held a certificate of registration in Saskatchewan for at least 28 days in the calendar year preceding the registrant's assessment date; or

(ii) in the case of a registrant who has not held a certificate of registration in Saskatchewan for at least 28 days in the calendar year preceding the registrant's assessment date, the registrant provides the insurer with evidence satisfactory to the insurer to establish that the registrant should be provided with a discount to the basic premium on the basis of the registrant's chargeable incidents over the five years preceding the registrant's assessment date.

(3) If a registrant is entitled to a discount in the premium payable, the premium payable for each commercial vehicle registered to that registrant is the amount PP calculated in accordance with the following formula:

$$PP = BP - (BP \times DA)$$

where:

BP is the basic premium established pursuant to subsection 5(2) of the Act;

DA is the identified discount percentage based on the registrant's loss ratio determined using the commercial rating scale set out in Table 4.

20 Feb 2004 SR 5/2004 s6; 29 Oct 2004 SR  
97/2004 s5; 4 Mar 2016 SR 9/2016 s8; 23 Dec  
2016 SR 97/2016 s6.

#### Surcharge on basic premium

**31.51(1)** A registrant with a loss ratio greater than 70% shall pay a surcharge in the amount determined in accordance with subsection (2).

(2) If a registrant is required to pay a surcharge in addition to the basic premium, the amount payable for each commercial vehicle registered to that registrant is the amount PP calculated in accordance with the following formula:

$$PP = BP + (BP \times SA)$$

where:

BP is the basic premium; and

SA is the identified surcharge percentage based on the registrant's loss ratio determined using the commercial rating scale set out in Table 4 of Appendix C.

(3) **Repealed.** 4 Mar 2016 SR 9/2016 s9.

20 Feb 2004 SR 5/2004 s6; 29 Oct 2004 SR  
97/2004 s6; 4 Mar 2016 SR 9/2016 s9; 23 Dec  
2016 SR 97/2016 s7.

#### Discount or surcharge reduced

**31.52(1)** Notwithstanding sections 31.5 and 31.51, but subject to section 31.9, if a registrant has not registered a commercial vehicle in each calendar year for the past five years, the registrant's discount or surcharge, as the case may be, is the amount R calculated in accordance with the following formula:

$$R = \frac{DS \times AY}{5}$$

where:

DS is either, as the case may be:

- (a) the registrant's discount amount calculated pursuant to section 31.5;
- or
- (b) the registrant's surcharge amount calculated pursuant to section 31.51; and

AY is the number of calendar years in the past five calendar years that the registrant has registered a commercial vehicle for 28 days or more.

(2) If the amount “R” in subsection (1) for a registrant does not correspond with a discount or surcharge percentage set out in Table 4 of Appendix C, the insurer shall attribute to the registrant the nearest discount or surcharge percentage, calculated using standard rounding rules, for the purposes of calculating the amount of the registrant’s discount or surcharge, as the case may be.

4 Mar 2016 SR 9/2016 s10.

#### Claims payback

**31.6(1)** If a commercial vehicle is involved in a motor vehicle accident and that motor vehicle accident is a chargeable incident respecting the commercial vehicle, the registrant who registered the commercial vehicle may elect to reimburse the insurer for any moneys paid out by the insurer pursuant to the Act on behalf of that commercial vehicle.

(2) If a registrant elects to reimburse the insurer pursuant to subsection (1), the insurer shall adjust the registrant’s loss ratio and reimburse the registrant for any excess surcharge imposed with respect to that accident that the registrant was required to pay in the period following the registrant’s most recent assessment date set pursuant to section 31.21.

(3) If a registrant elects to reimburse the insurer pursuant to subsection (1), the motor vehicle accident is not to be considered a chargeable incident for the purposes of this Part.

20 Feb 2004 SR 5/2004 s6; 4 Jly 2014 SR  
55/2014 s7.

**31.7 Repealed.** 4 Jly 2014 SR 55/2014 s8.

**31.8 Repealed.** 4 Mar 2016 SR 9/2016 s11.

#### Surcharge respecting certain registrants with IRP commercial vehicles

**31.81(1)** This section only applies to the registrant of an IRP commercial vehicle if the registrant’s loss ratio for its IRP commercial vehicles is more than 70%.

(2) Notwithstanding section 31.51, if this section applies to a registrant, a registrant shall pay a surcharge for each IRP commercial vehicle in an amount determined by the insurer based on sound underwriting practices and taking into consideration the following criteria:

- (a) the length of time that the registrant has been operating as a commercial carrier in any jurisdiction;
- (b) the number of accidents that the registrant’s IRP commercial vehicle has been involved in and the dollar amounts paid on behalf of the registrant in any jurisdiction in which the carrier has operated;
- (c) the jurisdictions where the registrant operates the IRP commercial vehicle and the percentage of time spent and distance travelled in each of those jurisdictions;

- (d) the driving records of the registrant's drivers who operate the IRP commercial vehicle;
  - (e) the types of goods that the registrant carries on the IRP commercial vehicle;
  - (f) the rating for the IRP commercial vehicle as determined by the national safety code audit.
- (3) Notwithstanding subsection (2), the maximum surcharge payable for an IRP commercial vehicle is 200%.

20 Feb 2004 SR 5/2004 s6; 29 Oct 2004 SR  
97/2004 s7; 4 Mar 2016 SR 9/2016 s12; 23 Dec  
2016 SR 97/2016 s8.

**Surcharge on certain new registrants registering IRP commercial vehicles**

**31.9(1)** In this section:

- (a) **“date of application”** means the day on which a new IRP registrant applies to register an IRP commercial vehicle with the administrator;
  - (b) **“new IRP registrant”** means a registrant that, at the date of application, has not registered an IRP commercial vehicle with the administrator for a combined total of at least 36 months within the 5-year period immediately preceding the date of application.
- (2) Notwithstanding any other provision of these regulations, no new IRP registrant is entitled to a discount in its basic premium if the new IRP registrant is subject to a surcharge in accordance with subsection (3).
- (3) Notwithstanding any other provision of these regulations, a new IRP registrant shall pay a surcharge in addition to the basic premium on each of its IRP commercial vehicles of:
- (a) in the case of a new IRP registrant that has not registered an IRP commercial vehicle with the administrator within the 5-year period immediately preceding the date of application, 100% of the basic premium for a period of 12 months;
  - (b) in the case of a new IRP registrant that has registered an IRP commercial vehicle with the administrator for at least 12 months but less than 24 months within the 5-year period immediately preceding the date of application, the greater of:
    - (i) 50% of the basic premium; and
    - (ii) the surcharge determined pursuant to section 31.51; or
  - (c) in the case of a new IRP registrant that has registered an IRP commercial vehicle with the administrator for at least 24 months but less than 36 months within the 5-year period immediately preceding the date of application, the greater of:
    - (i) 25% of the basic premium; and
    - (ii) the surcharge determined pursuant to section 31.51.

- (4) Notwithstanding this section, the administrator may exempt a new IRP registrant from the application of this section if, in the opinion of the administrator:
- (a) the new IRP registrant:
    - (i) has carried on business as a commercial carrier for at least 36 months within the 5-year period immediately preceding the date of application;
    - (ii) has a satisfactory claims history report in the jurisdictions where it has carried on business as a commercial carrier; and
    - (iii) has a satisfactory carrier profile report in the jurisdictions where it has carried on business as a commercial carrier; and
  - (b) granting the exemption would not be contrary to the public interest.
- (5) If the administrator grants an exemption pursuant to subsection (4), the new IRP registrant's discount and surcharge must be determined pursuant to sections 31.5 and 31.51.

14 May 2021 SR 47/2021 s4.

## PART IX Appeals

**32 Repealed.** 21 Sep 2018 SR 66/2018 s9.

### Appeals of safety rating to board

**32.1(1)** This section applies to an appeal pursuant to section 7.2 or 10.1 of the Act.

- (2) A driver who wishes to appeal shall:
- (a) file a notice of dispute at the office of the insurer within 90 days after receiving written notice of the change in the driver's safety rating;
  - (b) pay the fee mentioned in subsection (3); and
  - (c) contact the board to schedule a hearing.
- (3) The fee to appeal the insurer's decision pursuant to section 7.2 or 10.1 of the Act is \$100.
- (4) Subject to subsection (5), no appeal may be made to the board with respect to the insurer's decision to change a driver's safety rating as a result of a chargeable incident.
- (5) A driver may appeal to the board only if the insurer's decision to change the driver's safety rating results from a chargeable incident described in item 1, 2, 2.1 or 2.2 of Appendix B.
- (6) On receipt of a notice of dispute pursuant to this section, the insurer shall deliver to the board:
- (a) the notice of dispute; and
  - (b) copies of all documents in the insurer's possession or control that, in the opinion of the insurer, are relevant to the appeal, other than any report prepared pursuant to section 68, 69 or 70 of the Act.

- (7) At the hearing of an appeal the board shall consider:
- (a) the documents delivered pursuant to subsection (6);
  - (b) any evidence put forward by the insurer; and
  - (c) any evidence put forward by the driver.
- (8) The insurer shall refund the fee paid pursuant to this section if the insured is successful on appeal.

21 Sep 2018 SR 66/2018 s10.

**Rates Appeal Board remuneration and reimbursement**

- 33** Members of the Rates Appeal Board are entitled to receive:
- (a) \$150 per day for attendance at sittings of the board; and
  - (b) the expense allowances currently payable to Saskatchewan Government Insurance employees for expenses incurred on corporation business with respect to travel and sustenance.

23 Aug 2002 cA-35 Reg 4 s33.

**PART X**  
**Licence Issuers**

**Persons designated**

- 34** Persons who are authorized to accept applications and fees payable for a certificate of registration or permit for any vehicle or for a licence to drive pursuant to *The Traffic Safety Act* are designated to accept applications and premiums for insurance pursuant to the Act.

23 Aug 2002 cA-35 Reg 4 s34; 26 Mar 2010 SR  
14/2010 s8.

**PART X.1**  
**Miscellaneous Provisions**

**General fee**

- 34.1** If a person requests a service of the insurer in connection with the administration of the Act or these regulations for which no fee is otherwise prescribed in these regulations, the insurer may charge a fee of \$15 for that service.

19 Feb 2010 SR 5/2010 s6; 15 Sep 2017 SR  
103/2017 s4.

**PART XI**  
**Transitional and Coming into Force**

**Repeal**

- 35** The Automobile Accident Insurance Regulations, 1981, being Saskatchewan Regulations 2/81, are repealed.

23 Aug 2002 cA-35 Reg 4 s35.

**Transitional for operator's certificate**

**36(1)** Subject to subsection (4), if an operator's certificate is purchased before January 1, 2003, and the operator's certificate is cancelled because the person named on the certificate has ceased to reside in Saskatchewan or has died, the insurer shall refund to that person or that person's estate, the amount by which the basic premium actually paid for the operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(2) Subject to subsection (4), if an operator's certificate is purchased before January 1, 2003 and the person named in the operator's certificate is either disqualified from driving pursuant to section 74 of *The Vehicle Administration Act* or prohibited from operating a vehicle pursuant to section 259 of the *Criminal Code*, the insurer shall refund to that person the amount by which the basic premium actually paid for the operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(3) If an operator's certificate is purchased before January 1, 2003 and the operator's certificate is cancelled or revoked on grounds of the driver's infirmity through age, illness or other physical, mental or emotional disability, the insurer shall refund to the person whose driver's licence has been cancelled or revoked the amount by which the basic premium actually paid for an operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(4) Subject to subsection (5), the insurer is entitled to retain from any refunds otherwise payable pursuant to this section with respect to an operator's certificate an amount equal to the greater of:

- (a) \$10; and
- (b) two-twelfths of the annual premium.

(5) Subsection (4) does not apply to a refund payable pursuant to subsection (3).

(6) For the purposes of this section, the amount of the prorated premium is calculated on the basis of the annual premium that the operator was obligated to pay at the time the operator's certificate was purchased, regardless of the date of issue of the operator's certificate.

23 Aug 2002 cA-35 Reg 4 s36.

**Coming into force**

**37(1)** Subject to subsections (2) and (3), these regulations come into force on the day on which section 27 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, but are retroactive and are deemed to have been in force on and from July 1, 2002.

(2) Subject to subsection (3), if these regulations are filed with the Registrar of Regulations after the day on which section 27 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from July 1, 2002.

(3) Section 12 and subsections 24(6) and (7) of these regulations come into force on September 1, 2002.

23 Aug 2002 cA-35 Reg 4 s37.

**Appendix A**

(The deductible amount is the amount set out in the column headed  
“Comprehensive Deductible” opposite the Class to which the vehicle belongs.)

<b>Class</b>	<b>Comprehensive Deductible</b>
<b>CLASS LV</b>	
<b>For each vehicle registered as a light vehicle</b>	
1. That is a motorcycle (including a motor scooter) used for any purpose and regardless of model year and engine capacity.....	\$ 700
2. That is a pedal cycle with motor attachment.....	350
3. That is an ambulance and is used as an ambulance .....	700
4. That is a motorhome, regardless of use, that is registered at a gross vehicle weight rating of less than 15 001 kilograms.....	700
5. That is not otherwise provided for and is a bus that is registered at a gross vehicle weight rating of less than 15 001 kilograms .....	700
6. That is not otherwise provided for and has been assigned a rate category by the insurer and is:	
(a) a hearse and is used as a hearse .....	700
(b) a police car and is used as a police car.....	700
(c) a U-Drive passenger vehicle.....	700
(d) a U-Drive commercial vehicle that is a one ton model vehicle or smaller.....	700
(e) a private motor vehicle .....	700
(f) a farm vehicle.....	700
(g) an antique motor vehicle .....	500
<b>CLASS PV</b>	
<b>For each vehicle registered as a passenger vehicle</b>	
1. That is not otherwise provided for and is larger than than a one ton vehicle model:	
(a) a police vehicle and is used as a police vehicle.....	\$ 700
(b) a U-Drive passenger vehicle.....	700
(c) a private motor vehicle .....	700
(d) an antique motor vehicle .....	500

- |   |     |
|---|-----|
| 2. That is a motorhome, regardless of use, model year or value and that is registered at a gross vehicle weight rating of 15 001 kilograms or greater ..... | 700 |
| 3. That is not otherwise provided for and is a bus and is registered at a gross vehicle weight rating of 15 001 kilograms or greater .....                  | 700 |
| 4. That is an industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces .....   | 700 |

**CLASS T****For each vehicle registered as a trailer or semi-trailer (private)**

- |  |        |
|--|--------|
| 1. That is a tent, collapsible cabin, or cabin trailer or semi-trailer used for U-Drive purposes ..... | \$ 400 |
| 2. That is a tent trailer .....  | 400    |
| 3. That is a trailer or semi-trailer, other than of cabin or tent type .....                           | 400    |
| 4. That is a cabin trailer or U-Drive vehicle having an estimated present value of:                    |        |
| Up to and including \$1,000 .....  | 400    |
| Exceeding \$1,000 .....  | 500    |

**CLASS PS****For each vehicle registered as a passenger school bus**

- |   |        |
|---|--------|
| That is a passenger school bus or snowplane, regardless of model year or seating capacity ..... | \$ 700 |
|---|--------|

**CLASS PB****For each vehicle registered as a public service vehicle (intercity passenger bus)**

- |  |        |
|--|--------|
| That is an intercity passenger bus, regardless of model year or seating capacity ..... | \$ 800 |
|--|--------|

**CLASS PC****For each vehicle registered as a public service vehicle (city passenger bus)**

- |  |        |
|--|--------|
| That is a city passenger bus, regardless of model year or seating capacity ..... | \$ 800 |
|--|--------|

**CLASS PT****For each vehicle registered as a public service vehicle (passenger taxi)**

- |   |        |
|---|--------|
| That is a passenger taxi regardless of location ..... | \$ 700 |
|---|--------|

**CLASS A**

**For each vehicle registered as a public service vehicle**

1. Engaged in the transportation of goods and commodities:
  - (a) that is a truck, van or sport utility vehicle registered under IRP that is a one ton model or smaller..... \$ 700
  - (b) that is a truck, van or power unit larger than a one ton model..... 2,500
2. That is an industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces ..... 700

**CLASS C**

**For each vehicle registered as a commercial vehicle**

1. That is a tractor (not used for farm purposes) regardless of value..... \$ 700
2. That is an industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces ..... 700
3. That is not otherwise provided for:
  - (a) that is a truck or van, regardless of model year or value, that is larger than a one ton model ..... 700
  - (b) that is a U-Drive commercial vehicle larger than a one ton model..... 700
  - (c) that is a power unit, regardless of gross weight, model year or value..... 700

**CLASS D**

**For each vehicle registered as a commercial vehicle**

1. That is a truck or van, regardless of model year or value, that is larger than a one ton model ..... \$ 700
2. That is a U-Drive commercial vehicle larger than a one ton model ..... 700
3. That is a power unit, regardless of gross weight, model year or value ..... 700
4. That is an industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces ..... 700
5. That is not otherwise provided for ..... 700

**CLASS TS**

**For each vehicle registered as a trailer or semi-trailer (commercial)**

- That is a trailer or semi-trailer, regardless of value ..... \$ 500

**CLASS L AND LT**

**For each application for a licensed dealer registration**

- (a) if the registrant is engaged in the business of buying, selling or moving motor vehicles, regardless of model year or gross weight..... \$ 700
- (b) if the registrant is engaged in the business of buying, selling or moving motor cycles ..... 700
- (c) if the registrant is engaged in the business of buying, selling or moving motorized bicycles ..... 350
- (d) if the registrant is engaged in the business of buying, selling or moving trailers, regardless of type..... 500
- (e) that is not otherwise provided for ..... 700

**CLASS F**

**For each vehicle registered as a farm vehicle**

- 1. That is a truck regardless of gross weight ..... \$ 700
- 2. That is a van larger than a one ton model ..... 700
- 3. That is a power unit ..... 700
- 4. That is a semi-trailer or gooseneck trailer ..... 500
- 5. That is a trailer not otherwise provided for ..... 400

19 Nov 2004 SR 108/2004 s9.

**Appendix B**

**CHARGEABLE INCIDENTS**

	<b>Provision</b>	<b>Points</b>
<b>1. Motor Vehicle Accidents</b>		
A motor vehicle accident that occurs before October 12, 2016, if:		
(a) loss or damage arises on account of which the insurer makes a payment of \$305 or more pursuant to the Act; and		
(b) a driver is determined to be more than 50% at fault for the accident		6
<b>2. Motor Vehicle Accidents</b>		
A motor vehicle accident that occurs before October 12, 2016, if:		
(a) loss or damage arises on account of which the insurer makes a payment of \$305 or more pursuant to the Act; and		
(b) a driver is determined to be 50% at fault for the accident		3

	<b>Provision</b>	<b>Points</b>
<b>2.1 Motor Vehicle Accidents</b>		
A motor vehicle accident that occurs on or after October 12, 2016, if:		
(a) loss or damage arises on account of which the insurer makes a payment of \$700 or more pursuant to the Act; and		
(b) either:		6
(i) a driver is determined to be more than 50% at fault for the accident; or		
(ii) a driver is determined to be 50% at fault for the accident		3
<b>2.2 Motor Vehicle Accidents</b>		
A motor vehicle accident that occurs on or after October 12, 2016, if:		
(a) loss or damage arises on account of which the insurer makes a payment of less than \$700 pursuant to the Act; and		
(b) either:		4
(i) a driver is determined to be more than 50% at fault for the accident; or		
(ii) a driver is determined to be 50% at fault for the accident		2
<b>3. Suspension or Disqualification</b>		4
A suspension pursuant to section 146, 146.1, 146.2, subsection 147(1) or (5), section 150 or subsection 151(5) of <i>The Traffic Safety Act</i> that was not cancelled after a review pursuant to section 152, 153, or 154 of <i>The Traffic Safety Act</i> as that Act read on the day before section 1 of <i>The Traffic Safety Amendment Act, 2014</i> came into force		
<b>4. Suspension</b>		4
A suspension or disqualification pursuant to section 146, 146.1, 146.2, 150, 150.1 or 150.11 of <i>The Traffic Safety Act</i> that has not been cancelled after a review pursuant to section 152 or 153 of <i>The Traffic Safety Act</i> , as the case may be		

**5. Convictions pursuant to *The Traffic Safety Act* - charges before October 12, 2016**

This item applies if a driver is charged before October 12, 2016 with any of the following offences pursuant to *The Traffic Safety Act* or any offence pursuant to the law of any province or state or a bylaw of a municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the following offences and is subsequently convicted of that offence:

	<b>Provision</b>	<b>Points</b>
5.1 Driving as a learner while not accompanied by a qualified driver	32.1	4
5.2 Driving a motor vehicle in violation of a licence endorsement or restriction	38	3
5.3 Driving while disqualified	140(1)	10
5.4 Driving while prohibited from driving pursuant to section 146 of <i>The Traffic Safety Act</i>	140(3)	4
5.5 Driving while the administrator has refused to issue, suspended or cancelled a licence pursuant to <i>The Traffic Safety Act</i>	140(5)	4
5.6 Driving in excess of 50 kilometres per hour over the applicable speed limit	199(2)	4
5.7 Driving in excess of 35 kilometres per hour over the applicable speed limit	199(2.1)	4
5.8 Driving at least twice the posted applicable speed limit	199(2.2)	4
5.9 Exceeding a speed that is reasonable and safe in the circumstances	199(3)	4
5.10 Driving at a speed that impedes traffic	199(4)	3
5.11 Exceeding the speed limit in a school zone	200(2)	3
5.12 Exceeding 60 kilometres per hour when passing a highway worker or flag person	203(1)(a)	3
5.13 Exceeding 60 kilometres per hour when passing any highway equipment occupied by a highway worker and whose presence on the highway is marked in the prescribed manner	203(1)(b)	3
5.14 Exceeding 60 kilometres per hour when passing any highway equipment on a highway that has its warning lights in operation, whether or not it is in motion	203(1)(c)	3
5.15 Failing to obey the direction of a flag person or peace officer	203(3)	3
5.16 Exceeding 60 kilometres per hour when passing a stopped emergency vehicle that has its emergency lights in operation	204(1)	3

	<b>Provision</b>	<b>Points</b>
5.17 Exceeding 60 kilometres per hour when passing a stopped tow truck that has its amber lights in operation	205(1)	3
5.18 Failing to obey traffic control device	208(2)	4
5.19 Failing to obey directions of a peace officer	208(3)	3
5.20 Failing to obey a stop sign	209(6)(a)	4
5.21 Failing to obey a stop signal at a railway crossing	209(6)(b)	4
5.22 Failing to stop for a crossing guard	209(6)(c)	4
5.23 Bus transporting passengers failing to stop at a level railway crossing	209(7)(a)	4
5.24 Vehicle transporting goods and required to be placarded failing to stop at a level railway crossing	209(7)(b)	4
5.25 After stopping at a level railway crossing, proceeding while it is unsafe	209(8)	4
5.26 Failing to comply with the signal or request of a peace officer	209.1(3)	3
5.27 Passing a school bus that has its safety lights in operation	212(2)	4
5.28 Failing to stop five metres from the rear of a school bus that has its safety lights and stop arm in operation	212(3)	4
5.29 Failing to stop five metres from the front of a school bus that has its safety lights and stop arm in operation	212(4)	4
5.30 Driving without due care and attention	213(1)	4
5.31 Driving without reasonable consideration of others	213(2)	4
5.32 Driving in a contest of speed or racing with another vehicle on a highway	214(1)	4
5.33 Performing an activity on a highway that is likely to distract, startle or interfere with other users of the highway	214(2)	4
5.34 Passing to the right of a vehicle	217(1)(b)	4
5.35 Increasing speed when being overtaken	217(5)	3
5.36 Failing to yield the right of way to vehicle on the right	219(1)	3
5.37 Failing to yield the right of way when making a left turn	219(3)	3
5.38 Failing to yield the right of way when entering a provincial highway	219(4)	3

	<b>Provision</b>	<b>Points</b>
5.39 Failing to yield the right of way at a "yield" sign	219(5)	3
5.40 Failing to yield the right of way on entering a highway from other than a highway	219(6)	3
5.41 After yielding the right of way, proceeding while it was unsafe	219(8)	3
5.42 Proceeding the wrong way on a one-way highway	221	3
5.43 Failing to yield the right of way to pedestrians at a highway intersection or marked pedestrian crossing in the required manner	223(1)	3
5.44 Failing to stop the vehicle for a pedestrian at a marked pedestrian crossing in the required manner	223(1.1)	3
5.45 Passing a vehicle stopped for pedestrians	223(2)	3
5.46 Following a vehicle too closely	225(1)	3
5.47 Failing to leave sufficient space when following	225(2)	3
5.48 Entering or leaving a controlled access highway except where the right to do so is indicated by a sign	226	4
5.49 Changing lanes when prohibited or when not safe to do so	228(1)	3
5.50 Driving on the left-hand side of median	229(1)	4
5.51 Crossing a median unlawfully	229(2)	4
5.52 Failing to use a signalling device to warn of intention to stop or to abruptly reduce speed	234(1)	3
5.53 Failing to use a signalling device to warn of the intention to change lanes	234(1)	3
5.54 Driving contrary to a sign at an intersection with a green light	235(2)(a)	3
5.55 Failing to stop at crosswalk against an amber light	235(3)(a)	3
5.56 Failing to yield the right of way to a pedestrian at a marked crosswalk displaying only an amber light	235(4)	3
5.57 Failing to stop at a red light at an intersection	235(5)(a)	4
5.58 Making a right turn at a red light when prohibited by a sign	235(5)(b)	3
5.59 Making a left turn on a one-way street on a red light without stopping	235(6)(a)	4

	<b>Provision</b>	<b>Points</b>
5.60 Making a left turn on a one-way street on a red light without yielding the right of way or when prohibited by a sign	235(6)(b)	3
5.61 Proceeding at an intersection in a direction not indicated by a green arrow	235(8)	3
5.62 Failing to yield at an intersection displaying a red light with a green arrow	235(9)	3
5.63 Failing to yield at a place other than an intersection displaying a red light with a green arrow	235(10)	3
5.64 Proceeding contrary to a green arrow	235(11)	3
5.65 Failing to obey a red flashing light, stopping at the wrong place or failing to stop or proceeding while it is unsafe to do so	235(13)	4
5.66 Failing to proceed cautiously at a flashing amber light	235(14)	3
5.67 Failing to yield the right of way to pedestrians at a "walk" signal	237(2)(b)	3
5.68 Failing to yield to an emergency vehicle	238(9)	4
5.69 Driving while using handheld electronic communication equipment	241.1(2)	4
5.70 Driving a commercial vehicle on a highway that is equipped with, contains or is carrying a radar warning device	242(2)(a)	3
5.71 Permitting a commercial vehicle to become or remain equipped with a radar warning device	242(2)(b)	3
5.72 Permitting a person to ride on the exterior part of a vehicle	244(1)	3
5.73 Permitting an over-crowded driving compartment	245(3)	3
5.74 Driver failing to wear a seat-belt assembly	248(1)	3
5.75 Driving a vehicle with a passenger under 16 years of age not wearing a seat-belt assembly	248(4)(a)	3
5.76 Driving a vehicle with a passenger under 7 years of age, who weighs less than 36 kilograms but more than 18 kilograms and is less than 145 centimetres in height, not properly seated in a booster seat	248(4)(b)	3
5.77 Driving a vehicle with a child or infant not properly seated in a child or infant restraint system	248(4)(c)	3
5.78 Failure to report an accident	253(2) or (3)	4
5.79 Providing a false statement	272	4

**5.1. Convictions pursuant to *The Traffic Safety Act* - charges on or after October 12, 2016**

This item applies if a driver is charged on or after October 12, 2016 with any of the following offences pursuant to *The Traffic Safety Act* or any offence pursuant to the law of any province or state or a bylaw of a municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the following offences and is subsequently convicted of that offence:

	<b>Provision</b>	<b>Points</b>
5.1.1 Driving as a learner while not accompanied by a qualified driver	32.1	4
5.1.2 Driving a motor vehicle in violation of a licence endorsement or restriction	38	3
5.1.3 Driving while disqualified	140(1)	10
5.1.4 Driving while prohibited from driving pursuant to section 146 of <i>The Traffic Safety Act</i>	140(3)	4
5.1.5 Driving while the administrator has refused to issue, suspended or cancelled a licence pursuant to <i>The Traffic Safety Act</i>	140(5)	4
5.1.6 Driving a vehicle at a speed greater than 80 kilometers per hour	199(1)(a)	2
5.1.7 Driving a vehicle at a speed greater than the maximum speed indicated by signs on a highway or at an entrance to a park	199(1)(b)	2
5.1.8 Driving in excess of 50 kilometres per hour over the applicable speed limit	199(2)	4
5.1.9 Driving in excess of 35 kilometres per hour over the applicable speed limit	199(2.1)	4
5.1.10 Driving at least twice the posted applicable speed limit	199(2.2)	4
5.1.11 Exceeding a speed that is reasonable and safe in the circumstances	199(3)	4
5.1.12 Driving at a speed that impedes traffic	199(4)	3
5.1.13 Exceeding the speed limit in a school zone	200(2)	3
5.1.14 Exceeding the speed limit in a zone marked by signs	201	2
5.1.15 Exceeding the speed limit in a park	202(2)	2
5.1.16 Exceeding 60 kilometres per hour when passing a highway worker or flag person	203(1)(a)	3

	<b>Provision</b>	<b>Points</b>
5.1.17 Exceeding 60 kilometres per hour when passing any highway equipment occupied by a highway worker and whose presence on the highway is marked in the prescribed manner	203(1)(b)	3
5.1.18 Exceeding 60 kilometres per hour when passing any highway equipment that is stopped on a highway with its warning lights in operation	203(1)(c)	3
5.1.19 Failing to obey the direction of a flag person or peace officer	203(3)	3
5.1.20 Exceeding 60 kilometres per hour when passing a stopped emergency vehicle that has its emergency lights in operation	204(1)	3
5.1.21 Exceeding 60 kilometres per hour when passing a stopped tow truck that has its amber lights or amber and blue lights in operation	205(1)	3
5.1.21.1 Exceeding 60 kilometres per hour when passing a service vehicle, escort vehicle or vehicle creating a hazard that is stopped with its warning lights in operation	205.1	3
5.1.22 Failing to reduce the vehicle's speed when approaching an animal or passing an animal while unsafe to do so	206	2
5.1.23 Failing to obey traffic control device	208(2)	4
5.1.24 Failing to obey directions of a peace officer	208(3)	3
5.1.25 Failing to obey a stop sign	209(6)(a)	4
5.1.26 Failing to obey a stop signal at a railway crossing	209(6)(b)	4
5.1.27 Failing to stop for a crossing guard	209(6)(c)	4
5.1.28 Bus transporting passengers failing to stop at a level railway crossing	209(7)(a)	4
5.1.29 Vehicle transporting goods and required to be placarded failing to stop at a level railway crossing	209(7)(b)	4
5.1.30 After stopping at a level railway crossing, proceeding while it is unsafe	209(8)	4
5.1.31 Failing to comply with the signal or request of a peace officer	209.1(3)	3
5.1.32 Passing a school bus that has its safety lights in operation	212(2)	4
5.1.33 Failing to stop five metres from the rear of a school bus that has its safety lights and stop arm in operation	212(3)	4
5.1.34 Failing to stop five metres from the front of a school bus that has its safety lights and stop arm in operation	212(4)	4

	<b>Provision</b>	<b>Points</b>
5.1.35 Driving without due care and attention	213(1)	4
5.1.36 Driving without reasonable consideration of others	213(2)	4
5.1.37 Driving on a highway in a race or contest	214(2)(a)	4
5.1.38 Driving on a highway while performing a stunt	214(2)(b)	4
5.1.38.1 Driving on a highway on a bet or wager	214(2)(c)	4
5.1.39 Passing to the right of a vehicle	217(1)(b)	4
5.1.40 Increasing speed when being overtaken	217(5)	3
5.1.41 Failing to yield the right of way to vehicle on the right	219(1)	3
5.1.42 Failing to yield the right of way when making a left turn	219(3)	3
5.1.43 Failing to yield the right of way when entering a provincial highway	219(4)	3
5.1.44 Failing to yield the right of way at a "yield" sign	219(5)	3
5.1.45 Failing to yield the right of way on entering a highway from other than a highway	219(6)	3
5.1.46 After yielding the right of way, proceeding while it was unsafe	219(8)	3
5.1.47 Proceeding the wrong way on a one-way highway	221	3
5.1.48 Failing to yield the right of way to pedestrians at a highway intersection or marked pedestrian crossing in the required manner	223(1)	3
5.1.49 Failing to stop the vehicle for a pedestrian at a marked pedestrian crossing in the required manner	223(1.1)	3
5.1.50 Passing a vehicle stopped for pedestrians	223(2)	3
5.1.51 Following a vehicle too closely	225(1)	3
5.1.52 Failing to leave sufficient space when following	225(2)	3
5.1.53 Entering or leaving a controlled access highway except where the right to do so is indicated by a sign	226	4
5.1.54 Changing lanes when prohibited or when not safe to do so	228(1)	3
5.1.55 Driving on the left-hand side of median	229(1)	4
5.1.56 Crossing a median unlawfully	229(2)	4

	<b>Provision</b>	<b>Points</b>
5.1.57 Failing to use a signalling device to warn of intention to stop or to abruptly reduce speed	234(1)	3
5.1.58 Failing to use a signalling device to warn of the intention to change lanes	234(1)	3
5.1.59 Driving contrary to a sign at an intersection with a green light	235(2)(a)	3
5.1.60 Failing to stop at crosswalk against an amber light	235(3)(a)	3
5.1.61 Failing to yield the right of way to a pedestrian at a marked crosswalk displaying only an amber light	235(4)	3
5.1.62 Failing to stop at a red light at an intersection	235(5)(a)	4
5.1.63 Making a right turn at a red light when prohibited by a sign	235(5)(b)	3
5.1.64 Making a left turn on a one-way street on a red light without stopping	235(6)(a)	4
5.1.65 Making a left turn on a one-way street on a red light without yielding the right of way or when prohibited by a sign	235(6)(b)	3
5.1.66 Proceeding at an intersection in a direction not indicated by a green arrow	235(8)	3
5.1.67 Failing to yield at an intersection displaying a red light with a green arrow	235(9)	3
5.1.68 Failing to yield at a place other than an intersection displaying a red light with a green arrow	235(10)	3
5.1.69 Proceeding contrary to a green arrow	235(11)	3
5.1.70 Failing to obey a red flashing light, stopping at the wrong place or failing to stop or proceeding while it is unsafe to do so	235(13)	4
5.1.71 Failing to proceed cautiously at a flashing amber light	235(14)	3
5.1.72 Failing to yield the right of way to pedestrians at a "walk" signal	237(2)(b)	3
5.1.73 Failing to yield to an emergency vehicle	238(9)	4
5.1.74 Driving while holding, using, viewing or manipulating an electronic communication device	241.1(2)	4
5.1.75 Driving a commercial vehicle on a highway that is equipped with, contains or is carrying a radar warning device	242(2)(a)	3

	<b>Provision</b>	<b>Points</b>
5.1.76 Permitting a commercial vehicle to become or remain equipped with a radar warning device	242(2)(b)	3
5.1.77 Permitting a person to ride on the exterior part of a vehicle	244(1)	3
5.1.78 Permitting an over-crowded driving compartment	245(3)	3
5.1.78.1 Driver failing to wear prescribed eye protection	247(2)	3
5.1.78.2 Driving a prescribed vehicle with a passenger under the age of 16 years without meeting prescribed equipment requirements	247(5)	3
5.1.79 Driver failing to wear a seat-belt assembly	248(1)	3
5.1.80 Driving a vehicle with a passenger under 16 years of age not wearing a seat-belt assembly	248(4)(a)	3
5.1.81 Driving a vehicle with a passenger under 7 years of age, who weighs less than 36 kilograms but more than 18 kilograms and is less than 145 centimetres in height, not properly seated in a booster seat	248(4)(b)	3
5.1.82 Driving a vehicle with a child or infant not properly seated in a child or infant restraint system	248(4)(c)	3
5.1.83 Failure to report an accident	253(2) or (3)	4
5.1.84 Providing a false statement	272	4

#### 6. Convictions pursuant to *The Vehicle Equipment Regulations, 1987*

A conviction registered against a driver pursuant to *The Vehicle Equipment Regulations, 1987* for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:

6.1 Driver of a motorcycle failing to be properly equipped	6.1(1)	3
6.2 New driver of a motorcycle failing to have arms and legs covered and to wear proper helmet, boots and gloves	6.1(1.1)	3

	Provision	Points
<b>7. Convictions pursuant to <i>The Driver Licensing and Suspension Regulations, 2006</i></b>		
A conviction registered against a driver pursuant to <i>The Driver Licensing and Suspension Regulations, 2006</i> for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:		
7.1 Driver with a “6” endorsement driving a motorcycle during period that is one-half hour before sunset until one-half hour after sunrise	19.6(b)	3
7.2 Driver with a “6” endorsement driving a motorcycle not authorized to operate	19.6(e)	3
7.3 Driver with a “6” or “M” endorsement with novice 1 restriction transporting passengers on motorcycle	19.6(a), 19.7(a)	3
7.4 Driver with an “M” endorsement with novice 1 restriction driving a motorcycle between midnight and 5 a.m.	19.7(b)	3
7.5 Driver with an “M” endorsement with a novice 1 restriction driving a motorcycle not authorized to operate	19.7(e)	3
7.6 Driver with a “6” or “M” endorsement with a novice 1 or novice 2 restriction towing a vehicle while operating a motorcycle	19.6(c), 19.7(c), 19.8(a)	3
7.7 Driver with an “M” endorsement with a novice 2 restriction driving a motorcycle not authorized to operate	19.8(c)	3
<b>8. Convictions pursuant to <i>The Licence Plate Display Regulations</i></b>		
A conviction registered against a driver pursuant to <i>The Licence Plate Display Regulations</i> for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:		
8.1 New driver failing to display placard on motorcycle	3.1	3
<b>9. Convictions pursuant to <i>The Highways and Transportation Act, 1997</i></b>		
A conviction registered against a driver pursuant to <i>The Highways and Transportation Act, 1997</i> for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:		
9.1 Driving a vehicle loaded insecurely	40(2)	4
9.2 Driving a vehicle where discharge, emission or escape of dangerous goods occurs or is imminent	40(3)	4

	<b>Provision</b>	<b>Points</b>
9.3 Operating a vehicle carrying a cargo not transported and secured in accordance with the regulations	40(4)	4

#### 10. Convictions pursuant to *The School Bus Operating Regulations, 1987*

A conviction registered against a driver pursuant to *The School Bus Operating Regulations, 1987* for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:

10.1 Entering provincial highway without stopping bus	3(h)	4
10.2 Discontinuing the operation of safety lights before it is safe to do so	4(a)	4
10.3 Failing to activate strobe lights on the bus any time the driver is transporting passengers outside a city, town or village	4(a.1)	4
10.4 Failing to activate the stop arm when the bus is stopped for the purpose of loading or unloading children	4(b)	4
10.5 Failing to stop at an uncontrolled railroad crossing	4(e)	4

#### 11. Convictions pursuant to the *Criminal Code*

A conviction registered against a driver pursuant to the *Criminal Code* for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:

	<b>Provision</b>	<b>Points</b>
11.1 Criminal negligence	219	10
11.2 Causing death by criminal negligence in the operation of a vehicle	220	10
11.3 Causing bodily injury by criminal negligence in the operation of a vehicle	221	10
11.4 Manslaughter	236	10
11.5 Dangerous operation of a vehicle	249(1)(a)	10
11.6 Dangerous operation of a vehicle causing bodily injury	249(3)	10

	<b>Provision</b>	<b>Points</b>
11.7 Dangerous operation of a vehicle causing death	249(4)	10
11.8 Flight	249.1	10
11.9 Causing death by criminal negligence (street racing)	249.2	10
11.10 Causing bodily harm by criminal negligence (street racing)	249.3	10
11.11 Dangerous operation of a motor vehicle while street racing	249.4	10
11.12 Failure to stop at scene of accident	252	10
11.13 Driving or having care and control of a vehicle while impaired	253(1)(a)	10
11.14 Driving or having care and control of a vehicle with a blood alcohol level over .08	253(1)(b)	10
11.15 Operating while impaired by drugs	253(3)(a), (b) or (c)	10
11.16 Failure to comply with a demand	254(5)	10
11.17 Impaired driving, driving or having care and control of a vehicle with a blood alcohol level over .08 causing bodily harm, driving or having care and control of a vehicle with a blood drug or drug and alcohol concentration equal to or higher than the prescribed amount causing bodily harm, or failure to comply with a demand	255(1), (1.1), (2), (2.1) or	10
11.18 Impaired driving, driving or having care and control of a vehicle with a blood alcohol level over .08 causing death, driving or having care and control of a vehicle with a blood drug or drug and alcohol concentration equal to or higher than the prescribed amount causing death, or failure to comply with a demand	255(3), (3.1) or (3.2)	10
11.19 Driving while disqualified	259(4)	10

**12. Other convictions pursuant to the *Criminal Code***

Convictions pursuant to the *Criminal Code* for any offence listed below or for any offence pursuant to any law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:

	<b>Provision</b>	<b>Points</b>
12.1 Criminal Negligence	219	10
12.2 Causing death by criminal negligence in the operation of a vehicle	220	10
12.3 Causing bodily injury by criminal negligence in the operation of a vehicle	221	10
12.4 Manslaughter	236	10
12.5 Dangerous operation of motor vehicle	320.13(1)	10
12.6 Dangerous operation of motor vehicle causing bodily harm	320.13(2)	10
12.7 Dangerous operation of motor vehicle causing death	320.13(3)	10
12.8 Operating impaired by alcohol or drugs	320.14(1)(a)	10
12.9 Operating with blood alcohol level .08 or greater	320.14(1)(b)	10
12.10 Blood drug concentration equal to or higher than prescribed or drug and alcohol concentration equal to or higher than prescribed	320.14(1)(c) or (d)	10
12.11 Operating impaired by alcohol or drugs, causing bodily harm	320.14(2)	10
12.12 Operating impaired by alcohol or drugs, causing death	320.14(3)	10
12.13 Operating with low drug concentration	320.14(4)	10
12.14 Failure to comply with a demand	320.15(1)	10
12.15 Failure to comply and bodily harm	320.15(2)	10
12.16 Failure to comply and death	320.15(3)	10
12.17 Failure to stop after accident	320.16(1)	10
12.18 Failure to stop after accident and bodily harm	320.16(2)	10
12.19 Failure to stop after accident and death	320.16(3)	10
12.20 Flight from peace officer	320.17	10
12.21 Operating while disqualified	320.18(1)	10

15 May 2015 SR 44/2015 s2; 26 Aug 2016 SR 72/2016 s8; 23 Dec 2016 SR 97/2016 s10; 15 Sep 2017 SR 103/2017 s5; 21 Sep 2018 SR 66/2018 s11; 30 Sep 2022 SR 72/2022 s4; 5 May 2023 SR 27/2023 s5.

**Appendix C**

TABLE 1  
[Section 4]

**Percentage**

**Repealed.** 29 Oct 2004 SR 97/2004 s8.

TABLE 2  
[Section 27]

**Safety Rating Surcharge**

[In the case of chargeable incidents before October 12, 2016]

<b>Accumulated Points</b>	<b>Surcharge Amount</b>
0	\$ 0
-1	\$ 25
-2	\$ 50
-3	\$ 75
-4	\$100
-5	\$125
-6	\$150
-7	\$175
-8	\$200
-9	\$225
-10	\$250
-11	\$275
-12	\$300
-13	\$325
-14	\$350
-15	\$375
-16	\$400
-17	\$425
-18	\$450
-19	\$475
-20 or less	\$500.

26 Aug 2016 SR 72/2016 s9.

AUTOMOBILE ACCIDENT  
INSURANCE (GENERAL), 2002

TABLE 2.1  
[Section 27]

**Safety Rating Surcharge**

[In the case of chargeable incidents on or after October 12, 2016]

Accumulated Points	Surcharge Amount
0	\$0
-1	\$50
-2	\$100
-3	\$150
-4	\$200
-5	\$250
-6	\$300
-7	\$350
-8	\$400
-9	\$450
-10	\$500
-11	\$550
-12	\$600
-13	\$650
-14	\$700
-15	\$750
-16	\$800
-17	\$850
-18	\$900
-19	\$950
-20 or less	\$1,000

TABLE 3  
[Section 29]

**Available Discount**  
[Before October 12, 2016]

<b>Accumulated Points</b>	<b>Discount Amount</b>
0	0%
+ 1	2%
+ 2	4%
+ 3	6%
+ 4	8%
+ 5	10%
+ 6	12%
+ 7	14%
+ 8	16%
+ 9	18%
+10 or greater	20% maximum

AUTOMOBILE ACCIDENT  
INSURANCE (GENERAL), 2002

TABLE 3.1  
[Section 29]

**Available Discount**  
[On or after October 12, 2016]

Accumulated Points	Discount Amount
0	0%
+ 1	2%
+ 2	4%
+ 3	6%
+ 4	8%
+ 5	10%
+ 6	12%
+ 7	14%
+ 8	16%
+ 9	18%
+10 to +20	20%
+21	21%
+22	22%
+23	23%
+24	24%
+25	25%

26 Aug 2016 SR 72/2016 s9.

TABLE 4  
[Sections 31.5]

**Commercial Rating Discount & Surcharge Table**

Loss Ratio	Discount/Surcharge
0% - 15%	-15%
16% - 30%	-12%
31% - 40%	-9%
41% - 50%	-6%
51% - 60%	-3%
61% - 70%	0%
71% - 80%	3%
81% - 90%	8%
91% - 100%	10%
101% - 125%	13%
126% - 175%	15%
176% - 200%	20%
201% plus	25%

23 Dec 2016 SR 97/2016 s11.

TABLE 5  
[Section 31.51]

**Commercial Rating Surcharge**

<b>Loss Ratio</b>	<b>Surcharge</b>
more than 70% and equal to or less than 80%	0
more than 80% and equal to or less than 90%	10%
more than 90% and equal to or less than 100%	20%
more than 100% and equal to or less than 110%	35%
more than 110% and equal to or less than 120%	50%
more than 120% and equal to or less than 130%	65%
more than 130% and equal to or less than 140%	80%
more than 140% and equal to or less than 150%	95%
more than 150% and equal to or less than 160%	105%
more than 160% and equal to or less than 170%	115%
more than 170% and equal to or less than 180%	130%
more than 180% and equal to or less than 190%	145%
more than 190% and equal to or less than 200%	160%
more than 200% and equal to or less than 250%	175%
more than 250% and equal to or less than 300%	185%
more than 300% and equal to or less than 350%	195%
more than 350% and equal to or less than 400%	200%
more than 400%	200%

20 Feb 2004 SR 5/2004 s7.

**Appendix D**

**Eligible vehicles**

[Clause 9.31(e)]

**Repealed.** 21 Sep 2018 SR 66/2018 s12.

