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## PART II/PARTIE II

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## PART II/PARTIE II

### REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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**REVISED REGULATIONS OF SASKATCHEWAN**

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**SASKATCHEWAN REGULATIONS 36/2006***The Automobile Accident Insurance Act*

## Section 81

Order in Council 361/2006, dated April 25, 2006

(Filed April 26, 2006)

**Title**

**1** These regulations may be cited as *The Automobile Accident Insurance (General) Amendment Regulations, 2006*.

**R.R.S. c.A-35 Reg 4 amended**

**2** *The Automobile Accident Insurance (General) Regulations, 2002* are amended in the manner set forth in these regulations.

**Section 2 amended**

**3** **Subclause 2(1)(b)(iii) is repealed.**

**New Part III.1**

**4** **The following Part is added after Part III:**

“PART III.1  
**Premium Rebates (2005 Program)**”

**“Interpretation of Part**

**9.1** In this Part:

- (a) **‘co-owner’** means any person who is the registered owner of a vehicle along with one or more individuals;
- (b) **‘Criminal Code offence’** means a conviction pursuant to sections 220, 221, 236, 249.1, 252, clause 249(1)(a), 253(a) or (b) or subsections 249(3) or (4), 255(2) or (3) or subsection 259(4) of the *Criminal Code* as a result of the use of a motor vehicle;
- (c) **‘eligible insured’** means:
  - (i) a person who:
    - (A) is a Saskatchewan resident on the day the insurer makes a payment pursuant to section 9.2; and
    - (B) held an eligible owner’s certificate in the person’s name in the eligible period;
  - (ii) an individual who is a co-owner but only if at least one of the other co-owners of the same vehicle meets the requirements of subclause (i); or
  - (iii) a person who was legally required to register a vehicle in Saskatchewan in the eligible period;

- (d) **'eligible owner's certificate'** means an owner's certificate other than an owner's certificate that is a certificate of insurance issued with respect to a permit pursuant to section 17 or 18;
- (e) **'eligible period'** means the period commencing on January 1, 2005 and ending on December 31, 2005;
- (f) **'outstanding indebtedness'** means, with respect to a person, an indebtedness of that person that:
- (i) is outstanding on the date that a premium rebate is payable to that person; and
  - (ii) is owed:
    - (A) to the insurer pursuant to the Act or these regulations;
    - (B) to the insurer pursuant to a deductible finance agreement 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 Vehicle Administration Act*;
- (g) **'premium rebate'** means the amount payable to an eligible insured pursuant to section 9.2;
- (h) **'scheduled premium'** means the basic premium payable for an owner's certificate pursuant to section 4.

**"Premium rebate**

**9.2(1)** Subject to subsections (2) to (8) and section 9.3, the insurer shall pay a premium rebate to an eligible insured for the eligible period.

(2) A premium rebate is to be paid on or before August 1, 2006.

(3) The amount of a premium 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 PR calculated in accordance with the following formula:

$$PR = BP \times 8\%$$

where BP is the scheduled premium amount for each vehicle insured in the eligible insured's name 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, the insurer shall prorate the amount of the premium 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 the eligible insured is eligible to be paid only the prorated premium rebate with respect to that vehicle.

- (5) A premium rebate must not be paid to an eligible insured who:
- (a) held an eligible owner's certificate in the eligible period if that person was convicted of a *Criminal Code* offence on or after January 1, 2005; or
  - (b) is a co-owner, if one of the co-owners listed on the eligible owner's certificate was convicted of a *Criminal Code* offence on or after January 1, 2005.
- (6) No person is eligible for a premium rebate if the amount of the premium rebate is less than \$5.
- (7) If an eligible insured held an eligible owner's certificate for more than one vehicle in the eligible insured's name during the eligible period, the insurer may provide all premium rebates to that eligible insured in one payment.
- (8) A premium rebate with respect to a vehicle for which the eligible owner's certificate is in the name of two or more co-owners must be made payable to all of the co-owners listed in the eligible owner's certificate.

**“Set-off of premium rebate**

**9.3(1)** Subject to subsection (3), if an eligible insured is, pursuant to this Part, eligible for a premium rebate 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 premium rebate, apply all of the premium rebate towards satisfaction of the eligible insured's outstanding indebtedness; or
  - (b) if the indebtedness is less than the amount of the premium rebate, apply that portion of the premium rebate that is required to satisfy the eligible insured's outstanding indebtedness, and pay any remainder of the premium rebate to the eligible insured.
- (2) Any set-off pursuant to subsection (1) shall the reduce the eligible insured's outstanding indebtedness by the amount of the premium rebate that is applied.
- (3) This section does not apply to a premium rebate owed to a co-owner unless all listed co-owners on the eligible owner's certificate have the same outstanding indebtedness.”

**Coming into force**

**5** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

