



MANITOBA

ORDER IN COUNCIL

DATE: **October 27, 2009**

ORDER IN COUNCIL No.: **345/2009**

RECOMMENDED BY: **Minister responsible for The Manitoba Public Insurance Corporation Act**

REGULATION MADE OR APPROVED: [175/2009](#); [176/2009](#)

ORDER

1. The regulation set out in the attached Schedule A, which amends the *Driver Safety Rating System Regulation*, is made.
2. The regulation set out in the attached Schedule B, which amends the *Automobile Insurance Certificates and Rates Regulation*, is made.

AUTHORITY

The Manitoba Public Insurance Corporation Act, C.C.S.M. c. P215, as amended by S.M. 2008, c. 36, states:

Regulations

33(1) Subject to subsection (1.1), for the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations

(a) establishing, amending, and revoking such plans of automobile insurance and plans of universal compulsory automobile insurance for the insurance within Manitoba of such losses, damages, injuries, or deaths arising out of the perils and risks attendant upon or relating to the use, operation, or ownership of motor vehicles and trailers as the Lieutenant Governor in Council may designate;

(b) establishing the terms, conditions, and limits of insurance under any plan;

(c) establishing classes and sub-classes of drivers, by regions of the Province of Manitoba, or otherwise, establishing such regions, establishing classes of motor vehicles and trailers, and prescribing the premiums payable by drivers and owners of motor vehicles according to the regions, or otherwise, and according to the classes;

(d) designating those persons who are, or may be, insured under any plan, the benefits or insurance moneys payable to insured persons, and the perils or risks for which insurance may be provided;

(e) prescribing the duration of the period of coverage provided under any certificate;

(f) defining for the purposes of the regulations words not defined in the Act;

...

(h) establishing a driver safety rating system to rate a person based on the input factors recorded in his or her driver record, or on the absence of input factors in the record over time, for the purpose of determining the premium that the person must pay for a driver's certificate;

(h.1) respecting the driver safety rating system established under clause (h), including, but not limited to,

(i) prescribing the facts recorded in a person's driver record that are input factors and negatively affect the person's position on the driver safety rating scale,

(ii) prescribing the amount of the effect for a particular input factor or class of input factors,

(iii) respecting the period that a person must drive without an input factor being attributed to him or her by the registrar before the driver is eligible to have one or more merits added to, or one or more demerits removed from, his or her driver safety rating,

(iv) respecting other circumstances in which a person may be eligible to have merits added to or demerits removed from his or her driver safety rating, and

(v) respecting the circumstances in which the corporation may reassess a person's driver safety rating and assess an additional driver premium that the person must pay;

(h.2) respecting the premiums that drivers must pay for their drivers' certificates depending on their placement on the driver safety rating scale;

(i) establishing a plan for payment by the corporation to any person sustaining loss from bodily injury or death, or damage to property, arising out of the use or operation of a motor vehicle where

(i) the name of the owner or driver is not known; or

(ii) the name of the driver is not known and the owner is not liable;

the terms, conditions, and limits of liability of the corporation under the plan; and the duties and liabilities of owners and drivers of motor vehicles respecting reimbursement of the corporation for such payments;

...

(m) authorizing any additional services and expenditures by the corporation on behalf of a person insured under an owner's certificate and providing that the corporation may, in the name and on behalf of any person insured by an owner's certificate, defend at its cost any civil action brought against such person by anyone respecting a loss, damage, injury, or death for which that person may be liable, and designating the terms and conditions governing the provision of additional services and the making of additional expenditures;

...

(o) respecting any matter considered necessary or deemed advisable by the Lieutenant Governor in Council for the effective carrying out of the intent and purpose of this Act and the regulations and any insurance plan established under this Act.

...

Review by P.U.B

33(1.1) No regulation relating to premiums charged by the corporation for compulsory driver and vehicle insurance shall be passed pursuant to subsection (1) unless the Lieutenant Governor in Council is satisfied that the proposed change has been approved by The Public Utilities Board pursuant to Part IV of *The Crown Corporations Public Review and Accountability Act*.

BACKGROUND

The Public Utilities Board has approved any changes in the attached Schedules A and B relating to premiums charged by the corporation.