

# 2018

## CHAPTER 14

An Act to amend *The Insurance Act* and to make related amendments  
to *The Saskatchewan Insurance Act*

(Assented to May 30, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of  
Saskatchewan, enacts as follows:

### Short title

**1** This Act may be cited as *The Insurance Amendment Act, 2018*.

### SS 2015, c I-9.11 amended

**2** *The Insurance Act* is amended in the manner set forth in this Act.

### Section 1-2 amended

**3** Subsection 1-2(1) is amended by adding the following definition in alphabetical order:

“‘**unlicensed insurer**’ does not include any insurer that is exempt from the requirement to be licensed pursuant to this Act”.

### Section 2-5 amended

**4** The following subsection is added after subsection 2-5(1):

“(1.1) An applicant for a licence must comply with any prescribed requirements”.

### Section 2-69 amended

**5** Clause 2-69(a) is repealed and the following substituted:

“(a) prescribing licensing requirements for the purposes of section 2-5;

“(a.1) prescribing the number of automobiles and limits for the purposes of section 2-51”.

### Section 5-4 amended

**6** Subsections 5-4(5) and (6) are repealed and the following substituted:

“(5) No insurer shall allow a managing general agent to act on its behalf with respect to a class of insurance unless the managing general agent holds a valid managing general agent’s licence for that class of insurance.

“(6) No insurer shall allow a third party administrator to act on its behalf with respect to a class of insurance unless the third party administrator holds a valid third party administrator’s licence for that class of insurance”.

### Section 5-18 amended

**7** Subsections 5-18(4) and (5) are repealed.

## Section 5-38 amended

**8 Section 5-38 is amended:**

- (a) by striking out “and” after clause (a);
- (b) by adding the following after clause (a):
  - “(a.1) in the case of an individual acting for two or more businesses, the names of all businesses that the individual is authorized to represent;
  - “(a.2) in the case of an insurer’s representative for affiliated insurers, the names of all affiliated insurers that the individual is authorized to represent; and”; and
- (c) in clause (b) by striking out “clause (a)” and substituting “clauses (a) to (a.2)”.

## Section 5-39 amended

**9 The following clause is added after clause 5-39(2)(b):**

- “(b.1) order the holder or former holder to pay restitution in the prescribed circumstances and in an amount not exceeding the prescribed amount”.

## Section 5-48 amended

**10 Clause 5-48(b) is amended by striking out “transact” and substituting “adjust”.**

## Section 5-89 amended

**11 Section 5-89 is amended:**

- (a) by repealing clause (f); and
- (b) by adding the following clause after clause (l):
  - “(l.1) for the purposes of section 5-39:
    - (i) prescribing a maximum restitution amount; and
    - (ii) prescribing circumstances in which a restitution order can be made, including the type of loss that can be compensated”.

## Section 6-2 amended

**12 The following subsection is added after subsection 6-2(3):**

- “(4) The tax mentioned in subclause (1)(c)(i) is a debt due to and recoverable by the Crown in right of Saskatchewan and may be recovered in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law”.

## Section 6-17 repealed

**13 Section 6-17 is repealed.**

## Section 8-2 amended

**14 Subsections 8-2(2) and (3) are repealed and the following substituted:**

“(2) Subject to section 10-11, the Superintendent may prohibit a licensed insurer from issuing any form of policy or endorsement, from using any application or from issuing or using any advertising material if, in the opinion of the Superintendent, the form of policy, endorsement, application or advertising material is unfair, fraudulent or not in the public interest.

“(3) No insurer to which an order is issued pursuant to subsection (2) shall issue the policy or endorsement, use the application or issue or use the advertising material”.

## Section 8-108 amended

**15 Subsection 8-108(2) is repealed and the following substituted:**

“(2) If a primary person places life insurance on the life of any person set out in clause (1)(a), the insurer shall, at the time the insurance is placed, send a notice in writing to those persons whose lives are insured advising of the particulars of the insurance”.

## Section 8-113 amended

**16 Subsection 8-113(3) is amended:**

**(a) in the portion preceding clause (a) by striking out “addition, increase or change mentioned in clauses (a) to (c)” and substituting “of the following”; and**

**(b) by striking out “or” after clause (b).**

## New section 8-118.1

**17 The following section is added after section 8-118:****“Medical assistance in dying**

**8-118.1(1)** In this section, ‘**medical assistance in dying**’ means medical assistance in dying as defined in section 241.1 of the *Criminal Code*.

(2) Section 8-118 does not apply to an insured who receives medical assistance in dying.

(3) If a contract contains an undertaking, express or implied, that insurance money will be paid if a person whose life is insured receives medical assistance in dying, the undertaking is lawful and enforceable.

(4) For the purposes of this Act, if an insured receives medical assistance in dying, that insured is deemed to have died as a result of the illness, disease or disability for which he or she was determined to be entitled to receive that assistance, in accordance with clause 241.2(3)(a) of the *Criminal Code*”.

## Section 8-129 amended

**18 The following subsection is added after subsection 8-129(3):**

“(3.1) Unless the document by which a contract is assigned specifies otherwise, an assignment mentioned in subsection (3) made on or after the date on which this section comes into force revokes:

(a) a designation of a beneficiary made before or after that date and not made irrevocably; and

(b) a nomination mentioned in section 8-131 made before or after that date”.

## Section 8-171 amended

**19 Subsection 8-171(2) is repealed and the following substituted:**

“(2) If a primary person places insurance on the life or well-being or both of any person set out in clause (1)(a), the insurer shall, at the time the insurance is placed, send a notice in writing to those persons who are insured advising of the particulars of the insurance”.

## Section 8-173 amended

**20 Subsection 8-173(3) is amended:**

(a) in the portion preceding clause (a) by striking out “addition, increase or change mentioned in clauses (a) to (c)” and substituting “of the following”; and

(b) by striking out “or” after clause (b).

## Section 8-187 amended

**21 The following subsection is added after subsection 8-187(3):**

“(3.1) Unless the document by which a contract is assigned specifies otherwise, an assignment mentioned in subsection (3) made on or after the date on which this section comes into force revokes:

(a) a designation of a beneficiary made before or after that date and not made irrevocably; and

(b) a nomination mentioned in section 8-189 made before or after that date”.

## Section 9-21 amended

**22 Subsection 9-21(1) is amended in the portion preceding clause (a) by striking out “prescribed”.**

## Section 9-26 amended

**23 Clause 9-26(b) is repealed.**

## Section 10-5 amended

**24 Subsection 10-5(4) is amended in the portion preceding clause (a) by striking out “licensed”.**

## Section 10-48 amended

**25 Clause 10-48(2)(j) is amended in the portion preceding subclause (i) by striking out “respecting ethical, operational and trade practices for any licensed party or party who is required to be licensed pursuant to the Act, including” and substituting “with respect to any matter governed by this Act”.**

RSS 1978, c S-26 amended

**26(1)** *The Saskatchewan Insurance Act* is amended in the manner set forth in this section.

**(2) The following section is added after section 122:**

**“Recovery by innocent persons**

**122.1(1)** If a contract contains a term or condition excluding coverage for loss or damage to property caused by a criminal or intentional act or omission of an insured or any other person, the exclusion applies only to the claim of a person:

- (a) whose act or omission caused the loss or damage;
- (b) who abetted or colluded in the act or omission;
- (c) who:
  - (i) consented to the act or omission; and
  - (ii) knew or ought to have known that the act or omission would cause the loss or damage; or
- (d) who is a member of any class of persons other than individuals.

(2) Nothing in subsection (1) allows a person whose property is insured under the contract to recover more than the person’s proportionate interest in the lost or damaged property.

(3) A person whose coverage under a contract would be excluded but for subsection (1) must:

- (a) cooperate with the insurer with respect to the investigation of the loss, including, without limitation, by submitting to an examination under oath or on affirmation, if requested by the insurer; and
- (b) produce for examination, at a reasonable place and time that is designated by the insurer, all documents that relate to the loss in addition to those required by the contract”.

**(3) The following section is added after section 150:**

**“Medical assistance in dying**

**150.1(1)** In this section, ‘**medical assistance in dying**’ means medical assistance in dying as defined in section 241.1 of the *Criminal Code*.

(2) Section 150 does not apply to an insured who receives medical assistance in dying.

(3) If a contract contains an undertaking, express or implied, that insurance money will be paid if a person whose life is insured receives medical assistance in dying, the undertaking is lawful and enforceable.

(4) For the purposes of this Act, if an insured receives medical assistance in dying, that insured is deemed to have died as a result of the illness, disease or disability for which he or she was determined to be entitled to receive that assistance, in accordance with clause 241.2(3)(a) of the *Criminal Code*”.

SS 1998, c 35 amended

**27 Sections 16 and 33 of *The Saskatchewan Insurance Amendment Act, 1998* are repealed.**

SS 2003, c 38 amended

**28(1) *The Saskatchewan Insurance Amendment Act, 2003* is amended in the manner set forth in this section.**

**(2) Section 3 is amended by repealing clauses (a), (c) and (f), that portion of clause (h) that repeals clauses 2(1)(p), (q), (r), (t), (u), (w), (bb), (cc), (ff), (kk), (ll), (mm), (ww) and (bbb) of *The Saskatchewan Insurance Act*, and clauses (k) and (m).**

**(3) Section 4, subsection 13(3) and sections 14, 37, 38 and 39 are repealed.**

**(4) Section 97 is amended by repealing clauses (a) and (b) and that portion of clause (c) that enacts clause 467(c.1) of *The Saskatchewan Insurance Act*.**

**Coming into force**

**29(1) Subject to subsection (2), this Act comes into force on the day on which section 1-1 of *The Insurance Act* comes into force.**

**(2) Sections 26 to 28 come into force on assent.**