

No. 108

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 108

A Bill to amend The Alberta Insurance Act

HON. MR. HOLOWACH

Explanatory Note

1. This Bill amends The Alberta Insurance Act, which is chapter 159 of the Revised Statutes.

2. Section 33, subsection (4) is revised to facilitate the use of a uniform motor vehicle responsibility card across Canada. Subsection (4) presently reads:

“(4) It shall be a condition of a licence to carry on automobile insurance in the Province, for breach of which the licence may be cancelled, that, in any action or proceeding in the Province against a licensed insurer, or its insured, arising out of a motor vehicle accident in the Province, the insurer shall appear and shall not set up any defence to a claim under a policy issued outside the Province that might not be set up, if the policy were issued in the Province, in accordance with the law of the Province relating to motor vehicle liability policies.”.

3. A reference to a repealed section is removed. Section 42, subsection (2) presently reads:

“(2) If it appears in the case of an insurer undertaking contracts of life insurance that its policy reserves, and, in the case of any other insurer, that its unearned premiums, in both cases respecting contracts within the meaning of sections 186 and 221 that are outstanding, together with any other liabilities in the Province, exceed its assets in the Province, including the deposits in the hand of the Minister, the assets of the insurer shall be deemed insufficient to justify the continuance of the insurer in business within the meaning of subsection (1), and the Superintendent shall so report to the Minister.”.

BILL

No. 108 of 1964

An Act to amend The Alberta Insurance Act

(Assented to _____, 1964)

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

1. *The Alberta Insurance Act* is hereby amended.

2. Section 33 is amended by striking out subsection (4) and by substituting the following:

(4) A licence to carry on automobile insurance in Alberta is subject to the following conditions:

(a) in any action in Alberta against the licensed insurer, or its insured, arising out of an automobile accident in Alberta, the insurer shall appear and shall not set up any defence to a claim under a policy issued out of Alberta, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in Alberta;

(b) in any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a motor vehicle liability policy issued in Alberta, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory.

(4a) The licence of an insurer that commits a breach of either of the conditions of licence set out in subsection (4) may be cancelled.

3. Section 42, subsection (2) is amended by striking out the words "within the meaning of sections 186 and 221" and by substituting the words "made in the Province".

4. Commencement of Act.

4. (1) This Act, except section 2, comes into force on the day upon which it is assented to.

(2) Section 2 comes into force on the date or dates to be fixed by Proclamation.

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Alberta
Insurance Act

Received and read the

First time

Second time

Third time

HON. MR. HOLOWACH
