



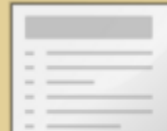
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Excluded Driver Endorsements (OPCF 28A and O.E.F. 78A)

FSRA is actively reviewing all FSCO regulatory direction, including but not limited to forms, guidelines and FAQs.

Until FSRA issues new regulatory direction, all existing regulatory direction remains in force.



Bulletin

No. A-03/05
– Auto
Property & Casualty

[To the attention of all insurance companies licensed to transact automobile insurance in Ontario]

With this Bulletin, the Financial Services Commission of Ontario (FSCO) is highlighting changes to the Excluded Driver Endorsements: Ontario Policy Change Form OPCF 28A, and Ontario Endorsement Form O.E.F. 78A. These changes apply to all policies issued or renewed on or after June 1, 2005.

Excluded Driver Endorsements

Under s. 249 of the *Insurance Act*, a named insured may stipulate by endorsement that any person named in the endorsement is an excluded driver under the automobile insurance policy. The offering of the excluded driver endorsement is mandatory and not optional.

The OPCF 28A and O.E.F. 78A are the endorsements approved for use in accordance with s. 249. The OPCF 28A is for use in conjunction with the OAP 1 (standard automobile owner’s policy); the O.E.F. 78A is for use in conjunction with the O.A.P. 4 (standard garage automobile policy).

Revisions to the Endorsement Forms

The Excluded Driver Endorsements have been revised to include strengthened wording to deter excluded drivers from driving the specified vehicles. In particular, the revised endorsements require the excluded driver and named insured to promise that the excluded driver will not drive the specified vehicle, and include warnings and notifications regarding the coverage limitations and other consequences of driving despite having signed the endorsement. The revised OPCF 28A and O.E.F. 78A are attached to this Bulletin, and are to be used in conjunction with policies issued or renewed on or after June 1, 2005.

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Underwriting Rules

As noted above, under s. 249 of the *Insurance Act* all insurers must provide the OPCF 28A and O.E.F. 78A if requested by the named insured, with no underwriting restrictions. Insurers need to review their underwriting rules to ensure that they comply with s. 249, include no underwriting restrictions for the OPCF 28A and O.E.F. 78A, and re-file as appropriate.

Where an excluded driver has driven the vehicle he or she is excluded from, an insurer may be able to cancel or not renew the policy based on material misrepresentation, or breach of contract assuming that an appropriate underwriting rule has been filed.






Attached to this Bulletin is an endorsement filing package in respect of the OPCF 28A. As the OPCF 28A is to be available without restriction across all categories, insurers that write contracts of automobile insurance on the OAP 1 on a non-fleet basis for any category of automobile insurance are required to submit the completed filing to FSCO by April 15, 2005.

Contact

If you have any questions regarding this Bulletin, please contact your designated rate analyst in the Automobile Insurance Services Branch at FSCO.

Bryan P. Davies
Chief Executive Officer and Superintendent of Financial Services
March 24, 2005

Attachments:

- [OPCF 28A](#) 
- [O.E.F. 78A](#) 
- [Endorsement Filing Guidelines](#) 
- [Appendix A](#) 
- [Appendix B](#) 
- [Appendix C](#) 