



You are here: [Home](#) > [Automobile Insurance](#) > [Superintendent's Guidelines](#) > No. 04/16

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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.

Superintendent's Guideline No. 04/16: Transportation Expense Guideline

Introduction

This Guideline is issued pursuant to s. 268.3 of the Insurance Act for the purposes of:

- ss. 14 (5), 15 (11) and 24 (3) of the Statutory Accident Benefits Schedule – Accidents on or After November 1, 1996 (1996 SABS), and
- ss. 3 (1), 15 (2) (c), 16 (4) (f), 19 (1) (b) and 25 (4) of the Statutory Accident Benefits Schedule – Effective September 1, 2010 (2010 SABS).

This Guideline comes into effect October 1, 2016, and replaces the former Transportation Expense Guideline – Superintendent's Guideline No. 05/10.

Purpose

The purpose of this Guideline is to provide a framework for insurers and insured persons to determine the circumstances under which expenses related to the transportation of an insured person, and his/her aide or attendant, to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, must be paid by an insurer. This Guideline sets out authorized expenses and applicable rates for the purpose of ss. 14 (5), 15 (11) and 24 (3) of the 1996 SABS and 15 (2) (c), 16 (4) (f), 19 (1) (b) and 25 (4) of the 2010 SABS.

(a) Accidents Occurring Before April 15, 2004

Authorized Expenses

The insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments and examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person's aide or attendant.

Transportation expenses are calculated based on the most direct route and include incurred parking fees.

The selected mode of transportation should be the most economical and practical for the distance to be

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travelled, and be appropriate under the specific circumstances.

Use of Automobiles

The insurer is liable to pay a mileage expense for transportation of the insured person and his/her aide or attendant, to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, using the insured person's automobile, excluding the first 50 kilometres of each round-trip. The 50 kilometre "deductible" is only applicable once in any round-trip. This also applies to minors who are driven to treatment sessions, counselling sessions, training sessions, examinations or assessments.

For the purpose of this Guideline, the "insured person's automobile" includes any automobile that is owned or leased by the insured person, or any other automobile that the insured person has access to.

For travel that takes place before September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person's automobile is \$0.34 per kilometre travelled.

For travel that takes place on or after September 1, 2010, but before October 1, 2016 the rate that is to be used to calculate transportation expenses for the use of the insured person's automobile is \$0.38 per kilometre travelled.

For travel that takes place on or after October 1, 2016, the rate that is to be used to calculate transportation expenses for the use of the insured person's automobile is \$0.40 per kilometre travelled.

Use of Taxis

The insurer is liable to pay for reasonable and necessary taxi fare(s) incurred by an insured person and his/her aide or attendant, provided that:

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

Other Modes of Transportation

Insurers are liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

(b) Accidents Occurring On or After April 15, 2004

Authorized Expenses

Subject to the 50 kilometre "deductible" referred to below, the insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments or examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person's aide or attendant. Transportation expenses are calculated based on the most direct route and include incurred parking fees.

The selected mode of transportation should be the most economical and practical for the distance to be

travelled, and be appropriate under the specific circumstances.

Use of Automobiles

For the purpose of this Guideline, the “insured person’s automobile” includes any automobile that is owned or leased by the insured person, or any other automobile that the insured person has access to.

Subject to the 50 kilometre “deductible” referred to below:

- for travel that takes place before September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is \$0.34 per kilometre travelled;
- for travel that takes place on or after September 1, 2010, but before October 1, 2016 the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is \$0.38 per kilometre travelled; and
- for travel that takes place on or after October 1, 2016, the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is \$0.40 per kilometre travelled.

Use of Taxis

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary taxi fare(s) incurred by an insured person and his/her aide or attendant, provided that:

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

This provision also applies to all transportation expenses of the insured person’s aide or attendant.

Other Modes of Transportation

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

50 Kilometre “Deductible”

As set out in clauses 14 (6) (b), 15 (12) (b) and 24 (4) (b) of the 1996 SABS, and in the definition of “authorized transportation expense” in subsection 3 (1) of the 2010 SABS, the insurer is not liable to pay for the first 50 kilometres of transportation (whether or not in the insured person’s automobile) to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, unless the insured person sustained a catastrophic impairment as a result of the accident. The 50 kilometre “deductible” is only applicable once in any roundtrip. These provisions also apply to minors who are driven to treatment sessions, counselling sessions, training sessions, assessments and examinations, and

to transportation expenses of the insured person's aide or attendant.

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[Back to top](#)

Page: **4,707** | [Find Page:](#)

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