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Implementing Automobile Insurance Reforms: Amendments to the Ontario Automobile Policy and Related Forms



Bulletin

No. A-08/10
– Auto
Property & Casualty

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

This Bulletin highlights a number of changes to automobile insurance forms arising from the automobile insurance reforms that go into effect on September 1, 2010. These forms include the Ontario Automobile Policy – Owner's Policy (OAP 1), the Ontario Garage Automobile Policy (OAP 4), the Ontario Application for Automobile Insurance – Owner's Policy (OAF 1), the Ontario Application for Automobile Insurance Garage Form (OAF 4) and the Alteration Form (OPCF 25A).

The amendments to these forms have been made in consultation with insurance industry stakeholders.

Changes to OAP 1, OAP 4, OAF 1 and OAF 4

The amended OAP 1, OAP 4, OAF 1, and OAF 4 include the following changes:

- OAP 1 and OAP 4 reflect that appraisals under section 128 of the Insurance Act are mandatory if requested by an insured. In accordance with the Statutory Conditions as amended by Ontario Regulation 40/10, an appraisal does not require the insurer's agreement.
- OAP 1 and OAP 4 reflect the new time periods that are applicable for processing and payment of claims under the Statutory Accident Benefits Schedule – Effective September 1, 2010 (New SABS).
- These forms provide that for purposes of the federal Insurance Companies Act (ICA), these documents were issued in the course of the company's insurance business in Canada, as required under Part XIII of the ICA.

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.

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OAP 1 reflects the availability of a new Direct Compensation for Property Damage deductible of \$500, which is in addition to the existing \$300 deductible option.

- OAP 1 extends coverage to rented automobiles with a Gross Vehicle Weight Rating (GVWR) of more than 4,500 kilograms, if they are for personal use and rented for up to seven days.
- OAF 1 includes modified consent language. Credit information is not included in the consent language as it has been determined to be inconsistent with government policy, and insurers are prohibited from using credit information for rating and underwriting purposes, with the exception of commercial or public-use vehicles.
- These forms reflect the changes to the accident benefits coverages in the New SABS.

Changes to the Alteration form (OPCF 25A)

OPCF 25A will give a named insured the option of changing – with the agreement of the insurer – the coverages and limits that are carried under an existing policy as of September 1, 2010. This will be an alternative to terminating and replacing the policy.

This form has been amended to reflect the accident benefit choices available under the New SABS. OPCF 25A requires signatures of both the named insured and the insurer.

Personal Use Renewal Questionnaires and Commercial/Public Use Forms

Some insurers previously had the Financial Services Commission of Ontario (FSCO) approve renewal questionnaires that relate to vehicles for personal use. Any such renewal questionnaires will need to be updated to reflect the new consent language on the approved OAF 1 and be filed with FSCO for approval.

An insurer that legitimately requires access to credit information for the purpose of applying its underwriting rules or risk classification systems in connection with fleets or commercial use or public use vehicles may file a supplementary application form with FSCO for approval, for use with the OAF 1 in connection with such vehicles.

Insurers should make sure that they submit their revised renewal questionnaires and commercial/public use supplementary application forms to FSCO by June 11, 2010. To expedite the review and approval process, insurers may use FSCO's web-based ARCTICS system.

Effective Date of the Forms

The revised forms are to be used for all new insurance business and renewals effective on or after September 1, 2010.

How to Obtain the Revised Forms

Copies of the revised forms (OAP 1, OAP 4, OAF 1, OAF 4 and OPCF 25A) are included as attachments to this Bulletin, and are also available on FSCO's website at: www.fSCO.gov.on.ca. In addition, OAP 1 and

OAP 4 will be published in an upcoming edition of *The Ontario Gazette*.

Philip Howell
Chief Executive Officer and
Superintendent of Financial Services

May 25, 2010

Attachments:

- [Ontario Automobile Policy – Owner's Policy \(OAP 1\)](#)
- [Ontario Garage Automobile Policy \(OAP 4\)](#)
- [Ontario Application for Automobile Insurance – Owner's Policy \(OAF 1\)](#)
- [Ontario Application for Automobile Insurance Garage Form \(OAF 4\)](#)
- [Alteration Form \(OPCF 25A\)](#)

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