

## **Answers to Questions from Canadian Bar Association – Alberta Branch**

### **1. How will the Survival of Actions legislation interact with this system?**

*Bill 47 – the Automobile Insurance Act* was tabled in the Legislative Assembly on March 24, 2025, and is [available on the Assembly's website](#) for review.

Section 82 provides that the *Survival of Actions Act* applies to tort actions for non-pecuniary damages authorized under section 80, and tort actions for pecuniary damages authorized under section 81.

### **2. What Fatal Accidents coverage will be included in this system?**

Sections 39 to 45 of Bill 47 set out the death benefits and related expenses entitlement of spouses, adult interdependent partners, dependants, and non-dependent children and parents. Related expenses include for funeral and interment, and for grief counselling. Regulations prescribing benefit amounts are under development.

### **3. What coverage will be available to Alberta drivers who find themselves in accidents in other jurisdictions?**

Care-First benefits will be available to Alberta residents who are injured in a collision anywhere in Canada or the United States.

### **4. What coverage will be available to Albertans injured by drivers from other jurisdictions?**

See question 3 above.

### **5. What will happen when an uninsured driver from another province injures an Alberta pedestrian?**

If the Alberta pedestrian has an auto insurance policy, they will be covered by that policy. For Albertans who do not have an auto policy, we are currently in discussions with the Motor Vehicle Accident Claims Fund about how best to handle those claimants.

### **6. How will MVAC interact with the new model? What will the maximum coverage be?**

We are currently in discussions with the Motor Vehicle Accident Claims Fund about how their program will need to adapt to the new system.

- 7. Will these auto insurance reforms affect the ability of a person who was injured in an accident to pursue potential claims against commercial or social hosts or other non-driver tortfeasors?**

See sections 80 and 81 of Bill 47 for allowed tort actions.

- 8. Will these auto insurance reforms affect the auto accident claims that would otherwise vest in the Workers' Compensation Board?**

Section 78 of Bill 47 provides that a private auto insurer is not liable to pay compensation to a person entitled to compensation under the *Workers' Compensation Act* (or similar law of another jurisdiction).

- 9. Will threshold amounts be indexed annually for inflation / CPI to ensure that in 3, 6, 9 years, compensation is still sufficient?**

Yes. Section 62 of Bill 47 provides for annual adjustment of benefits. Regulations in respect of the annual adjustment mechanism are under development.

- 10. Will these auto insurance reforms affect the ability of family members to pursue loss of dependency claims?**

Section 4 of Bill 47 bars any action respecting bodily injury or death sustained in an accident.

- 11. Will spouses continue to have a claim for loss of consortium under the *Tortfeasor's Act*?**

Section 4 of Bill 47 bars any action respecting bodily injury or death sustained in an accident.

- 12. When and how do you expect to repeal the MI and DTP regulations?**

These regulations are to be repealed January 1, 2027. However, both regulations will continue to apply to any accident that occurred prior to that date.

- 13. When and how do you plan to seek input from the medical practitioners on the proposed legislation?**

Government has been consulting with health care practitioners in respect of developing auto insurance reforms since the Automobile Insurance Summit in May 2024. Health professions and medical practitioners will continue to be consulted when their input is required.

**14. When and how do you plan to seek input from the legal profession (including from the CBA) on the proposed legislation?**

Government has been consulting with legal industry stakeholders in respect of developing auto insurance reforms since the Automobile Insurance Summit in May 2024. The legal profession will continue to be consulted when their input is required.

**15. When do you anticipate having draft legislation/regulations ready and will CBA have an opportunity to review same and offer commentary?**

Bill 47 was tabled in the Legislative Assembly on March 24, 2025. Regulations setting out more details of the Care-First system are expected to be ready later in 2025.