

## **Notice relating to the coming into force on October 22, 2020 of new automobile insurance endorsement Q.E.F. No 48 – Remunerated passenger transportation by automobile**

### **(section 39 of the *Act respecting remunerated passenger transportation by automobile* and section 71 of the *Insurers Act*)**

Under section 71 of the *Insurers Act*,<sup>1</sup> the form and terms of insurance policies relating to the ownership or use of motor vehicles must be approved by the Autorité des marchés financiers (the “Authority” or the “AMF”). The same is true for any riders (“endorsements”) that may be attached to those policies.

On October 10, 2019, Bill 17, tabled by the Government of Québec earlier that year, was passed and assented to. As a result, the *Act respecting remunerated passenger transportation by automobile* (the “Act”) came into force on October 10, 2020.<sup>2</sup> This new Act legislates, in particular, on remunerated passenger transportation requested using a mobile application.

Section 38 of the Act provides that every operator, as defined in the Act, must hold a liability insurance contract under section 84 of the *Automobile Insurance Act*<sup>3</sup> (the “AIA”) guaranteeing compensation for property damage caused by the automobiles used by the drivers registered with the operator (the “drivers”). Moreover, under section 39 of the Act, the liability insurance contract the operator is required to hold must comply with any condition or restriction the Authority may impose.

The conditions imposed by the Authority, by way of new endorsement *Q.E.F. No. 48 – Remunerated passenger transportation by automobile*, are intended to adequately protect the persons engaged in this activity. The endorsement must form an integral part of the insurance contract an operator is required to hold.

Among other things, this endorsement ensures that the drivers are automatically covered under the operator’s insurance contract while they are providing remunerated passenger transportation by automobile. If a loss occurs outside of such periods, the driver will have to contact his or her personal insurer, as the driver’s personal insurance contract will apply in such an event.

### **Important reminder for drivers**

The fact that an operator takes out an insurance contract does not relieve the drivers of their obligation under section 84 of the AIA to have a liability insurance contract outside of remunerated passenger transportation periods. However, that contract does not have to cover risks related to remunerated passenger transportation.

The AMF reminds all drivers and owners of vehicles used to provide remunerated passenger transportation that it is important to inform their respective personal insurers that they are engaged in that activity, even though the protections under the operator’s insurance contract apply during remunerated passenger transportation periods.

Endorsement *Q.E.F. No. 48 – Remunerated passenger transportation by automobile* will have to be used by all insurers that are planning to offer operators insurance coverage for this type of activity.

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<sup>1</sup> CQLR, c. A-32.1.

<sup>2</sup> CQLR, c. T-11.2.

<sup>3</sup> CQLR, c. A-25.

The endorsement is available on the AMF website at [www.lautorite.qc.ca](http://www.lautorite.qc.ca) under Professionals/Insurers/Automobile insurance/AMF approved forms.

**Additional information**

Further information is available from the AMF Information Centre:

Québec City: 418-525-0337

Montréal: 514-395-0337

Toll-free: 1-877-395-0337

[www.lautorite.qc.ca](http://www.lautorite.qc.ca)

**October 22, 2020**