

Notice regarding the coming into force on April 21, 2022 new automobile insurance endorsement Q.E.F. No. 48a – Goods delivery enterprise

(section 71 of the *Insurers Act*)

The *Act to amend various legislative provisions mainly with respect to the financial sector* (2021, c. 34), which was assented to on December 8, 2021, included the following amendments to the *Automobile Insurance Act*¹ (the “AIA”) and the *Insurers Act*²:

- An enterprise whose activities consist in delivering goods may have an insurance contract (in this instance, the “Q.P.F. No.1 – Owners’ Form”) guaranteeing compensation for property damage caused by the automobiles of which the enterprise is not the owner, but which are used by its employees for that delivery (the “insurance contract”);
- The Autorité des marchés financiers (the “AMF”) may attach conditions or restrictions to a rider attached to such an insurance contract.

New endorsement *Q.E.F. No. 48a – Goods delivery enterprise*, which sets out the AMF’s conditions and restrictions, will have to be attached to the insurance contract entered into by a goods delivery enterprise.

It should be recalled that, in accordance with the fourth paragraph of section 84 AIA, the insurance contract entered into by the goods delivery enterprise will pay out first during the coverage period. The primary objective of the AMF’s conditions and restrictions is to allow the employees of the goods delivery enterprise who use their own motor vehicle to carry on activities on behalf of the enterprise to benefit from insurance coverage that is at least equivalent to the coverage they hold under their personal insurance policy.

Accordingly, *Q.E.F. No. 48a – Goods delivery enterprise* will have to be used by all insurers that are planning to offer insurance coverage for this type of activity to such enterprises.

The endorsement is available on the AMF website at www.lautorite.qc.ca under Professionals/Insurers/Automobile insurance/AMF approved forms.

Reminder for employees of goods delivery enterprises

The fact that a goods delivery enterprise takes out an insurance contract does not relieve employees of their obligation, under section 84 of the AIA, to have a liability insurance contract outside of the periods during which they carry on delivery activities. Even though coverage under the insurance contract of the goods delivery enterprise applies during the delivery periods, employees of the enterprise must also inform the insurer with whom they hold their personal insurance policy that they are carrying on such delivery activities.

Moreover, for all losses that occur outside of the periods during which they carry out delivery activities, the employees will have to contact the insurer with whom they hold their personal insurance policy.

¹ CQLR, c. A-25.

² CQLR, c. A-32.1.

Additional information

Additional information is available from the AMF Information Centre at:

Québec City: 418.525.0337

Montréal: 514.395.0337

Toll-free: 1.877.395.0337

www.lautorite.qc.ca

April 21, 2022