



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 106

(1995, chapter 55)

**An Act to amend the Act
respecting the Québec Pension
Plan and the Automobile Insurance
Act**

Introduced 21 June 1995**Passage in principle 28 November 1995****Passage 6 December 1995****Assented to 7 December 1995**

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EXPLANATORY NOTES

This bill introduces, in respect of persons entitled both to a disability pension under the Act respecting the Québec Pension Plan and to an income replacement indemnity under the Automobile Insurance Act, a new method to coordinate the payment of those benefits so as to ensure that uniform taxation rules are applied to these persons.

In addition, the bill includes measures to facilitate the payment of benefits and to allow such financial adjustments as are necessary between the Régie des rentes du Québec and the Société de l'assurance automobile du Québec for the application of the new provisions.

LEGISLATION AMENDED BY THIS BILL:

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Bill 106

An Act to amend the Act respecting the Québec Pension Plan and the Automobile Insurance Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 105.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is replaced by the following section:

“105.1 Notwithstanding paragraph *b* of section 105, a disability pension shall be payable to a contributor for a disability resulting from an accident within the meaning of the Automobile Insurance Act (R.S.Q., chapter A-25) only if the amount of income replacement indemnity to which the contributor is entitled under that Act is less than the amount of disability pension that would otherwise be payable to him. The amount of the pension shall, in such a case, correspond to the difference between the amount of disability pension otherwise payable and the amount of the income replacement indemnity; the pension shall be paid to the contributor through the Société de l'assurance automobile du Québec.

Even if the contributor's disability pension is reduced or no pension is payable to him, the other provisions of this Act remain applicable in respect of the contributor as if the pension to which he would have otherwise been entitled were payable to him, in particular the provisions relating the adjustment of the contributory period, partition of the unadjusted pensionable earnings and entitlement to, and computation of, the other benefits.”

2. Section 148 of the said Act is amended by replacing the words “a replacement indemnity” in the third and fourth lines by the words “an indemnity referred to in section 105.1 or 105.2” and in the sixth line by the words “such an indemnity”.

3. The said Act is amended by inserting, after section 180.2, the following section:

“180.3 The Board shall pay to the Société de l’assurance automobile du Québec, on a monthly basis, a total amount corresponding to the amounts of disability pension which, by reason of section 105.1, cannot be paid to the contributors referred to in that section.”

4. Section 83.22 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by adding, at the end, the following paragraph:

“An income replacement indemnity may not be paid in a single payment if the person who is entitled to it is a person to whom section 105.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) applies.”

5. Section 83.28 of the said Act is amended by adding, at the end, the following paragraph:

“The Société shall also, at the request of the Régie des rentes du Québec, deduct from the income replacement indemnity payable to a person under this Act the amount of disability pension which was paid to such person under the Act respecting the Québec Pension Plan but which should not have been paid by reason of section 105.1 of the said Act. The Société shall remit the deducted amount to the Régie des rentes du Québec.”

6. Section 83.68 of the said Act is replaced by the following section:

“83.68 Where, by reason of an accident, a victim is entitled to both an income replacement indemnity payable under this Act and a disability benefit payable under an income security programme of another jurisdiction equivalent to the programme established by the Act respecting the Québec Pension Plan, the income replacement indemnity is reduced by the amount of disability benefit payable to the victim under such a programme.”

7. Section 29 of the Automobile Insurance Act (R.S.Q., chapter A-25), as it read prior to 1 January 1990, which had been maintained in force by the Act to amend the Automobile Insurance Act and other legislation (1989, chapter 15) in respect of persons who suffered bodily injury before that date, ceases to apply.

8. This Act applies to contributors whose disability results from an accident within the meaning of the Automobile Insurance Act, regardless of the date of the accident.

9. The provisions of this Act have effect from 1 January 1996.

10. This Act comes into force on the date to be fixed by the Government.

