



Financial Services
Commission
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Transportation Expense Guideline

Superintendent's Guideline No. 04/04

Transportation Expense Guideline

This Guideline is issued pursuant to section 268.3 of the *Insurance Act* for the purpose of subsections 14 (5), 15 (11) and 24 (3) of the *Statutory Accident Benefits Schedule - Accidents on or After November 1, 1996* (SABS). This Guideline replaces Guideline No. 3/01 effective April 15, 2004.

Purpose

The purpose of the *Transportation Expense Guideline* is to provide a framework for insurers and insured persons to determine the circumstances under which expenses related to transportation of an insured person to and from treatment sessions, counselling sessions, training sessions, assessments and examinations must be paid by an insurer. The Guideline sets out authorized expenses and applicable rates for the purpose of subsections 14 (5), 15 (11) and 24 (3) of the SABS.

In light of amendments made to subsections 14 (6), 15 (12) and 24 (4) of the SABS by O. Reg. 458/03 as filed on December 24, 2003, the amounts payable under the SABS for transportation expenses depend in part on whether the accident occurred before or after April 15, 2004. For this reason, the Guideline is divided into two sections:

- (a) *Accidents occurring before April 15, 2004; and*
- (b) *Accidents occurring on or after April 15, 2004.*

Please ensure that you refer to the appropriate section of this Guideline, based on the date of the accident in question.

(a) Accidents occurring before April 15, 2004

Authorized Expenses

The insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments and examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person's aide or attendant. Transportation expenses are calculated based on the most direct route. Transportation expenses include parking fees incurred.

The mode of transportation selected should be the most economical, practical for the distance to be travelled, and appropriate under the specific circumstances.

Use of Automobiles

The insurer is liable to pay a mileage expense for transportation of the insured person and their aide or attendant, to and from treatment sessions, counselling sessions, training sessions, assessments and examinations using the insured person's automobile, excluding the first 50 kilometres of each

round-trip. The 50 kilometre “deductible” is only applicable once in any round-trip. This applies also to minors who are driven to treatment sessions, counselling sessions, training sessions, examinations or assessments.

For the purpose of this Guideline, the “insured person’s automobile” includes any automobile owned or leased by the insured person or any other automobile to which the insured person has access.

The rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is 27.5¢ per kilometre travelled.

Use of Taxis

The insurer is liable to pay for reasonable and necessary taxi fare incurred by an insured person and their aide or attendant provided that,

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

Other Modes of Transportation

Insurers are liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

(b) *Accidents occurring on or after April 15, 2004*

Authorized Expenses

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments or examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person’s aide or attendant. Transportation expenses are calculated based on the most direct route. Transportation expenses include parking fees incurred.

The mode of transportation selected should be the most economical, practical for the distance to be travelled, and appropriate under the specific circumstances.

Use of Automobiles

For the purpose of this Guideline, the “insured person’s automobile” includes any automobile owned or leased by the insured person or any other automobile to which the insured person has access.

Subject to the 50 kilometre “deductible” referred to below, the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is 27.5¢ per kilometre travelled.

Use of Taxis

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary taxi fare incurred by an insured person and their aide or attendant provided that,

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

This provision also applies to all transportation expenses of the insured person’s aide or attendant.

Other Modes of Transportation

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

50 Kilometre “Deductible”

As set out in clauses 14 (6) (b), 15 (12) (b) and 24 (4) (b) of the SABS as amended by O. Reg. 458/03, the insurer is not liable to pay for the first 50 kilometres of transportation (whether or not in the insured person’s automobile) to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, unless the insured person sustained a catastrophic impairment as a result of the accident. The 50 kilometre “deductible” is only applicable once in any round-trip. These provisions also apply to minors who are driven to treatment sessions, counselling sessions, training sessions, assessments and examinations, and to transportation expenses of the insured person’s aide or attendant.