

DISCLOSURE TO CLAIMANT

under the

AUTOMOBILE INSURANCE REGULATIONS

Pursuant to paragraph 14 (1) of the *Automobile Insurance Regulations*, the following form is hereby approved for use in the Province effective January 1, 2020.

RENEE DYER

Superintendent of Insurance

DISCLOSURE TO CLAIMANT (FOR USE IN NEWFOUNDLAND AND LABRADOR)

You have advised an insurance company that you are making an automobile insurance claim. In making this claim, you should be aware of the following:

Surveillance

Under the *Personal Information Protection and Electronic Documents Act* (Canada) an insurance company:

- is permitted to conduct surveillance of a claimant without the claimant's consent or knowledge;
- does not have to disclose to a claimant that the claimant is or has been under surveillance, and;
- is required to destroy personal information collected about a claimant through surveillance after it has fulfilled its usefulness.

Criminal Code of Canada

That it is an offence under the *Criminal Code* to make a false claim:

- that a person found guilty of making a false claim may be subject to a fine or imprisonment for a period of time, or to both a fine and imprisonment;
- that a false claim includes inflating the true value of a claim or claiming for things that were not damaged in an accident.

Making a Claim Against Another Driver Who Allegedly Caused the Accident

That where the claimant is making a claim against another driver who allegedly caused the accident, that driver's insurance company is obligated to:

- to settle the claim as quickly as possible;
- to make interim payments to the claimant pending the final settlement of the claim once the insurance company has determined that its insured is at-fault for the accident;

- to pay the claimant the amount of the final claim settlement in a series of payments over a stated period of time instead of in one lump where the accident caused the claimant bodily injury and the claimant requests settlement in periodic payments;
- to advise its insured that a claim has been made against the insured, and;
- to advise its insured of the total amount paid to the claimant once the claim is settled.

Failure to Wear a Seat Belt

That where the claimant was not wearing a seat belt at the time of the accident and by law was required to wear one, the claim will be reduced by 25% unless the claimant can prove that the claimant's injuries would be the same had the claimant been wearing a seat belt.

Claim for Loss of Income

That a claim for loss of income or loss of ability to earn income will be reduced by Employment Insurance premiums, Canada Pension Plan contributions and income tax that would otherwise be payable if the claimant received the income from employment.

Deductible

That a claim for non-pecuniary loss or damage will have a:

- \$2,500 deductible applied to it where the loss or damage was sustained on or after August 1, 2004 and before January 1, 2020, or
- \$5,000 deductible applied to it where the loss or damage was sustained on or after January 1, 2020.

You are obligated to confirm in writing or by email that you have received this disclosure form. Sign below and return this form to the insurance company (keep a copy for your records) or email the insurance company stating “I acknowledge receiving the Disclosure to Claimant Form”.

Date

Claimant's Signature