

1 *New Brunswick Regulation 2003-20 under the Insurance Act is amended by adding after section 1 the following:*

PART 1

ACCIDENTS OCCURRING BETWEEN JULY 1, 2003, AND APRIL 30, 2013

Application

1.1 This Part only applies to a minor personal injury suffered by a plaintiff as a result of an accident that occurs between July 1, 2003, and April 30, 2013, both dates inclusive.

2 *Section 2 of the Regulation is amended*

(a) in subsection (1) by repealing the portion preceding the definition “Act” and substituting the following:

2(1) In this Part

(b) in subsection (2) in the portion preceding the definition “minor personal injury” by striking out “In this Regulation” and substituting “In this Part”.

3 *The heading “Application” preceding section 3 of the Regulation is repealed.*

4 Section 3 of the Regulation is repealed.

5 The Regulation is amended by adding after section 4 the following:

PART 2

ACCIDENTS OCCURRING ON OR AFTER MAY 1, 2013

Application

4.1 This Part only applies to a minor personal injury suffered by a plaintiff as a result of an accident that occurs on or after May 1, 2013.

Definitions

4.2(1) The following definitions apply in this Part.

“Act” means the *Insurance Act. (Loi)*

“plaintiff” means a plaintiff in an action for damages arising out of an accident. (*plaignant*)

“serious impairment” means, in respect of a plaintiff, an impairment of a physical or cognitive function that

(a) results in a substantial inability to perform

(i) the essential tasks of the plaintiff’s regular employment, occupation or profession, despite reasonable efforts to accommodate the impairment and the plaintiff’s reasonable efforts to use the accommodation to allow the plaintiff to continue the employment, occupation or profession,

(ii) the essential tasks of the plaintiff’s training or education in a program or course in which the plaintiff was enrolled or had been accepted for enrolment at the time of the

accident, despite reasonable efforts to accommodate the impairment and the plaintiff's reasonable efforts to use the accommodation to allow the plaintiff to continue the training or education, or

(iii) the plaintiff's normal activities of daily living,

(b) has been ongoing since the accident, and

(c) is not expected to improve substantially. (*déficience grave*)

“sprain” means an injury to one or more tendons or ligaments or to one or more of each. (*entorse*)

“strain” means an injury to one or more muscles. (*foulure*)

“whiplash associated disorder” means a whiplash injury that

(a) does not exhibit objective, demonstrable, definable and clinically relevant neurological signs, and

(b) does not exhibit a fracture in or dislocation of the spine. (*troubles associés à l'entorse cervicale*)

4.2(2) For the purposes of this Part and section 265.21 of the Act, “minor personal injury” means any of the following injuries, including any clinically associated sequelae, that do not result in serious impairment or in permanent serious disfigurement:

(a) a contusion;

(b) an abrasion;

(c) a laceration;

- (d) a sprain;
- (e) a strain; and
- (f) a whiplash associated disorder. (*blessures personnelles mineures*)

Maximum amount recoverable

4.3(1) For the purposes of subsection 265.21(3) of the Act, the maximum amount recoverable as damages for the non-pecuniary loss of the plaintiff for all minor personal injuries suffered by the plaintiff as a result of an accident is \$7,500.

4.3(2) On January 1, 2015, and on January 1 of each subsequent year, the amount referred to in subsection (1) shall be adjusted in accordance with the rate of increase in the Consumer Price Index for Canada, not seasonally adjusted, for all items for the previous 12-month period ending December 31, on the basis of monthly reports published in that respect by Statistics Canada for that period.

4.3(3) The maximum amount recoverable for a given year applies only with respect to accidents that occurred in that year.

4.3(4) The Superintendent shall publish, by January 31 of each year, the maximum amount recoverable for that year in a form and manner that makes the information accessible to the public.