

1. Bodily Injury

Due to the enhanced benefits under Care-First, in many situations, individuals will have complete access to care regardless of fault. However, in certain situations, individuals will have tort access to recover expenses against an at-fault driver.

Table 1: Tort Access

	Care-First ¹	Current Alberta (Tort) ²	British Columbia (ICBC) ³
Eligibility to Sue	Individuals are eligible to sue if the at-fault driver is convicted of a driving or murder-related offense under the <i>Criminal Code</i> or of impaired driving or failing to stop for a peace officer under the <i>Traffic Safety Act</i> . Individuals will also be able to sue for out-of-pocket expenses exceeding benefit limits.	Individuals are able to sue the at-fault party for damages incurred in order to indemnify the victim.	Individuals are able to sue the at-fault party in a civil claim if the at-fault driver is convicted of certain Criminal Code offences.
Auto Policy Coverage for Criminal Offenses	No explicit exclusion for bodily injury coverage if the insured driver is convicted under the <i>Criminal Code</i> .	No explicit exclusion for bodily injury coverage if the insured driver is convicted under the <i>Criminal Code</i> .	Third Party Liability coverage does not apply if the insured driver is convicted of certain Criminal Code offenses related to the crash. ⁴
Pain & Suffering	Will be able to sue for pain and suffering under the situations noted above.	Minor injuries are limited to an indexed cap of \$6,061. The maximum award for non-minor injuries is capped by the Supreme Court of Canada.	Auto insurance is not responsible for a pain & suffering award due to Criminal Code coverage exclusions.

¹ Per <https://open.alberta.ca/dataset/05d7b6b1-ed14-40f6-8044-87f050b521b1/resource/a89fb33a-e4d2-4118-a982-2ee2cf465ac6/download/tbf-care-first-auto-insurance-2025-08.pdf>, accessed 2 September 2025

² Per Owner's Automobile Policy, S.P.F. No. 1, approved by Alberta's Superintendent of Insurance effective January 1, 2022 (<https://open.alberta.ca/dataset/2df20e09-0659-474b-a97a-058a81fd1b7c/resource/f01cfb6b-2550-4ddc-af8b-56e58bccd5ba/download/tbf-insurance-spf1-standard-automobile-policy-2022-01.pdf>, accessed 3 September 2025)

³ Per <https://www.icbc.com/claims/injury/if-you-want-to-take-legal-action>, accessed 2 September 2025

⁴ Per <https://www.icbc.com/assets/en/4bYpswFajYOKJO2cDlysF/autoplan-insurance-brochure.pdf>, accessed 3 September 2025

	Care-First ¹	Current Alberta (Tort) ²	British Columbia (ICBC) ³
Out of Province	Provides third-party liability protection for a claim arising from the operation of a vehicle outside Alberta, but within Canada and the United States.	Provides the same protection for liability arising from an accident with a driver from another province or due to the operation of a vehicle in another province.	Provides third-party liability protection for a claim arising from the operation of a vehicle outside British Columbia, but within Canada and the United States.