

No. 91

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 91**

A Bill to amend The Motor Vehicle Accident Indemnity Act

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HON. MR. TAYLOR

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## Explanatory Note

**2.** Section 21 is amended to permit sums to be paid out of the unsatisfied judgment fund for rehabilitation of motor accident victims; that is, the costs incurred in making such persons again active or mobile, including the costs of necessary appliances for that purpose. Section 21 presently reads:

"21. (1) In addition to the remedies hereinbefore provided, a person who through the operation of a motor vehicle driven by another person, is, or after the first day of April, 1947, injured to an extent requiring hospital or medical treatment, or both, may apply to the Supervisor for reimbursement out of the Fund for the hospital and medical expenses incurred.

(2) If the Supervisor is satisfied

- (a) as to the facts with respect to the claim,
- (b) that the applicant was injured in the Province,
- (c) that the applicant is either a resident of the Province or, if he is a non-resident, that he was injured through the operation of a motor vehicle registered in the Province, and
- (d) that the application is for reimbursement of medical and hospital expenses incurred in the Province,

the Supervisor may issue a certificate to that effect to the Provincial Treasurer stating the amount to which the applicant is entitled.

(3) Upon receipt of the certificate, the Provincial Treasurer shall pay the amount stated in the certificate to the applicant or, if the applicant has signed an order so directing to the doctor or the hospital, as the case may be, to whom payment is ordered.

(4) The hospital and medical fees payable out of the Fund pursuant to this section shall be at such rate and for such period and for such type of accident as may be determined from time to time by the Lieutenant Governor in Council.

(5) The Provincial Treasurer is not required to pay out of the Fund more than ten thousand dollars for hospital and medical expenses incurred in the treatment of injuries to one person in one accident.

(6) Where hospital or medical expenses have been paid to or to the order of a person pursuant to this section, and subsequently that person recovers a judgment that is unsatisfied and under which he is entitled to receive payment from the Fund, if the amount of the hospital and medical expenses is included in the said judgment, the amount of hospital and medical expenses shall be deducted from the amount payable pursuant to subsection (9) of section 14 or to section 16.

(7) For any amount paid under the provisions of this section the Supervisor is subrogated to any rights that the person injured has against a person whose negligence has caused or contributed to the injuries in respect of which the hospital or medical expenses were incurred.

(8) Where hospital or medical expenses have been paid to or to the order of any person pursuant to this section, and that person begins or joins or is joined as a plaintiff in an action arising out of the operation of a motor vehicle through which were sustained the injuries in respect of which the hospital or medical expenses were paid, the statement of claim shall include a claim for special damages for such hospital and medical expenses as were incurred by that person.

(9) If default is made in complying with the provisions of subsection (8) and the plaintiff obtains a judgment that does not include an award of special damages for the hospital or medical expenses incurred by the plaintiff, the Supervisor is entitled to claim from the successful plaintiff,

- (a) if the judgment is satisfied, the amount paid pursuant to this section in respect of the hospital or medical expenses of the plaintiff, or

# BILL

No. 91 of 1960

An Act to amend The Motor Vehicle Accident Indemnity Act

(Assented to \_\_\_\_\_, 1960)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Motor Vehicle Accident Indemnity Act*, being chapter 209 of the Revised Statutes, is amended.

2. Section 21 is amended

- (a) as to subsection (1) by adding at the end thereof the words "and, where necessary, for the costs of appliances and treatments used in the complete or partial restoration of his muscular activity or co-ordination or to give him complete or limited mobility, and thereby to rehabilitate him.",
- (b) as to subsection (2), by adding at the end of clause (d) the words "or for the costs of appliances or treatments used or to be used in the rehabilitation of the applicant",
- (c) as to subsection (4) by adding after the word "fees" the words "and rehabilitation costs",
- (d) as to subsection (5) by adding after the word "expenses" the words "and rehabilitation costs",
- (e) as to subsection (6)
  - (i) by adding after the words "hospital or medical expenses" the words "or rehabilitation costs",
  - (ii) by adding before the words "is included" the words "and rehabilitation costs",
  - (iii) by adding before the words "shall be" the words "and rehabilitation costs",
- (f) as to subsection (7) by adding after the word "expenses" the words "or rehabilitation costs",
- (g) as to subsection (8)
  - (i) by adding after the words "hospital or medical expenses" wherever they occur the words "or rehabilitation costs",
  - (ii) by adding after the words "hospital and medical expenses" the words "and rehabilitation costs",

(b) If the judgment is unsatisfied, a deduction from any amount payable to the plaintiff pursuant to subsection (9) of section 14 equivalent to the amount paid pursuant to this section in respect of the hospital or medical expenses of the plaintiff.

(10) Default in complying with the provisions of subsection (8) does not invalidate a statement of claim but upon any such default the Supervisor, upon application made at any time before judgment, is entitled to have the statement of claim amended to include a claim for the special damages required to be claimed by subsection (8).

(11) A payment of hospital or medical expenses pursuant to this section is no defence to a claim for special damages for hospital or medical expenses."

**3. New. Permits Minister to pay sums, not over \$300 to an immediate relative of a motor accident victim who was the provider for a family to obtain training to earn a livelihood.**

- (h) as to subsection (9) by adding after the words "medical expenses" wherever they occur the words "or rehabilitation costs",
- (i) as to subsection (11) by adding after the words "medical expenses" wherever they occur the words "or rehabilitation costs".

**3.** Section 22 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:

(2) Where a person has died as a result of injuries occasioned by or arising out of the operation or use of a motor vehicle, if the deceased had been the sole or main support of a family prior to the accident in which the injuries were incurred, the Minister may pay out of the Fund such sums, not exceeding three hundred dollars in respect of any one person, as he considers necessary to assist a member of the immediate family of the deceased to obtain training that will enable him to earn a livelihood.

**4.** This Act comes into force on the day upon which it is assented to.

No. 91

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

**BILL**

An Act to amend The Motor Vehicle  
Accident Indemnity Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR