

No. 90

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 90

A Bill to amend The Motor Vehicle Accident Indemnity Act

HON. MR. TAYLOR

Explanatory Note

2. The minimum limits of coverage under motor vehicle liability insurance policies are being changed and the requirements and the limits on benefits under The Motor Vehicle Accident Indemnity Act are being changed accordingly. Section 6 presently reads:

- "6. The limits as to amount referred to in section 4 are
- (a) ten thousand dollars in the case of bodily injury to or the death of one person in one accident,
 - (b) twenty thousand dollars in the case of bodily injury to or the death of more than one person in one accident, subject to the limit in clause (a) for each person so injured or killed, and
 - (c) two thousand dollars in respect of damage to each motor vehicle or other property in any one accident."

3. Section 14, subsections (12) and (16) presently read:

- "(12) The Provincial Treasurer is not required
- (a) to pay moneys from the Fund if the judgment has been satisfied
 - (i) to the extent of ten thousand dollars or more, exclusive of costs, for bodily injury to or the death of one person,
 - (ii) to the extent of twenty thousand dollars or more, exclusive of costs, for bodily injury to or the death of two or more persons in any one accident, subject to the limit in subclause (i) for each person so injured or killed, and
 - (iii) to the extent of two thousand dollars or more, exclusive of costs, for property damage,
 - (b) to pay from the Fund under an order
 - (i) more than ten thousand dollars, exclusive of costs, where judgment was given in an action based upon bodily injury to or the death of one person in one accident,
 - (ii) more than twenty thousand dollars, exclusive of costs, where judgment was given in an action based upon bodily injury to or the death of more than one person in one accident, subject to the limit in subclause (i) for each person so injured or killed,
 - (iii) where judgment was given in an action based upon damage to property, more than two thousand dollars, exclusive of costs after deducting one hundred dollars from the amount awarded in the judgment for damage to property, and in any such case the Provincial Treasurer shall be required to pay from the Fund only that amount by which the judgment for damage to property exceeds one hundred dollars,
 - (iv) interest on a judgment, or
 - (v) any judgment for loss of use or depreciation of the property damaged in the case of a judgment given in an action based upon damage to property.
- (16) The Provincial Treasurer is not required to pay from the Fund on a judgment for damages for personal injury any amount that the plaintiff has been paid or is likely to be paid by the Workmen's Compensation Board by way of compensation for the injuries suffered by the plaintiff and in respect of which damages were awarded by the judgment."

BILL

No. 90 of 1962

An Act to amend The Motor Vehicle Accident Indemnity Act

(Assented to _____, 1962)

HER 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 hereby amended.

2. Section 6 is struck out and the following section is substituted:

6. Where security or proof of financial responsibility is required to be given by any person under section 4, it shall be given by that person in an amount not less than twenty-five thousand dollars in respect of the coverage prescribed under *The Alberta Insurance Act* for a motor vehicle liability policy.

3. (1) Section 14 is amended by striking out subsection (12) and by substituting the following:

(12) The Provincial Treasurer is not required

- (a) to pay moneys from the Fund if the judgment has been satisfied to the extent of twenty-five thousand dollars or more, exclusive of costs, for bodily injury to or death of one or more persons or damage to property, or
- (b) to pay from the Fund under an order more than twenty-five thousand dollars, exclusive of costs, where judgment was given in an action based upon bodily injury or death of one or more persons or damage to property in one accident, except that where in one accident claims result from bodily injury or death and damage to property,
 - (i) claims arising out of bodily injury or death have priority over claims arising out of damage to property to the amount of twenty thousand dollars,
 - (ii) claims arising out of damage to property have priority over claims arising out of bodily injury or death to the amount of five thousand dollars, and
 - (iii) any payments made from the Fund in respect

4. Section 21, subsection (5) presently reads:

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

5. Authority is given for the payment of ambulance expenses out of the Unsatisfied Judgment Fund in the same manner as medical expenses may presently be paid before a judgment is obtained. Subsections (6) to (11) of section 21 provide for the repayment of such sums out of any money recovered on the judgment.

of damage to property are subject to a deduction of one hundred dollars,

or

(c) to pay from the Fund any sum for interest in respect of a judgment or any sum for loss of use or depreciation of property damaged.

(2) The provisions of subsection (1) do not apply where the judgment or order is based on a cause of action arising on or before the first day of October, 1962.

(3) Section 14 is further amended by striking out subsection (16) and by substituting the following:

(16) The Provincial Treasurer is not required to pay from the Fund on a judgment for damages resulting from bodily injury to, or the death of, a person any amount that the plaintiff has been paid or is likely to be paid by the Workmen's Compensation Board by way of compensation for the damages suffered by the plaintiff and in respect of which damages were awarded by the judgment.

4. (1) Section 21 is amended by striking out subsection (5) and by substituting the following:

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

(2) The provisions of subsection (1) do not apply where the injury on which the claim is based occurred on or before the first day of October, 1962.

5. The following new section is added immediately after section 21:

21a. (1) Where a person is, through the operation of a motor vehicle driven by another person, injured to an extent requiring an ambulance to carry him to a hospital or doctor for treatment, he may apply to the Supervisor for reimbursement from the Fund for the expense of the ambulance service.

(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, and

(c) that the application is for the reimbursement of ambulance expenses incurred in the Province,

he may issue a certificate to that effect to the Provincial Treasurer stating the amount to which the applicant is entitled and upon receipt of the certificate the Provincial Treasurer shall pay the amount stated therein to the appli-

6. Commencement of Act.

cant or, if the applicant has signed an order so directing, to the person who supplied the ambulance service.

(3) Where an amount is paid for ambulance expense under this section, subsections (6) to (11) of section 21 apply *mutatis mutandis* thereto as if the ambulance expense were a medical expense.

(4) This section only applies to ambulance expenses incurred by a person on or after the first day of April, 1962.

6. (1) This Act, except section 5, comes into force on the first day of October, 1962.

(2) Section 5 comes into force on the first day of April, 1962.

No. 90

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Motor Vehicle
Accident Indemnity Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
