

No. 74

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 74

A Bill to amend The Motor Vehicle Accident Indemnity Act

HON. MR. TAYLOR

Explanatory Note

2. Section 13 is amended to clarify the position of the Supervisor when he is served with a notice of default and when he takes a step in an action. Subsection (5) of section 13 presently reads:

“(5) Within thirty days after service of the notice mentioned in subsection (3) the Supervisor may, by a statement of defence, dispute the liability of the defendant to the plaintiff, and defend the action.”.

3. The limits on the liability for payment from the Unsatisfied Judgment Fund are raised from \$25,000 to \$35,000. The priority of claims for bodily injury or death over claims for property damage is raised from \$20,000 to \$30,000. The increased limits will not apply to causes of action arising before September first, 1963. Subsection (12) of section 14 presently reads:

“(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-five 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,

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No. 74 of 1963

An Act to amend The Motor Vehicle Accident Indemnity Act

(Assented to _____, 1963)

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 13 is amended

- (a) as to subsection (5) by striking out the words "Within thirty days after" and by substituting the word "After",
- (b) by adding the following immediately after subsection (7):
 - (7a) The Supervisor is deemed to be a party to an action when he takes a step in the action and the Rules of the Supreme Court of Alberta apply to all proceedings.

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 thirty-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 thirty-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 thirty thousand dollars,
 - (ii) claims arising out of damage to property have priority over claims arising out of bodily in-

- (iii) any payments made from the Fund in respect 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."

4. Payment of hospital and medical expenses arising out of the operation of motor vehicles is extended to operators of motor vehicles. The limit of the payment is raised from \$20,000 to \$30,000. These increases in coverage and limits will not apply to causes of action arising before September first, 1963. Subsections (1) and (5) of section 21 presently read:

"21. (1) In addition to the remedies hereinbefore provided, a person who through the operation of a motor vehicle driven by another person, is, on 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 and, where necessary, for the costs of appliances and treatments used in complete or partial restoration of his muscular activity or co-ordination or to give him complete or limited mobility, and thereby to rehabilitate him.

(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."

5. Commencement of Act.

jury or death to the amount of five thousand dollars, and

- (iii) any payments made from the Fund in respect 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 before the first day of September, 1963.

4. (1) Section 21 is amended

- (a) by striking out subsection (1) and by substituting the following:

21. (1) In addition to other remedies provided by this Act a person who is injured

- (a) by the operation of a motor vehicle driven by another person on or after the first day of April, 1947, or

- (b) by the operation of a motor vehicle driven by himself on or after the first day of September, 1963,

to an extent requiring hospital or medical treatment or both, may apply to the Supervisor for reimbursement out of the Fund for the expenses 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) 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 thirty 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 before the first day of September, 1963.

5. (1) This Act except sections 3 and 4 comes into force on the day upon which it is assented to.

(2) Sections 3 and 4 come into force on the first day of September, 1963.

No. 74

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Motor Vehicle
Accident Indemnity Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
