

No. 120

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 120**

A Bill respecting Claims for Damages arising out of Motor  
Vehicle Accidents

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HON. MR. TAYLOR

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## **Explanatory Note**

**General.** This Bill will repeal and replace The Motor Vehicle Accident Indemnity Act (chapter 209 of the Revised Statutes). Its general intent is the same as that of the Act being repealed, but provision is made for a greater contribution to the Fund by uninsured motorists and the procedure for making claims is simplified.

### **2. Definitions.**

# BILL

No. 120 of 1964

An Act respecting Claims for Damages arising out of Motor Vehicle Accidents

(Assented to \_\_\_\_\_, 1964)

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

**1.** This Act may be cited as "*The Motor Vehicle Accident Claims Act*".

**2.** In this Act,

- (a) "Administrator" means the officer of the Minister's department appointed as the Administrator of *The Motor Vehicle Accident Claims Act*;
- (b) "automobile insurance" means automobile insurance as defined in *The Alberta Insurance Act*;
- (c) "Fund" means the Motor Vehicle Accident Claims Fund established under this Act;
- (d) "insured motor vehicle" means a motor vehicle, the owner of which
  - (i) is insured under an owner's policy as defined in *The Alberta Insurance Act*, or
  - (ii) has given a bond as required by Part XI of *The Vehicles and Highway Traffic Act*, or
  - (iii) has deposited with the Minister a sum of money or securities for money as required by *The Vehicles and Highway Traffic Act*, or
  - (iv) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under Part XI or Part XII of *The Vehicles and Highway Traffic Act*, or
  - (v) is exempt from the payment of registration fees under the regulations made under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*, or
  - (vi) is a corporation that has complied with section 168 of *The Vehicles and Highway Traffic Act*, in respect of that motor vehicle;
- (e) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

**3. Establishment of Motor Vehicle Accident Claims Fund to take the place of the Unsatisfied Judgment Fund.**

**4. Collection of fee from every motor vehicle owner for payment into the Fund.**

- (f) "motor vehicle" means any vehicle propelled by any power other than muscular power, except aircraft;
- (g) "owner" means an owner as defined in *The Vehicles and Highway Traffic Act*;
- (h) "Registrar" means the Registrar as defined in *The Vehicles and Highway Traffic Act*;
- (i) "registration" means registration under *The Vehicles and Highway Traffic Act* or the issue of a certificate under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*;
- (j) "uninsured motor vehicle" means a motor vehicle that is not an insured motor vehicle.

**3.** (1) There is hereby established a fund to be known as the Motor Vehicle Accident Claims Fund, which shall be held by the Provincial Treasurer as part of the General Revenue Fund in a special account.

(2) The Minister shall pay to the Provincial Treasurer the fees collected pursuant to sections 4 and 5.

(3) Where a portion of the Fund remains unexpended at the end of a fiscal year, the unexpended portion shall be carried forward to the credit of the Fund in the next fiscal year.

(4) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may direct payment to the Fund out of the General Revenue Fund of whatever amount he considers necessary or advisable to subsidize the Fund.

**4.** (1) The owner of every motor vehicle shall, in each year,

- (a) when applying for registration of the motor vehicle pursuant to *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*, and
- (b) in addition to the registration fee required to be paid under those Acts,

pay to the Minister a fee in respect of that motor vehicle of the amount prescribed by the Lieutenant Governor in Council.

(2) The owner of an insured motor vehicle who has paid the fee required under subsection (1) in respect of that motor vehicle is not required to pay a further fee under subsection (1)

- (a) when the number plates of that motor vehicle are exchanged for a different class of licence plates, or
- (b) when new plates are issued in substitution for the original number plates, or
- (c) when the number plates of that motor vehicle are

**5. Collection of an additional fee from owners of uninsured motor vehicles.**

**6. Payment of the proper fee is a condition of registration and if a motor vehicle ceases to be insured during the year the additional fee under section 5 has to be paid.**

**7. Where an accident is caused by an uninsured motor vehicle a claim may be made to the Fund without the necessity of obtaining judgment if the person liable undertakes to repay the Fund.**

transferred to another insured motor vehicle to be registered in his name.

**5.** (1) The owner of an uninsured motor vehicle shall, in each year,

(a) when applying for registration of the motor vehicle pursuant to *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*, and

(b) in addition to the registration fee required to be paid under those Acts and the fee required to be paid under section 4,

pay to the Minister a fee in respect of that motor vehicle of the amount prescribed by the Lieutenant Governor in Council.

(2) The owner of an uninsured motor vehicle who has paid the fee required under subsection (1) in respect of that motor vehicle is not required to pay a further fee under subsection (1) or under section 4

(a) when the number plates of that motor vehicle are exchanged for a different class of licence plate, or

(b) when new plates are issued in substitution for the original number plates, or

(c) when the number plates of that motor vehicle are transferred to another motor vehicle to be registered in his name.

**6.** (1) The Registrar shall not register any motor vehicle under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act* unless the fee payable under section 4 or 5, as the case may be, is paid.

(2) Unless the owner of a motor vehicle satisfies the Registrar that the motor vehicle is an insured motor vehicle, the Registrar shall register it as an uninsured motor vehicle to which section 5 applies.

(3) When a registered motor vehicle ceases to be an insured motor vehicle, the registration of the motor vehicle is suspended until the Registrar is notified of the change and the fee payable under section 5 is paid.

(4) Upon the registration of an uninsured motor vehicle, or upon receipt of the notice and fee mentioned in subsection (3), the Registrar shall issue to the owner of the motor vehicle a certificate in the prescribed form stating that the uninsured motor vehicle fee has been paid in respect of that vehicle.

**7.** (1) Where a person has a cause of action against the owner or operator of an uninsured motor vehicle for damages for

(a) bodily injury to or the death of a person, or





(b) loss of or damage to property in an amount exceeding fifty dollars,  
arising out of the use or operation within Alberta of the motor vehicle, that person may apply to the Administrator, in the prescribed form, for payment out of the Fund in respect of the bodily injury or death, or loss of or damage to property.

(2) Upon receipt of an application under subsection (1) the Administrator shall, by registered mail, send notice of the application to the owner and the operator of the uninsured motor vehicle to their last addresses as recorded with the Registrar.

(3) Subject to sections 13 to 17 and to the regulations,

(a) if a consent to the amount to be paid to the applicant from the Fund and an agreement, in the prescribed form, to pay that amount back to the Fund is executed

(i) by the owner and the operator, or

(ii) by the operator only, when the Minister is satisfied that the owner would not be liable, or

(iii) by either the owner or the operator, when the other has not replied to the notice or disputes his liability to the applicant,

and

(b) if the applicant executes an assignment to the Administrator of all claims against the persons liable for the injury, death, loss or damage in respect of which the application is made,

the Minister may authorize payment out of the Fund to the applicant of an amount that he considers in all the circumstances to be proper compensation.

(4) Where an amount is paid out of the Fund pursuant to subsection (3), the Administrator is subrogated to the rights of the person to whom the amount was paid and the Administrator

(a) may maintain an action in the name of that person or in the name of the Administrator against all or any persons liable for the injury, death, loss or damage in respect of which the payment was made, and

(b) may commence the action at any time within twelve months after the date of the payment out of the Fund, notwithstanding section 131 of *The Vehicles and Highway Traffic Act*.

(5) Where an amount is paid out of the Fund pursuant to subsection (3), the Minister shall suspend

(a) the operator's licence of every person, and

(b) the registration of every motor vehicle registered in the name of every person,

**8. The Administrator is to be given notice of undefended actions so that he may defend.**

to whom notice was sent pursuant to subsection (2) until that person files proof of financial responsibility in accordance with Part XI of *The Vehicles and Highway Traffic Act*.

(6) The Minister shall suspend

(a) the operator's licence of every person, and

(b) the registration of every motor vehicle registered in the name of every person,

who executes an agreement pursuant to subsection (3) until the full amount owing on the undertaking has been paid or the person commences payment under an agreement made pursuant to subsection (7).

(7) The Administrator may enter into an agreement with a person who executes an agreement pursuant to subsection (3) to accept payment by instalments of the amount owing on the undertaking.

(8) Where a person who has commenced payment of the amount owing on the agreement is in default in any payment for a period of thirty days, the Minister may suspend the operator's licence of that person and the registration of every motor vehicle registered in the name of that person.

8. (1) Where a plaintiff notes a defendant in default in an action for damages for

(a) bodily injury to or the death of a person, or

(b) loss of or damage to property in an amount exceeding fifty dollars,

arising out of the use or operation within Alberta of a motor vehicle, the plaintiff shall forthwith serve upon the Administrator a notice in writing advising him that the defendant has been noted in default, and the plaintiff may not apply for an order for final judgment or assessment of damages until thirty days after the service of the notice.

(2) Where a notice is served pursuant to subsection (1), a copy of the statement of claim and every subsequent pleading in the action shall be served on the Administrator by the party to the action who issues or files it.

(3) The Administrator may at any time within the thirty days mentioned in subsection (1) notify the plaintiff that he intends to investigate the liability of the defendant to the plaintiff and the plaintiff may not apply for an order for final judgment or assessment of damages until thirty days after being notified by the Administrator of his intention to investigate.

(4) Where after the investigation the Administrator disputes the liability of the defendant to the plaintiff, the Administrator

(a) may, on behalf of and in the name of the defendant, file a defence, make payment into court, appear by

**9.** Payment may be made out of the Fund on unsatisfied judgments subject to certain conditions.

counsel at the trial, take any action that the defendant could have taken under the Consolidated Rules of the Supreme Court or take any other action he considers appropriate, and

- (b) may, on behalf of and in the name of the defendant, conduct his defence and where he considers it advisable to do so, consent to judgment in whatever amount he considers proper in all the circumstances.

(5) All acts done by the Administrator in accordance with subsection (4) shall be deemed to be the acts of the defendant and the Administrator shall not be named as a defendant in the action and no judgment shall be given against the Administrator.

**9.** (1) Where a person recovers in a court in Alberta a judgment or damages for

- (a) bodily injury to or the death of a person, or
- (b) loss of or damage to property in an amount exceeding fifty dollars,

arising out of the use or operation within Alberta of a motor vehicle owned or operated by the judgment debtor, he may, upon the determination of all proceedings, including appeals, apply to the Administrator, in the prescribed form, for payment out of the Fund of the amount of the judgment or of the amount of the unsatisfied portion thereof.

(2) Where an application is made under subsection (1) and the requirements of this section and the regulations have been satisfied, the Minister shall, subject to section 10 and sections 13 to 17, authorize the payment out of the Fund of the amount of the judgment or of the unsatisfied portion thereof.

(3) The Minister may refuse to authorize payment out of the Fund of any amount in respect of a judgment

- (a) when the Administrator was not served with notice as required by section 8, or
- (b) when the judgment was signed upon the consent or with the agreement of the defendant, or
- (c) when the action in which the judgment was given was not brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question or prosecuted against every such person to judgment or dismissal, or
- (d) where any requirement of this Act or the regulations has not been complied with.

(4) The Minister shall not authorize the payment out of the Fund of any amount in respect of a judgment until the judgment creditor assigns the judgment to the Adminis-

**10.** Where there is an objection to payment out of the Fund the dispute may be referred to the courts for settlement.

**11.** In cases, such as hit and run accidents, when the identity of the motor vehicle and driver cannot be ascertained an action may be brought against the Administrator and any judgment paid out of the Fund.

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trator and serves a copy of the assignment on the judgment debtor.

(5) Upon filing a copy of the assignment of a judgment, certified by the Administrator to be a true copy, with the clerk of the court in which the judgment was obtained, the Administrator shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(6) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment, certified as prescribed in subsection (5), is filed with the sheriff having the writ of execution, the Administrator shall, to the extent of the amount of the assignment, be deemed to be the execution creditor.

**10. (1)** Where an application is made under section 9, the Minister may give written notice to the applicant of any objection to payment out of the Fund of the judgment or any part of the judgment.

(2) Where the Minister gives notice pursuant to subsection (1), the applicant may apply by notice of motion to a judge of the court in which the judgment was obtained for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

(3) Upon hearing the application the judge may make whatever order he considers just in the circumstances, including an order setting aside the judgment.

(4) When the judgment is set aside the plaintiff shall serve a copy of the statement of claim upon the Administrator who may thereupon dispute the liability of the defendant to the Plaintiff as provided in section 8.

**11. (1)** Where bodily injury to or the death of a person arises out of the use or operation within Alberta of a motor vehicle, and

- (a) the name of neither the owner nor the operator of the motor vehicle is known or ascertainable, or
- (b) the name of the operator is not known or ascertainable and the owner is not liable to an action for damages for injury or death,

any person who has a cause of action against the unknown owner or operator in respect of that bodily injury or death may bring an action against the Administrator as nominal defendant, either alone or as a co-defendant with others alleged to be responsible for the injury or death.

(2) All actions under subsection (1) against the Administrator may be commenced only within the time limited for actions under section 131 of *The Vehicles and Highway Traffic Act*.

**12.** When judgment has been given against the Administrator under clause 11 and the identity of the unknown person is subsequently ascertained the court can make that person liable on the judgment.



(3) Where after an action has been commenced in respect of bodily injury to or the death of a person arising out of the use or operation within Alberta of a motor vehicle, it is alleged that the injury or death was caused or contributed to by another motor vehicle, but

(a) the name of neither the owner nor the operator of the motor vehicle is known or ascertainable, or

(b) the name of the operator is not known or ascertainable and the owner is not liable to an action for damages for injury or death,

the Administrator may be added as a nominal defendant on the application of any party and shall be added as a nominal defendant on his own application.

(4) In an action against the Administrator as nominal defendant, the Administrator may deny generally the allegations in respect of the unidentified motor vehicle and unknown owner and operator thereof and shall not be required to set forth the facts upon which he relies.

(5) In an action against the Administrator as nominal defendant, a judgment against the Administrator shall not be granted unless the court is satisfied that all reasonable efforts have been made by the parties to ascertain the identity of the unknown owner and operator and that the identity of the owner and operator cannot be ascertained.

(6) Where before judgment is granted in an action against the Administrator as nominal defendant the identity of the unknown owner or operator is ascertained, that owner or operator shall be added as a defendant in the action in substitution for the Administrator, subject to such conditions as the court prescribes.

(7) Where judgment is obtained against the Administrator as nominal defendant and upon the determination of all proceedings, including appeals, the Minister, subject to sections 13 to 17, shall authorize payment out of the Fund to the judgment creditor of the amount of the judgment with respect to the bodily injury or death.

**12.** (1) Where judgment has been obtained under section 11 against the Administrator as nominal defendant, the Administrator may at any time thereafter, by originating notice, apply to a judge of the court where judgment was obtained for an order declaring that any person was at the time of the accident the owner or operator of the motor vehicle that caused the bodily injury or death in respect of which the judgment was obtained.

(2) If the judge hearing the application is satisfied on the evidence that the person named in the application was, at the time of the accident that caused the bodily injury or death giving rise to the action in which the judgment was recovered, the owner or operator, or both, of the motor vehicle involved in that accident, the judge may make the

**13.** The maximum amount payable out of the Fund and the manner of calculating each payment is set out.

order applied for, unless he is satisfied that the person would not have been liable for any damages if he had appeared and defended the action, or he may direct the trial of an issue.

(3) Upon the making of an order or judgment declaring that any person was the owner or operator of a motor vehicle,

- (a) that person shall for the purpose of this Act be deemed to be the defendant in the action in which judgment was given against the Administrator, and the judgment against the Administrator shall be deemed to be a judgment against that person, and
- (b) the Administrator shall be deemed to have a judgment against that person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of the judgment creditor, including the right to recover any moneys that would have been payable in respect of the bodily injury or death under any contract of automobile insurance that was in force at the time of the accident.

**13.** (1) When the Minister authorizes payment out of the Fund, the Provincial Treasurer shall, subject to this section and sections 14 to 17, make the payment authorized.

(2) Where all claims arising out of one accident have been jointly or severally satisfied to the extent of thirty-five thousand dollars, or more, exclusive of costs, no payment may be made out of the Fund with respect to claims arising out of that accident.

(3) No payment may be made out of the Fund of

- (a) any amount for interest in respect of a judgment, or
- (b) any amount for loss of use or depreciation of property lost or damaged,

and any such amount shall be deducted from the applicant's claim before the amount payable to him pursuant to this section is calculated.

(4) No more than thirty-five thousand dollars, exclusive of costs, may be paid out of the Fund with respect to all claims arising out of one accident.

(5) Where in one accident claims result from bodily injury to or death of one or more persons and loss of or damage to property,

- (a) claims arising out of bodily injury or death have priority over claims arising out of loss of or damage to property to the amount of thirty thousand dollars,
- (b) claims arising out of loss of or damage to property

**14.** No amount recoverable under an automobile insurance policy may be recovered from the Fund.

have priority over claims arising out of bodily injury or death to the amount of five thousand dollars.

(6) Where

- (a) two or more persons have claims arising out of one accident, and
- (b) the total of their damages exceeds the limits fixed by subsection (4) or (5),

the amount to be paid to each person shall bear as nearly as possible the same proportion to the total amount payable as the damages of that person bears to the total amount of their damages.

(7) From the amount payable to a person as calculated in accordance with subsections (3) to (7) there shall be deducted

- (a) any amount the applicant has recovered or can recover from the debtor,
- (b) any amount paid out of the Fund pursuant to section 19 to the applicant or on his behalf,
- (c) any amount paid or payable for and on behalf of the applicant under *The Hospitalization Benefits Act, 1959*, or *The Alberta Hospitals Act*,
- (d) the amount of fifty dollars in respect of any payment for loss of or damage to property,
- (e) any amount that the applicant has been paid or is likely to be paid by the Workmen's Compensation Board by way of compensation or award for the bodily injury or death in respect of which the application was made, and
- (f) any amount that the applicant has recovered or can recover by reason of the existence of a contract of automobile insurance,

and the amount so determined is the amount payable out of the Fund by the Provincial Treasurer.

**14.** (1) No payment shall be made out of the Fund in respect of an amount paid or payable by an insurer by reason of the existence of a contract of automobile insurance, and

- (a) no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a contract of automobile insurance, and
- (b) no amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer by reason of the existence of a contract of automobile insurance.

(2) No payment shall be made out of the Fund to indemnify any person with respect to any amount

- (a) which as the result of the ownership, use or operation of a motor vehicle by him, he is liable to pay and has paid to another person, and

**15. Limitation on payments to non-residents.**

**16. Lawyers are required to file a copy of their bill with the Administrator before payment can be made out of the Fund on judgments.**

**17. Costs awarded by a judgment may also be recovered from the Fund.**

(b) which he is entitled to recover from another owner or operator by way of indemnity or contribution.

(3) No payment shall be made out of the Fund to indemnify the owner of a motor vehicle for loss of or damage to property of the owner arising out of the use or operation of that motor vehicle and for which the operator is responsible.

**15.** (1) The Minister shall not authorize payment out of the Fund of any amount in favour of a person who ordinarily resides outside Alberta unless the person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Alberta.

(2) Where a payment is to be made to a person who ordinarily resides outside Alberta the payment shall not include any amount that would not be payable by the law of the jurisdiction in which the person resides.

(3) For the purposes of this section "residence" shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

**16.** (1) No money shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister and solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Administrator.

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection (1), other than the amounts taxed on a solicitor and client basis in the bill or bills of costs.

**17.** (1) Where a payment is made out of the Fund in respect of a judgment, the Administrator shall authorize payment out of the Fund of the costs of the action but not more than the actual disbursements and taxed costs as awarded in the judgment as between the parties to the action.

(2) Where

(a) an insurer has an interest in a judgment obtained in an action maintained in part by the insurer, and

(b) the amount payable out of the Fund in respect of that judgment is reduced by reason of that interest, the amount paid out of the Fund for costs in that action shall not be more than an amount that bears the same proportion to the total amount of the costs awarded in the judgment as the total amount of the judgment less the insurer's interest bears to the total amount of the judgment.

(3) The Administrator shall authorize payment out of the Fund to a solicitor who

**18.** The ordinary procedures of the courts apply to proceedings under this Act.

**19.** An application may be made to the Fund for the payment of hospital, medical and related expenses.



- (a) completes an application under section 9 and the assignment of judgment, and
  - (b) except where the Administrator is satisfied that it is not feasible to do so, issues execution and files with the sheriff,
- the sum of thirty dollars as his fee, including disbursements.

**18.** Except as otherwise provided by this Act, the Consolidated Rules of the Supreme Court apply to applications and actions brought under this Act.

**19.** (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 ambulance services may apply to the Administrator 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.

(2) If the Administrator is satisfied

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

the Administrator 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 hospital and the person who supplied the ambulance service, as the case may be, to whom payment is ordered.

(4) The hospital and medical fees and rehabilitation

costs payable out of the Fund pursuant to this section are payable at the rates and for the periods prescribed by the regulations.

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

(6) For any amount paid pursuant to this section the Administrator is subrogated to any rights that the person injured has against a person whose actions caused or contributed to the injuries in respect of which the hospital, medical and ambulance expenses or rehabilitation costs were incurred and the Administrator may maintain an action in the name of that person or in the name of the Administrator.

(7) Where

- (a) hospital, medical and ambulance expenses or rehabilitation costs have been paid to or to the order of any person pursuant to this section, and
- (b) that person begins or joins or is joined as a plaintiff in an action arising out of the use or operation of a motor vehicle through which were sustained the injuries in respect of which those expenses or costs were paid,

the statement of claim shall include a claim for special damages for those hospital, medical and ambulance expenses and rehabilitation costs incurred by that person.

(8) Where subsection (7) is not complied with, a statement of claim is not invalidated, but the Administrator 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 (7).

(9) A payment of hospital, medical and ambulance expenses or rehabilitation costs pursuant to this section is no defence to a claim for special damages for hospital, medical or ambulance expenses or rehabilitation costs.

(10) Where subsection (7) is not complied with and the plaintiff obtains a judgment that does not include an award of special damages for the hospital, medical and ambulance expenses or rehabilitation costs incurred by the plaintiff, if the judgment is satisfied, the Administrator may claim from the successful plaintiff the amount paid pursuant to this section in respect of the hospital, medical and ambulance expenses or rehabilitation costs of the plaintiff.

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

**20. Forms and regulations.**

**21. Operators of motor vehicles are liable to a fine if they fail to produce either a pink card or a green certificate.**

**20.** (1) The Minister may prescribe forms to be used under this Act.

(2) The Lieutenant Governor in Council may make regulations for the purpose of carrying out this Act according to its intent and of supplying any deficiency in this Act, and without limiting the generality of the foregoing may make regulations

- (a) prescribing the evidence that may be accepted by the Registrar as satisfactory proof that a motor vehicle is an insured motor vehicle,
- (b) prescribing the evidence that an applicant is required to give to the Administrator to establish his claim for payment out of the Fund and the amount of that payment,
- (c) prescribing the manner of obtaining and proving any information required to be given to the Administrator,
- (d) prescribing when an applicant may be required to exercise other remedies before or in lieu of receiving payment out of the Fund, and what remedies he may be required to exercise,
- (e) prescribing in respect of an application under section 7, the rules to be applied by the Administrator in evaluating the bodily injury, death, loss or damage and the extent to which different persons are liable therefor,
- (f) authorizing the Minister or the Administrator, in his discretion or in specified circumstances, to waive compliance, in whole or in part, with any regulation made under clauses (b) to (d),
- (g) specifying other duties to be undertaken by the Administrator in addition to those given him by this Act or assigned to him by the Minister,
- (h) prescribing the fees to be paid under this Act on the registration of an uninsured motor vehicle and on the registration of an insured motor vehicle, and
- (i) prescribing the rates at which fees and costs may be paid under section 19 and the periods for which those fees may be paid.

**21.** (1) The operator of a motor vehicle shall, upon request of a peace officer, produce

- (a) a financial responsibility card in a form prescribed under *The Vehicles and Highway Traffic Act* for that vehicle evidencing that the vehicle is an insured motor vehicle, or
- (b) a certificate issued by the Registrar under section 6 stating that the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

(2) Where the motor vehicle is being operated

**22.** It is an offence to register a motor vehicle as insured when it is in fact uninsured.

**23.** It is an offence to operate an uninsured motor vehicle when it is registered as an insured motor vehicle.

**24.** No interest is to be charged to persons who are obligated to pay money back to the Fund.

**25.** Additional powers of the Minister.

- (a) with number plates issued pursuant to section 24 of *The Vehicles and Highway Traffic Act*, or
- (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
- (c) by a mechanic who has custody of the vehicle for the purpose of repairs,

the peace officer shall give the operator of the vehicle reasonable time within which to produce the financial responsibility card or the certificate.

(3) The operator of a motor vehicle who fails to produce evidence as required by this section when requested to do so, or who produces false evidence, is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars.

(4) This section does not apply with respect to a motor vehicle that is registered in a country, state, territory or province other than Alberta or to a motor vehicle owned by the Crown.

**22. A person who**

- (a) applies for the registration of a motor vehicle as an insured motor vehicle, or
- (b) obtains the registration of a motor vehicle as an insured motor vehicle,

when in fact it is an uninsured motor vehicle is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding one month, or to both the fine and the imprisonment.

**23. (1) A registered owner of an uninsured motor vehicle who**

- (a) operates that uninsured motor vehicle, or
- (b) permits any other person to operate that uninsured motor vehicle,

while it is registered as an insured motor vehicle is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars or to imprisonment for a term of not more than one month, or to both fine and imprisonment.

(2) Where the registration of a motor vehicle is suspended under this or any other Act it is still a registered motor vehicle for the purposes of this section.

**24.** Any person who is liable to pay money to the Fund shall not hereafter be charged interest thereon, whether the liability to pay was incurred before or after the commencement of this Act.

**25. (1)** The Minister may delegate all or any of the powers and duties conferred upon him by this Act to such person or persons as he considers advisable.

**26.** Uninsured motorists who obtain their 1964 registration before this Act comes into force are required to pay the additional fee.

**27.** Repeal of The Motor Vehicle Accident Indemnity Act and the effect thereof.

(2) The Minister may expend moneys from the Fund for the cost of the administration of this Act and for any other purpose that the Lieutenant Governor in Council in his discretion determines.

(3) Where a person has died as a result of injuries arising out of the use or operation 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 sum as, not exceeding three hundred dollars in respect of any one person, 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.

**26.** The owner of every uninsured motor vehicle registered in the 1964 licensing year and who has paid the fee prescribed under *The Motor Vehicle Accident Indemnity Act*, or under section 4, shall, before the expiry of the 1964 licensing year, and as an additional fee, pay to the Minister a fee of twenty dollars and payment of that additional fee constitutes a compliance with section 5 for the year 1964.

**27.** (1) *The Motor Vehicle Accident Indemnity Act* is hereby repealed.

(2) In this section "the repealed Act" means *The Motor Vehicle Accident Indemnity Act* and "Unsatisfied Judgment Fund" means the Fund established under that Act and "Supervisor" means the Supervisor appointed for the purposes of that Act.

(3) The Administrator is the successor to the Supervisor and

- (a) all claims, rights and judgments assigned to the Supervisor under the repealed Act and all rights the Supervisor is subrogated to under the repealed Act are hereby transferred to and vested in the Administrator,
- (b) any reference to the Supervisor in any judgment, order, pleading, assignment or other document shall be deemed to be a reference to the Administrator,
- (c) any judgment or order made under the repealed Act against the Supervisor shall be deemed to be made against the Administrator, and
- (d) any proceedings, action or application commenced by or against or affecting the Supervisor may be continued by or against the Administrator, or so affect the Administrator,

and it is not necessary for any judgment, order, pleading, assignment or other document to be amended to substitute a reference to the Administrator.

(4) All moneys in the Unsatisfied Judgment Fund on the first day of May, 1964, shall be transferred to and



**28. Commencement of Act.**

form part of the Motor Vehicle Accident Claims Fund.

(5) Any liability incurred by a person before the first day of May, 1964, to pay any moneys to the Unsatisfied Judgment Fund shall be deemed to be a liability to pay that money to the Motor Vehicle Accident Claims Fund and any money so paid shall be paid into the Motor Vehicle Accident Claims Fund.

(6) All actions commenced before the first day of May, 1964, and to which the repealed Act is or may be applicable shall be continued to judgment in accordance with the repealed Act but upon judgment being obtained this Act is applicable thereto.

(7) All applications for payment out of the Unsatisfied Judgment Fund made before the first day of May, 1964 shall be dealt with in accordance with the repealed Act, except that any payment shall be out of the Motor Vehicle Accident Claims Fund.

(8) Where an unsatisfied judgment was obtained before the first day of May, 1964 but no application for payment out of the Unsatisfied Judgment Fund has been made before that date, any application with respect to that unsatisfied judgment shall be made in accordance with and subject to this Act.

**28.** (1) This Act, except section 21, comes into force on the first day of May, 1964.

(2) Section 21 comes into force on the first day of July, 1964.

No. 120

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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**BILL**

An Act respecting Claims for  
Damages arising out of Motor  
Vehicle Accidents

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. TAYLOR

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