

1970 Bill 31

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 31**

**An Act to amend The Highway Traffic Act (No. 1)**

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THE MINISTER OF HIGHWAYS AND TRANSPORT

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 31

1970

An Act to amend The Highway Traffic Act (No. 1)

(Assented to \_\_\_\_\_, 1970)

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

1. *The Highway Traffic Act* is hereby amended.
2. Section 14, subsection (5) is amended by striking out the words "sections 204 and 206" and by substituting the words "section 204, 206 or 206b or by accumulation of demerit points".
3. The following section is added after section 96:

**96a.** (1) A person who exceeds the maximum speed permitted under section 94, 95 or 96 or section 130, subsection (5) by not more than 10 miles an hour is guilty of an offence and liable on summary conviction to a fine of not less than \$20 and in default of payment to imprisonment for a term not exceeding three days.

(2) A person who exceeds the maximum speed permitted under section 94, 95 or 96 or section 130, subsection (5) by more than 10 miles an hour but not more than 20 miles an hour is guilty of an offence and liable on summary conviction to a fine of not less than \$30 and in default of payment to imprisonment for a term not exceeding seven days.

(3) A person who exceeds the maximum speed permitted under section 94, 95 or 96 or section 130, subsection (5) by more than 20 miles an hour but not more than 30 miles an hour is guilty of an offence and liable on summary conviction to a fine of not less than \$75 and in default of payment to imprisonment for a term not exceeding 14 days.

(4) A person who exceeds the maximum speed permitted under section 94, 95 or 96 or section 130, subsection (5) by more than 30 miles an hour is guilty of an offence and liable on summary conviction to a fine of not less than \$150 and in default of payment to imprisonment for a term not exceeding 21 days.

## **Explanatory Notes**

**1.** This Bill amends chapter 30 of the Statutes of Alberta, 1967.

**2.** This amendment includes newly added suspensions for Criminal Code convictions contained in section 206c and suspensions arising from the accumulation of demerit points imposed upon conviction for certain violations of the Act as specified in the Regulations.

**3.** Fines for exceeding speed limits.

(5) Where a person is charged with an offence under this section and the judge trying the case finds that the person exceeded the speed limit but at a lower rate than charged, the judge may

(a) reduce the charge to, and

(b) convict the person of  
a lesser offence under this section.

4. Section 206 is struck out and the following is substituted:

**206.** (1) Where a person is convicted under section 222 of the *Criminal Code* anywhere in Canada of driving or of having care or control of a motor vehicle while his ability to drive a motor vehicle is impaired by alcohol or drug, the convicted person thereupon becomes disqualified from holding an operator's licence

(a) for a period of six months from the date of his conviction, or

(b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Where a person is convicted under section 224 of the *Criminal Code* anywhere in Canada of driving a motor vehicle or having the care or control of a motor vehicle, whether it is in motion or not, after having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrams of alcohol in 100 milliliters of blood, the convicted person thereupon becomes disqualified from holding an operator's licence

(a) for a period of six months from the date of his conviction, or

(b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(3) Notwithstanding subsections (1) and (2), where a person is convicted under section 222 or 224 of the *Criminal Code*,

(a) if the convicted person has not, within the preceding five years been convicted under section 222 or 224 of the *Criminal Code* anywhere in Canada, and

**4.** Section 206 is revised to conform to the changes made in the Criminal Code.

(b) if the convicted person produces proof satisfactory to the convicting judge that he was not actually driving the motor vehicle at the time of the offence, the judge, in his discretion, may make an order reducing the period of disqualification and suspension provided by subsection (1) or (2), as the case may be, to any period being not less than three months.

(4) Notwithstanding subsection (1) or (2), where a person

(a) is convicted under section 222 or 224 of the *Criminal Code* anywhere in Canada, and

(b) has, within the preceding five years been convicted of any offence under section 222 or 224 of the *Criminal Code* anywhere in Canada,

the convicted person thereupon becomes disqualified to hold an operator's licence

(c) for a period of 12 months from the date of his conviction, or

(d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(5) Notwithstanding anything in this section, where a person

(a) is convicted under section 222 or section 224 of the *Criminal Code* anywhere in Canada, and

(b) has, at any time before, been convicted on two previous occasions of any offences under section 222 or section 224 of the *Criminal Code* anywhere in Canada,

the convicted person thereupon becomes disqualified from holding an operator's licence and any operator's licence held by the convicted person becomes suspended for a period of 36 months from the date of his conviction.

(6) Where a person who holds an operator's licence is convicted under section 222 or section 224 of the *Criminal Code*, the convicting judge shall forward the operator's licence of that person to the Minister.

(7) For the purposes of subsections (3), (4) and (5) a conviction for an offence under section 222 or section 223 of the *Criminal Code* as it read before December 1, 1970 shall be deemed to be a conviction for an offence under section 222 of the *Criminal Code* as it read on and after December 1, 1970.



**5.** Section 206b is struck out and the following is substituted:

**206b.** (1) Where a person is convicted anywhere in Canada of an offence under section 221 of the *Criminal Code*, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of three months from the date of his conviction, or
- (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Where a person is convicted anywhere in Canada of an offence under section 192, 193 or 207 of the *Criminal Code* committed by means of a motor vehicle or of an offence under section 225 of the *Criminal Code*, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of six months from the date of his conviction, or
- (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

**6.** Section 226 is amended

- (a) as to clause (k) by striking out the word "Board" and by substituting the word "Committee",
- (b) by striking out clause (r1) and by substituting the following:
  - (r1) implementing a demerit point system for drivers of motor vehicles and providing under the system for the suspension or cancellation of operators' licences;

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



**5.** This amendment extends suspensions to cover additional Criminal Code offences. Previously the only Criminal Code offence for which there was a right of suspension upon conviction were for impaired or intoxicated driving pursuant to section 206. The present section 206b is incorporated in the new section 206.

**6. Section 226 (k) and (r1) presently read:**

226. The Lieutenant Governor in Council may make such regulations as are necessary to carry out this Act according to its intent or to meet cases that arise and for which no provision is made by this Act, and without in any way restricting the generality of the foregoing, may make regulations:

- (k) establishing a Driver Review Board for the better carrying out of this Act and the regulations;
- (r1) implementing a demerit point system for drivers of motor vehicles and providing under the system for the suspension and cancellation of operators' licences and requiring the attendance of any driver before any person, board, committee or similar body designated by the Lieutenant Governor in Council, to show why his operator's licence should not be suspended or cancelled, as the case may require;