

1970 Bill 83

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 83

**An Act to amend
The Motor Vehicle Accident Claims Act**

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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An Act to amend The Motor Vehicle Accident Claims Act

(Assented to _____, 1970)

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 Claims Act* is hereby amended.

2. Section 13, subsection (7) is amended by striking out clause (d).

3. Section 20, subsection (2) is amended by adding the word "and" at the end of clause (k) and by adding the following clause after clause (k):

(l) prescribing, for the purpose of section 189 of *The Highway Traffic Act*, limitations on the payments which may be made from the Fund towards the costs of removal and storage of motor vehicles.

4. Section 21 is amended by adding the following subsections after subsection (4):

(4a) The operator of a motor vehicle who, when required by this section to produce a financial responsibility card, produces a financial responsibility card relating to an insurance policy which is invalid at the time of production is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

(4b) In a prosecution under this section the onus is on the accused to prove that he held subsisting insurance at the time he was required to produce a financial responsibility card.

5. Section 22 is struck out and the following is substituted:

Explanatory Notes

1. This Bill amends chapter 56 of the Statutes of Alberta, 1964.

2. Section 13, subsection (7), clause (d) reads:

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

(d) the amount of \$50 in respect of any payment for loss of or damage to property, and

3. Section 189 of The Highway Traffic Act authorizes the removal and storage of motor vehicles abandoned on the highway and, if necessary, the sale thereof to recover the costs of the removal and storage. Subsection (5) states:

(5) If the proceeds realized from the sale or auction of the abandoned or stored motor vehicle are not sufficient to cover the costs of removal and storage, the person authorized to remove and store the motor vehicle may apply to the Administrator of The Motor Vehicle Accident Claims Act for payment of the outstanding amount and the Administrator, upon being satisfied that the claim is proper, may order payment to be made from the Motor Vehicle Accident Claims Fund subject to the limitations prescribed in the regulations under The Motor Vehicle Accident Claims Act.

4. The proposed subsection (4a) makes it an offence to produce a financial responsibility card evidencing an insurance policy which is no longer valid. The proposed subsection (4b) puts the onus in a prosecution on an accused to show that the insurance he purported to have in producing a financial responsibility card in fact existed in good standing at the time of production.

5. Section 22 presently reads:

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.

22. (1) A person who

- (a) applies for the registration of a motor vehicle as an insured motor vehicle when in fact it is an uninsured motor vehicle, or
- (b) obtains the registration of a motor vehicle as an insured vehicle when in fact it is an uninsured motor vehicle, or
- (c) fails to maintain his vehicle as an insured motor vehicle

is guilty of an offence and liable on summary conviction to a fine of not more than \$500, or to imprisonment for a term not exceeding 30 days, or to both the fine and imprisonment.

(2) In a prosecution under this section the onus is on the accused to prove that his motor vehicle was at all relevant times an insured motor vehicle.

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

