

1976 Bill 230

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 230**

AN ACT TO AMEND  
THE MOTOR VEHICLE ADMINISTRATION ACT

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MR. APPLEBY

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 230*  
*Mr. Appleby*

## **BILL 230**

1976

### **AN ACT TO AMEND THE MOTOR VEHICLE ADMINISTRATION ACT**

*(Assented to \_\_\_\_\_, 1976)*

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

*1. The Motor Vehicle Administration Act is hereby amended.*

*2. Section 112 is struck out and the following is substituted therefor:*

(1) Where a person is convicted under section 234, 235, 236 or 238, subsection (3) of the *Criminal Code*, the convicting judge may order that the vehicle being driven at the time the offence was committed be impounded for a period of not less than 30 days and not more than 90 days.

(2) Where a person

(a) is convicted under section 234, 235, 236 or 238, subsection (3) of the *Criminal Code*, and

(b) has, at any time before been convicted under section 234, 235, 236 or 238, subsection (3) of the *Criminal Code* anywhere in Canada,

the convicting judge may order that the vehicle being driven at the time the offence was committed be impounded for a period of not less than six months and not more than twelve months.

(3) Where a person

(a) is convicted under section 234, 235, 236 or 238, subsection (3) of the *Criminal Code*, and

(b) has, on more than one previous occasion, been convicted under section 234, 235, 236 or 238, subsection (3) of the *Criminal Code* anywhere in Canada,

the convicting judge may order that the vehicle being driven at the time the offence was committed be forfeit to the Crown and be sold at public auction and the net proceeds thereof be transferred to the General Revenue Fund.

## **Explanatory Notes**

**1.** Amends chapter 68, 1975 Statutes.

**2.** Provides that if a person is convicted of driving while impaired, refusing a breath test, driving with more than 80 mg. alcohol per 100 ml. blood or driving while disqualified the vehicle may be impounded for 30-60 days on the first conviction, 6-12 months on the second and forfeit and sold on subsequent convictions.

(4) Notwithstanding anything in this section, if the convicted person was not the registered owner or one of the joint registered owners of the motor vehicle at the time the offence was committed

(a) the registered owner may apply to the judge for the provisions of subsection (1), (2) and (3) to be waived, and

(b) the judge, if he is of the opinion that the registered owner's application is a proper case for relief and that the motor vehicle is not primarily provided for the private use of the convicted person, may waive the provisions of subsections (1), (2) and (3).

(5) The registrar may suspend the registration of a motor vehicle impounded pursuant to this section during the period for which it is impounded.

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

**3. Commencement.**