

1977 BILL 70

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 70

THE MOTOR VEHICLE ACCIDENT CLAIMS  
AMENDMENT ACT, 1977

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

Bill 70

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1977

### THE MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT, 1977

(Assented to \_\_\_\_\_, 1977)

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

1 *The Motor Vehicle Accident Claims Act is amended by this Act.*

2 *Section 4(1)(b) is amended by striking out "The Highway Traffic Act" and substituting "The Motor Vehicle Administration Act".*

3 *Section 13(9) is amended by striking out "\$2000" and substituting "\$5000".*

4 *Section 15 is amended*

*(a) in subsection (2) by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following after clause (b):*

*(c) \$100 000 or more, exclusive of costs, where the accident occurred on or after July 1, 1978,*

*(b) in subsection (4) by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following after clause (b):*

*(c) \$100 000 where the accident occurred on or after July 1, 1978.*

*and*

*(c) in subsection (5)(a) by striking out "or" at the end of subclause (i), by adding "or" at the end of subclause (ii) and by adding the following after subclause (ii):*

## Explanatory Notes

**1** This Bill will amend chapter 243 of the Revised Statutes of Alberta 1970.

**2** This amendment will correct a reference.

**3** This amendment will increase from \$2000 to \$5000 the amount of a claim that could be satisfied without a judgment.

**4** These amendments will increase the amount that can be claimed from the Fund and reflect the increase in minimum insurance from \$50 000 to \$100 000 being proposed in Bill 72, The Alberta Insurance Amendment Act, 1977. Section 15(2), (4) and (5) presently read:

*(2) Where all claims arising out of one accident have been jointly or severally satisfied to the extent of*

*(a) \$35,000 or more, exclusive of costs, where the accident occurred before January 1, 1974, or*

*(b) \$50,000 or more, exclusive of costs, where the accident occurred on or after January 1, 1974,*

*no payment may be made out of the Fund with respect to claims arising out of that accident.*

*(4) The maximum amount, exclusive of costs, that may be paid out of the Fund with respect to all claims arising out of one accident is*

*(a) \$35,000 where the accident occurred before January 1, 1974, or*

(iii) \$95 000 where the accident occurred on or after July 1, 1978,

*5 Section 25(5) is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):*

(c) more than \$95 000 where the accident occurred on or after July 1, 1978.

*6 Section 31 is repealed and the following is substituted:*

**31** Any person who is liable to pay money to the Fund may be charged interest on the balance owing at a rate to be prescribed by the Lieutenant Governor in Council where the liability to pay occurs after the commencement of this section.

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

*(b) \$50,000 where the accident occurred on or after January 1, 1974.*

*(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 or damage to property to the amount of*

*(i) \$30,000 where the accident occurred before January 1, 1974, or*

*(ii) \$45,000 where the accident occurred on or after January 1, 1974,*

*and*

*(b) claims arising out of loss of or damage to property have priority over claims arising out of bodily injury or death to the amount of \$5,000.*

**5** Section 25(5) presently reads:

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

*(a) more than \$30,000 where the accident occurred before January 1, 1974, or*

*(b) more than \$45,000 where the accident occurred on or after January 1, 1974.*

**6** Section 31 presently reads:

*31 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.*