

1980 BILL 6

---

---

Second Session, 19th Legislature, 29 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 6**

**THE GRATUITOUS PASSENGER STATUTES  
AMENDMENT ACT, 1980**

---

---

MR. ZAOZIRNY

---

---

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

*Bill 6*  
*Mr. Zaozirny*

## **BILL 6**

1980

### **THE GRATUITOUS PASSENGER STATUTES AMENDMENT ACT, 1980**

*(Assented to , 1980)*

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

#### **The Contributory Negligence Act**

*1(1) The Contributory Negligence Act is amended by this section.*

*(2) Section 4 is repealed.*

#### **The Highway Traffic Act, 1975**

*2(1) The Highway Traffic Act, 1975 is amended by this section.*

*(2) Section 160 is repealed.*

## **Explanatory Notes**

**GENERAL:** This Bill is based on the recommendations contained in Report No. 32 issued by the Institute of Law Research and Reform and entitled "Guest Passenger Legislation".

### **The Contributory Negligence Act**

**1**(1) This section will amend chapter 65 of the Revised Statutes of Alberta 1970.

(2) Section 4 presently reads:

*4 Where no cause of action exists against the owner or driver of a motor vehicle by reason of section 77 of The Motor Vehicle Administration Act or section 160 of The Highway Traffic Act, 1975, no damages, contribution or indemnity shall be recovered from any person for the portion of the damage or loss caused by the negligence of such owner or driver but the portion of the damage or loss so caused by the negligence of such owner or driver shall be determined although such owner or driver is not a party to the action.*

### **The Highway Traffic Act, 1975**

**2**(1) This section will amend chapter 56 of the Statutes of Alberta, 1975 (Second Session).

(2) Section 160 presently reads:

*160(1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless*

*(a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and*

### **The Motor Vehicle Administration Act**

*3(1) The Motor Vehicle Administration Act is amended by this section.*

*(2) Section 77 is repealed.*

*(b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.*

*(2) This section does not relieve*

*(a) any person transporting passengers for hire or gain, or*

*(b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser,*

*of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.*

*(3) Where the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.*

### **The Motor Vehicle Administration Act**

**3(1)** This section will amend chapter 68 of the Statutes of Alberta, 1975 (Second Session).

**(2)** Section 77 presently reads:

*77(1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless*

*(a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and*

*(b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.*

*(2) This section does not relieve*

*(a) any person transporting passengers for hire or gain, or*

*(b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser,*

*of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.*

*(3) Where the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.*

### **Transitional**

*4 The provisions repealed by this Act continue in force as if unrepealed with respect to a cause of action that arose prior to the coming into force of this Act.*

### **Commencement**

*5 This Act comes into force on July 1, 1980.*

## **Transitional**

### **4 Prior causes of action.**