

1980 BILL 64

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

**THE MOTOR VEHICLE ACCIDENT CLAIMS
AMENDMENT ACT, 1980**

THE SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 64

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1980

THE MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT, 1980

(Assented to _____, 1980)

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 10(4)(b) is amended by striking out "a judge's order" and substituting "an order of the Court of Queen's Bench".

3 Section 13(1) is amended by adding "in an amount exceeding \$100" after "to property".

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

Explanatory Notes

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

2 Section 10(4) presently reads in part:

(4) The Minister shall not authorize the payment out of the Fund of any amount in respect of a judgment until the judgment creditor

(b) serves a copy of the assignment on the judgment debtor or obtains a judge's order dispensing with such service.

3 Section 13(1) presently reads:

13(1) Where bodily injury to or the death of a person or damage to property arises out of the use or operation within Alberta of a motor vehicle, and

(a) the name of neither the owner nor the operator of the motor vehicle is known or ascertainable, or

(b) the name of the operator is not known or ascertainable and the owner may not be liable to an action for damages for injury or death or property damage,

any person who has a cause of action against the unknown owner or operator in respect of that bodily injury or death or property damage may bring an action against the Administrator as nominal defendant, either alone or as a co-defendant with others alleged to be responsible for the injury or death or property damage.