

1983 BILL 201

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 201

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

MRS. CRIPPS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 201
Mrs. Cripps

BILL 201

1983

AN ACT TO AMEND THE MOTOR VEHICLE ADMINISTRATION ACT

(Assented to _____, 1983)

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

1 *The Motor Vehicle Administration Act is amended by this Act.*

2 *The following is added after section 111:*

111.1(1) When a person is found guilty of an offence

(a) under sections 234, 234.1, 235 or 236 of the *Criminal Code* (Canada), or

(b) under any other section of the *Criminal Code* (Canada) and the judge finds that the evidence presented would also have been sufficient to convict the person under sections 234, 234.1, 235 or 236 of the *Criminal Code* (Canada), had the person also been charged under any of those sections,

and at the time of the offence he had previously been convicted, anywhere in Canada, at any time in the previous 5 years, of an offence under section 234, 234.1, 235 or 236 of the *Criminal Code* (Canada), the judge hearing the case may order that the vehicle being driven by that person at the time of the offence shall be seized and impounded for such time not exceeding 1 year as the judge may order, or that it shall be seized and sold.

(2) The proceeds of a sale pursuant to this section shall belong to the Government.

(3) Where a motor vehicle is seized and sold pursuant to an order made under subsection (1), the certificate of registration and the licence plates issued in respect of that vehicle shall also be seized and shall be cancelled.

Explanatory Notes

1 This Bill will amend chapter M-22 of the Revised Statutes of Alberta 1980.

2 New section will enable a judge to order the seizure of the vehicle involved operated by a person who has 2 convictions for drunken driving within 5 years.

(4) Notwithstanding subsection (1), if the convicted person was not the registered owner or 1 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 subsections (1), (2) or (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 was not primarily provided for the private use of the convicted person, may waive the provisions of subsections (1), (2) or (3).

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.