

1984 BILL

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 233

MOTOR VEHICLE ACCIDENT MEDICAL COSTS ACT

MR. ALEXANDER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 233
Mr. Alexander

BILL 233

1984

MOTOR VEHICLE ACCIDENT MEDICAL COSTS ACT

(Assented to , 1984)

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

Driver liable for
medical expenses

1 Notwithstanding the provisions of the *Alberta Health Care Insurance Act*, a person who is the driver of a vehicle involved in an accident, and in respect of the accident, on the grounds of having consumed alcohol or a drug, is convicted under sections 203, 204, 233(4), 234, 234.1, 235 or 236 or, in respect of a demand made following the accident, is convicted under sections 234.1 or 235 of the *Criminal Code* (Canada), may be ordered by the Court to pay to the Crown any expense payable by the Alberta Health Care Insurance Plan for treatment of injuries or illness caused to that person or to any other person as a result of the accident, if the Court is satisfied that the person was wholly or partly to blame for the accident.

Vehicle
impounded

2(1) An order of the Court pursuant to section 1 may provide that where the person fails to make a payment in accordance with the time limit or limits ordered by the Court, any vehicle registered in his name shall be impounded and not released to him until such time as he has made all payments due to the Crown at that time pursuant to the order.

(2) The Crown may sell any vehicle impounded pursuant to subsection (1) if the amount outstanding at the time of seizure is not paid within 90 days of seizure, and apply the proceeds of the sale to the payment of the total liability under the order and the balance if any to the registered owner from whom it was impounded.

Licence
suspended,
restricted licence

3(1) An order of the Court pursuant to section 1 may provide that the driving licence of a person who fails to make a payment within the time limit or limits ordered by the Court shall be suspended until such time as the person has made all payments required by the order to be made at that time.

(2) An application for a restricted licence made under the provisions of the *Motor Vehicle Administration Act*, during a period of suspension pursuant to subsection (1) shall be granted only if the person has made arrangements satisfactory to the Minister for the payment of his liabilities under the order within time limits that may be different from the provisions of the order and that such arrangements are not in default.

(3) In considering the arrangements for the purpose of subsection (2) the Minister shall bear in mind any enhanced ability to pay that may result from the issuance of a restricted licence.

Order to
determine
liability

4 Where it appears that a driver or passenger may be liable for medical expenses under section 1 the Crown shall cause notice to be served on him personally or by double registered mail within 30 days of the accident, stating that he may be held liable for expenses pursuant to this Act, that application will be made to the Provincial Court at the time, date and place specified in the notice, which shall be no sooner than 15 days after the service of the notice, for an order that he shall pay to the Crown such expenses as are required by this Act to be paid, and that if he fails to make the payments required by the order, his vehicle may be impounded and his driving licence suspended pursuant to this Act.

Insurance

5 No person may insure or offer to insure any person against any liability which may arise under this Act.

AHIC coverage
suspended

6(1) Any person who incurs a liability to the Crown pursuant to this Act is not eligible to receive the payment of expenses under the Alberta Health Care Insurance Plan for medical services provided to him, between the date of the accident and the date upon which he repays his liability to the Crown in full.

(2) Subsection (1) does not affect the entitlement of members of the family of the person disqualified pursuant to that subsection, to receive benefits under the Alberta Health Care Insurance Plan providing the appropriate premium has been paid.

(3) Nothing in this Act shall be deemed to prevent or limit the access of any person to the receipt of medical services or treatment nor to require any payment prior to such services or treatment being rendered.

(4) Subsection (1) does not suspend the obligation of a person to continue to pay premiums in respect of the Alberta Health Care Insurance Plan.

Limit on
Liability

7 No person shall be liable to the Crown, pursuant to this Act, for any amount in excess of \$5000 in respect of a single accident.

Remedy against
others

8 This Act does not limit or otherwise impair any remedy existing in law, that the driver of a vehicle may have against any other person for loss or damages arising out of an accident, including his obligation to repay the Crown under this Act.

Coming into
force

9 This Act comes into force on Proclamation.