1985 BILL 60

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 60

MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT, 1985

THE SOLICITOR GENERAL

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

BILL 60

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MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT, 1985

(Assented to , 1985)

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 11 is amended

(a) in subsection (2)

(i) in clause (b) by striking out "or" *at the end;*

(ii) in clause (c) by striking out "1978," *and substituting* "1978 but before January 1, 1986, or";

(iii) by adding the following after clause (c):

(d) $200 000 or more, exclusive of costs, when the accident occurred on or after January 1, 1986,

(b) in subsection (4)

(i) in clause (b) by striking out "or" *at the end;*

(ii) in clause (c) by adding "but before January 1, 1986, or" *after* "1978";

(iii) by adding the following after clause (c):

(d) $200 000 when the accident occurred on or after January 1, 1986.

(c) in subsection (5)

(i) in clause (a)

(A) in subclause (ii) by striking out "or" *at the end;*

(B) in subclause (iii) by striking out "1978," *and substituting* "1978 but before January 1, 1986, or";

(C) by adding the following after subclause (iii):

(iv) $190 000 when the accident occurred on or after January 1, 1986,

(ii) in clause (b) by adding "in the case of an accident occurring before January 1, 1986 or $10 000 in the case of one occurring on or after January 1, 1986" *after* "$5000".

Explanatory Notes

1 This Bill will amend chapter M-21 of the Revised Statutes of Alberta 1980.

2 Section 11(2), (4) and (5) presently read:

(2) When 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, when the accident occurred before January 1, 1974,

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

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

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 when the accident occurred before January 1, 1974,

(b) $50 000 when the accident occurred on or after January 1, 1974, or

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

(5) When 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 when the accident occurred before January 1, 1974,

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

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

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 $5000.

3 Section 31(2) is amended by striking out "make make" *and substituting* "may make".

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

3 Section 31(2) presently reads in part:

(2) The Lieutenant Governor in Council make make regulations for the purpose of carrying out this Act according to its intent and of supplying any deficiency in this Act, and without limiting the generality of the foregoing may make regulations

Title: 1985 (20th, 3rd) Bill 60, Motor Vehicle Accident Claims Amendment Act, 1985