1987 BILL 9

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

HIGHWAY TRAFFIC AMENDMENT ACT, 1987

DR. CASSIN

First Reading ....

Second Reading ....

Committee of the Whole ....

Third Reading ....

Royal Assent ....

Bill 9
Dr. Cassin

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HIGHWAY TRAFFIC AMENDMENT ACT, 1987

(Assented to   , 1987)

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

1   The Highway Traffic Act is amended by this Act.

2   Section 65 is repealed and the following is substituted:

65(1) In this section,

(a) "child" means a child under the age of 6 years whose weight does not exceed 18 kilograms;

(b) "motor vehicle" does not include a motor cycle or moped;

(c) "seat belt assembly" means a device or assembly that

(i) is securely fastened to a motor vehicle,

(ii) is composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both,

(iii) is capable of restraining the movement of a person in order to prevent or mitigate injury to the person, and

(iv) meets the standards prescribed under the *Motor Vehicle Safety Act* (Canada).

(2) No person shall, on a highway, operate a motor vehicle registered under the *Motor Vehicle Administration Act* in which a child is a passenger unless

(a) the motor vehicle is equipped with the prescribed child seating assembly,

(b) the child seating assembly is properly installed, and

(c) the child is occupying and is properly secured in the child seating assembly.

(3) Where a motor vehicle is operated on a highway and it is equipped with a seat belt assembly

(a) in the seating position that is occupied by the driver, the driver shall wear the complete seat belt assembly, and

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Explanatory Notes

1 This Bill will amend chapter H-7 of the Revised Statutes of Alberta 1980.

2 Section 65 presently reads:

65 No person shall remove or render inoperative a seat belt assembly or passive restraint device in a motor vehicle if the seat belt assembly or passive restraint device was provided with the motor vehicle at the time it was manufactured as required by the Motor Vehicle Safety Act (Canada) and the regulations under that Act.

(b) in a seating position that is occupied by a passenger over the age of 15 years, the passenger shall wear the complete seat belt assembly.

(4) No person shall, on a highway, operate a motor vehicle in which a passenger

(a) who has attained the age of 6 years but is under the age of 16 years, or

(b) who is a child weighing more than 18 kilograms

occupies a seating position for which a seat belt assembly is provided unless that passenger is wearing the complete seat belt assembly.

(5) A person who is required under subsection (3) or (4) to wear a seat belt assembly shall wear the seat belt assembly properly adjusted and securely fastened.

(6) No person shall, with respect to a seat belt assembly in a motor vehicle, remove it, render it partly or wholly inoperative or modify it so as to reduce its effectiveness, if the motor vehicle was equipped with the seat belt assembly at the time it was manufactured as required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act.

(7) No person shall, on a highway, operate a motor vehicle that was equipped with a seat belt assembly at the time it was manufactured as required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act if the seat belt assembly has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness.

(8) The Lieutenant Governor in Council may make regulations

(a) respecting the types of child seating assembly required for the purposes of this section;

(b) exempting persons or motor vehicles from the operation of this section;

(c) respecting circumstances or conditions under which a person or a motor vehicle may be exempted from the operation of this section.

3 Section 169 is amended

(a) by repealing subsections (2), (3), (4) and (5);

(b) in subsection (6) by adding "70, 71, 72, 108(5) or" after "section";

(c) by adding the following after subsection (6):

(6.1) The Lieutenant Governor in Council may, under a regulation made under section 6(6) of the *Summary Convictions Act,* prescribe penalties that vary according to the degree by which the rate of speed exceeds the maximum speed limits set out in sections 70, 71, 72 and 108(5).

3 Section 169 presently reads in part:

(2) If a person convicted of an offence under section 70, 71, 72 or 108(5) exceeded the maximum speed permitted by not more than 15 kilometres per hour, he shall pay a fine of $20 and in default of payment is liable to imprisonment for a term of not less than 3 days.

(3) If a person convicted of an offence under section 70, 71, 72 or 108(5) exceeded the maximum speed permitted by more than 15 kilometres per hour but not more than 30 kilometres per hour, he shall pay a fine of $30 and in default of payment is liable to imprisonment for a term of not less than 7 days.

(4) If a person convicted of an offence under section 70, 71, 72 or 108(5) exceeded the maximum speed permitted by more than 30 kilometres per hour but not more than 50 kilometres per hour he shall pay a fine of $75 and in default of payment is liable to imprisonment for a term of not less than 14 days.

4   *The Child Transportation Safety Act is repealed.*

5   *This Act comes into force on July 1, 1987.*

(5) If a person convicted of an offence under section 70, 71, 72 or 108(5) exceeded the maximum speed permitted by more than 50 kilometres per hour he shall pay a fine of $150 and in default of payment is liable to imprisonment for a term of not less than 21 days.

(6) A person who is guilty of an offence under section 123 is liable to a fine of not more than $1000 and in default of payment to imprisonment for a term of not more than 6 months or to imprisonment for a term of not more than 6 months without the option of a fine.

4 Repeals chapter C-7.5 of the Statutes of Alberta, 1984.

5 Coming into force.

3 Explanatory Notes