

1990 BILL 56

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 56**

**GRATUITOUS PASSENGERS AND INTERSPOUSAL  
TORT IMMUNITY STATUTES AMENDMENT ACT**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## Explanatory Notes

### Highway Traffic Act

1(1) This section will amend chapter H-7 of the Revised Statutes of Alberta 1980.

(2) Section 182 presently reads:

*182(1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless*

*(a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and*

*(b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.*

*(2) This section does not relieve*

*(a) any person transporting passengers for hire or gain, or*

*(b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser,*

*of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.*

### **Married Women's Act**

*2(1) The Married Women's Act is amended by this section.*

*(2) Section 2(3) is repealed and the following is substituted:*

*(3) A married person has the same right of action in tort against his or her spouse as he or she would have if they were not married.*

### **Contributory Negligence Act**

*3(1) The Contributory Negligence Act is amended by this section.*

*(2) Section 4 is repealed.*

### **Application**

*4 This Act applies to a cause of action that arises on or after the date this Act comes into force.*

*(3) When the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.*

#### **Married Women's Act**

**2(1)** This section will amend chapter M-7 of the Revised Statutes of Alberta 1980.

(2) Section 2(3) presently reads:

*(3) Except as provided in subsections (1) and (2), no husband or wife is entitled to sue the other for a tort.*

#### **Contributory Negligence Act**

**3(1)** This section will amend chapter C-23 of the Revised Statutes of Alberta 1980.

(2) Section 4 presently reads:

*4 In an action for damage or loss resulting from bodily injury to or the death of a married person, if one of the persons found to be at fault is the spouse of the married person, no damages, contribution or indemnity shall be recovered for the portion of damage or loss caused by the fault of the spouse, and the portion of the damage or loss so caused by the fault of the spouse shall be determined although the spouse is not a party to the action.*

#### **Application**

**4** Application.