

1994 BILL 217

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

MOTOR VEHICLES STATUTES AMENDMENT ACT,
1994

MR. WOLOSHYN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 217
Mr. Woloshyn

BILL 217

1994

MOTOR VEHICLES STATUTES AMENDMENT ACT, 1994

(Assented to , 1994)

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

Motor Vehicle Administration Act

1(1) The Motor Vehicle Administration Act is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (u):

(u.1) "salvage" means a written off motor vehicle that cannot pass an inspection pursuant to section 12 of the Highway Traffic Act;

(b) by adding the following after clause (x):

(x.1) "written off motor vehicle" means a motor vehicle that has been written for insurance purposes and includes a motor vehicle that has sustained damage in excess of the value of the motor vehicle.

(3) The following is added after section 38:

Explanatory Notes

1(1) Amends chapter M-22 of the Revised Statutes of Alberta 1980.

(2) Adds definitions.

(3) Registering motor vehicles from outside the Province.

38.1(1) No person shall register a motor vehicle in Alberta that has been previously registered in another province, state or country without obtaining a certificate of inspection under section 12 of the *Highway Traffic Act* for the motor vehicle that is to be registered.

(2) The Registrar or a licence issuer shall refuse to issue a certificate of registration for any motor vehicle sought to be registered under this section unless the application is accompanied by a certificate of inspection.

(4) *The following is added after section 42:*

42.1(1) When a motor vehicle has been damaged and been declared as a written off motor vehicle, the insurer, agent or owner if there is no applicable insurance coverage, making that determination shall notify the Registrar within 6 days of declaring it to be written off.

(2) When a motor vehicle has been written off under subsection (1), the insurer, agent or owner if there is no applicable insurance coverage, shall surrender the certificate of registration and licence plates to the Registrar within 6 days of it having been declared a written off motor vehicle.

42.2(1) When the Registrar has been notified that a motor vehicle has been declared to be a written off motor vehicle he shall cancel the registration for that motor vehicle.

(2) When a registration has been cancelled under subsection (1), the Registrar or a licence issuer shall not issue a new certificate of registration for that motor vehicle until a certificate of inspection under section 12 of the *Highway Traffic Act* has been presented to the Registrar by the person applying for a certificate of registration.

(3) The Registrar shall enter a designation of "rebuilt" on any certificate of registration issued with respect to a motor vehicle that has been previously declared to be a written off motor vehicle but which is eligible to be re-registered under this section.

42.3(1) When an insurer, agent or owner if there is no applicable insurance coverage, declares a motor vehicle as salvage he shall notify the Registrar of that declaration within

- (4) Written off motor vehicles and motor vehicles that have been declared as salvage.**

6 days of it having been made.

(2) The insurer, agent or owner if there is no applicable insurance coverage, making a declaration under subsection (1) shall provide the licence plates and registration of the motor vehicle that has been declared as salvage in addition to any material that may be required by regulation within 6 days of having declared the motor vehicle as salvage.

(3) When the Registrar has been notified that a motor vehicle has been declared as salvage, he shall cancel the registration for that motor vehicle and shall not issue any further certificates of registration for that motor vehicle.

42.4 No person shall operate a written off motor vehicle or a motor vehicle declared as salvage except in accordance with this Act.

(5) *Section 49(1) is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding the following after clause (c):*

(d) that is a written off motor vehicle, or

(e) that is a motor vehicle that has been declared as salvage.

(6) *The following is added after section 50:*

50.1(1) No person shall operate a written off motor vehicle without first obtaining an in transit permit from the Registrar or a licence issuer, other than for the purpose of conducting a test under section 12 of the *Highway Traffic Act*.

(2) An in transit permit issued under this section shall be valid for one calendar day.

(7) *Section 59(1) is amended by adding the following after clause (f):*

(5) Section 49(1) presently reads:

49(1) No person shall attach a licence plate issued pursuant to section 48 to any vehicle

(a) that is not kept for sale by a manufacturer or dealer,

(b) that is not used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them, or

(c) that is not for the time being in custody and control of a manufacturer or dealer or any employee or agent of either of them for the purposes of testing or servicing.

(6) In transit permit.

(7) Regulation-making authority of the Lieutenant Governor in Council.

(g) prescribing the forms, fees, information and documents required with respect to written off motor vehicles and motor vehicles that have been declared as salvage;

(h) governing the return of licence plates with respect to written off motor vehicles or motor vehicles that have declared as salvage;

(i) governing the disposition of the vehicle identification number or other such motor vehicle identification on written off motor vehicles or motor vehicles that are declared as salvage;

(j) prescribing the forms, fees and documentation required for the issuance of an in transit permit.

(8) *Section 101 is amended by adding the following after subsection (12):*

(13) A person who is guilty of an offence under sections 38(2.1), 42.5 or 50.1 is liable to a fine of not less than \$500 and not more than \$25,000 and in default of payment to imprisonment for a term not exceeding 6 months or to imprisonment for a term not exceeding 6 months without the option of a fine.

Highway Traffic Act

2(1) *The Highway Traffic Act is amended by this section.*

(2) *Section 141 is amended:*

(a) *in subsection 1 by striking out "No dealer" and substituting "No person";*

(b) *in subsection (1)(b) by striking out "the dealer" and substituting "the person".*

(c) *by repealing subsection (2) and substituting the following:*

(8) Penalties.

2(1) Amends chapter H-7 of the Revised Statutes of Alberta 1980.

(2) Section 141 presently reads:

141(1) No dealer shall sell a used motor vehicle unless

(a) the vehicle has passed the inspections and tests required under section 12 within the period of time preceding the sale that is prescribed by the regulations, and

(b) the dealer furnishes to the buyer a certificate, in the form prescribed the regulations, certifying that the vehicle passed those inspections and tests.

(2) Where a person selling a used motor vehicle under subsection (1) is employed by or is the agent of a dealer then that dealer shall be liable for any contravention of this section.

(d) by adding the following after subsection (2):

(3) Any person who contravenes this section is guilty of an offence and is liable to a fine of not less than \$500 and not more than \$25,000 and in default of payment to imprisonment for a term not exceeding 6 months or to imprisonment for a term not exceeding 6 months without the option of a fine.

(2) Subsection (1) does not apply if the dealer furnishes the buyer with a signed statement disclosing the information about the condition of the vehicle that is prescribed by the regulations.