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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

TRAFFIC SAFETY ACT

THE MINISTER OF TRANSPORTATION AND UTILITIES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 24

1999

TRAFFIC SAFETY ACT

(Assented to , 1999)

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Schedule

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

Interpretation

1(1) In this Act,

- (a) "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (b) "axle" means
 - (i) one or more shafts on which or with which 2 or more wheels revolve, and
 - (ii) the wheels on each shaft;
- (c) "axle group" means 2 or more axles that are on a vehicle and that are situated on the vehicle as specified in the regulations;

- (d) “Board” means the Alberta Transportation Safety Board;
- (e) “boulevard” means that part of a highway in an urban area that
 - (i) is not roadway, and
 - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (f) “centre line” means
 - (i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway,
 - (ii) in the case of a highway
 - (A) that is an offset centre highway as designated by a traffic control device, or
 - (B) that is a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times as designated by a traffic control device,the line dividing the lanes for traffic moving in opposite directions, or
 - (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- (g) “certificate of registration” means a certificate of registration that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as a certificate of registration;
- (h) “commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
- (i) “cycle” means a bicycle, power bicycle, motor cycle or moped;
- (j) “dealer” means any person who buys or sells motor vehicles as a business, either as principal or agent;

- (k) “driver” means a person who is driving or is in actual physical control of a vehicle;
- (l) “driving” includes having the care or control of a vehicle;
- (m) “emergency vehicle” means
 - (i) a vehicle operated by a police service as defined in the *Police Act*;
 - (ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
 - (iii) an ambulance operated by a person or organization providing ambulance services;
 - (iv) a vehicle operated as a gas disconnection unit of a public utility;
 - (v) a vehicle designated by regulation as an emergency response unit;
- (n) “financial responsibility card” means a card issued or authorized pursuant to the *Insurance Act*;
- (o) “goods” means any thing or load that is or may be carried by means of a vehicle;
- (p) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes
 - (i) a sidewalk, including a boulevard adjacent to the sidewalk,
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

- (q) “insured motor vehicle” means a motor vehicle the owner of which
- (i) is insured in respect of that motor vehicle by an insurer, or
 - (ii) is a corporation that has provided for financial responsibility in respect of that motor vehicle,
- in accordance with the *Insurance Act*;
- (r) “insurer” means an insurer licensed under the *Insurance Act* to carry on the business of automobile insurance in Alberta;
- (s) “licence plate” means a licence plate that is issued under this Act and includes an object that is recognized under this Act as a licence plate;
- (t) “maximum allowable weight” means the weight that may be borne by a commercial vehicle;
- (u) “Minister” means the Minister of Transportation and Utilities;
- (v) “mobility aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- (w) “motor cycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;
- (x) “motor vehicle” means
- (i) a vehicle propelled by any power other than muscular power, or
 - (ii) a moped,
- but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- (y) “motor vehicle document” means
- (i) an operator’s licence;
 - (ii) a certificate of registration;

- (iii) a financial responsibility card;
- (iv) a licence plate;
- (v) an operating authority certificate;
- (vi) a safety fitness certificate;
- (vii) a permit;
- (viii) a validation tab for a licence plate;
- (ix) any other document not referred to in subclauses (i) to (viii) that is prescribed by regulation as a motor vehicle document;
- (z) “municipality” means a municipality as defined in the *Municipal Government Act* and includes a Metis settlement;
- (aa) “non-repairable vehicle” means a salvage motor vehicle that
 - (i) is sold to a person who is going to destroy the motor vehicle for scrap or dismantle it for parts, or
 - (ii) is destroyed for scrap or dismantled for parts by the person who owned the motor vehicle when it became a salvage motor vehicle;
- (bb) “operator’s licence” means an operator’s licence that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as an operator’s licence;
- (cc) “optometrist” means a person who is a member of the Alberta Association of Optometrists;
- (dd) “over-dimensional vehicle” means a vehicle, including any load that is carried on the vehicle, that exceeds the dimensions prescribed by regulation;
- (ee) “owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;
- (ff) “peace officer” means
 - (i) a member of the Royal Canadian Mounted Police;

- (ii) a member of a municipal police service;
 - (iii) a special constable if under that person's appointment as a special constable that person is empowered to carry out the duties of a peace officer under, or to enforce the provisions of, this Act;
 - (iv) a park warden appointed pursuant to the *National Parks Act* (Canada), while carrying out duties under this Act in a national park established under the *National Parks Act* (Canada);
 - (v) a park ranger appointed pursuant to the *Provincial Parks Act* while carrying out duties under this Act for the purposes of enforcing this Act;
 - (vi) a forest officer appointed under the *Forests Act* while carrying out duties under this Act for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6 and their operation;
 - (vii) a wildlife officer appointed under the *Wildlife Act* while carrying out duties under this Act for the purposes of enforcing this Act;
- (gg) "pedestrian" means
- (i) a person on foot, or
 - (ii) a person in or on a mobility aid,
- and includes those persons designated by regulation as pedestrians;
- (hh) "permit" means a permit issued under this Act;
- (ii) "policy" means an owner's or non-owner's motor vehicle liability policy that is in conformity with Part 7 of the *Insurance Act*;
- (jj) "private passenger vehicle" means a vehicle used solely for personal transportation,
- (i) including the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner's household, but
 - (ii) not including, in respect of a person's business, work or employment, the carriage of passengers or of goods, except for sample cases or display goods

that are conveyed by a salesman and that are not for delivery or resale;

- (kk) “red light traffic enforcement device” means a device installed or erected at an intersection with a traffic control signal that is capable of photographing a vehicle and recording data related to the vehicle and traffic control signal;
- (ll) “Registrar” means the Registrar of Motor Vehicle Services and includes any person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services;
- (mm) “road authority” means,
 - (i) in the case of a highway that is under the direction, control and management of the Minister, the Minister;
 - (ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;
 - (iii) in the case of
 - (A) a highway that is located in an improvement district,
 - (B) a forestry road, or
 - (C) a highway within a city,the title to which is vested in the Crown in right of Alberta pursuant to section 22 of the *Public Highways Development Act*, the Minister;
 - (iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister of Municipal Affairs, the Minister of Municipal Affairs;
 - (v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister of Environmental Protection, the Minister of Environmental Protection;
 - (vi) in the case of a licence of occupation road, the Minister of Environmental Protection;

- (vii) in the case of a highway that is located on an Indian reserve, if the title to the highway is vested in the Crown in right of Alberta and the highway is not the subject of an agreement under the *Public Highways Development Act*, the Minister;
- (viii) in the case of a highway that is under the direction, control and management of a Metis settlement, the Metis settlement;
- (nn) “roadway” means that part of a highway intended for use by vehicular traffic;
- (oo) “salvage motor vehicle” means a motor vehicle described by regulation as a salvage motor vehicle;
- (pp) “sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between
 - (i) the curb line, or
 - (ii) where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved;
- (qq) “state of the United States of America” includes the District of Columbia;
- (rr) “subsisting” when used in relation to a motor vehicle document or a policy means, that at the relevant time, the motor vehicle document or policy is current and has not expired nor been suspended or cancelled;
- (ss) “traffic control device” means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;
- (tt) “traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
- (uu) “trailer” means a vehicle so designed that it
 - (i) may be attached to or drawn by a motor vehicle or tractor, and
 - (ii) is intended to transport property or persons,

and includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;

(vv) “urban area” means a city, town or village or an urban service area within a specialized municipality;

(ww) “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

(2) In sections 11, 69, 71, 72 and 169(2)(f), a reference to a vehicle is a reference to a vehicle other than a bicycle.

(3) In sections 76, 77, 78 and 79, a reference to a vehicle includes a reference to a wrecked or partially dismantled vehicle or any part of a vehicle.

(4) In this Act,

(a) a reference to “this Act” includes the regulations made under this Act;

(b) a reference to “this statute” does not include the regulations made under this Act;

(c) a reference to a bylaw is, unless otherwise provided, a reference to a bylaw made under this Act.

(5) The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any term used in this statute that is not otherwise defined in this statute.

(6) Any term defined pursuant to subsection (5) shall be treated in the same manner as if it had been defined in subsection (1).

(7) For the purposes of the following provisions, operator’s licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle:

section 1(1)(rr);
section 18(1)(d) and (e);
section 39;
section 51;
section 57;
section 61;
section 69;
section 80;
Part 4;
Part 8.

(8) For the purposes of section 1(1)(rr) and Part 8, certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction.

(9) For the purposes of section 1(1)(rr) and Part 8, licence plate includes a licence plate issued in another jurisdiction.

(10) Where a highway is located both within an urban area and outside of an urban area and this Act refers to the highway

- (a) as a highway in an urban area, that reference is a reference to that portion of the highway that is located in an urban area, or
- (b) as a highway outside of an urban area, that reference is a reference to that portion of the highway that is not located in an urban area.

(11) In this Act, a reference to the Rules of the Road is a reference to the regulations made under section 112.

(12) Any reference in this Act to a sign erected means a sign erected under the authority of this Act.

(13) Any reference in this Act to “driver’s vehicle” means the vehicle that a driver is driving whether or not that person is the owner of the vehicle.

(14) Any reference in this Act to the weight of or carried on a commercial vehicle is a reference to, as the case may be,

- (a) the weight of or borne by the vehicle,
- (b) the weight borne by an axle or an axle group of a vehicle,
- (c) the weight borne by a tire or group or combination of tires of a vehicle, or
- (d) the weight borne by any other portion or part of a vehicle.

PART 1
GENERAL ADMINISTRATION

Division 1
General

2(1) In accordance with the *Public Service Act* there may be appointed a Registrar of Motor Vehicle Services and any other officers and employees required for the administration of this Act.

(2) For the purposes of this Act, the Minister may appoint or designate persons

- (a) as engineers, and
- (b) as testers of speedometers on motor vehicles, of tuning forks, of red light traffic enforcement devices and of other devices.

ation of

3(1) A person who is empowered under this Act to do any act or thing or perform any function may in writing authorize the doing of that act or thing or the performance of that function, other than the making of regulations, by one or more of the following:

- (a) the Board;
- (b) an employee of the Government;
- (c) a peace officer;
- (d) any person or class of persons designated by the Minister.

(2) An authorization made under subsection (1) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

(3) Where an authorization

- (a) purports to be signed by the person giving the authorization, and
- (b) states that the person named in it is authorized to do the act or thing or perform the function set out in the written authorization,

that authorization or a copy of it shall be admitted in evidence as prima facie proof of that person's authorization to do the act or

thing or perform the function without proof of the signature or official character of the person appearing to have signed the authorization.

(4) Notwithstanding that a person has given an authorization under this section, that person may do the act or thing or perform the function in respect of which the authorization was given.

(5) Where authorized by the Minister,

- (a) the Registrar,
- (b) the Board, or
- (c) an employee of the Government designated by the Minister,

may accept and exercise powers conferred on that person or body pursuant to the *Canada Transportation Act* (Canada) or the *Motor Vehicle Transport Act, 1987* (Canada).

Reproduction
of documents,
etc.

4(1) The Minister may, on any terms or conditions that the Minister directs, authorize the Registrar to cause any document, item or thing, including a class of document, a copy of a document or a document recorded on a photographic medium or by electronic means, that is filed or maintained under this Act to be reproduced on a photographic medium or by electronic means.

(2) A reproduction of a document, item or thing that is certified by the Registrar to be a true copy of the reproduced document, item or thing

- (a) stands in the place of the original document, item or thing,
- (b) shall be treated as the original document, item or thing for all purposes under this Act, and
- (c) is admissible in evidence in any legal proceeding in the same manner and for all purposes as if it were the original document, item or thing.

Documents
signed by
officials

5(1) Every document that purports to be signed or issued by

- (a) the Chair or a Vice-chair or member of the Board,
- (b) the secretary of the Board,
- (c) the Registrar,

- (d) a person to whom an authorization is made under section 3, if the document relates to a function that the person is authorized to perform,
- (e) the Registrar of Corporations,
- (f) a person who is authorized to perform a function of the Registrar, if the document relates to a function that the person is authorized to perform,
- (g) an official of a jurisdiction other than Alberta who is a registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar performs for Alberta, or
- (h) the person performing the functions of the provincial transport board as defined under the *Motor Vehicle Transport Act, 1987* (Canada),

shall be admitted in evidence as prima facie proof of the facts stated in the document without proof of the signature or official character of the person who signed the document, if any.

(2) When proof is required of

- (a) the suspension or cancellation of a motor vehicle document, or
- (b) the disqualification of a person from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

the production of a certificate purporting to be signed by the Registrar stating that

- (c) the motor vehicle document issued to that person is suspended or cancelled, or
- (d) the person named in the certificate is disqualified from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

shall be admitted in evidence as prima facie proof that the motor vehicle document is suspended or cancelled or that the person so named is so suspended or disqualified, without proof of the signature or official character of the person signing the certificate, if any.

(3) In a prosecution for an offence with respect to a failure to comply with section 70 or 71, a certificate purporting to be signed by the Registrar that any accident report required under this Act has

or has not been made shall be admitted in evidence as prima facie proof of all the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

(4) A certificate purporting to be signed by the Chair or a Vice-chair, member or the Secretary of the Board or the Registrar certifying

- (a) that a notice or document given or made under this Act was served, and
- (b) that according to the records kept under this Act the notice or document was served on the person named in the notice or document,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

(5) A document or certificate referred to in this section is admissible in evidence in all actions to which the *Alberta Evidence Act* applies.

(6) The Minister may approve a seal of office for the Board or the Registrar and that seal may for the purposes of this Act be used in conjunction with or in place of a signature.

Service

6 A notice or document that is to be served or given under this Act by or on behalf of the Registrar or the Board may be served or given

- (a) by personal service;
- (b) unless otherwise provided for under this Act, by being sent by ordinary mail sent to the latest address of the person who is to be served as shown on the records of the Registrar;
- (c) unless otherwise provided for under this Act, by being transmitted by electronic means to the latest number or electronic address of the person who is to be served as shown on the records of the Registrar;
- (d) in a manner or by a method provided for by regulation.

Crown not
liable

7 No liability attaches to the Crown for any loss or damage that arises from

(a) incorrect information contained in

- (i) a motor vehicle document,
- (ii) an application for a motor vehicle document, or
- (iii) any other document created under this Act that is not referred to in subclauses (i) and (ii),

or

(b) the issuance of any document referred to in clause (a),

notwithstanding that the information may have been entered by some person other than an applicant for the document, if that information was entered on the document in good faith.

Division 2 Release of Information

Release of
personal
driving and
motor vehicle
information

8(1) In this section, “personal driving and motor vehicle information” means

- (a) any information supplied by an individual under this Act in order for that individual to be issued a motor vehicle document in that individual’s name, or
- (b) any information pertaining to the driving record of an individual.

(2) Neither the Registrar nor any person acting on behalf of the Registrar or providing services under this Act shall release personal driving and motor vehicle information except to the persons to whom and in the circumstances under which personal information may be disclosed under section 38 of the *Freedom of Information and Protection of Privacy Act*.

(3) Notwithstanding subsection (2), on request the Registrar

- (a) may furnish an abstract of the driving record of a person
 - (i) to that person,
 - (ii) for the 3-year period or a greater period preceding the request as permitted by the Registrar, to an insurer or surety, if

- (A) the abstract is required for the purposes of determining whether to grant or maintain motor vehicle insurance in respect of that person, and
- (B) the insurer or surety, as the case may be, has a written authorization from that person authorizing the abstract to be released to the insurer or surety,
- (iii) to a peace officer,
- (iv) to an employer or prospective employer of that person if the employer or prospective employer has a written authorization from that person authorizing the abstract to be released to the employer or prospective employer,
- (v) to a parent or guardian of that person if, under the law, that person requires the signature of that parent or guardian on that person's operator's licence application, or
- (vi) to a lawyer of that person if the lawyer has a written authorization from that person authorizing the abstract to be released to that lawyer,

and

- (b) shall furnish to a person who is injured or whose property is damaged by a motor vehicle, or to that person's personal representative, in the case where that person is killed by a motor vehicle, any information on the Government's records pertaining to the proof of financial responsibility of any owner or driver of the motor vehicle.

Information
forwarded to
Registrar

9(1) Notwithstanding anything in the *Young Offenders Act*, when a court

- (a) finds a young person guilty of an offence under this Act,
- (b) finds a young person guilty of an offence to which section 83, 84, 86, 87, 89 or 173 applies,
- (c) makes a judgment for damages arising out of a motor vehicle accident, or
- (d) makes any other order under this Act,

the clerk or registrar of the court shall, on the request of the Registrar, immediately forward to the Registrar a certified copy of

the order, judgment, conviction, absolute discharge or conditional discharge or a transcript or certificate thereof in a form prescribed by the Registrar.

(2) The certified copy or certificate is prima facie proof of the order, judgment, conviction, absolute discharge or conditional discharge or of the finding of guilt of a young person.

(3) The clerk or other official charged with the duty of reporting to the Registrar is entitled to collect and receive a fee prescribed by regulation for each copy or certificate required by this section.

(4) If the defendant is not resident in Alberta, the Registrar shall provide a certificate of the order, judgment or conviction to the registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of drivers in the province or state in which the defendant resides.

Release of
safety
information

10(1) The Registrar may publish reports, statistics or other information arising out of matters referred to in sections 11 and 73 for the purposes of informing the Minister and the public as to the nature and causes of accidents.

(2) Notwithstanding subsection (1), no report, statistics or other information published under subsection (1) shall contain any particulars that any person could identify as relating to any specific person or accident unless the previous consent in writing of the person, or if more than one person, of all of them, has been obtained for release of the information.

(3) Publication of information under subsection (1) is not a contravention of section 11 or 73(3) or (4).

Inspection of
accident report

11(1) In this section, “previous legislation” means

(a) sections 83, 84 and 85 of the *Highway Traffic Act* (RSA 1970 c169), and

(b) sections 77, 78 and 79 of the *Motor Vehicle Administration Act* (RSA 1980 cM-22)

or any one or more of those provisions that are applicable in the circumstances.

(2) Subject to the regulations, where a report is made under

(a) the previous legislation,

(b) section 70 or 71 of this Act, or

(c) the regulations,

in respect of an accident involving a motor vehicle, the Registrar or a peace officer may release information contained in that report to

(d) a person or an insurance company or a lawyer, agent or representative of that person or company if that person or company

(i) has paid or may be liable to pay damages, or

(ii) has recovered or may be entitled to recover damages;

(e) the Registrar for the purposes of monitoring the safe operation of commercial vehicles;

(f) a municipality for the purposes of improving traffic circulation or the management of roadways.

(3) Subject to subsection (2), a report or statement made or furnished under the previous legislation or section 70 or 71 and the regulations made under this Act governing accident reports

(a) is not open to public inspection, and

(b) is not admissible in evidence for any purpose in a legal proceeding arising out of the accident except to prove

(i) compliance with the previous legislation or section 70 or 71 of this Act and the regulations made under this Act governing accident reports, as the case may be,

(ii) falsity in a prosecution for making a false statement in the report or statement, or

(iii) the identity of the persons who were driving the vehicles involved in the accident.

Certified
copies of
Board
documents

12 On the request by a person and payment of the prescribed fee, the secretary of the Board may provide to that person a certified copy of any order, decision, certificate or other public document issued or granted by the Board that is requested by that person.

General
powers of
municipality

Division 3 Municipalities and Other Authorities

13(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, the council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following:

- (a) governing the use of highways;
- (b) governing the parking of vehicles;
- (c) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;
- (d) governing access to highways from private land;
- (e) governing fees charged with respect to the parking of vehicles;
- (f) classifying motor vehicles and other vehicles and pedestrians for any purposes involving the use of streets, lanes and other public places;
- (g) with respect to noise produced in connection with a vehicle,
 - (i) defining what constitutes an objectionable noise,
 - (ii) establishing a method of determining or measuring noise, and
 - (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;
- (h) governing the turning of vehicles at intersections;
- (i) governing the encumbering of highways;
- (j) governing, subject to sections 77 to 79, the impounding and removal of vehicles
 - (i) in respect of which parking fees are payable,
 - (ii) that are parked in an area where parking is prohibited, or

- (iii) that are parked in contravention of this Act or a bylaw;
 - (k) governing the licensing of bicycles;
 - (l) governing the impounding of bicycles, skateboards and similar devices;
 - (m) governing parades and processions;
 - (n) governing closing or restricting the use of a highway;
 - (o) authorizing the municipality to issue a licence or permit that is terminable on 30 days' notice in writing for the temporary occupation or use of a road allowance or highway or a portion of a road allowance or highway when it is not required for public use;
 - (p) restricting the use of specific traffic lanes to vehicles carrying a prescribed number of passengers;
 - (q) restricting the use of specific traffic lanes to specific vehicles or classes of vehicles;
 - (r) governing the issuing of tags, tickets or other documents;
 - (s) governing the placing of tags, tickets or other documents on vehicles;
 - (t) governing the marking of tires on vehicles for the purpose of enforcing parking bylaws;
 - (u) governing the employing of or engaging the services of persons to enforce bylaws made with respect to the parking of vehicles;
 - (v) designating routes for vehicles or classes of vehicles;
 - (w) restricting the weight of vehicles or of vehicles and the goods being carried by the vehicles;
 - (x) prescribing or otherwise providing for penalties with respect to the contravention of a bylaw made under this Division.
- (2) Where permitted under a regulation, a municipality may, subject to any term or condition prescribed by the regulation, make bylaws under which the municipality may provide that the regulation does not apply in whole or in part to or within the municipality.

Private
property

14 Subject to this Act and the *Provincial Offences Procedure Act*, the council of a municipality may make bylaws,

- (a) with respect to privately owned property that is located within the municipality to which vehicles driven by members of the public generally have access,
 - (i) governing parking on the property without the permission or authorization of the owner of the property or a person having possession or control of the property;
 - (ii) governing the parking of vehicles in manufactured home communities;
 - (iii) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;
 - (iv) prescribing speed limits in respect of lanes or other thoroughfares used by vehicles;
- (b) with respect to private property that is located within the municipality to which vehicles driven by members of the public generally do not have access but on which the owner of the property or a person having possession or control of the property may park or otherwise keep vehicles, prohibiting
 - (i) the parking of vehicles on that property without the permission or authorization of that person;
 - (ii) the parking of vehicles so that the access to that property is denied or otherwise restricted;
- (c) with respect to a vehicle parked or driven in contravention of a bylaw made under this section,
 - (i) governing the issuing of tags or tickets or other documents;
 - (ii) governing the placing of tags, tickets or other documents on vehicles;
 - (iii) governing, subject to sections 77 to 79, the removal and impounding of vehicles;

- (iv) providing for the laying of an information and complaint.

**Prohibitions
and offences**

15(1) The authority to make a bylaw under this Act governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a bylaw under this Act includes the authority to specify that a contravention of or a failure to comply with the bylaw is an offence.

**Restriction of
powers**

16 Unless specifically permitted by this Act or any other Act, a council of a municipality does not have any power to make a bylaw that does one or more of the following:

- (a) imposes any tax, fee, licence or permit respecting the use of highways by pedestrians or vehicles;
- (b) excludes pedestrians or vehicles generally from using highways;
- (c) prohibits the use of highways by pedestrians or vehicles;
- (d) affects in any way the registration or numbering of motor vehicles.

**Control of
traffic in
provincial
parks**

17 With respect to a highway under the direction, control and management of the Minister of Environmental Protection, the Minister of Environmental Protection may make regulations

- (a) governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;
- (b) governing the opening or closing of highways.

**Division 4
Regulations**

**Regulations by
the Lieutenant
Governor in
Council**

18(1) The Lieutenant Governor in Council may make regulations

- (a) subject to section 6, providing for and governing the service of notices and documents and the deemed service of notices and documents under this Act;
- (b) subject to section 1(7), (8) and (9), specifying the provisions of this Act in which a reference to

- (i) a certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction;
 - (ii) a licence plate includes a licence plate issued in another jurisdiction;
 - (iii) an operator's licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle;
 - (c) for the purposes of section 169(2)(q) and (r), designating those offences under this Act for which a person may be arrested without a warrant;
 - (d) establishing and governing a program under which drivers are assessed demerit points for a contravention of
 - (i) this Act, or
 - (ii) any other Act or regulation that relates to the safe operation of a vehicle;
 - (e) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (d), including the suspension or cancellation of an operator's licence;
 - (f) for the purposes of section 1(1)(gg), designating persons as pedestrians;
 - (g) governing the establishment of school zones and playground zones;
 - (h) providing for or otherwise specifying the periods of time and the days during which speed limits established or prescribed in respect of school zones and playground zones are in effect.
- (2) The Minister may make regulations
- (a) exempting or providing for the granting of exemptions of persons or vehicles or classes of persons or vehicles from any provision of this Act;
 - (b) governing any matter respecting the seizure under this Act of vehicles and the contents of and goods carried by vehicles.

Statute prevails	19 Where there is a conflict between this statute and a regulation or bylaw made under this statute, this statute prevails.
Prohibitions and offences	<p>20(1) The authority to make a regulation under this statute governing or respecting any matter includes the authority to make prohibitions in respect of that matter.</p> <p>(2) The authority to make a regulation under this statute includes the authority to specify that a contravention of or a failure to comply with the regulation is an offence.</p>
Power to establish standards, etc.	<p>21 The authority to make a regulation or a bylaw under this statute governing or respecting any matter includes the authority</p> <ul style="list-style-type: none"> (a) to establish criteria, specifications and standards in respect of that matter, (b) to adopt any code with respect to the matters referred to in clause (a), and (c) to modify any code referred to in clause (b).

PART 2

ALBERTA TRANSPORTATION SAFETY BOARD

Division 1 Administration

Board	<p>22(1) The Alberta Motor Transport Board and the Driver Control Board are amalgamated and continued as a single board with the name "Alberta Transportation Safety Board".</p> <p>(2) The Board shall consist of the persons appointed by the Lieutenant Governor in Council as members of the Board.</p> <p>(3) The Board is a corporation.</p> <p>(4) The members of the Board who are not officers or employees of the Crown or of an agency of the Crown may be paid remuneration and expenses while engaged in the business of the Board at a rate prescribed by the Lieutenant Governor in Council.</p>
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Chair and
Vice-chair of
the Board

23(1) The Lieutenant Governor in Council shall designate one member of the Board as the Chair of the Board and may designate one or more members of the Board as Vice-chairs of the Board.

(2) When the Chair is not present or able to act, a Vice-chair as specified by the Chair or, if a Vice-chair is not so specified, any Vice-chair may act in the place of the Chair.

(3) If the Chair and the Vice-chairs are not present or are unable to act, the Chair may appoint one of the members of the Board to act as the chair.

Functions of
the Board

24 The Board shall

(a) consider applications for operating authority certificates with respect to the operation of commercial vehicles that are buses;

(b) conduct reviews and appeals under Divisions 2 and 3;

(c) consider any matter referred to it by the Minister.

Sittings of the
Board

25(1) The members of the Board shall meet at the times and places specified by the Chair.

(2) With respect to a matter before the Board, the Chair may from time to time appoint one or more persons who in the opinion of the Chair have special technical or other knowledge

(a) to sit with the Board, to hear and consider the matter with the Board and to advise the Board on the matter, or

(b) to inquire into and report to or appear before the Board in respect of the matter.

Quorum

26 A quorum of the Board consists of

(a) one member of the Board,

(i) in the case of an appeal conducted under section 40,
or

(ii) in the case of a matter to which section 31(b) applies, where considered appropriate by the Chair;

(b) 2 members of the Board

- (i) subject to clause (a)(ii), in the case of a review conducted under Division 2, or
- (ii) in the case of an appeal conducted under section 37;
- (c) 3 members of the Board, in the case of
 - (i) an application for an operating authority certificate under Part 7 with respect to the operation of a commercial vehicle that is a bus, or
 - (ii) an appeal conducted under section 35, 36, 38, 39, 41, 42, 43, 44 or 46.

Procedure at
Board
hearings,
reviews and
appeals

27(1) For the purposes of conducting hearings, reviews and appeals before the Board,

- (a) the Chair and the other members of the Board have the same power as is vested in the Court of Queen's Bench for the trial of civil actions
 - (i) to summon and enforce the attendance of witnesses,
 - (ii) to compel witnesses to give evidence under oath or otherwise,
 - (iii) to compel witnesses to give evidence in person or otherwise, and
 - (iv) to compel witnesses to produce any record, object or thing that relates to the matter being heard;
- (b) the Board may, in its discretion, take evidence under oath;
- (c) any member of the Board or the secretary of the Board may administer oaths for the purpose of taking evidence;
- (d) the Board may require a person who is the subject of or a party to a hearing, a review or an appeal to personally attend the proceedings before the Board;
- (e) a person who is the subject of or a party to a hearing, a review or an appeal
 - (i) has the right to appear before the Board and make representations in respect of the matter, and
 - (ii) has the right to be represented before the Board by legal counsel.

(2) With respect to hearings, reviews and appeals before the Board, the Board, with the approval of the Minister, may, subject to this Act, make rules

- (a) governing notices of hearings, reviews and appeals;
- (b) governing applications for and conditions to be met respecting hearings, reviews and appeals;
- (c) governing the procedure before the Board;
- (d) governing adjournments of matters before the Board;
- (e) governing the attendance of witnesses;
- (f) governing the applicability of the rules of evidence in judicial proceedings to hearings, reviews and appeals before the Board;
- (g) governing the receiving and recording of evidence;
- (h) empowering the Board to proceed and determine a matter when a party to a matter before the Board fails to appear at or attend a hearing, a review or an appeal;
- (i) governing interim relief that may be granted under section 43;
- (j) providing for majority and minority decisions;
- (k) empowering the Board to consider a matter based on material submitted to the Board by the parties without the parties or their representatives appearing before the Board and governing the procedure to be used in those circumstances;
- (l) governing the applicability of the *Alberta Rules of Court*;
- (m) providing for the issuing and publication of decisions of the Board;
- (n) governing the reconsideration of decisions made by the Board;
- (o) governing the providing of the decisions of the Board to the parties who are subject to the decisions;
- (p) governing costs.

(3) Where the Registrar is summoned to attend before the Board, the Registrar may in writing designate an employee of the

Government who is, in the opinion of the Registrar, knowledgeable in respect of the subject-matter that is being considered by the Board to attend before the Board on behalf of the Registrar and that designated person is deemed to be the person who was summoned to attend before the Board.

(4) The *Regulations Act* does not apply to rules made under subsection (2).

Board decision is final **28** Subject to sections 48 and 49, every decision or order of the Board is final.

Testimony and production of documents **29(1)** Unless the Chair directs otherwise, no member of the Board or employee of the Government who is under the administration of the Board may be compelled

(a) to give testimony for the purposes of a civil action with regard to information obtained in the course of the member's or employee's duties, or

(b) to produce any document or information for the purposes of a civil action.

(2) Subsection (1) does not apply when the member of the Board or the employee is a party to the civil action.

Division 2

Reviews Respecting Conduct of Drivers

Reviews by Board **30(1)** The Board may conduct reviews into a person's ability or attitude respecting the operation of a motor vehicle

(a) where the Board is concerned as to the person's ability or attitude regarding the operation of a motor vehicle, or

(b) where the Minister, a court or the Registrar has advised the Board as to a concern respecting the person's ability or attitude regarding the operation of a motor vehicle.

(2) The Board may consider applications by persons seeking relief under section 31(b).

Action taken re reviews **31** On conducting a review or considering an application under section 30 the Board may,

(a) where a person's ability or attitude regarding the operation of a motor vehicle has been considered by the Board,

- (i) disqualify the person from driving a motor vehicle in Alberta for a definite or indefinite period of time;
 - (ii) with respect to that person, prescribe any measure or course of remedial education or treatment as a condition of acquiring or holding an operator's licence;
 - (iii) prescribe terms and conditions governing that person's operator's licence;
- (b) where the suspension of a person's operator's licence or the disqualification of a person to hold an operator's licence arises out of that person being found guilty under section 253 or 254 of the *Criminal Code* (Canada),
 - (i) on the expiration of a suspension or disqualification imposed by a court, set aside the operation of the suspension or disqualification imposed under this Act on the condition that the person who is subject to the suspension or disqualification
 - (A) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and
 - (B) complies with any terms or conditions imposed by the Board;
 - (ii) on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the requirements imposed under this Act,
 - (A) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and
 - (B) complies with any terms or conditions imposed by the Board.

Reconsider-
ation re
reviews

32(1) Where the Board has reviewed or considered a matter under section 30 and made a decision under section 31, the Board shall on the application of the person who is the subject of that decision reconsider the decision.

(2) Notwithstanding subsection (1), once a decision of the Board has been reconsidered by the Board in respect of a matter referred to in subsection (1), the Board may refuse to reconsider the decision again if in the opinion of the Board the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

Consideration
of driver's
record, etc.

33 In making a decision under this Division or Division 3, the Board may take into consideration a person's accident record, conviction record, driver attitude, driving skills and knowledge, driving disabilities and any other factors that the Board considers relevant.

Division 3 Appeals to the Board

Interpretation

34 Any reference in this Division to the Registrar in respect of any matter includes a reference to any decision or action made or taken by the Registrar relating to that matter.

Appeals re
cancellation of
permit

35(1) Where the Registrar cancels a person's permit under section 62, that person may appeal the cancellation to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances;
- (b) direct the Registrar to reinstate a permit;
- (c) remove or vary any term or condition imposed in respect of a permit;
- (d) make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

Appeals re
disqualifica-
tion, suspen-
sion, etc. by
Registrar

36(1) Where under section 91(4) the Registrar

- (a) disqualifies a person from driving a motor vehicle, or
- (b) suspends or cancels a certificate of registration issued to a person,

that person may appeal that disqualification, suspension or cancellation to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm, vary or rescind the decision made by the Registrar, or
- (b) set aside the decision made by the Registrar and make any decision that the Registrar is empowered to make.

Appeals re
demerit points

37(1) Where the Registrar conducts a review under section 99 with respect to the suspension or cancellation of a person's operator's licence by reason of the accumulation of demerit points, that person may appeal the decision of the Registrar arising out of that review to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm, vary or rescind the decision made by the Registrar, or
- (b) set aside the decision made by the Registrar and make any decision that the Registrar is empowered to make.

Appeals re
suspension,
etc. of
operator's
licence

38(1) Where

- (a) a person's operator's licence is suspended under section 86(1), or
- (b) a person is disqualified from holding an operator's licence under section 86(2),

that person may appeal the imposition of or the length of the suspension or disqualification to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm the suspension or disqualification;
- (b) reduce, with or without conditions, the term of suspension or disqualification;
- (c) cancel the disqualification;
- (d) terminate the suspension.

Appeals re
3-month
suspension,
etc.

39(1) In this section, “alcohol-related driving of a motor vehicle”, “peace officer” and “temporary operator’s permit” mean alcohol-related driving of a motor vehicle, peace officer and temporary operator’s permit as defined in section 88.

(2) Where, with respect to the alcohol-related driving of a motor vehicle,

- (a) a person’s operator’s licence or temporary operator’s permit is suspended, or
- (b) a person is disqualified from acquiring or holding an operator’s licence or from operating a motor vehicle

under section 88, the person may appeal that suspension or disqualification to the Board.

(3) In an appeal under this section, the Board shall consider

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;
- (b) the report of the peace officer;
- (c) a copy of any certificate of analysis under section 258 of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy;
- (d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant evidence and information given or presentations made at the hearing.

(4) An appellant is not compelled to give evidence in an appeal under this section.

(5) If, after conducting an appeal under this section, the Board is satisfied that

- (a) the person having consumed alcohol in such a quantity that the concentration of alcohol in that person’s blood exceeded 80 milligrams of alcohol in 100 millilitres of blood, drove a motor vehicle, or
- (b) the person, with respect to the driving of a motor vehicle, failed or refused, without a reasonable excuse, to comply with a demand made on that person to supply a sample of that person’s breath or blood under section 254 of the *Criminal Code* (Canada),

the Board must confirm the suspension or disqualification.

(6) If, after conducting an appeal under this section, the Board is satisfied

- (a) that the person did not drive a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood, or
- (b) that, with respect to the driving of a motor vehicle,
 - (i) the person did not fail or refuse to comply with a demand made on that person to supply a sample of that person's breath or blood under section 254 of the *Criminal Code* (Canada), or
 - (ii) the person had a reasonable excuse for failing or refusing to comply with the demand referred to in subclause (i),

the Board must

- (c) cancel the suspension or disqualification, and
- (d) direct the return to that person of any fees paid to the Government by the person in respect of the appeal conducted under this section.

Appeals re
seizure or
immobilization
of motor
vehicle

40(1) Subject to the regulations, where a person's motor vehicle is seized or immobilized under section 173, that person or another person who has an interest in that motor vehicle may appeal the seizure or immobilization to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may, subject to the regulations, confirm, vary or rescind the decision made or action taken under section 173.

Appeals re
administrative
penalties re
commercial
transport

41(1) Where a regulated person, as defined in section 143, is affected by a decision made or an action taken by the Registrar under section 143, that person may appeal that decision or action to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm, vary or rescind the decision made by the Registrar, or

- (b) set aside the decision made or action taken by the Registrar and make any decision or take any action that the Registrar is empowered to make or take.

Appeals re
driver training
and driver
examiners

42(1) Where a person who

- (a) operates a driver training school,
- (b) is a driver examiner, or
- (c) is a driver instructor,

is affected by a decision or action of the Registrar with respect to the operation of or the provision of services by the driver training school or the actions of or the provision of services by the driver examiner or driver instructor, that person may appeal that decision or action to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm, vary or rescind the decision made by the Registrar, or
- (b) set aside the decision made or action taken by the Registrar and make any decision or take any action that the Registrar is empowered to make or take.

Appeals re
safety fitness
certificate, etc.

43(1) In this section, “certificate” means a certificate as defined in section 130(1)(c).

(2) Where the Registrar

- (a) refuses to issue a certificate to an applicant, the applicant may appeal the refusal to issue the certificate to the Board,
- (b) imposes a term or condition in respect of a certificate, the carrier may appeal the imposition of the term or condition to the Board,
- (c) makes an order under section 132(2) suspending or cancelling a certificate, the carrier may appeal the suspension or cancellation of the certificate to the Board, or
- (d) makes an order changing the safety rating of a carrier, the carrier may appeal the change in the safety rating to the Board.

(3) After the commencement of an appeal pursuant to this section, the Board may grant interim relief and make the interim relief subject to any terms or conditions that the Board considers appropriate in the circumstances.

(4) The interim relief granted under subsection (3) may include the granting of an interim certificate that is valid for a period of time that does not extend beyond the point in time at which the Board renders its decision in respect of the appeal.

(5) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances;
- (b) direct the Registrar to issue or not to issue a certificate;
- (c) direct the Registrar to reinstate a certificate;
- (d) direct the Registrar to reinstate a safety rating to what it was or to what the Board considers is appropriate in the circumstances;
- (e) remove or vary any term or condition imposed in respect of a certificate;
- (f) make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

Other appeals **44(1)** Where directed to do so by the Minister, the Board shall conduct an appeal in respect of any matter arising under this Act that is not otherwise provided for under this Part.

(2) In determining an appeal commenced pursuant to this section, the Board may, subject to this Act, provide such relief as the Board considers appropriate in the circumstances.

**Commence-
ment of
appeals** **45(1)** An appeal may be commenced under this Division by filing with the Secretary of the Board a notice of appeal accompanied by the prescribed fee, if any.

(2) An appeal under this Division shall not be commenced at any time after 30 days have expired from the day that the person requesting the appeal is served with the written notice of the Board's decision or action, as the case may be, in respect of which the appeal is being commenced.

Reconsideration re appeals

46(1) Where the Board has conducted an appeal and made a decision under this Division, the Board shall on the application of the person who is the subject of the decision reconsider the decision.

(2) Notwithstanding subsection (1), once a decision of the Board has been reconsidered by the Board in respect of a matter referred to in subsection (1), the Board may refuse to reconsider the decision again if in the opinion of the Board the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

Appeal is not a stay

47 An appeal commenced under this Division does not, except as otherwise directed by the Board, stay any suspension, cancellation, disqualification or other decision or action that is the subject of or otherwise related to the appeal.

Division 4 Appeals to Courts

Appeals to Court of Queen's Bench

48(1) A person who is aggrieved by a decision of the Board

(a) made in respect of

(i) a matter referred to in section 31(a), if the disqualification from driving is for an indefinite period of time or for a period of more than 6 months, or

(ii) a matter referred to in section 31(b),

or

(b) arising out of an appeal conducted under section 37,

may, subject to subsection (2), appeal the decision of the Board to the Court of Queen's Bench.

(2) An appeal under this section of a decision of the Board may be commenced only if the Board has reconsidered that decision at least once under section 32 or 46.

(3) An appeal under this section shall not be commenced at any time after 30 days has expired from the day that

(a) the Board's decision arising out of or in respect of a reconsideration under section 32(1) or 46(1), or

(b) the Board's decision under section 32(2) or 46(2) not to reconsider the matter,

has been served on that person.

(4) The Court of Queen's Bench may confirm, vary or set aside the decision of the Board.

(5) An appeal under this section must be commenced by filing an originating notice with the Court of Queen's Bench.

Appeals to
Court of
Appeal

49(1) An appeal lies from the decision of the Board to the Court of Appeal on a question of jurisdiction or on a question of law.

(2) An appeal under this section shall not be commenced at any time after 30 days has expired from the day that the Board has served written notice of its decision on the person who was the subject of that decision.

Board may be
represented

50 The Board is entitled to be represented at an appeal conducted pursuant to this Division and to make representations in respect of any matter before the Court that is related to the appeal.

PART 3

MOTOR VEHICLE ADMINISTRATION

Division 1 Licences, Registration, Insurance and Permits

Operator's
licences

51 Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive a motor vehicle on a highway unless that person is the holder of a subsisting operator's licence;
- (b) drive a motor vehicle on a highway unless that motor vehicle is of a class or type that is authorized to be operated under the class of operator's licence held by that person;
- (c) drive a motor vehicle on a highway contrary to a restriction or condition to which that person's operator's licence is subject;
- (d) drive a motor vehicle on a highway unless that person's operator's licence is in that person's possession;

- (e) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway unless there is a person occupying a front passenger seating position of the motor vehicle who
 - (i) is supervising the person driving the vehicle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence and that is valid for the operation of the vehicle being driven,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by regulation;
- (f) where a motor vehicle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the vehicle by the person holding the learner's operator's licence unless the person carrying out that supervision
 - (i) is occupying a front passenger seating position of the motor vehicle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence and that is valid for the operation of the vehicle being driven,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by the regulations;
- (g) where the person holds an operator's licence classified as a learner's operator's licence, operate a motor vehicle on a highway during any period of time that the holder of a learner's operator's licence is by regulation prohibited from operating a motor vehicle;
- (h) where a motor vehicle is in that person's possession or under that person's care or control, permit another person to drive that vehicle unless that other person meets the requirements of this Act to drive that vehicle;
- (i) where a motor vehicle is in that person's possession or under that person's care or control, knowingly or willingly permit a person

- (i) whose operator's licence is suspended, or
- (ii) who is disqualified from holding an operator's licence,
to operate that motor vehicle on a highway unless it is a vehicle that the person is permitted to operate under this Act notwithstanding the suspension or disqualification;
- (j) where the person has been issued an operator's licence under this Act, have in that person's possession more than one subsisting operator's licence issued under this Act;
- (k) possess an operator's licence that has been issued to another person;
- (l) possess an operator's licence that is not a subsisting operator's licence;
- (m) possess any fictitious document purporting to be an operator's licence;
- (n) use an operator's licence that has been issued to another person;
- (o) use an operator's licence that is not a subsisting operator's licence;
- (p) use any fictitious document purporting to be an operator's licence;
- (q) where a person has been issued an operator's licence, allow another person to use or be in possession of that operator's licence;
- (r) apply for, acquire or attempt to acquire an operator's licence for that person's own use or in that person's name
 - (i) during any period that the person is disqualified from driving a motor vehicle in Alberta, another province of Canada or a state of the United States of America,
 - (ii) during any period for which that person's operator's licence is suspended, or
 - (iii) during any period for which that person is disqualified from holding an operator's licence in Alberta, another province of Canada or a state of the United States of America,

whether or not the period for which the person's operator's licence was issued has expired;

- (s) where the person holds a subsisting operator's licence, apply for or obtain another operator's licence under this Act except
 - (i) for the purpose of obtaining a duplicate of a subsisting operator's licence that has been lost or destroyed or has become unreadable, or
 - (ii) for the purpose of obtaining a replacement for an operator's licence that is about to expire.

Registration of
vehicles

52(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) operate a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (b) knowingly operate a motor vehicle on a highway
 - (i) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is cancelled, or
 - (ii) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is under suspension;
- (c) operate a salvage motor vehicle on a highway unless there is a subsisting in-transit permit issued in respect of that vehicle;
- (d) where the person has possession of or control over a motor vehicle or a trailer, permit another person to operate that motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (e) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer during any period when the registration of the vehicle or the certificate of registration is suspended or cancelled;
- (f) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer in the name of

- (i) an applicant that purports to be a corporation if the corporation does not exist, or
 - (ii) a corporation, incorporated otherwise than under the laws of Alberta, that
 - (A) is required to be but is not or has ceased to be licensed as an insurer under the *Insurance Act*, or
 - (B) is required to be but is not or has ceased to be registered under
 - (I) the *Business Corporations Act*,
 - (II) the *Companies Act*,
 - (III) the *Loan and Trust Corporations Act*, or
 - (IV) the *Co-operative Associations Act*;
 - (g) use any certificate of registration that is in the name of a corporation that does not exist at the time the certificate of registration is used;
 - (h) unless the motor vehicle is an insured motor vehicle,
 - (i) apply for the registration of a motor vehicle, or
 - (ii) obtain the registration of a motor vehicle.
- (2) Subsection (1)(h)(i) does not apply to a person to whom a financial responsibility card has been issued pursuant to the *Insurance Act* by an insurer who has issued an owner's policy outside of Alberta.

Licence plates **53(1)** Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) operate or park a motor vehicle or trailer on a highway unless the subsisting licence plate issued for that vehicle or that is otherwise permitted under this Act is displayed on that vehicle in accordance with the regulations;
- (b) display on a motor vehicle or trailer a licence plate other than a licence plate issued or authorized for use on that vehicle;
- (c) operate or park a motor vehicle or trailer on a highway with an expired licence plate displayed on it;

- (d) permit any licence plate issued to that person to be used in contravention of this Act.

(2) Every licence plate issued under this Act or any Act that preceded this Act remains the property of the Crown, and the person in possession of a licence plate shall return it to the Registrar when so requested by the Registrar.

Insurance
required

54(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;
- (b) have a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;
- (c) where a person is the registered owner of a motor vehicle, permit another person
 - (i) to drive the motor vehicle on a highway, or
 - (ii) to have the motor vehicle on a highway,unless the motor vehicle is an insured motor vehicle;
- (d) give or lend a financial responsibility card or a copy of it to a person not entitled to have that financial responsibility card or copy.

(2) If the registration of a motor vehicle is suspended under this Act, the motor vehicle is still registered for the purposes of this section.

(3) Subsection (1)(a) and (b) do not apply to a person to whom a financial responsibility card has been issued pursuant to the *Insurance Act* by an insurer who has issued an owner's policy outside of Alberta.

(4) A person, other than a corporation, who contravenes subsection (1) or section 52(1)(h) or 167(8) is liable,

- (a) for the first contravention that occurs, to a fine of not less than \$2500 and not more than \$10 000 and in default to imprisonment for a term of not less than 30 days and not more than 6 months, and
- (b) for each subsequent contravention that occurs within one year from the day of the commission of the offence

referred to in clause (a), to imprisonment for a term of not less than 60 days and not more than 6 months.

(5) On the finding of guilt of a person, other than a corporation, of contravening subsection (1) or section 52(1)(h) or 167(8), the Registrar may disqualify the person from driving a motor vehicle in Alberta until that person provides to the Registrar proof of financial responsibility.

(6) A corporation that is guilty of contravening subsection (1) or section 52(1)(h) is liable

(a) for the first contravention, to a fine of not less than \$5000 and not more than \$20 000, and

(b) for any subsequent contravention, to a fine of not less than \$7500 and not more than \$25 000.

(7) The Registrar may cancel the certificate of registration in respect of every motor vehicle owned by a person who is found guilty of contravening subsection (1) or section 52(1)(h) or 167(8).

(8) Where the Registrar has cancelled a certificate of registration under this section, the Registrar shall not issue a new certificate of registration for that motor vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

Information

55(1) The Registrar may require a person who applies for a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person is qualified to be issued the motor vehicle document.

(2) The Registrar may require a person who holds a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person continues to be qualified to hold the motor vehicle document.

Refusal to
grant or issue
motor vehicle
document

56 The Registrar may refuse to issue a motor vehicle document to a person if

(a) that person does not meet the requirements of this Act in order to be issued that motor vehicle document;

(b) that person is barred at law or under any enactment from holding or being issued that motor vehicle document;

- (c) the vehicle in respect of which the motor vehicle document is to be issued does not meet the requirements of this Act in order for that motor vehicle document to be issued in respect of that vehicle;
- (d) the person applying for the issuance of the motor vehicle document fails to provide to the Registrar any information or material or meet any requirements that, in the opinion of the Registrar, are pertinent to determining whether the applicant or the applicant's vehicle, as the case may be, meets the requirements under this Act for the issuance of the motor vehicle document.

Restriction of
services

57 Notwithstanding anything in this Act, where a person has not paid a fine or penalty levied against that person under

- (a) this Act or a bylaw made under this Act,
- (b) any other enactment or bylaw as prescribed by regulation, or
- (c) any law in another jurisdiction that in the opinion of the Registrar deals with matters in that jurisdiction that are similar in nature to matters dealt with under this Act,

the Registrar may,

- (d) in respect of that person, refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the fine or penalty is paid, and
- (e) if authorized by regulation, refuse to register a vehicle in the name of the new owner if the ownership of a registered vehicle passes directly or through intermediary owners from the person who has not paid the fine or penalty to a person described by regulation.

Refusal of
service re
maintenance
orders

58(1) In this section, "Director" means the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act*.

(2) If the Director notifies the Registrar pursuant to section 16.1(2) of the *Maintenance Enforcement Act*, the Registrar shall

- (a) in respect of the debtor named in the notice, refuse to perform any function or service or to issue, renew or otherwise deal with any motor vehicle document or other document, and

- (b) refuse to register the vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under the maintenance order to a person described by the regulations,

except as permitted by the Director under section 16.1(3) of the *Maintenance Enforcement Act*, until the Director withdraws the notice or notifies the Registrar that the maintenance order has been withdrawn.

(3) If the Director notifies the Registrar pursuant to section 16.1(2.1) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, cancel any operator's licence issued to the debtor named in the notice.

(4) If the Director notifies the Registrar pursuant to section 16.1(4.1) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, make any operator's licence issued to the debtor named in the notice subject to any terms or conditions that the Director considers appropriate.

(5) Any cancellation made under subsection (3) remains in effect, subject to section 16.1(3.1) of the *Maintenance Enforcement Act*, until the Director gives a notice to the Registrar under section 16.1(4) of the *Maintenance Enforcement Act*.

Medical review
committee

59 By agreement with The Board of Directors of the Alberta Medical Association (C.M.A.—Alberta Division), the Minister may establish a medical review committee

- (a) to act as an advisory committee to the Minister with respect to
 - (i) any matters concerning the health of persons that may have a bearing on the operation of motor vehicles, and
 - (ii) any physical conditions that may constitute a hazard to the general public with respect to the operation of motor vehicles,
- (b) to advise the Minister as to qualified physicians available for physical and mental examination of drivers and applicants for operator's licences, and
- (c) to act in any other capacity that may be required by the agreement with The Board of Directors of the Alberta Medical Association (C.M.A.—Alberta Division).

Exclusion of liability re medical matters

60 No liability accrues to a physician, optometrist or other health care provider by reason only that the physician, optometrist or other health care provider provides to the Registrar under this Act information respecting a person's medical condition that may impair that person's ability to operate a motor vehicle in a safe manner.

Altered documents

61(1) In this section, "document" means

- (a) a subsisting motor vehicle document;
- (b) a subsisting licence issued under the *Motor Vehicle Transport Act, 1987* (Canada);
- (c) a subsisting document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to goods or passengers being transported by a commercial vehicle.

(2) A person shall not

- (a) mutilate, deface, alter or falsify a document,
- (b) have in that person's possession a document that is mutilated, defaced, altered or falsified, or
- (c) use or permit the use of a document that is mutilated, defaced, altered or falsified.

Permits

62(1) Notwithstanding anything in this Act or a motor vehicle document, the Registrar may on receiving an application issue a permit doing one or more of the following:

- (a) in the case of any vehicle,
 - (i) authorizing a person to operate on a highway a vehicle that is not registered in Alberta;
 - (ii) authorizing a person to operate a vehicle on a highway when that vehicle or its load does not comply with dimensional requirements specified under this Act;
 - (iii) authorizing a person to operate a vehicle on a highway when that vehicle does not comply with the equipment standards applicable to that vehicle;
- (b) in the case of a commercial vehicle,

- (i) authorizing a person to operate a vehicle in a manner or for a purpose not permitted under this Act or a motor vehicle document;
- (ii) exempting a vehicle or its operation from one or more requirements of this Act or a motor vehicle document;
- (iii) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the weight specified in the certificate of registration issued in respect of that vehicle;
- (iv) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the maximum allowable weight permitted under this Act for the vehicle.

(2) Where the Registrar issues a permit, the Registrar may, on the permit or in an appendix to the permit, set out any term or condition to which the permit is subject that the Registrar considers appropriate in the circumstances.

(3) Where the Registrar is of the opinion that a person to whom a permit is issued is not complying with or is contravening the terms or conditions of the permit, the Registrar may cancel the permit.

Liens

63(1) Where, under this Act, a vehicle, including any goods being carried by the vehicle, is seized, immobilized, detained, removed, transported or stored pursuant to the directions of a peace officer or the Registrar or a person authorized to act on behalf of a peace officer or the Registrar, all the costs of the seizure, immobilization, detention, removal, transportation and storage, or of any one or more of those functions, as the case may be, are a lien on the vehicle unless otherwise provided for under this Act.

(2) A lien referred to in subsection (1) may be enforced and dealt with in a manner provided for by the regulations.

Regulations

64 The Minister may make regulations

(a) governing

- (i) any matter with respect to the classification of, the application for, the issuance of, the display of, the use of, the renewal of, the transfer of, the suspension of, the cancellation of, the reinstatement

of, the term of, the expiration of and the qualifications or conditions required to be met in order to be issued or to hold a motor vehicle document;

- (ii) any undertakings, terms or conditions that must be provided or otherwise complied with in order for a motor vehicle document to be issued or to remain in effect;
 - (iii) the return or surrender of motor vehicle documents to the Registrar or a peace officer;
 - (iv) any terms or conditions, including the prescribing of those terms or conditions, to which a motor vehicle document or the holder of a motor vehicle document is subject;
 - (v) where insurance is required in relation to a motor vehicle document or a motor vehicle, the obligations of the insurer respecting the expiration, suspension, cancellation or transfer of the motor vehicle document or the sale or transfer of ownership of a motor vehicle;
- (b) governing any matter with respect to age, qualifications, examinations and testing of persons to drive or otherwise operate vehicles;
 - (c) governing any matter with respect to the operation of driving schools and driving courses and the teaching or instructing of persons to operate vehicles and the provision of insurance in respect of those matters;
 - (d) governing any matter with respect to the provision of documents, the reproduction of documents and the destruction of documents under this Act;
 - (e) respecting the notification to the Registrar by physicians and optometrists of any condition that a person has that may affect that person's ability to operate a vehicle in a safe manner;
 - (f) governing any matter with respect to the provision of information to the Registrar with respect to insurance issued in respect of vehicles or any goods or passengers transported by vehicles;
 - (g) governing any matter with respect to the provision to the Registrar of information by the courts arising out of proceedings before the courts under

- (i) this Act and any bylaw made under this Act, and
 - (ii) the *Criminal Code* (Canada) with respect to matters arising out of the operation of vehicles;
- (h) where a person's motor vehicle document has been suspended or cancelled,
 - (i) governing the notice to be given of the suspension or cancellation;
 - (ii) governing when the notice of the suspension or cancellation is deemed to have been received by the person to whom the notice is directed;
 - (iii) governing when the suspension or cancellation takes effect;
 - (iv) requiring that person to surrender or return the suspended or cancelled motor vehicle document to the court or the Registrar;
 - (v) governing the reinstatement or re-issue of a suspended or cancelled motor vehicle document;
- (i) declaring a highway or any portion of a highway or place not to be a highway;
- (j) providing for and governing the temporary closing of a highway;
- (k) governing the seizure and the immobilization of vehicles under sections 172 and 173 and appeals under section 40;
- (l) governing the enforcement of any lien created under this Act;
- (m) prescribing documents as motor vehicle documents;
- (n) subject to sections 56, 57 and 58, governing the restriction of the provision of functions and services under this Act;
- (o) for the purposes of section 57,
 - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who has not paid a fine or penalty as described in section 57 to a person or a person within a class of persons;

- (ii) governing persons or classes of persons referred to in subclause (i);
- (p) for the purposes of section 58,
 - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under a notice given by the Director, as defined in section 58, to the Registrar under section 58(2) to a person or a person within a class of persons;
 - (ii) governing persons or classes of persons referred to in subclause (i);
- (q) prescribing and governing the classification of vehicles;
- (r) governing alcohol-sensing devices and their installation, use and removal;
- (s) governing forms and similar documents and their electronic versions used for the purposes of this Act;
- (t) designating locations as rest areas for users of highways and governing those rest areas;
- (u) prescribing or otherwise providing for the establishment of fees to be charged in respect of
 - (i) motor vehicle documents and other documents;
 - (ii) the providing of motor vehicle documents and other documents;
 - (iii) the administering of tests and examinations;
 - (iv) the provision of any service or function under this Act;
 - (v) the provision of any appeal, review or hearing under this Act.

Division 2
Vehicles, Equipment, Accidents
and Removal of Vehicles

Equipment
standards

65(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (b) permit another person to drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (c) where that person is the owner of a vehicle, drive or operate the vehicle on a highway unless the vehicle and its equipment are maintained
 - (i) in good working order, and
 - (ii) in a condition that meets the requirements of this Act;
- (d) drive or operate a vehicle on a highway unless the vehicle and its equipment are used in a manner or as prescribed or provided for by regulation;
- (e) sell or offer for sale in Alberta a new motor vehicle unless that motor vehicle meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (f) sell or offer for sale in Alberta a new trailer unless that trailer meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (g) sell or offer for sale in Alberta a new conversion unit unless the conversion unit meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (h) sell a used motor vehicle if that person is of a class described in the regulations or if that used motor vehicle is of a class or type described in the regulations unless
 - (i) the motor vehicle has passed the inspections and tests required by the regulations within the period of time preceding the sale prescribed by regulation and the person provides the buyer with an inspection

certificate for the motor vehicle in respect of those inspections and tests, or

(ii) the person provides the buyer with a written statement containing the information prescribed by regulation respecting the motor vehicle;

(i) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where that equipment, material or item does not comply with the standards or specifications set out in the regulations for that equipment, material or item;

(j) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where the sale or the offering for sale of that equipment, material or item is prohibited by regulation.

(2) Where a person who is an employee or agent of a dealer of used motor vehicles contravenes subsection (1)(h), the dealer is also guilty of contravening this section and is subject to the punishment set out in section 158(2) unless the dealer proves to the satisfaction of the court that the dealer took all reasonable steps to ensure that the person would not contravene this section.

Inspection of
vehicles

66(1) A peace officer may, for the purposes of

(a) ensuring that a vehicle or its equipment, or both,

(i) are safe to operate, and

(ii) meet the vehicle and equipment standards and requirements provided for under this Act,

or

(b) determining whether the condition of a vehicle or its equipment contributed in any manner to an accident,

do one or more of the following:

(c) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test by the peace officer;

(d) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test at a place and by a person specified by the peace officer;

- (e) direct that the vehicle or its equipment, or both, or any specific part of the vehicle or equipment be repaired;
 - (f) direct that the vehicle or its equipment, or both, be removed from the highway or from operation and that it not be returned to a highway or operation until the vehicle or its equipment, or both, have been, as the case may be,
 - (i) rendered safe to operate,
 - (ii) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act, or
 - (iii) repaired in accordance with the directions of the peace officer;
 - (g) direct that the directions given under this section be complied with within a time period specified by the peace officer;
 - (h) direct that, after the directions given under this section have been complied with, the vehicle or its equipment, or both, be reinspected by a peace officer at a time and place specified by the peace officer.
- (2) A direction given under this section must
- (a) be in writing, and
 - (b) be served on the person to whom the direction is made.
- (3) Notwithstanding subsection (2), a direction given under subsection (1)(c) may be given orally if a peace officer inspects, examines or tests the vehicle and its equipment forthwith after the direction is given.
- (4) If a driver or an owner of a vehicle is given a direction under subsection (1)(f), a peace officer may seize the licence plate and certificate of registration issued in respect of that vehicle and hold the licence plate and certificate of registration until the vehicle or its equipment, or both, have been, in accordance with the direction,
- (a) rendered safe to operate;
 - (b) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act;
 - (c) repaired in accordance with the directions of the peace officer.
- (5) A person shall not do any of the following:

- (a) fail to comply with the directions given by a peace officer under this section;
- (b) operate a vehicle on a highway in contravention of a direction given under subsection (1)(f);
- (c) put a vehicle into operation in contravention of a direction given under subsection (1)(f).

Review by
Court

67(1) Where

- (a) a person is given a direction under section 66, a person's vehicle is detained for the purposes of section 66 or a person's licence plate and certificate of registration are seized under section 66, and
- (b) the person disputes the direction, detention or seizure in whole or in part,

the person may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(2) Where

- (a) a person fails to comply with a direction given under section 66, or
- (b) a person fails to permit a peace officer to carry out the peace officer's powers or duties under section 66,

a peace officer may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(3) An application under this section must be by way of an originating notice.

(4) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(5) An interim application under subsection (4) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(6) On hearing an application, the Court may do one or more of the following:

- (a) confirm, rescind or vary the direction of the peace officer;
- (b) direct the person to comply with the direction of the peace officer;
- (c) give those directions that the Court considers necessary to ensure compliance with the direction of the peace officer;
- (d) direct that the seized licence plate and certificate of registration be returned;
- (e) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (f) dismiss the application;
- (g) award costs.

Serially
numbered
vehicles and
parts

68(1) In this section, “vehicle” means

- (a) a motor vehicle;
- (b) a trailer;
- (c) any serially numbered part of a motor vehicle or trailer;
- (d) any part or portion of a motor vehicle or trailer that is not a serially numbered part of a motor vehicle or trailer.

(2) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) have possession of a vehicle that does not have either
 - (i) the manufacturer’s serial number or similar identifying mark, or
 - (ii) a special identification number or mark authorized under this Act where the manufacturer’s serial number or identifying mark has been removed, defaced, covered, altered or destroyed or become illegible;
- (b) sell or offer for sale
 - (i) any portion of a vehicle,
 - (ii) any portion of an engine of a vehicle, or
 - (iii) any accessory for a vehicle,

that has been serially numbered by the manufacturer if the serial number has been removed, defaced, covered, altered or destroyed or become illegible.

(3) This section does not apply to the sale of retreaded or used tires.

Duty of driver,
etc. re
accident

69(1) Where an accident in which a vehicle is involved occurs on a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

- (a) remain at the scene of the accident or, if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and
- (c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:
 - (i) that person's name and address;
 - (ii) the number of that person's operator's licence;
 - (iii) the name and address of the registered owner of the vehicle;
 - (iv) the licence plate number of the vehicle;
 - (v) a financial responsibility card issued in respect of that vehicle.

(2) The driver of a vehicle that

- (a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon thereafter as is practicable
 - (i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle, or
 - (ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle

that was involved in the accident with the
unattended vehicle,

or

- (b) is involved in an accident resulting in damage to property on or adjacent to a highway shall forthwith or as soon thereafter as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle.

(3) If the driver of a vehicle is incapable of providing the information required by subsection (1) or (2) and there is another occupant of the vehicle capable of providing the information, the occupant shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver or occupant of the vehicle is not the owner of the vehicle, the owner shall forthwith on determining that that owner's vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of a vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

(6) When a vehicle that has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or the driver of the vehicle shall, after complying with subsection (1) or (2), forthwith make arrangements for the motor vehicle to be removed from the highway.

(7) Notwithstanding subsection (6), if the registered owner or the driver of the vehicle fails to make or is incapable of making arrangements to move the vehicle, a peace officer

- (a) may make the arrangements to move the vehicle on the owner's or driver's behalf, and
- (b) on making arrangements to move the vehicle, shall notify the registered owner of the vehicle of the disposition of the vehicle.

(8) If arrangements to move a vehicle have been made by a peace officer pursuant to subsection (7), the motor vehicle is deemed to be an abandoned motor vehicle.

Reports of
peace officers
re accidents

70 A peace officer shall, in the form and the manner prescribed by regulation, provide to the Registrar reports respecting accidents involving vehicles.

Reports of
drivers re
accidents

71(1) A driver of a vehicle involved in an accident shall, in the form and manner prescribed by regulation, provide a report of the accident to

- (a) a peace officer having jurisdiction where the accident occurred, or
- (b) an employee of a police service having jurisdiction where the accident occurred who is authorized to receive those reports.

(2) If the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) If a report has not been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall make the report forthwith after learning of the accident.

(4) If the driver is alone, is the owner of the vehicle and is incapable of making the report required by subsection (1), the driver shall make the report forthwith after becoming capable of making it.

Place of
offence re
accident report

72 In a prosecution for failure to provide information as required under section 69 or 126 or to make a report as required by section 70 or 71 or to provide information under the regulations with respect to accidents, the place of an offence is the place where the accident occurred.

Investigations
of accidents re
general safety
enhancement

73(1) The Registrar may, for the purposes of analyzing and enhancing the safe use of highways,

- (a) investigate all aspects of motor vehicle accidents with a view to compiling comparative statistics on the causes of accidents, and
- (b) make recommendations, based on those investigations, for increased road safety.

(2) For the purposes of carrying out the functions provided for under subsection (1), the Registrar

(a) may, in writing, require from any insurer any or all of the following with respect to any accident:

- (i) copies of statements made by any person in connection with the accident;
- (ii) copies of reports made by the insurer's investigators into the reasons for or causes of the accident and the conclusion of the insurer on the liability of the persons involved;
- (iii) details of any money paid by an insurer in respect of property damage;

(b) may interview

- (i) the drivers involved in the accident,
- (ii) any witness to the accident, and
- (iii) any other person who may be able to give information, whether directly relevant or not, that will assist in determining the reasons for or causes of the accident,

and with the consent of the persons interviewed may take statements in writing.

(3) In the interests of obtaining full and true information concerning an accident, any file, document or paper kept by the Registrar or any person who carries out any function under this section on behalf of the Registrar that deals with the accident, including all matters incidental to it, and that has come into existence through anything done pursuant to this section

- (a) shall not be disclosed to any person except as permitted under this Act,
- (b) shall not be used in any court proceedings, and
- (c) shall not be used for any purposes other than the purposes stated in subsection (1).

(4) Neither the Registrar nor any person who carries out functions under this section on behalf of the Registrar shall disclose or be compelled to disclose any information obtained by the Registrar or that person in the course of the performance of any duties under this section.

(5) No cause of action lies against any person by reason of the disclosure, for the purposes of this section, of any document or

information to the Registrar or to any person who carries out functions under this section on behalf of the Registrar.

(6) Notwithstanding anything in this section, a person shall not be compelled to disclose any information if the disclosure will prejudice that person.

Testing and
inspection of
motor vehicles
in accidents

74(1) When any motor vehicle is directly or indirectly involved in an accident, the Registrar may

- (a) request a peace officer to remove the motor vehicle or cause the motor vehicle to be removed from the place where the accident occurred, and
- (b) specify to the peace officer the place to which the motor vehicle is to be taken,

for the purposes of testing and inspecting the vehicle.

(2) If, for the purposes of this section, a motor vehicle

- (a) is towed and stored at a place agreed on by the owner and the Registrar, the owner shall pay the costs of towing and storage;
- (b) is towed and stored at a place not agreed on by the owner and the Registrar, the Crown shall pay the costs of towing and storage;
- (c) is towed without the consent of the owner but stored at a place to which the owner consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;
- (d) is towed with the consent of the owner but stored at a place without the owner's consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

(3) On completion of the testing and inspection, if the owner of the motor vehicle wishes to have repairs carried out at a place other than the place at which the motor vehicle was tested and inspected, the Crown shall pay the reasonable costs of towing to the place specified by the owner.

(4) The Registrar is entitled to retain the motor vehicle for testing and inspection for 21 days from the day of the accident, but after 21 days the Registrar shall release it to the owner on the owner's request.

(5) Unless the motor vehicle is irreparable, the Minister shall, in an amount that the Minister considers just, compensate a person who does not have the use of that person's motor vehicle as a result of any testing or inspection carried out under this section.

(6) Notwithstanding that a motor vehicle has been taken for testing and inspection, the owner or a person authorized by the owner may enter the premises where it is kept during normal working hours and inspect the motor vehicle.

Motor vehicle surveys

75 The Minister may authorize persons to conduct surveys on any highway under the Minister's direction, control and management, and during the course of conducting a survey the person so authorized may stop motor vehicles for the purpose of questioning the occupants with respect to the survey.

Prohibitions re abandoning vehicles

76(1) Except as otherwise permitted under this Act, a person shall not

- (a) abandon a vehicle on a highway, or
- (b) abandon a vehicle on public or private property without the consent of the owner or person in possession or control of the property.

(2) A vehicle that is

- (a) left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a bylaw in the case of a highway under the direction, control and management of the council of a municipality, or
- (b) left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

is deemed to have been abandoned at that location.

Removal of vehicles

77(1) A peace officer may cause any vehicle to be removed and taken to and stored in a suitable place when the vehicle

- (a) is abandoned under section 76;
- (b) is left unattended on a highway in a manner that obstructs the normal movement of traffic;
- (c) is parked on any highway in contravention of this Act or a bylaw;

- (d) is parked on a highway in a manner that prevents access by fire-fighting equipment to a fire hydrant;
- (e) is not displaying a subsisting licence plate or a permit;
- (f) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
- (g) is left unattended on a highway and, in the opinion of a peace officer, the vehicle, its contents or any goods being carried by the vehicle are liable to be stolen or tampered with;
- (h) is situated unattended at a location or in a condition so that, in the opinion of the peace officer, it constitutes a present or potential hazard to persons or property;
- (i) is seized under section 172 or 173.

(2) When the Registrar, a peace officer or another person authorized by the Registrar believes on reasonable and probable grounds that a vehicle referred to in subsection (1) is worthless, that person may, subject to the regulations, cause the vehicle to be moved to a nuisance ground, salvage yard or municipal dump for disposal or to be otherwise dealt with under the regulations.

Forcible entry
of vehicles,
etc.

78 When a vehicle is to be removed or stored under this Act, the person authorized to remove or store the vehicle, or that person's agent, may forcibly unlock or open a door of the vehicle or otherwise gain access into or on a vehicle and do those other things that are reasonably required to facilitate the removal or storage of the vehicle, its contents and any goods being carried by the vehicle.

Exclusion from
liability

79 Where a person sells, disposes of, deals with or otherwise handles a vehicle, its contents and any goods being carried by the vehicle, or any of them, under section 77 or 78 or the regulations, no liability attaches to that person with respect to that sale, disposition, dealing or handling carried out in respect of that vehicle or those contents or goods.

Sale and
rental of
vehicles

80 Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this Act to drive the motor vehicle;

- (b) sell a motor cycle to a person who is under the age of 16 years, other than a motor cycle that
 - (i) is an off-highway vehicle, and
 - (ii) does not meet the specifications under the regulations to operate on a highway;
- (c) purchase a motor cycle for or on behalf of a person who is under the age of 16 years, other than a motor cycle that
 - (i) is an off-highway vehicle, and
 - (ii) does not meet the specifications under the regulations to operate on a highway.

Regulations

81 The Minister may make regulations

- (a) governing any matter with respect to
 - (i) the construction, modification and configuration of vehicles;
 - (ii) the construction, modification and configuration of any equipment or other material or items used in respect of or in connection with vehicles;
 - (iii) the use of and the installation and removal of any equipment or other material or items used in respect of or in connection with vehicles;
 - (iv) the standards to be met by vehicles;
 - (v) the standards to be met by any equipment or other material or items installed or used in respect of or in connection with vehicles;
- (b) governing any matter with respect to the testing and inspection of and the repair of vehicles and any equipment or other material or items used in respect of or in connection with vehicles;
- (c) governing
 - (i) the reporting, removal and storage of vehicles, the contents of vehicles and the goods carried by vehicles
 - (A) that have been seized or removed under this Act, or

- (B) that are abandoned,
- (ii) the returning of any vehicles, contents and goods referred to in subclause (i),
- (iii) the disposal of any vehicles, contents and goods referred to in subclause (i), the passage of title of those vehicles, contents and goods and the distribution of funds arising from the disposal of those vehicles, contents and goods,
- (iv) the expenses incurred arising out of any matter referred to in this clause, and
- (v) the liability for the expenses referred to in subclause (iv);
- (d) governing, subject to sections 11, 69 to 71 and 126, any matter with respect to the provision of information and the making of reports in respect of accidents;
- (e) requiring and governing the provision to the Registrar of supplemental information in respect of accidents;
- (f) governing any matter with respect to the reporting, acquisition and disposal of salvage in respect of vehicles and parts of vehicles;
- (g) describing a vehicle as a salvage motor vehicle and governing salvage vehicles and the information to be provided in respect of salvage vehicles;
- (h) respecting the sale of used vehicles and the standards to be met by those vehicles;
- (i) governing identification numbers and marks with respect to vehicles and any part or portion of a vehicle.

PART 4

DISQUALIFICATION FROM DRIVING

Division 1

Disqualifications Arising from Offences

Operator's
licence
suspended

82 When a person is disqualified from driving a motor vehicle in Alberta,

- (a) that person's operator's licence, if that person holds a subsisting operator's licence, is suspended, and

- (b) that person is disqualified from holding an operator's licence,

during the time that the person is disqualified from driving.

Disqualifi-
cation for
impaired
driving

83(1) When a person is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

- (a) is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(3) Notwithstanding anything in this section, when a person

- (a) is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of
 - (i) 2 offences under section 253 or 254 of the *Criminal Code* (Canada), or
 - (ii) one offence under section 253 of the *Criminal Code* (Canada) and one offence under section 254 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(4) When a person who holds an operator's licence is found guilty under section 253 or 254 of the *Criminal Code* (Canada), the court hearing the case shall forward the operator's licence of that person to the Registrar.

(5) If a person is found guilty of 2 or more offences under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada and the offences arose out of the same incident,

- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
- (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 234 or 236 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 237 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985, and
- (b) under section 234.1 or 235 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 238 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 237 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988, and
- (b) under section 238 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988.

(8) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately prior to November 1, 1989 is deemed to be a

finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after October 31, 1989.

Driving while
prohibited
under Criminal
Code

84 If a person is found guilty anywhere in Canada of an offence under section 259(4) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

Disqualifi-
cation arising
under National
Defence Act
(Canada)

85(1) When a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(3) Notwithstanding anything in subsection (1) or (2), when a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, and
- (b) has, in the preceding 10 years, been found guilty of 2 offences under the *National Defence Act* (Canada) by reason that the person, in the preceding 10 years,
 - (i) twice contravened section 253 or 254 of the *Criminal Code* (Canada), or

- (ii) once contravened section 253 of the *Criminal Code* (Canada) and once contravened section 254 of the *Criminal Code* (Canada),

anywhere in or out of Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(4) If a person is found guilty of 2 or more offences under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada and the offences arose out of the same incident,

- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
- (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(5) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

- (a) section 234 or 236 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985, and
- (b) section 234.1 or 235 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

(a) section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988, and

(b) section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to November 1, 1989 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after October 31, 1989.

(8) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 249(1) or section 252 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

(9) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 249(3) or (4) or 255(2) or (3) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(10) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act*

(Canada) committed by means of a motor vehicle by reason that the person contravened section 220, 221 or 236 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(11) If a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 259(4) of the *Criminal Code* (Canada),

- (a) that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months, and
- (b) if that person is under suspension or under a prohibition at the time of the finding of guilt, the period of disqualification shall run consecutively with that suspension or prohibition.

Suspension of
operator's
licence

86(1) If authority to suspend a person's operator's licence is not otherwise provided for under this Act, a court may, subject to subsections (2) and (3), suspend a person's operator's licence for a period not exceeding 3 months where the person is found guilty of contravening one or more of the following:

- (a) section 69 or 71 with respect to carrying out any duty under that section;
- (b) any of the Rules of the Road or other regulation designated by regulation as a provision to which this section applies;
- (c) section 115(2)(b), (c) or (d);
- (d) any municipal bylaw that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality;
- (e) any regulation under the *National Parks Act* (Canada) designated by the regulations made under this statute as a provision to which this section applies.

(2) If

- (a) a person who is not the holder of an operator's licence is found guilty of contravening a provision referred to in subsection (1), and
- (b) authority to disqualify that person from holding an operator's licence is not otherwise provided for under this Act,

a court may, subject to subsection (3), disqualify that person from holding an operator's licence for a period not exceeding 3 months.

(3) Subsections (1) and (2) do not apply in respect of an offence if the finding of guilt for the offence resulted from proceedings that were commenced under Part 3 of the *Provincial Offences Procedure Act*.

Licence
disqualification

87(1) When a person is found guilty under section 249(1) or 252 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) When a person is found guilty under section 249(3) or (4) or 255(2) or (3) of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3) When a person is found guilty under section 220, 221 or 236 of the *Criminal Code* (Canada) of an offence anywhere in Canada committed by means of a motor vehicle, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

3- and 6-
month
suspensions,
etc.

88(1) In this section,

- (a) "alcohol-related driving of a motor vehicle" means those circumstances referred to in subsection (2)(a) and (b);
- (b) "bodily harm" means any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature;
- (c) "notice of disqualification" means a notice of disqualification referred to in subsection (2);
- (d) "notice of suspension" means a notice of suspension referred to in subsection (2);
- (e) "peace officer" means a police officer as defined in section 1 of the *Police Act*;
- (f) "temporary operator's permit" means a temporary operator's permit issued under subsection (2).

(2) Where

- (a) a peace officer has reasonable and probable grounds to believe that a person drove a motor vehicle, and
- (b) in relation to that person driving that motor vehicle, the peace officer,
 - (i) by reason of an analysis of the breath or blood of the person, has reasonable and probable grounds to believe that the person has consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeds 80 milligrams of alcohol in 100 millilitres of blood, or
 - (ii) has reasonable and probable grounds to believe that the person while having alcohol in that person's body failed or refused, without a reasonable excuse, to comply with a demand made on that person to supply a sample of that person's breath or blood under section 254 of the *Criminal Code* (Canada),

the peace officer shall, on behalf of the Registrar,

- (c) in the case of a person who holds an operator's licence,
 - (i) require that person to surrender to the peace officer that operator's licence and issue to that person a temporary operator's permit, and
 - (ii) serve on that person a notice of suspension of that person's operator's licence;
- (d) in the case of a person who holds a temporary operator's permit,
 - (i) require that person to surrender to the peace officer that temporary operator's permit, and
 - (ii) serve on that person a notice of suspension of that temporary operator's permit;
- (e) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification
 - (i) disqualifying that person from operating a motor vehicle, and
 - (ii) disqualifying that person from applying for or holding an operator's licence;

- (f) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

(3) Where

- (a) an operator's licence is surrendered and a temporary operator's permit is issued under subsection (2)(c), that temporary operator's permit expires at the end of the 21st day following the day that the temporary operator's permit was issued;
 - (b) a notice of suspension is served under subsection (2)(c), the suspension, with respect to the surrendered operator's licence, takes effect immediately on the expiration of the temporary operator's permit issued in respect of the surrendered operator's licence;
 - (c) a notice of suspension is served under subsection (2)(d), the suspension, with respect to the surrendered temporary operator's permit, takes effect immediately on the service of the notice;
 - (d) a notice of disqualification is served under subsection (2)(e), the disqualification takes effect at the end of the 21st day following the day that the notice was served;
 - (e) a notice of disqualification is served under subsection (2)(f), the disqualification takes effect immediately on the service of the notice.
- (4)** A temporary operator's permit, during the period of time that it is in effect, stands in the place of the surrendered operator's licence and is subject to the same terms and conditions as those to which the surrendered operator's licence was subject.
- (5)** A suspension or disqualification referred to in subsection (3)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39, until the end of the 3-month period that commences on the day that the suspension or disqualification takes effect.
- (6)** Notwithstanding subsection (5), where a peace officer on reasonable and probable grounds believes that the alcohol-related driving of a motor vehicle by a person has caused bodily harm to or the death of another person, a suspension or disqualification referred to in subsection (3)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39, until the end of the 6-month period that commences on the day that the suspension or disqualification takes effect.

(7) Notwithstanding that a person refuses or fails

- (a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;
- (b) to surrender an operator's licence or a temporary operator's permit, that refusal or failure does not prevent the suspension or disqualification from taking effect;
- (c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

24-hour
disqualification
re alcohol or
drug

89(1) If a peace officer reasonably suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender the driver's operator's licence to the peace officer.

(2) On being required by a peace officer to surrender the driver's operator's licence under subsection (1), the driver

- (a) is disqualified from driving a motor vehicle in Alberta, and
- (b) shall forthwith surrender the driver's operator's licence, if the driver is the holder of an operator's licence, to the peace officer.

(3) The refusal or other failure of a driver to surrender an operator's licence under subsection (2) does not prevent the disqualification from driving from taking effect.

(4) A disqualification from driving arising pursuant to this section terminates at the end of 24 hours from the time that the disqualification came into effect.

(5) Notwithstanding subsection (4), if the disqualification from driving arises in respect of the use of alcohol and the driver voluntarily,

- (a) at a place designated by the peace officer, undergoes a test the purpose of which is to show the proportion of alcohol in the driver's blood, and the result of that test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams of alcohol in 100 millilitres of blood, or

- (b) produces to the peace officer a certificate signed by a physician stating that the driver's blood, as tested by the physician after the commencement of the disqualification from driving, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall forthwith return the operator's licence, if any, to the driver and the disqualification from driving is terminated.

(6) This section does not apply to a case arising out of the circumstances described in subsection (1) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence

- (a) involving the actual driving of a motor vehicle by the driver, and
- (b) involving
 - (i) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol, or
 - (ii) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance.

24-hour
disqualification
re novice
driver

90(1) In this section,

- (a) "approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (b) "novice driver" means a person who holds an operator's licence classified as a learner's operator's licence or a probationary operator's licence.

(2) If a peace officer reasonably suspects that the driver of a motor vehicle who is a novice driver has consumed alcohol or otherwise introduced any alcohol into the driver's body, the peace officer may, for the purposes of determining whether the novice driver is in compliance with section 115(2)(o), require that the novice driver forthwith provide a breath sample into an approved screening device.

(3) On being required to provide a breath sample under subsection (2), the novice driver shall provide a breath sample.

(4) Where

- (a) a novice driver provides a breath sample under subsection (3), and
- (b) the breath sample registers a result on the approved screening device that indicates the presence of alcohol in that driver's blood,

the peace officer shall require the novice driver to surrender the driver's operator's licence to the peace officer.

(5) Where a novice driver fails or refuses to provide a breath sample when required to do so by a peace officer under subsection (2), the peace officer shall require the novice driver to surrender the driver's operator's licence.

(6) On being required by a peace officer to surrender the driver's operator's licence under subsection (4) or (5), the novice driver

- (a) is disqualified from driving a motor vehicle in Alberta, and
- (b) shall forthwith surrender the driver's operator's licence to the peace officer.

(7) The refusal or other failure of a novice driver to surrender an operator's licence under subsection (6) does not prevent the disqualification from driving from taking effect.

(8) A disqualification from driving arising pursuant to this section terminates at the end of 24 hours from the time that the disqualification came into effect.

(9) Notwithstanding subsection (8), if a disqualification from driving arises pursuant to this section and, within the 24-hour period following the commencement of the disqualification, the person who was disqualified from driving,

- (a) at a place designated by a peace officer, provides a breath sample into an approved screening device and that breath sample indicates that there is not any alcohol present in that person's blood, or
- (b) produces to the peace officer a certificate signed by a physician stating that the person's blood, as tested by the physician, does not contain any alcohol in that person's blood,

the peace officer shall forthwith return the operator's licence to the person and the disqualification from driving is terminated.

(10) If a person is convicted of not complying with subsection (3) or (6)(b),

(a) any operator's licence held by that person is suspended, and

(b) that person is disqualified from driving a motor vehicle in Alberta,

for a period of 30 days from the day of the finding of guilt.

(11) Where a person provides a breath sample into an approved screening device or a blood sample for the purposes of this section, any result registered by the approved screening device or determined from the blood sample shall be used only for the purposes of this section.

Disqualifi-
cation, etc. by
Registrar

91(1) The Registrar may disqualify a person from driving a motor vehicle in Alberta or cancel or suspend the certificate of registration issued for a person's motor vehicle, or both disqualify a person from driving a motor vehicle and cancel or suspend the certificate of registration issued for the person's motor vehicle,

(a) if that person contravenes this Act or the *Fuel Tax Act*;

(b) if the Registrar is not satisfied as to the competency of that person;

(c) if the Registrar is satisfied that the person is not qualified or does not have the ability to operate a motor vehicle;

(d) for any other reason appearing to the Registrar to be sufficient.

(2) If a person who is not a resident of Alberta is found guilty of contravening section 65, 68, 69, 71 or 76, the regulations governing accident reports, Division 2 of Part 5, section 166, 176 or 188 or the regulations governing the destruction of non-repairable vehicles, the Registrar

(a) may disqualify that person from driving a motor vehicle in Alberta until the fine or penalty imposed has been satisfied, and

(b) may notify the proper authorities of the jurisdiction where the person resides of the finding of guilt and of the non-satisfaction of the fine or penalty imposed.

(3) The Registrar shall not under subsection (1) disqualify a person from driving a motor vehicle or cancel or suspend a certificate of registration issued for a motor vehicle without giving that person at least 15 days' written notice of the disqualification, cancellation or suspension and giving that person an opportunity to make representations in respect of the matter.

(4) Notwithstanding that a 15-day notice period is prescribed in subsection (3), if the Registrar is of the opinion that the safety of a person referred to in subsection (1) or the public is in jeopardy with respect to the operation of a motor vehicle, the Registrar may take action under subsection (1) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(5) Where the Registrar disqualifies a person from driving a motor vehicle under this section, the Registrar may prescribe any terms or conditions in respect of that disqualification that the Registrar considers appropriate in the circumstances.

Removal of
requirements
disqualification

92(1) If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, the disqualification remains in effect, notwithstanding that the period of disqualification has expired, until the Registrar removes the disqualification.

(2) For the purpose of satisfying the Registrar as to a person's competency to drive a motor vehicle without endangering the safety of the general public, the Registrar may as a condition of removing the disqualification referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification:

- (a) attend interviews conducted by or on behalf of the Registrar;
- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar.

Exceptions,
etc.

93(1) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, that person may, subject to subsection (2), operate implements of husbandry or industrial equipment that is

(a) designed primarily for agricultural use, construction, maintenance, land clearing, ditching or other related tasks, and

(b) not required to be licensed under this Act,

unless that person is disqualified under the *Criminal Code* (Canada) from operating a motor vehicle.

(2) If, for medical reasons, a person is disqualified from driving a motor vehicle under this Act, the Registrar may also disqualify that person from driving implements of husbandry or industrial equipment of the kind referred to in subsection (1).

(3) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, a person may operate a vehicle, on any terms or conditions the Registrar may prescribe, while engaged in any course of remedial education or treatment under section 31.

Prohibition re
driving while
disqualified,
etc.

94 A person shall not drive a motor vehicle on a highway at any time during which

(a) that person's operator's licence is suspended or cancelled under this Act,

(b) that person is disqualified from driving a motor vehicle in Alberta,

(c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or

(d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.

Punishment re
driving while
disqualified

95(1) A person who is guilty of contravening section 94 is liable

(a) for a first offence to a fine of not more than \$2000 and in default of payment to a term of imprisonment of not less than 14 days nor more than 6 months, and

(b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of not less than 14 days nor more than 6 months.

(2) Subject to section 98, a person who is guilty of contravening section 94 is disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

Suspension
continues after
licence expires

96(1) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation continues in effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.

(2) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension or cancellation, whether or not so stated in the suspension or cancellation.

Extended
period of
disqualification

97 Notwithstanding anything in this Act, where

(a) a person is found guilty of an offence under

(i) the *Criminal Code* (Canada) anywhere in Canada, or

(ii) the *National Defence Act* (Canada) anywhere in or out of Canada,

(b) in respect of the conviction referred to in clause (a), that person is prohibited from operating a motor vehicle, and

(c) the period of prohibition is for a period of time that is greater than the period of disqualification from driving provided for under this Act,

that person is, on the coming into effect of the prohibition, disqualified from driving a motor vehicle in Alberta during the period that the prohibition is in effect.

Disqualifi-
cations to run
consecutively

98 Where

(a) a person is disqualified from driving a motor vehicle in Alberta, and

(b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under section 94 or anywhere in Canada under section 259 of the *Criminal Code* (Canada),

that 2nd mentioned disqualification referred to in clause (b) shall run consecutively to any previous disqualification that is still in effect or waiting to go into effect, as the case may be.

Setting aside
suspension,
etc. re demerit
points

99 Where a person's operator's licence is, by reason of the accumulation of demerit points, suspended or cancelled, the Registrar may, on the application by that person, review the matter and if the Registrar considers it appropriate set aside the operation of the suspension or cancellation and reinstate that person's operator's licence subject to any terms or conditions imposed by the Registrar.

Regulations

100 The Minister may make regulations

- (a) governing the information and the form of information to be provided to the Registrar by peace officers with respect to the suspensions or the disqualifications referred to in sections 88, 89 and 90;
- (b) governing the handling of operator's licences and other documents surrendered under sections 88, 89 and 90;
- (c) prescribing and governing the use of forms to be used for the purposes of sections 88, 89 and 90;
- (d) designating
 - (i) any of the Rules of the Road and any other regulations under this Act, and
 - (ii) the regulations under the *National Parks Act* (Canada)

to which section 86 applies.

Division 2 Disqualifications Arising from Judgments

Saving of
rights

101 Nothing in this Part restricts, limits or derogates from any remedy that a person may have by any statute or at law.

Failure to
satisfy
judgment

102(1) If

- (a) a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province in Canada, and
- (b) that person fails, within 15 days from the day on which the judgment becomes final, to satisfy the judgment,

the Registrar, subject to sections 103 and 104 and the regulations, may do one or both of the following:

- (c) disqualify the person from driving a motor vehicle in Alberta;
- (d) suspend the registration of any motor vehicle registered in that person's name.

(2) When, under subsection (1), a person is disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle is suspended,

- (a) the disqualification or the suspension, as the case may be, remains in effect and shall not be removed, and
- (b) no motor vehicle shall be registered in that person's name,

until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of

- (c) at least \$35 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring before January 1, 1974,
- (d) at least \$50 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1974 but before July 1, 1978,
- (e) at least \$100 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after July 1, 1978 but before January 1, 1986, or
- (f) at least \$200 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1986.

(3) The Registrar, on being satisfied that

- (a) a state of the United States of America has enacted legislation similar in effect to subsection (1), and
- (b) the legislation extends and applies to judgments that are rendered by any court of competent jurisdiction in Alberta and have become final against residents of that state,

may, by order, extend and apply the provisions of subsections (1) and (2) to judgments that are rendered by any court of competent jurisdiction in that state and have become final against residents of Alberta.

(4) If, after a person has complied with subsection (2), another judgment against the same person for a motor vehicle accident that occurred before subsection (2) was complied with is reported to the Registrar,

(a) that person is disqualified from driving a motor vehicle in Alberta, and

(b) the registration of that person's motor vehicle is suspended,

until the judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent of the appropriate amount set out in subsection (2).

(5) If any person to whom subsection (1) applies is not resident in Alberta,

(a) that person is disqualified from driving a motor vehicle in Alberta, and

(b) the privilege of driving in Alberta any motor vehicle registered in that person's name is suspended,

by virtue of the judgment until that person has complied with this section.

(6) If a person has been disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle has been suspended as a result of a judgment obtained against a person who was not driving the vehicle involved in the accident, the Registrar may remove the disqualification or reinstate the certificate of registration, or both.

Payment of
judgment by
instalments

103(1) A judgment debtor to whom this Part applies may on notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) If the Provincial Treasurer has made a payment with respect to a judgment pursuant to the *Motor Vehicle Accident Claims Act* or *The Motor Vehicle Accident Indemnity Act*, the judgment debtor

(a) may apply to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* for the privilege of paying the judgment to the Provincial Treasurer in instalments, in which case that Minister may cause an agreement to be entered into with the debtor for payment by instalments, or

(b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Provincial Treasurer in instalments, in which case the debtor must give notice of the application to the Administrator of the *Motor Vehicle Accident Claims Act*, who may appear personally or by counsel and be heard on the application.

(3) Except in a case to which subsection (2) applies, a judgment debtor and the judgment creditor may enter into an agreement for the payment of the judgment in instalments.

(4) While the judgment debtor is not in default in payment of the instalments, the judgment debtor is deemed not to be in default for the purposes of this Part in payment of the judgment, and the Minister in the Minister's absolute discretion may restore the operator's licence and the certificate of registration of the judgment debtor.

(5) Notwithstanding subsection (4), if the Minister is satisfied that the judgment debtor has defaulted with respect to complying with the terms of the court order or of the agreement, the judgment debtor's operator's licence and registration shall again be suspended and remain suspended as provided in section 102.

Application for
relief

104(1) If a person becomes eligible to be disqualified from driving a motor vehicle in Alberta or to have the registration of that person's motor vehicle suspended on account of a final judgment being rendered against that person outside Alberta for damages arising out of a motor vehicle accident, that person may make an application for relief to the Court of Queen's Bench by originating notice.

(2) On hearing an application made under subsection (1), the Court of Queen's Bench may,

(a) if

(i) the applicant has not then been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has not then been suspended, and

(ii) the circumstances so warrant,

direct that the operation of section 102(1) be suspended in respect of the disqualification from driving or the suspension of registration, or both, on such terms and conditions as the Court considers appropriate, or

(b) if

(i) the applicant has been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has been suspended by the Registrar, and

(ii) the circumstances so warrant,

direct that the Registrar remove the disqualification or suspension, or both, on such terms and conditions as the Court considers appropriate.

Regulations **105** The Minister may make regulations

- (a) governing, subject to section 103, any matter with respect to the imposing of sanctions where a person fails to satisfy a judgment arising out of an accident involving a vehicle;
- (b) respecting the disqualification of persons from driving a motor vehicle and the suspension of registration of motor vehicles arising out of the failure to satisfy judgments referred to in section 102.

PART 5

GENERAL OPERATION OF VEHICLES

Division 1

Speed Limits and Traffic Control Devices

Standard speed limits **106** Subject to a speed limit that is prescribed under section 108 for a highway,

- (a) 100 kilometres per hour is the maximum speed limit for a primary highway that is located outside of an urban area;
- (b) 80 kilometres per hour is the maximum speed limit for
 - (i) a highway that is subject to the direction, control and management of
 - (A) the council of a municipal district or Metis settlement, or
 - (B) the Minister of Municipal Affairs in the case of a special area;
 - (ii) a highway that is within a city where the title to the highway is vested in the Crown in right of Alberta

pursuant to section 22 of the *Public Highways Development Act*;

(iii) a highway that

(A) is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta, and

(B) is not the subject of an agreement entered into pursuant to section 13 of the *Public Highways Development Act*;

(iv) a forestry road;

(v) a licence of occupation road;

(vi) a highway located within an improvement district;

(vii) a highway that is subject to the direction, control and management of the Minister of Environmental Protection;

(c) subject to clause (b)(ii), 50 kilometres per hour is the maximum speed limit for a highway located within an urban area.

Standard
speed limit re
school or
playground
zone

107(1) In this section, “school zone” and “playground zone” mean that portion of a highway identified as a school zone or a playground zone by a traffic control device in the manner prescribed by regulations.

(2) Subject to a speed limit that is prescribed under section 108(1)(h) for a highway,

(a) 30 kilometres per hour is the maximum speed limit within a school zone, other than a school zone referred to in clause (c), during the periods of time and the days provided for or otherwise specified in the regulations;

(b) 30 kilometres per hour is the maximum speed limit within a playground zone, other than a playground zone referred to in clause (c), during the period of time and the days provided for or otherwise specified in the regulations;

(c) within a school zone or a playground zone that is identified by a traffic control device that shows rapid intermittent flashes of yellow light as provided for in the regulations when the traffic control device is activated, 30 kilometres per hour is the maximum speed limit during any period

when the traffic control device is showing rapid intermittent flashes of yellow light.

(3) Notwithstanding subsection (2)(a), with respect to a school zone that is located within a municipality the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits and having regard to the hours of opening and closing of the school for which the school zone exists, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that school zone.

(4) Where a council enacts a bylaw under subsection (3), the council shall cause traffic control devices to be displayed identifying the hours during which the speed limit for the school zone is in effect.

Other speed
limits

108(1) In accordance with the following, a road authority may prescribe speed limits that are different from the speed limits established under section 106 or 107:

- (a) in the case of a primary highway or any portion of a primary highway that is located outside of an urban area, the Minister may prescribe a maximum speed limit that is higher or lower than 100 kilometres per hour;
- (b) in the case of a highway or any portion of a highway under the direction, control and management of a council of a municipal district or Metis settlement, the council may prescribe a maximum speed limit that is higher or lower than 80 kilometres per hour;
- (c) in the case of a highway or any portion of a highway under the direction, control and management of a council of an urban area, the council may prescribe a maximum speed limit that is higher or lower than 50 kilometres per hour;
- (d) in the case of a highway referred to section 106(b) that is not a primary highway, a road authority may prescribe a maximum speed limit that is not higher than 100 kilometres per hour;
- (e) in the case of a highway in respect of which a road authority may prescribe speed limits and for which a speed limit is prescribed under this section or section 106, the road authority may for all or any portion of that highway prescribe a lower maximum speed limit by erecting signs along the highway setting out the lower speed limit;

(f) in the case of a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe minimum speed limits that are lower than the maximum speed limit prescribed for that highway;

(g) in the case of a highway that

(i) is under construction or repair, or

(ii) is in a state of disrepair,

a maximum speed limit may, with respect to that portion of the highway that is under construction or repair or in disrepair, be prescribed by

(iii) an engineer under the administration of or providing services on behalf of the Minister if

(A) the highway is one in respect of which the Minister may set speed limits, or

(B) the highway is being constructed or repaired by or on behalf of the Government,

or

(iv) a person authorized by a road authority if, subject to subclause (iii)(B), the highway is one in respect of which the road authority may prescribe speed limits,

by erecting signs along the highway setting out the maximum speed limit;

(h) in the case of a school zone or playground zone located on a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe a lower maximum speed limit than that prescribed under section 107, but the speed limit so prescribed shall not be lower than 20 kilometres per hour.

(2) Where a road authority or other person is empowered to prescribe a speed limit, the road authority or other person prescribing the speed limit may make that speed limit applicable to

(a) all vehicles or only to a certain class or classes of vehicles;

(b) daytime;

(c) nighttime;

(d) different periods of the year;

(e) different traffic lanes for the same highway.

(3) When speed limits are prescribed pursuant to this section, the road authority or the engineer or other person prescribing the speed limit shall erect signs along the highway indicating the speed limits so prescribed.

(4) Except where a speed limit may be prescribed by the erecting of signs along a highway,

(a) the Minister, where the Minister is empowered to prescribe a speed limit, may make orders prescribing speed limits, and

(b) a council of a municipality, where it is empowered to prescribe a speed limit, may make bylaws prescribing speed limits.

Application of
speed limits re
signs

109 Where

(a) a speed limit is established or prescribed pursuant to

(i) section 106 or 108,

(ii) the *Government Property Traffic Act* (Canada), or

(iii) the *National Parks Act* (Canada),

and

(b) a sign is erected along the highway indicating the speed limit so established or prescribed,

that speed limit applies to all that portion of the highway that lies between the point at which a sign is erected indicating the speed limit and the next point at which a sign is erected indicating a greater or lesser speed limit or indicating that the speed limit has ceased to apply.

Traffic control
devices

110 A road authority may, in respect of a highway over which it has direction, control and management, place, erect or otherwise display traffic control devices at any location on, over or adjacent to the highway for the purposes of controlling and regulating traffic that is

(a) on or entering that highway, or

(b) crossing a railway track at railway crossings located on that highway.

Division 2
Operation of Vehicles

Observance of
Rules of the
Road

111 A driver of a vehicle and any other person using a highway shall, insofar as applicable, obey the Rules of the Road, except when otherwise

- (a) instructed by any applicable traffic control device, or
- (b) directed by a peace officer.

Rules of the
Road

112 The Lieutenant Governor in Council may make regulations entitled, or otherwise referred to as, "Rules of the Road" governing the utilization of highways and the use and operation of vehicles in respect of the following:

- (a) where to drive or not to drive a vehicle on
 - (i) a highway;
 - (ii) a roadway;
 - (iii) a traffic lane;
- (b) the overtaking of vehicles by other vehicles;
- (c) the passing of vehicles by other vehicles;
- (d) the crossing of the centre line by a vehicle;
- (e) the turning of a vehicle;
- (f) the making of U-turns with a vehicle;
- (g) the backing up of vehicles;
- (h) the yielding of and to vehicles;
- (i) the stopping of vehicles;
- (j) the parking of vehicles;
- (k) the merging of vehicles;
- (l) the operation of traffic control signals;
- (m) the driving of vehicles pursuant to lights, directions or signals shown or given by a traffic control device;

- (n) the use of lamps located on vehicles;
- (o) the operation of vehicles in relation to other vehicles that are
 - (i) emergency vehicles;
 - (ii) maintenance vehicles;
 - (iii) school buses;
- (p) the speed at which vehicles may be operated;
- (q) the operation of slow moving vehicles;
- (r) the obligations of drivers with respect to the operation of vehicles;
- (s) the actions of persons in relation to the operation or use of vehicles;
- (t) the operation of vehicles in relation to other vehicles that are participating in processions and parades;
- (u) the walking on and use of highways by pedestrians;
- (v) the riding, driving and herding of animals on a highway.

Operation of
vehicles

113(1) The Lieutenant Governor in Council may make regulations

- (a) governing the driving and operation of
 - (i) emergency vehicles;
 - (ii) maintenance vehicles;
 - (iii) school buses;
 - (iv) cycles;
- (b) governing the use of vehicles in relation to
 - (i) peace officers,
 - (ii) emergency vehicle personnel,
 - (iii) maintenance vehicle personnel, and
 - (iv) tow truck personnel

who are carrying out functions, duties or work on or in relation to a highway or vehicles or persons located on or using a highway.

(2) Subject to the regulations made under subsection (1), in the case of a highway or a portion of a highway

- (a) that is under the direction, control and management of the Minister, the Minister may make a regulation, or
- (b) that is under the direction, control and management of a municipality, the municipality may pass a bylaw,

governing the times during which, the locations at which or the circumstances under which, as the case may be, the alternately flashing lights and stop arm on a school bus may be, shall be or shall not be used while the school bus is operating on that highway or that portion of highway.

Peace officers **114** The Lieutenant Governor in Council may make regulations providing for and governing the powers of peace officers to give orders and directions to persons concerning the actions of persons or in relation to matters arising under the regulations made under this Division and the consequences as a result of and sanctions that may be imposed on persons not following those orders or directions.

Prohibited operation of vehicles, etc. **115(1)** For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for persons using the highway.

(2) A person shall not do any of the following:

- (a) except where otherwise provided for under this Act, drive a vehicle in a manner contrary to the Rules of the Road or regulations governing the operation of vehicles;
- (b) drive a vehicle on a highway in a manner that constitutes driving carelessly;
- (c) drive a vehicle on a highway in a race unless authorized pursuant to a permit issued under subsection (3);
- (d) drive a vehicle on a highway on a bet or wager;

- (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;
- (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;
- (g) drive a non-repairable vehicle on a highway;
- (h) drive a salvage motor vehicle on a highway unless it is being operated for the purposes of conducting a road test under the regulations;
- (i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;
- (j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;
- (k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;
- (l) where the person is the driver of a vehicle, exchange places with any other person when the vehicle is in motion;
- (m) exchange places with the driver when the vehicle is in motion;
- (n) operate an over-dimensional vehicle on a highway other than in accordance with the terms and conditions specified in a permit or under this Act;
- (o) where the person holds an operator's licence classified as a learner's operator's licence or a probationary operator's licence, drive a motor vehicle if there is alcohol in that person's body;
- (p) drive a vehicle on a highway at a speed that is greater than the maximum speed limit established or prescribed for that highway under this Act;
- (q) drive a vehicle on a highway at a speed that is less than the minimum speed limit established or prescribed for that highway under this Act;

- (r) where a maximum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of time at a speed that is greater than the maximum speed limit established or prescribed for that highway for that period of time;
 - (s) where a minimum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of time at a speed that is less than the minimum speed limit established or prescribed for that highway for that period of time.
- (3) Notwithstanding subsection (2)(c), the Registrar or the road authority may issue a permit authorizing a race to be held on a highway subject to any terms or conditions that the Registrar or the road authority considers appropriate.

Regulations

116 The Minister may make regulations

- (a) governing any matter with respect to
 - (i) the loading of and the transporting of goods on vehicles,
 - (ii) the towing of vehicles, and
 - (iii) the transporting of passengers by vehicles;
- (b) governing any matter with respect to
 - (i) the dimensions of vehicles, including any goods transported on a vehicle;
 - (ii) the operation of over-dimensional vehicles;
 - (iii) the operation of vehicles that may be a hazard to users of a highway by reason of a vehicle's unusual or novel size, dimension or shape;
- (c) governing any matter respecting the amount of noise, sounds or substances that may be emitted, given off or made by a vehicle;
- (d) governing any matter respecting trailers, the towing of trailers and the transporting of goods and persons by trailers;

- (e) governing any matter respecting the riding of persons on or in or the carrying of persons by vehicles;
- (f) governing any matter respecting the safe use and operation of vehicles;
- (g) limiting the operation of vehicles during specific periods of time;
- (h) governing any matter respecting the equipping of vehicles with and the use of flashing lights;
- (i) designating vehicles as emergency response units and governing any matter respecting the use and operation of those vehicles;
- (j) governing any matter respecting traffic control devices;
- (k) governing the prescribing and utilization of speed limits referred to in section 108(1)(g);
- (l) respecting the requirements for and the use of red light traffic enforcement devices.

PART 6

OFF-HIGHWAY VEHICLES

Definitions

117 In this Part,

- (a) “off-highway vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all terrain vehicles,
 - (vi) miniature motor vehicles,
 - (vii) snow vehicles,

(viii) minibikes, and

(ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

(x) motor boats, or

(xi) any other vehicle exempted from being an off-highway vehicle by regulation;

(b) “vehicle” means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.

Application of
Act

118(1) When a person drives an off-highway vehicle on a highway,

(a) the driving of that vehicle by that person on the highway is, and

(b) the obligations on the person driving the vehicle and any person riding in or on that vehicle while the vehicle is located on the highway are,

except as otherwise provided for under this Act, subject to the other Parts of this Act in the same manner as if the off-highway vehicle were a vehicle as defined in section 1.

(2) When a person drives an off-highway vehicle in a location other than on a highway,

(a) the driving of that vehicle by that person is, and

(b) the obligations on the person driving the vehicle and any person riding in or on that vehicle are,

except as otherwise provided for under this Act, subject to this Part and sections 53(1)(b), 160(1) and (2) and 169(2)(j), (k), (l) and (m).

(3) In sections 64, 70, 71 and 81, any reference to a vehicle includes a reference to an off-highway vehicle.

Registration

119(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive or permit another person to drive an off-highway vehicle unless there is a subsisting certificate of registration issued in respect of that vehicle;
 - (b) drive an off-highway vehicle unless the vehicle is an insured motor vehicle;
 - (c) where a person is the registered owner of an off-highway vehicle, permit another person to drive the vehicle unless the vehicle is an insured motor vehicle;
 - (d) unless an off-highway vehicle is an insured motor vehicle,
 - (i) apply for the registration of the off-highway vehicle, or
 - (ii) obtain the registration of the off-highway vehicle.
- (2)** Subsection (1)(a), (b) and (c) do not apply to the driving of an off-highway vehicle while the off-highway vehicle is being driven
- (a) on land owned by the person driving the off-highway vehicle, or
 - (b) on land owned by some other person if that other person has expressly or impliedly consented to the driving of that off-highway vehicle on that land.
- (3)** If the registration of an off-highway vehicle is suspended under this Act, the off-highway vehicle is still registered for the purposes of subsection (1)(b), (c) and (d).
- (4)** Where a person is found guilty of a contravention of subsection (1)(b), (c) or (d) or section 124(6), the Registrar may cancel the certificate of registration in respect of every off-highway vehicle owned by the person.
- (5)** Where the Registrar has cancelled a certificate of registration for a contravention of subsection (1)(b), (c) or (d), the Registrar shall not issue a new certificate of registration for that off-highway vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

Prohibited
operation

120(1) For the purposes of this section, a driver of an off-highway vehicle is driving carelessly if that driver drives the off-highway vehicle

- (a) without due care and attention, or

- (b) without reasonable consideration for other persons or property.

(2) A person shall not do any of the following:

- (a) drive an off-highway vehicle on any property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly;
- (b) except as permitted under this Act, drive an off-highway vehicle on any portion of a highway;
- (c) permit another person to drive an off-highway vehicle in contravention of this Act.

(3) A driver of an off-highway vehicle may drive the off-highway vehicle across any highway, including the roadway, parking lane or sidewalk portion of the highway, as the case may be, if

- (a) the driver stops the off-highway vehicle before driving it on the highway or portion of the highway to be crossed,
- (b) all passengers disembark from the off-highway vehicle and any vehicle or thing attached to it before the driver commences to drive the off-highway vehicle across the highway,
- (c) the driver yields the right of way to all other vehicles and persons on the highway, and
- (d) the driver drives the off-highway vehicle across the highway or portion of the highway to be crossed by the most direct and shortest route of travel available to the driver.

(4) Notwithstanding subsection (2)(b),

- (a) in the case of any highway or class of highway under the Minister's direction, control and management,
 - (i) the Minister may by order authorize persons to drive off-highway vehicles along any portion of that highway, or
 - (ii) the Minister may issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
- (b) in the case of any highway or class of highway that is under the direction, control and management of a

municipality, the council of the municipality may by bylaw authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;

- (c) in the case of any highway or class of highway that is under the direction, control and management of a Minister other than the Minister of Transportation and Utilities, that Minister may by order authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway.

(5) A permit, order or bylaw issued or made under this section may do one or more of the following:

- (a) prescribe terms and conditions, or either of them, under which an off-highway vehicle may be operated on a highway;
- (b) prescribe the maximum speed limits, not to exceed the maximum speed limits prescribed for vehicles under this Act, that are applicable to an off-highway vehicle;
- (c) prescribe the minimum speed limits that are applicable to off-highway vehicles;
- (d) prescribe routes to be used by off-highway vehicles.

(6) The *Regulations Act* does not apply to an order made under subsection (4)(a) or (c).

Duty of driver
re off-highway
vehicle

121(1) Notwithstanding anything in this Act, the driver of an off-highway vehicle shall at all times yield the right of way to all other classes of vehicles.

(2) When an off-highway vehicle is on or approaching a highway, the driver of the off-highway vehicle shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

Restriction on
municipality

122 Whether an off-highway vehicle is located on or off a highway, the council of a municipality does not, except where this Act or any other Act specifically provides for a contrary effect, have any power to make a bylaw that

- (a) forbids, in a manner contrary to or inconsistent with this Act, the operation of off-highway vehicles;
- (b) requires from any owner or driver of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle;

- (c) affects in any way the registration or numbering of off-highway vehicles.

Stopping for
peace officer

123(1) For the purposes of administering and enforcing this Act, a peace officer may

- (a) signal or direct a driver of an off-highway vehicle to stop the vehicle, and
- (b) request information from the driver of the off-highway vehicle and any passengers on or in the vehicle.

(2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of an off-highway vehicle shall

- (a) forthwith bring the vehicle to a stop,
- (b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
- (c) remain stopped until permitted by the peace officer to leave.

(3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in or on an off-highway vehicle who is acting in a manner that is contrary to this Act shall forthwith furnish to the peace officer the passenger's name and address.

Production of
documents

124(1) On the request of a peace officer, a person driving an off-highway vehicle shall produce to the peace officer for inspection the following documents as requested by the peace officer:

- (a) the person's subsisting operator's licence if the vehicle is being operated on a highway;
- (b) the subsisting certificate of registration issued in respect of that vehicle;
- (c) the subsisting financial responsibility card issued in respect of that vehicle.

(2) Subsection (1)(b) and (c) do not apply with respect to the operation of an off-highway vehicle while that vehicle is being operated on land and in the circumstances referred to in section 119(2).

(3) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the off-highway vehicle.

(4) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(5) A person who fails to produce to a peace officer a document as requested under subsection (1) or (4) is guilty of an offence.

(6) A person driving an off-highway vehicle is guilty of an offence if, when requested to produce a financial responsibility card under subsection (1), the person produces

- (a) a document that purports to be a financial responsibility card but that was not issued pursuant to the *Insurance Act*, or
- (b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

Onus

125 In a prosecution for an offence,

- (a) in the case of a contravention of or failure to comply with section 119(1)(b), (c) or (d), the onus is on the accused to show that, at the time of the offence, the vehicle was an insured motor vehicle, and
- (b) in the case of a contravention of or failure to comply with section 124, the onus is on the accused to show that, at the time of the offence, the accused held subsisting insurance at the time that the accused was required to produce a financial responsibility card.

Duty of driver,
etc. re
accident

126(1) Where an accident in which an off-highway vehicle is involved occurs off a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

- (a) remain at the scene of the accident, or if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and

(c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:

- (i) that person's name and address;
- (ii) the name and address of the owner of the vehicle;
- (iii) where the vehicle is a registered off-highway vehicle, the licence plate number of the vehicle;
- (iv) where the vehicle is an insured off-highway vehicle, a financial responsibility card issued in respect of that vehicle.

(2) The driver of an off-highway vehicle that

(a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon thereafter as is practicable

(i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle, or

(ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle,

or

(b) is involved in an accident resulting in damage to any property that is not dealt with under clause (a) or subsection (1), shall forthwith or as soon thereafter as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the vehicle.

(3) If the driver of an off-highway vehicle is incapable of providing the information required by subsection (1) or (2) and there is a passenger in or on the off-highway vehicle capable of providing the information, the passenger shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver of or passenger in or on the off-highway vehicle is not the owner of the off-highway vehicle, the owner shall forthwith on determining that that owner's off-highway vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of an off-highway vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

Seizure of
off-highway
vehicle

127 A peace officer who on reasonable and probable grounds believes that section 71, 119 or 120(2)(a) or (b) has been contravened may seize and detain any off-highway vehicle in respect of which the offence was committed until the final disposition of any proceedings taken under this Act, and section 170 applies to that off-highway vehicle as if it were a vehicle to which section 169 applies.

Municipal
bylaws

128 The council of a municipality may make bylaws that are not inconsistent with this Act, doing the following:

- (a) requiring persons driving or otherwise riding on or in an off-highway vehicle to wear helmets;
- (b) setting maximum speed limits respecting the operation of off-highway vehicles with respect to property that is not a highway that is located within the municipality and to which members of the public have access while operating off-highway vehicles.

Regulations

129 The Minister may make regulations

- (a) governing the driving and operation of off-highway vehicles;
- (b) exempting vehicles from being off-highway vehicles.

PART 7

COMMERCIAL MOTOR TRANSPORT

Interpretation **130(1)** In this Part,

- (a) “bus” means a motor vehicle
 - (i) that is designed for carrying 11 or more persons, including the person driving the vehicle, and
 - (ii) that is used or intended to be used for the transportation of persons,and includes any other motor vehicle designated as a bus by regulation;
- (b) “carrier” means an owner of a commercial vehicle in respect of which a certificate is issued or who holds a certificate or is required to hold a certificate;
- (c) “certificate” means,
 - (i) in the case of a commercial vehicle that is not a bus, a safety fitness certificate, and
 - (ii) in the case of a commercial vehicle that is a bus,
 - (A) a safety fitness certificate, and
 - (B) an operating authority certificate;
- (d) “compensation” means any rate, remuneration, reimbursement or consideration of any kind paid, payable or received, directly or indirectly;
- (e) “driver” includes a co-driver of a commercial vehicle who is travelling in the vehicle;
- (f) “exempted operator” means
 - (i) in the case of a commercial vehicle that is not a bus, the owner of a commercial vehicle in respect of which a safety fitness certificate is not required, and
 - (ii) in the case of a commercial vehicle that is a bus, the owner of a commercial vehicle in respect of which a safety fitness certificate and an operating authority certificate are not required;
- (g) “motor transport regulatory legislation” means

- (i) this Act,
 - (ii) in the case of a commercial vehicle that is a bus, a safety fitness certificate and the operating authority certificate issued in respect of the operating authority under which the bus is operated;
 - (iii) in the case of a commercial vehicle that is not a bus, a safety fitness certificate;
 - (iv) a permit;
 - (v) any term, condition or restriction to which an operating authority certificate, a safety fitness certificate or a permit is subject;
- (h) “passenger” means any person, other than the driver of a commercial vehicle, who is transported by a commercial vehicle;
- (i) “record” includes
- (i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and
 - (ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;
- (j) “Registrar of Corporations” means the Registrar as defined in the *Business Corporations Act*;
- (k) “road ban” means the maximum allowable weight that may be borne on a highway by a commercial vehicle pursuant to a regulation made under section 151 or a bylaw made under section 152;
- (l) “toll” or “rate” means a fee or rate charged, levied or collected
- (i) for the transportation of passengers or goods, or
 - (ii) for the use of a commercial vehicle;
- (m) “transportation” includes one or more of the following:
- (i) the driving or utilization of a commercial vehicle;

- (ii) the carrying of goods or passengers, or both, on or in a commercial vehicle;
 - (iii) the care, handling, assembly or storage of goods that are being carried in or on a commercial vehicle or that are in the possession or under the control of a carrier, permit holder or exempted operator or of a person on behalf of a carrier, permit holder or exempted operator and awaiting carriage or delivery by means of a commercial vehicle;
 - (iv) the handling of passengers awaiting carriage by means of a commercial vehicle;
 - (n) “vehicle inspection sign” means a traffic control device that is designed to indicate to the driver of a commercial vehicle that the driver of the vehicle is required to report to a vehicle inspection station;
 - (o) “vehicle inspection station” means a site or facility that is used by persons who are under the administration of or providing services on behalf of the Minister for the purposes of carrying out inspections under this Act and other duties and functions under motor transport regulatory legislation.
- (2) For the purposes of this Part and the regulations and bylaws made in respect of matters governed by this Part, a person operates a commercial vehicle if
- (a) the person drives the vehicle, or
 - (b) the person owns or otherwise has control over the vehicle and uses the vehicle for the provision of transportation in respect of that person’s undertaking, business, work or employment whether or not that person actually drives the vehicle.

Division 1 Operation of Commercial Vehicles

Use of
commercial
vehicles

131(1) Except as otherwise permitted under this Act, a person shall not do the following:

- (a) in the case of a commercial vehicle that is not a bus, operate the commercial vehicle on a highway unless the operation of that vehicle
 - (i) is carried out under the authority of a safety fitness certificate, or

- (ii) is exempted from the requirement of a safety fitness certificate being issued in respect of the vehicle;
- (b) in the case of a commercial vehicle that is a bus, operate the vehicle on a highway unless the operation of that vehicle
 - (i) is carried out under the authority of a safety fitness certificate and an operating authority for which an operating authority certificate is issued, or
 - (ii) is exempted
 - (A) in the case of a safety fitness certificate, from the requirements of a safety fitness certificate being issued in respect of the vehicle, and
 - (B) in the case of an operating authority certificate, from the requirements of an operating authority certificate being issued in respect of the vehicle;
- (c) operate a commercial vehicle on a highway unless the operation of the vehicle is carried out
 - (i) within the requirements of this Part and the regulations made in respect of matters governed by this Part, and
 - (ii) where a certificate is required in respect of that vehicle, within the terms and conditions of the certificate granted in respect of that vehicle;
- (d) operate a commercial vehicle in a manner that is prohibited under or does not comply with motor transport regulatory legislation;
- (e) dump or unload on a highway or at a vehicle inspection station any goods being transported by a commercial vehicle unless otherwise authorized to do so by a peace officer, an employee of the Government who is under the administration of the Minister or a person performing services on behalf of or for the Minister;
- (f) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight for that vehicle provided for under this Act;
- (g) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle

exceeds the maximum weight specified on the certificate of registration issued in respect of that vehicle;

- (h) operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight specified in a permit issued in respect of that vehicle;
- (i) except where authorized by permit, operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified for that bridge;
- (j) operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that bridge;
- (k) except where authorized by permit, operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight allowed for that vehicle under the road ban;
- (l) operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that road ban;
- (m) operate a commercial vehicle on a highway if any portion or part of the vehicle exceeds the dimensions prescribed in a permit or under this Act;
- (n) solicit or undertake to arrange the transportation of passengers or goods by means of a vehicle operated on a highway unless the person by, for or on behalf of whom the vehicle is operated is authorized under this Act to transport passengers or goods in accordance with the solicitation or undertaking.

(2) For the purposes of

- (a) clauses (b) and (c) and subsection (1)(f) to (m), “vehicle” includes any goods carried on or in a vehicle;
- (b) subsection (1)(k) and (l), “permit” means a permit issued to a person specifically allowing a vehicle to be operated on a highway that is subject to a road ban when the weight of the vehicle is in excess of that allowed under the road ban;
- (c) subsection (1)(i), where a sign is erected indicating the maximum allowable weight that may be carried by a vehicle on a bridge, the weight indicated on the sign is the

maximum weight specified for the bridge in respect of which the sign is erected.

Cancellation of
certificate

132(1) In this section, “transportation legislation” means,

- (a) motor transport regulatory legislation, and
- (b) in addition to motor transport regulatory legislation, any of the following designated by regulations made under section 156 as transportation legislation:
 - (i) any federal Act or provision of a federal Act that relates to transportation;
 - (ii) any provincial Act or provision of a provincial Act that relates to transportation;
 - (iii) any federal regulation or provision of a federal regulation that relates to transportation;
 - (iv) any provincial regulation or provision of a provincial regulation that relates to transportation;
 - (v) any certificate, authorization, licence, permit or order that relates to transportation that is issued, granted, provided or otherwise made under any Act or regulation referred to in subclauses (i) to (iv).

(2) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or
- (b) a driver of the commercial vehicle who is employed or otherwise engaged by a carrier,

is not complying with or is contravening any transportation legislation, the Registrar may, on 15 days’ written notice to the carrier, suspend or cancel any certificate issued in respect of that carrier.

(3) Where a certificate is issued to a carrier that is a corporation and the corporation is dissolved, the Registrar may, on 15 days’ written notice to the person who in the opinion of the Registrar was the manager or a senior officer of the corporation, cancel that certificate.

(4) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or
- (b) an exempted operator,

is not complying with or is contravening any transportation legislation, the Registrar may on 15 days' written notice to the carrier or exempted operator, as the case may be, do one or more of the following:

- (c) suspend or cancel the certificate of registration of the commercial vehicle;
- (d) cause the licence plates issued in respect of the commercial vehicle to be seized and detained.

(5) Notwithstanding that a 15-day notice period is prescribed under subsection (2), if the Registrar is of the opinion that

- (a) the safety of the driver or the public is in jeopardy with respect to the operation of a commercial vehicle, or
- (b) the requirements relating to the insuring of the commercial vehicle have not been met,

the Registrar may take action under subsection (2) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(6) In giving a notice under subsection (2) or (3), the Registrar may give the notice subject to any terms or conditions that the Registrar considers appropriate in the circumstances.

(7) Where the Registrar suspends or cancels a certificate, the carrier shall, within the period of time set by the Registrar, deliver to the Registrar the document held by that carrier that evidences the issuing of the certificate.

(8) Where a carrier does not comply with subsection (7), a peace officer shall, when directed to do so by the Registrar, attend on the carrier and take possession of the document held by the carrier that evidences the issuing of the certificate.

(9) Where a certificate is or is to be suspended or cancelled pursuant to this section, that suspension or cancellation may take place without a hearing being conducted or an opportunity for representations being given, but

- (a) an appeal in respect of the suspension or cancellation may be commenced under section 43, and
- (b) interim relief may be granted under section 43,

at any time after the giving of the notice respecting the suspension or cancellation, whether or not the suspension or cancellation is in effect.

Non-payment
of fees or
charges

133 When a fee or charge provided for pursuant to this Act, or a fee or charge provided for pursuant to the laws of a jurisdiction outside of Alberta that is similar in nature to a fee or charge provided for pursuant to this Act,

- (a) is imposed on a carrier but not paid, the Registrar may suspend or cancel any certificate or permit issued to that carrier, or
- (b) is imposed on an exempted operator but not paid, the Registrar may suspend or cancel any permit issued to that exempted operator.

Division 2 Compliance

Definition

134 In this Division, “commercial vehicle” includes any vehicle that a peace officer has reasonable grounds to believe is a commercial vehicle and includes any goods being carried by the vehicle.

Purposes of
inspections

135 For the purposes of

- (a) administering motor transport regulatory legislation,
- (b) fostering compliance with motor transport regulatory legislation,
- (c) fostering the safe operation of commercial vehicles, and
- (d) preserving the physical condition of highways,

a peace officer may carry out inspections under sections 136 and 139 and determine weight pursuant to Division 3.

Inspections of
commercial
vehicles

136 A peace officer may carry out an inspection of a commercial vehicle and in respect of that inspection with respect to matters that come under this Act may do one or more of the following:

- (a) require the driver of the vehicle to stop the vehicle for the purposes of inspecting the vehicle;
- (b) enter the vehicle;

- (c) inspect the vehicle;
- (d) inspect
 - (i) any goods being carried by the vehicle, and
 - (ii) any record relating to any goods being carried by the vehicle;
- (e) weigh the vehicle or any portion or part of a vehicle and any goods being carried by the vehicle or any portion or part of the vehicle;
- (f) inspect any record relating to, issued or required under transportation legislation as defined in section 132(1);
- (g) inspect any record, object or thing that relates to the vehicle, its operation or any goods being carried by the vehicle;
- (h) make inquiries of any person who operates the vehicle being inspected under this section;
- (i) perform or cause to be performed tests or examinations of or in respect of the vehicle or any goods being carried by the vehicle.

Stopping for
peace officer

137 For the purposes of enabling an inspection to take place under section 136 or weight to be determined pursuant to Division 3, a driver of a commercial vehicle shall,

- (a) on being signalled or requested to do so by a peace officer who is readily identifiable as a peace officer, forthwith bring the vehicle to a stop, and
- (b) if requested to do so by the peace officer, forthwith take the vehicle to a vehicle inspection station as directed by the peace officer.

Vehicle
inspection
stations

138 When a vehicle inspection station sign

- (a) indicates that the vehicle inspection station is in operation, and
- (b) directs that a commercial vehicle or class of commercial vehicles is to be taken to the vehicle inspection station,

the driver of a vehicle that is subject to that direction shall, for purposes of enabling an inspection to take place under section 136,

- (c) forthwith take the vehicle to the vehicle inspection station, and
- (d) subject to any directions given by the person operating the vehicle inspection station,
 - (i) permit an inspection to take place, and
 - (ii) remain at the vehicle inspection station until the driver is informed by the person operating the vehicle inspection station that the inspection has been completed.

Inspections of
transportation
business
premises

139(1) In this section,

- (a) “safety services” means inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of commercial vehicles;
 - (b) “transportation business” means any undertaking by a carrier or the holder of a permit under which
 - (i) goods are received, shipped or transported,
 - (ii) commercial vehicles are operated, or
 - (iii) persons are transported;
 - (c) “transportation business premises” means premises that are used with respect to
 - (i) the operation of a commercial vehicle by a carrier or the holder of a permit,
 - (ii) the operation of a transportation business, or
 - (iii) the provision of safety services.
- (2)** A peace officer may do any one or more of the following:
- (a) during any time that any transportation business premises are open to the public or are in use, enter and inspect
 - (i) those premises, and
 - (ii) any commercial vehicle that is at the time of inspection located at or in the premises;
 - (b) inspect any records, objects or things that relate to

- (i) the provision of safety services in respect of a commercial vehicle, or
- (ii) the operation of a transportation business;
- (c) make inquiries of any person who
 - (i) drives a commercial vehicle that is operated by a carrier or the holder of a permit, or
 - (ii) is employed in the transportation business or the provision of safety services;
- (d) make inquiries of any carrier or holder of a permit with respect to the operation of a commercial vehicle.
- (3) Notwithstanding subsection (2)(a), a peace officer shall not enter a private residence without the permission of an adult resident of that residence.

Production of documents

- 140(1)** A person who is subject to an inspection under section 136 or 139 shall, when requested to do so by a peace officer, forthwith produce for inspection any record, object or thing that may be inspected under section 136 or 139.
- (2) A peace officer may remove the record, object or thing being inspected and make copies or take photographs of it.
 - (3) Where a peace officer removes a record, object or thing under subsection (2), the peace officer
 - (a) may retain possession of the record, object or thing only for the period of time that is reasonably required to make copies or take photographs of it, and
 - (b) shall, on the copies being made or photographs taken, return the record, object or thing to the person from whom it was taken.
 - (4) Notwithstanding subsection (3), when, on inspecting a record, object or thing, a peace officer is of the opinion that for the purposes of this Part the peace officer must retain possession of the record, object or thing for a longer period of time than that permitted under subsection (3), the peace officer may retain possession of the record, object or thing for a longer period of time if the peace officer gives to the person from whom the record, object or thing was taken a receipt for it.
 - (5) Where a peace officer retains possession of a record, object or thing pursuant to subsection (4), the peace officer shall, once the

record, object or thing has served the purposes for which it was retained, forthwith return the record, object or thing to the person from whom it was taken.

(6) If a peace officer retains possession of a record, object or thing under subsection (4), the peace officer shall, where requested to do so by the person from whom the record, object or thing was taken and if practicable to do so, provide to that person a copy or a photograph of that record, object or thing.

**Detention of
vehicle**

141(1) If a peace officer is of the opinion that in order

- (a) to determine or confirm the ownership of a commercial vehicle,
- (b) to determine whether a person who is a carrier or an exempted operator is complying with motor transport regulatory legislation,
- (c) to determine whether a commercial vehicle meets the requirements of motor transport regulatory legislation, or
- (d) to determine whether a commercial vehicle is being operated in accordance with motor transport regulatory legislation,

it is necessary to detain the vehicle, the peace officer may, subject to section 142, detain the vehicle for not more than 72 hours or such longer period that is reasonable under the circumstances.

(2) Where a commercial vehicle is detained, a peace officer may

- (a) cause the vehicle to be removed to and stored in a suitable place, and
- (b) carry out any of those functions that may be carried out under sections 136, 139 and 140.

**Review by
Court**

142(1) Where a peace officer is unable to detain a commercial vehicle under section 141, the peace officer may apply to the Court of Queen's Bench for an order directing that the vehicle be seized for the purposes of section 141.

(2) Where a peace officer wishes to detain a commercial vehicle under section 141 for a longer period of time than that permitted under section 141, the peace officer may apply to the Court of Queen's Bench for an order authorizing the vehicle to be detained for a longer period of time.

(3) Where a commercial vehicle is detained under section 141, the owner or driver of the vehicle may apply to the Court of Queen's Bench for an order directing that the detained vehicle be released to the owner or the driver, as the case may be.

(4) An application under this section shall be by way of an originating notice.

(5) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting any relief that the Court considers appropriate pending the determination of the application.

(6) An interim application under subsection (5) may be made ex parte if the Court considers it appropriate in the circumstances.

(7) On hearing an application, the Court may do one or more of the following:

(a) in the case of an application made under subsection (1), direct that the commercial vehicle be seized;

(b) in the case of an application made under subsection (2),

(i) direct that the commercial vehicle be detained for a longer period of time, and

(ii) set out the period of time for which the commercial vehicle may be detained;

(c) in the case of an application made under subsection (3), direct that a commercial vehicle be released from detention;

(d) in the case where a commercial vehicle is detained under section 141 or is to be detained pursuant to a seizure referred to in clause (a),

(i) give directions as to where and how the vehicle shall be seized or detained, as the case may be;

(ii) direct that the vehicle be released subject to security being provided to the Government in the form and an amount determined by the Court;

(iii) give directions as to the disposition of the security given;

(e) dismiss the application;

- (f) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (g) award costs in respect of the matter.

Administrative
penalties

143(1) In this section,

(a) “regulated person” means

- (i) a carrier;
- (ii) an exempted operator;
- (iii) a driver of a commercial vehicle;
- (iv) a person engaged in carrying out safety services as defined in section 139;
- (v) a holder of a permit issued in respect of the operation of a commercial vehicle;

(b) “regulatory legislation” means

- (i) motor transport regulatory legislation, and
- (ii) transportation legislation referred to in section 132(1)(b).

(2) Where the Registrar is of the opinion that a regulated person has failed to comply with regulatory legislation, the Registrar may, subject to the regulations, by notice in writing given to the regulated person, require that regulated person to pay to the Government an administrative penalty in an amount set out in the notice, not to exceed \$10 000

(a) for the failure to comply, or

(b) for each day or part of a day that the failure to comply occurs or continues.

(3) A regulated person who pays an administrative penalty in respect of a failure to comply may not be charged under this Act with an offence in respect of that failure to comply.

(4) Where a regulated person fails to pay an administrative penalty in accordance with a notice under subsection (2), the Government may recover the amount owing in respect of the penalty by an action in debt.

Vicarious liability

144(1) In this section, “related function” means

- (a) the loading of goods on or into a commercial vehicle;
- (b) the adjusting or rearranging of goods being carried by a commercial vehicle;
- (c) the unloading or removal of goods from a commercial vehicle;
- (d) the provision of documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle;
- (e) the giving of directions, directives, instructions or orders respecting the operation of the commercial vehicle.

(2) With respect to a commercial vehicle, where a person other than the carrier responsible for the commercial vehicle carries out a related function in respect of that commercial vehicle and as a result of carrying out that related function this Act is not complied with, that person and the carrier are jointly and severally liable for that non-compliance.

(3) Subsection (2) does not apply to a person referred to in subsection (2) who is not the carrier if that person establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person.

(4) Subsection (2) does not apply to a carrier if that carrier establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that carrier.

Division 3 Weight

Weighing of vehicle

145 Where a commercial vehicle is stopped by a peace officer for the purpose of determining the weight of or being carried on a commercial vehicle, the driver of the commercial vehicle shall, if directed to do so by the peace officer, forthwith take the vehicle as directed by the peace officer to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

Checking of weight by portable scales, etc.

146(1) When a peace officer has reason to believe that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver

of the vehicle to allow the weight to be measured by means of a portable scale.

(2) When a portable scale is used to measure weight under subsection (1), the peace officer shall advise the driver of the vehicle that the driver has the right to take the vehicle forthwith to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

No alteration
or
redistribution
of weight

147 From the time that a driver

- (a) is directed by a peace officer under section 145 to take a commercial vehicle to a vehicle inspection station or a stationary scale, or
- (b) elects to exercise the right provided for under section 146(2),

whichever is the earlier, that driver shall ensure that no alteration in or redistribution of the weight of or on the vehicle occurs from that time until after the weight of the vehicle is finished being measured or a peace officer otherwise permits the alteration in or redistribution of the weight.

Reduction of
weight

148(1) When a peace officer determines that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to stop the vehicle in a suitable place and remain there until a sufficient portion of the goods being carried by the vehicle are redistributed or removed, as the case requires, to reduce weight so that the weight of or carried on the vehicle complies with that permitted under this Act or a permit.

(2) Where goods or any portion of the goods being carried are redistributed or removed under subsection (1), the handling and storage, or either of those functions, as the case may be, of the goods or any portion of the goods remains the responsibility of the driver of the vehicle and the owner of the vehicle and, in the case where the carrier is not the owner of the vehicle, the carrier.

Penalty re
excess weight

149 Where a person is guilty of an offence by reason of that person contravening or failing to comply with

- (a) section 131,
- (b) a regulation made under this Act, or

- (c) a permit

with respect to the maximum weight of or that may be carried by or on a commercial vehicle, that person is liable to a penalty as prescribed by regulation.

Certificates of weight

150(1) In a prosecution under this Act or a bylaw, a certificate or a statement of accuracy

- (a) purporting to be issued and signed by an inspector under the *Weights and Measures Act* (Canada), and
- (b) bearing a date that is not more than one year before or after the day on which the offence was charged,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate or the statement of accuracy without proof of the signature or official character of the person who signed the certificate or the statement of accuracy.

(2) A certificate purporting to be signed by a peace officer

- (a) stating that the peace officer weighed a vehicle on a scale, and
- (b) setting out either
 - (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
 - (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate if the scale is inspected under the *Weights and Measures Act* (Canada) and a certificate described in subsection (1) is issued in respect of the scale.

(3) In a prosecution under this Act or a bylaw, a certificate purporting to be signed by a peace officer or a person authorized by the Registrar

- (a) stating that the weight of a vehicle was measured on a portable scale or other scale,
- (b) setting out either

- (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
- (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

and

- (c) stating that the driver of the vehicle agreed to accept the weight determined as being accurate,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate.

Establishment
of weights for
vehicles

151 The Minister may make regulations in respect of commercial vehicles

- (a) governing any matter with respect to the weight that may be carried on a highway, including any bridge that forms part of a highway, by or on
 - (i) a commercial vehicle;
 - (ii) an axle or an axle group of a commercial vehicle;
 - (iii) a tire or a group or combination of tires of a commercial vehicle;
 - (iv) any other portion or part of a commercial vehicle;
- (b) governing any matter with respect to
 - (i) road bans and their establishment,
 - (ii) the criteria under which road bans may be established,
 - (iii) delegating the authority to establish road bans, and
 - (iv) exempting the establishment of road bans from the operation of the *Regulations Act*;
- (c) prescribing and governing any matter with respect to or the imposition of penalties or a graduated series of penalties in respect of vehicles that are carrying weight that is in excess of that permitted under this Act or a permit.

Municipalities
re weight for
vehicles

152(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, a council of a municipality may, for the physical preservation of a highway under its direction, control and management, including any bridge that forms part of that highway, make bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the vehicle, to weight that is less than the weight that may be borne under this Act.

(2) Where there is a conflict between

- (a) a bylaw made under subsection (1), and
- (b) a provision of this Act or a permit,

this Act or the permit, as the case may be, prevails.

(3) The council of a municipality may by bylaw delegate to an employee of the municipality or to a committee established by the council the power to impose road bans.

(4) Where under subsection (1) a council of a municipality imposes a prohibition, limitation, condition or restriction in respect of a highway, the council shall cause signs to be erected along the highway as the council considers necessary to notify persons using commercial vehicles on the highway of the prohibition, limitation, condition or restriction.

(5) Where, with respect to commercial vehicles,

- (a) a penalty is provided by bylaw in respect of overweight vehicles, and
- (b) the penalty is greater than the penalty provided for under this Act in respect of overweight vehicles for a similar matter,

the penalty provided for under this Act in respect of overweight vehicles shall apply as if it had been provided for under the bylaw.

(6) With respect to an improvement district or a special area,

- (a) where a council of a municipality is empowered to make bylaws under subsection (1),
 - (i) the Minister, in the case of an improvement district, or
 - (ii) the Minister of Municipal Affairs, in the case of a special area,

may make regulations in respect of the matters for which a council may make bylaws under subsection (1);

- (b) a regulation made under this section shall be treated for the purposes of this Act as if it were a bylaw made under this Act;
- (c) in the case of an improvement district, the Minister may in writing delegate to an employee of the Government the power to make regulations for the purposes of imposing and governing road bans under subsection (1);
- (d) in the case of a special area, the Minister of Municipal Affairs may in writing delegate to the Minister or an employee of the Government or authorize the Minister to delegate to an employee of the Government, the power to make regulations for the purposes of imposing or governing road bans under subsection (1).

Division 4 General Matters

Restriction on
municipality

153(1) The council of a municipality shall not impose a fee or charge in respect of the operation of a commercial vehicle by a person who is a carrier, a holder of a permit or an exempted operator, other than

- (a) a business tax, where the person maintains an office within the boundaries of the municipality, or
- (b) a property tax, where a municipality is authorized to impose a property tax.

(2) Subsection (1) does not apply to the imposition of a fee or charge by a council of an urban area on a person who is a carrier, a holder of a permit or an exempted operator carrying on business within the limits of the urban area if the major portion of that person's revenue is obtained within the boundaries of that urban area.

Penalty re
offences

154(1) A person who is guilty of an offence referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is subject to a fine of not more than \$25 000.

(2) A person who is guilty of an offence referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is not liable to imprisonment in respect of that offence.

(3) The Minister may make regulations governing fines referred to in subsection (1), including setting a maximum or minimum amount for a fine, but shall not increase a fine to an amount greater than the maximum amount prescribed in subsection (1).

(4) Subsection (1) does not apply where a penalty is otherwise prescribed under this Part or the regulations made in respect of matters coming under this Part.

Bills of lading,
etc.

155 In a prosecution under this Act, a document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to the goods or passengers being transported by a commercial vehicle

- (a) that is produced to a peace officer by the carrier or the owner or driver of the vehicle,
- (b) that is a copy of that document and that is certified by a peace officer as being a true copy of the document, or
- (c) that is a copy made under this Act of that document,

shall be admitted in evidence as prima facie proof of

- (d) the origin and destination of the trip,
- (e) the description of the goods or passengers transported, and
- (f) the carrier, owner, driver or lessee of the vehicle,

without proof of the signature or official character of the person who signed or certified the copies of the document.

Regulations

156 The Minister may make regulations

- (a) establishing and governing with respect to carriers a program under which persons are assessed defaults or demerit points for a contravention of or failure to comply with
 - (i) motor transport regulatory legislation, and
 - (ii) transportation legislation referred to in section 132(1)(b);
- (b) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (a);

- (c) providing for a person who does not own a commercial vehicle or a class or type of commercial vehicle but who, as an integral part of that person's business, uses the services of a commercial vehicle to be treated under this Act as if that person were the owner of that commercial vehicle;
- (d) exempting or providing for the granting of an exemption of the operation of commercial vehicles from the requirement of a certificate;
- (e) governing any matter with respect to the operation of and the provision of services using commercial vehicles for commercial and business purposes;
- (f) governing any matter with respect to driving and the physical operation of a commercial vehicle;
- (g) governing any matter with respect to bills of lading and the conditions of carriage of and the insuring of goods and passengers being transported by commercial vehicles and the provision of bonds or other security respecting the operation of commercial vehicles;
- (h) governing signage on or in respect of commercial vehicles;
- (i) prescribing and governing classes or types of carriers;
- (j) for the purposes of this Part, designating what constitutes transportation legislation;
- (k) for the purposes of section 143, respecting the form and contents of notices relating to administrative penalties;
- (l) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed \$10 000 for each contravention;
- (m) prescribing limitation periods for the giving of notices of administrative penalties;
- (n) respecting any other matter necessary for the administration of the system of administrative penalties;
- (o) designating a motor vehicle, or a class of motor vehicles, as a bus.

PART 8
ENFORCEMENT, RIGHTS, REMEDIES
AND OBLIGATIONS

Division 1
Offences

- Offences **157(1)** A person is guilty of an offence who contravenes or fails to comply with one or more of the following:
- (a) section 51, 52(1), 53, 54(1), 61(2), 65, 66(5), 68(2), 69(1), 69(2), 69(3), 69(4), 69(5), 69(6), 70, 71, 76(1), 80, 90(3), 90(6)(b), 94, 111, 115(2), 119(1), 120(2), 120(3), 121, 123(2), 123(3), 131(1), 137, 138, 140(1), 145, 147, 166(2), 166(3), 166(4), 173(4), 176(2), 183 or 188;
 - (b) a regulation made under this statute where the regulation specifies that it is an offence to contravene or fail to comply with the regulation;
 - (c) a certificate as defined in section 130(1)(c);
 - (d) an order made under section 120(4);
 - (e) a permit;
 - (f) any terms or conditions to which a certificate as defined in section 130(1)(c) or a permit is subject.
- (2)** When an information is laid or a summons or a violation ticket is issued by a person in respect of an offence referred to in subsection (1), that person shall on the information, summons or violation ticket, as the case may be, refer
- (a) to the provision that the accused is alleged to have contravened or failed to have complied with, and
 - (b) in the case of an offence with respect to section 115(2)(a), to the provision of the Rules of the Road or other regulations that the accused is alleged to have contravened or failed to have complied with.
- Punishment **158(1)** Except as otherwise provided in this Act, a person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine or other punishment as provided for under the *Provincial Offences Procedure Act*.
- (2)** A person who is guilty of an offence under section 52(1)(c), 65(1)(h) or (2) or 115(2)(g) or (h) 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.

(3) A person who is guilty of an offence under section 51(i) is liable to a fine of not less than \$300 and not more than \$2000 and in default of payment to imprisonment for a term of not less than 14 days and not more than 6 months.

(4) A person who is guilty of an offence under section 176 is liable to a fine of not less than \$200 and in default of payment to imprisonment for a term not exceeding 2 months.

Onus

159 In a prosecution for an offence,

- (a) in the case of a contravention of or failure to comply with section 51, the onus is on the accused to show that, at the time of the offence, the accused held a subsisting operator's licence;
- (b) in the case of a contravention of or failure to comply with section 52(1)(h) or 54, the onus is on the accused to show that, at the time of the offence, the vehicle was an insured motor vehicle;
- (c) in the case of a contravention of or failure to comply with section 167, the onus is on the accused to show that, at the time of the offence, the accused held subsisting insurance at the time that the accused was required to produce a financial responsibility card.

Owner liable

160(1) If a vehicle is involved in an offence referred to in section 157 or a bylaw, the owner of that vehicle is guilty of an offence.

(2) Subsection (1) does not apply if the owner of the vehicle satisfies the court that, at the time that the vehicle was involved in an offence referred to in section 157 or a bylaw,

- (a) in the case of a vehicle that was in motion,
 - (i) the owner of the vehicle was not driving the vehicle, and
 - (ii) no other person was driving the vehicle with the owner's expressed or implied consent,

and

- (b) in the case of a vehicle that was parked,
 - (i) the owner did not park the vehicle, and
 - (ii) no other person parked the vehicle with the owner's expressed or implied consent.

(3) An owner who is guilty of an offence under this section is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

Dismissal of
charge

161 Where a person is charged with an offence under this Act or a bylaw, the court trying the case may dismiss the charge if the person satisfies the court that the offence could not have been avoided by the exercise of reasonable care or precaution.

Disposition of
fines and
penalties

162(1) Subject to subsection (2), any fine or penalty imposed under this Act belongs to the Crown in right of Alberta.

(2) Any fine or penalty imposed under this Act in respect of an offence occurring in

- (a) a municipality that is an urban area, belongs to that municipality,
- (b) a municipal district or Metis settlement, other than on a highway designated as a primary highway pursuant to the *Public Highways Development Act*, belongs to the municipal district or Metis settlement, and
- (c) an Indian reserve, other than on a highway designated as a primary highway or a highway designated as a secondary road pursuant to the *Public Highways Development Act*, belongs to the band.

(3) For the purposes of subsection (2)(c), "band" and "reserve" mean a band and reserve as defined in the *Indian Act* (Canada).

Division 2 Evidence In Prosecutions

Certificates
and affidavits

163(1) In any prosecution under this Act or a bylaw, a certificate

- (a) stating the result of
 - (i) a test of

- (A) the speedometer of a vehicle identified in the certificate,
- (B) a device identified in the certificate and used for determining the accuracy of a radar device, or
- (C) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,

or

- (ii) a test of a red light traffic enforcement device,
- (b) bearing a date on it that is not more than,
- (i) in the case of a device referred to in clause (a)(i)(B), one year before or after the day on which the offence was charged,
 - (ii) in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 180 days before or after the day on which the offence was charged, or
 - (iii) in the case of a red light traffic enforcement device, 30 days before or after the day on which the offence was charged,

and

- (c) purporting to be signed by a tester who is appointed under this Act to test devices of the type stated in the certificate to have been tested,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.

(2) In any prosecution under this Act or a bylaw, a certificate purporting to be signed by a meteorologist and stating the time of sunrise or the time of sunset in any area on any day shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or qualifications of the person signing the certificate.

(3) In any proceedings under which a person is charged with failing to comply with the Rules of the Road relating to red lights shown at an intersection by a traffic control signal,

- (a) the evidence of any person involved in the installation, operation or use of a red light traffic enforcement device and the issuance of a violation ticket in respect of that failure to comply may be given by affidavit;
- (b) an affidavit referred to in clause (a) is, in the absence of evidence to the contrary, prima facie proof as to the facts stated in the affidavit;
- (c) a copy of an affidavit referred to in clause (a) must be served on the defendant by ordinary mail at that person's latest address, as indicated on the records of the Registrar, at least 14 days before the day of the hearing;
- (d) the defendant may, with leave of the court, require the attendance of any person giving evidence by affidavit pursuant to clause (a) for the purpose of cross-examination.

Traffic control
device

164(1) In any prosecution under this Act or a bylaw, the existence of a traffic control device is prima facie proof that the device was properly designated and erected by the proper authority without other or further proof.

(2) For the purposes of this Act or a bylaw, a traffic sign or device marked or erected pursuant to regulations under the *Government Property Traffic Act* (Canada) or the *National Parks Act* (Canada) is deemed to be a traffic control device as defined in this Act and to have been erected under the authority of this Act.

Engineer's
certificate

165 Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate or statement of accuracy

- (a) purporting to be signed by an engineer or land surveyor who is
 - (i) employed by the Government and under the administration of the Minister,
 - (ii) employed by a road authority other than the Minister, or
 - (iii) providing services to the Government or a road authority,

and

- (b) certifying the measured distance between those lines,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate or statement of accuracy without proof of the signature or official character of the person signing the certificate or statement of accuracy.

Division 3 Peace Officers

Stopping for
peace officer

166(1) For the purposes of administering and enforcing this Act or a bylaw, a peace officer may

(a) with respect to a vehicle,

(i) signal or direct a driver of a vehicle to stop the vehicle, and

(ii) request information from the driver of the vehicle and any passengers in the vehicle,

and

(b) with respect to a pedestrian using or located on a highway, request information from that pedestrian.

(2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of a vehicle shall

(a) forthwith bring the vehicle to a stop,

(b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and

(c) remain stopped until permitted by the peace officer to leave.

(3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in a vehicle who is acting in a manner that is contrary to this Act or a bylaw shall forthwith furnish to the peace officer the passenger's name and address.

(4) At the request of a peace officer who is readily identifiable as a peace officer, a pedestrian using or located on a highway in a manner contrary to this Act or a bylaw shall forthwith furnish to the peace officer the pedestrian's name and address.

Production of documents

167(1) On the request of a peace officer, a person driving or otherwise having the care or control of a motor vehicle or trailer shall produce to the peace officer for inspection the following documents as requested by the peace officer:

- (a) the person's subsisting operator's licence;
- (b) the subsisting certificate of registration issued in respect of the motor vehicle and any trailer attached to the motor vehicle;
- (c) the subsisting financial responsibility card issued in respect of that motor vehicle;
- (d) the customs permit issued in respect of the motor vehicle where a customs permit has been obtained in respect of the motor vehicle's entry into Canada.

(2) On the request of a peace officer a person who is engaged in supervising a student driver in a motor vehicle shall produce to the peace officer for inspection that person's operator's licence.

(3) Where a peace officer makes a request under subsection (1)(d), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document.

(4) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the vehicle if the vehicle

- (a) is being operated
 - (i) with dealer's licence plates,
 - (ii) by an appraiser who has custody of the vehicle for the purpose of appraising it, or
 - (iii) by a person who has custody of the vehicle for the purpose of repairing it,

or

- (b) is a newly acquired vehicle being operated with licence plates as allowed under the regulations.

(5) Subsection (1)(c) does not apply in respect of a motor vehicle that

- (a) is registered in a jurisdiction other than Alberta,

(b) is registered only as an antique motor vehicle, or

(c) is owned by the Crown.

(6) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(7) A person who fails to produce to a peace officer a document as requested under subsection (1), (2) or (6) is guilty of an offence.

(8) A person driving a motor vehicle is guilty of an offence and liable to the penalty and any other sanction provided for under section 54(4) to (7) if, when requested to produce a financial responsibility card under subsection (1), the person produces

(a) a document that purports to be a financial responsibility card but that was not issued pursuant to Part 7 of the *Insurance Act*, or

(b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

Seizure of
licence plates

168(1) If a peace officer has reasonable and probable grounds to believe

(a) that a vehicle is displaying licence plates that

(i) were not issued for that vehicle, or

(ii) were obtained by false pretenses,

or

(b) that a vehicle is located on a highway in contravention of section 54,

the peace officer may seize and take possession of the licence plates displayed on that vehicle.

(2) When licence plates are seized under subsection (1)(a) they may be retained by the peace officer until the facts concerning the issue of those licence plates have been determined or, if an information is laid, until the final disposition of the matter.

(3) When licence plates are seized under subsection (1)(b), they may be retained by the peace officer until the owner of the vehicle

is in compliance with the requirements of this Act respecting the insuring of the vehicle.

(4) If licence plates are not returned to the Registrar pursuant to a request made under this Act, a peace officer on the direction of the Registrar may seize those licence plates and return them to the Registrar.

Arrest without
warrant

169(1) A peace officer may arrest a person without warrant if the peace officer, on reasonable and probable grounds, believes that

- (a) the person has committed an offence in respect of any of the provisions set out in subsection (2), and
- (b) the person
 - (i) will continue or repeat that offence if not arrested, or
 - (ii) has provided the peace officer with inadequate or questionable information as to the person's identification.

(2) For the purposes of subsection (1), the following are the provisions for which a person may be arrested without a warrant:

- (a) sections 51(a) and 94 relating to the operation of a motor vehicle without having a subsisting operator's licence;
- (b) section 52(1)(a) and (d) relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) section 53(1)(b) relating to the displaying of a licence plate other than one authorized under this Act;
- (d) section 61 relating to the defacing of licence plates;
- (e) section 68(2)(a) relating to possession of a motor vehicle or serially numbered part,
 - (i) where a serial number or other authorized identifying number or mark is not displayed in the space provided for displaying that identification by the manufacturer, or
 - (ii) where the serial number has been removed, defaced, covered, altered or destroyed or become illegible;

- (f) section 69 relating to the duties of a driver of a vehicle at the scene of an accident;
- (g) section 115(2)(b) relating to driving a motor vehicle carelessly;
- (h) section 115(2) relating to driving a motor vehicle in a race or on a bet or wager;
- (i) section 115(2) and the Rules of the Road relating to the speed of motor vehicles;
- (j) section 120(2)(a) relating to driving an off-highway vehicle carelessly;
- (k) section 123(2) relating to the requirement that drivers of off-highway vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;
- (l) section 123(3) relating to the requirement that a passenger in or on an off-highway vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (m) section 126 relating to the duties of a driver of an off-highway vehicle at the scene of an accident;
- (n) section 166(2) relating to the requirement that drivers of motor vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;
- (o) section 166(3) relating to the requirement that a passenger in a motor vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (p) section 166(4) relating to the requirement that a pedestrian furnish to a peace officer who is readily identifiable as a peace officer the pedestrian's name and address when so required by the peace officer;
- (q) where designated by the regulations, the provisions of the regulations relating to tampering with motor vehicles;
- (r) where designated by the regulations, the provisions of the regulations relating to the defacement of signs.

170(1) In this section, “vehicle” includes any contents in the vehicle or goods being carried by the vehicle.

(2) Where a peace officer believes, on reasonable and probable grounds,

- (a) that any of the offences referred to in section 169 has been committed with or in relation to any vehicle,
- (b) that examination or testing of the vehicle will furnish evidence relevant to the offence, and
- (c) that the evidence could be lost if the vehicle is not seized at that time,

the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (4).

(3) When a peace officer has seized a vehicle pursuant to subsection (2), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the examination, testing or detention of the seized vehicle.

(4) On application under subsection (3), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

- (a) order the examination or testing of the seized vehicle;
- (b) order the further detention and storage of the vehicle;
- (c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

(5) An order made under subsection (4) may be renewed, amended or extended on application to the Provincial Court.

(6) In hearing an application pursuant to subsection (4), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(7) In hearing a trial of any offence relating to any vehicle seized pursuant to this section the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

(8) This section does not apply in respect of a motor vehicle that is seized or immobilized under section 173.

Seizure of
motor vehicle
re insurance
matters

171(1) Where a peace officer believes, on reasonable and probable grounds, that a person has committed an offence in respect of section 52(1)(h) or 54(1)(a), (b) or (c) in relation to the operation of a motor vehicle, the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (3).

(2) When a peace officer has seized a vehicle pursuant to subsection (1), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the seized vehicle to be detained until the final disposition of any proceedings that may be taken under this Act in respect of the offence for which the vehicle was seized.

(3) On application under subsection (2), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

(a) order that the seized vehicle be detained until the final disposition of any proceedings taken under this Act in respect of the offence for which the vehicle was seized;

(b) order that the seized vehicle be detained for a period of time that is less than that provided for under clause (a);

(c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

(4) An order made under subsection (3) may be renewed, amended or extended on application to the Provincial Court.

(5) In hearing an application pursuant to subsection (3), the Provincial Court may, if it orders the vehicle to be released to a

person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

(6) In hearing a trial of the offence in respect of which the vehicle was seized the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

24-hour
seizure or
immobilization
of vehicle

172 Where a person has been charged with an offence under

(a) section 253 or 254 of the *Criminal Code* (Canada), or

(b) section 130 of the *National Defence Act* (Canada) by reason of that person contravening section 253 or 254 of the *Criminal Code* (Canada),

a peace officer or another person authorized by a peace officer may, for a period of time not exceeding 24 hours from the time that the person was charged, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

Seizure or
immobilization
of motor
vehicle

173(1) Where a person has been charged with an offence under

(a) section 94,

(b) subsection 259(4) of the *Criminal Code* (Canada), or

(c) section 130 of the *National Defence Act* (Canada) by reason of that person contravening subsection 259(4) of the *Criminal Code* (Canada),

a peace officer, the Registrar or a person authorized by a peace officer or the Registrar shall, for a period of 30 days, or a lesser period of time as prescribed by regulation, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(2) Where

- (a) a person's operator's licence has been suspended or a person has been disqualified from driving a motor vehicle by virtue of being convicted of an offence referred to in subsection (1), and
- (b) within 3 years from the day of being convicted of the offence referred to in clause (a), that person is once again charged with an offence referred to in subsection (1),

a peace officer, the Registrar or a person authorized by a peace officer or the Registrar shall, for a period of 60 days, or a lesser period of time as prescribed by regulation, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(3) Subsection (2) applies only if the registered owner of the vehicle that is to be seized or immobilized under subsection (2) was the registered owner of the vehicle that was seized or immobilized under subsection (1).

(4) Subject to the regulations, no person shall release a motor vehicle from seizure or immobilization during the period of time that the seizure or immobilization of the motor vehicle is in effect.

Claim by
owner for
expenses

174 Where

- (a) a motor vehicle has been seized or immobilized under section 172 or 173,
- (b) the person driving the vehicle at the time of the seizure or immobilization was not the owner of the vehicle, and
- (c) the owner of the vehicle incurs expenses in respect of the release of the vehicle,

the owner of the motor vehicle may claim against the person who was driving the vehicle at the time of the seizure or immobilization any expenses incurred by the owner with respect to the release of the vehicle from the seizure or immobilization.

Personal
property

175(1) In this section, "personal property" means personal property other than personal property that is a part of a motor vehicle.

(2) Where personal property is in or on a motor vehicle that is seized or immobilized under section 172 or 173, that personal property is not subject to the seizure or immobilization and, subject

to the regulations, shall, on request, be returned to the person having claim to that personal property.

Repair of
damaged
vehicle

176(1) In this section, “repairs” means the repair of damage to a motor vehicle that arises out of

- (a) the vehicle having been in an accident that is required to be reported under this Act, or
- (b) the vehicle having been struck by a bullet.

(2) A person shall not commence repairs or direct or require repairs to be commenced on a motor vehicle

- (a) unless a notice in the form provided by the Registrar has been affixed to the motor vehicle, or
- (b) if no notice is affixed to the motor vehicle, until the person has been authorized to do so in writing,

by a peace officer or other person on behalf of the police service that provides policing services for the jurisdiction in which the vehicle was damaged.

Right of entry
to repair
shops, etc.

177(1) In this section, “taxi” means a motor vehicle

- (a) that has a seating capacity of not more than 10 persons, including the person driving the vehicle, and
- (b) that is used to transport passengers and their baggage to a requested destination,

but does not include a motor vehicle that is operated outside an urban area

- (c) at regular intervals,
- (d) in accordance with a set time schedule, or
- (e) over a specified route.

(2) A peace officer may, without permission, enter at any time between 6 a.m. and 9 p.m.,

- (a) the business premises of any dealer in motor vehicles or trailers or any person operating a taxi,

- (b) any place where motor vehicles or trailers or serially numbered parts of those vehicles are kept for sale, hire, dismantling, destruction or storage, or
- (c) any garage or place of business where motor vehicles or trailers are repaired,

for the purpose of ascertaining whether or not this Act is being complied with in respect of the vehicles located in that place and by the persons employed in that place.

Assistance to
peace officer

178(1) A person may assist another person who appears to be a peace officer in the carrying out of the duties of a peace officer under this Act if

- (a) requested to do so by that other person, and
- (b) the person to whom the request is made reasonably believes that the other person making the request for assistance is in fact a peace officer.

(2) In making a request under subsection (1), a peace officer shall not request a person

- (a) to operate a vehicle in pursuit of another vehicle, or
- (b) to carry out a function that would place the person in a position of apparent abnormal danger.

(3) When a person provides assistance pursuant to a request made under this section, that person is, with respect to providing the assistance, entitled to the same rights and protection under the law that a peace officer is entitled to.

(4) Nothing in subsection (3) shall be construed so as to waive or restrict any rights or protection under the law to which the person providing the assistance would be entitled if that person were not providing the assistance.

Division 4

Pleas, Appeals, Prohibitions and Surrender of Licences

Guilty pleas

179 For the purposes of this Act, a person who pleads guilty to an offence referred to in this Act is deemed to have been found guilty of that offence.

Surrender of
operator's
licence

180 When, after a finding of guilt,

- (a) the operator's licence of a person is suspended, or
- (b) a person is disqualified from holding an operator's licence,

the court shall by order require that person to surrender that person's operator's licence to the court and on the surrender of the licence the court shall cause the operator's licence to be forwarded to the Registrar.

Appeal

181(1) If a person who has been disqualified from driving a motor vehicle in Alberta appeals against that person's conviction, applies for leave to appeal against the conviction or applies to quash the conviction, the disqualification remains in effect unless

- (a) the court being appealed to or to which the application is made orders that the disqualification be stayed pending the disposition of the appeal or application, and
- (b) the appellant or applicant serves on the Registrar by personal service or by registered mail
 - (i) a copy of the notice of appeal, stated case, notice of motion or other document by which the appeal or application is commenced,
 - (ii) a copy of the document by which the application to stay the disqualification from driving a motor vehicle is commenced,
 - (iii) a copy of the order staying the disqualification, and
 - (iv) a notice setting out the person's full name, address, date of birth and operator's licence number.

(2) An application for a stay of the disqualification under subsection (1) must be brought by

- (a) a notice of motion, if the application is to be made in the same court as the appeal, application for leave to appeal or application to quash the conviction, or
- (b) an originating notice, if the application is not to be made in the same court as the appeal, application for leave to appeal or application to quash the conviction.

(3) The applicant must serve a copy of the application referred to in subsection (2) and the supporting documents on the Minister of

Justice and Attorney General or that Minister's agent on not less than 2 days' notice of the application.

(4) If the court on an appeal or application under subsection (1) confirms the finding of guilt,

- (a) a disqualification from driving a motor vehicle in Alberta that has been stayed under subsection (1) is revived on the day that the finding of guilt is confirmed, and
- (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(5) If an appeal, or an application described in subsection (1), of a person whose disqualification is stayed under subsection (1) is abandoned, withdrawn, discontinued or dismissed, the disqualification that has been stayed under subsection (1)

- (a) is automatically revived on the day the appeal or application is abandoned, withdrawn, discontinued or dismissed, and
- (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(6) If a disqualification from driving a motor vehicle in Alberta is revived under subsection (4) or (5), the person disqualified from driving is deemed to have knowledge of that revival and notice under this Act is not required to be served on that person.

Securing of
motor vehicle
document

182 If a person fails to return a suspended or cancelled motor vehicle document as required under this Act, a peace officer on the request of the Registrar shall secure possession of it and return it to the Registrar.

Failure to
surrender an
operator's
licence, etc.

183 A person shall not do the following:

- (a) fail to surrender or return to a court or the Registrar a suspended or cancelled motor vehicle document as required under this Act;
- (b) fail to deliver a suspended or cancelled motor vehicle document to a peace officer acting under section 182.

Division 5 Rights, Remedies and Obligations

Action for
negligence not
affected

184 Nothing in this Act shall be construed to curtail or abridge the right of any person to commence and maintain an action for damages by reason of any injuries to a person or any property resulting from

- (a) the negligence of the owner or driver of any motor vehicle, or
- (b) the negligence of any agent or employee of the owner of the motor vehicle.

Onus where
Act
contravened

185 If

- (a) a person sustains loss or damage arising out of the operation of a motor vehicle on a highway, and
- (b) that motor vehicle is operated by a person who is in contravention of or fails to comply with this Act,

the onus of proof in any civil proceeding that the loss or damage did not arise by reason of that contravention or failure to comply is on the owner or driver of the motor vehicle.

Onus on
owner or
driver

186(1) If a person sustains loss or damage by reason of a motor vehicle being in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

(2) This section does not apply in the case of an accident between motor vehicles on a highway.

(3) In this section, “motor vehicle” includes a self-propelled implement of husbandry.

When driver
deemed agent
of owner

187(1) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

- (a) was driving the motor vehicle, and
- (b) was living with and as a member of the family of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

(2) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

- (a) was driving the motor vehicle, and
- (b) was in possession of the motor vehicle with the consent, expressed or implied, of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

(3) Notwithstanding subsections (1) and (2), nothing in this section relieves any person who is deemed to be the agent or employee of the owner and to be driving the motor vehicle in the course of that person's employment from liability for the loss or damage.

False
statement

188 A person shall not knowingly make a false statement in a document, application, statement, declaration or accident report made under this Act.

PART 9

TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS, REPEALS AND COMING INTO FORCE

Transitional
provisions

189(1) In this section, "previous legislation" means

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act* (RSA 1980 cM-20);

- (c) the *Motor Transport Act* (SA 1992 cM-20.1);
 - (d) the *Motor Vehicle Administration Act*;
 - (e) the *Off-highway Vehicle Act*.
- (2) Where on the coming into force of this Act
- (a) a proceeding is in progress or pending
 - (i) before the Alberta Motor Transport Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board, or
 - (ii) before the Driver Control Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board;
 - (b) a reference is made in any enactment, order in council, agreement or document to the Alberta Motor Transport Board or the Driver Control Board, that reference is deemed to be a reference to the Alberta Transportation Safety Board;
 - (c) a reference is made to a provision of any Act repealed pursuant to this Act, that reference is deemed to be a reference to the appropriate corresponding provision of this Act;
 - (d) a person is subject to a prosecution for a failure to comply with an Act repealed pursuant to this Act, that prosecution shall be carried on as if that repealed Act had not been repealed;
 - (e) a person is disqualified from driving in Alberta, that person is disqualified under this Act from driving in Alberta;
 - (f) the registration of a vehicle has been suspended or cancelled, that registration is suspended or cancelled, as the case may be, under this Act;
 - (g) any licence plates issued in respect of a vehicle have been suspended or cancelled, those licence plates are suspended or cancelled, as the case may be, under this Act;
 - (h) a person's operator's licence is suspended, that operator's licence is suspended under this Act;
 - (i) any reference in any provision of an enactment, other than a provision that is amended by sections 192 to 214, to a vehicle that is a public vehicle as defined in the *Motor*

Transport Act (RSA 1980 cM-20) is deemed to be a reference to a commercial vehicle;

- (j) subject to clauses (a) to (i), any order, rule, regulation, direction, permit, instrument or document that was made, issued, created, registered or otherwise dealt with and every action taken, decision made or thing done under an Act repealed pursuant to this Act that could have been made, issued, created, registered, dealt with, taken or done under this Act if this Act had been then in force and that is still valid at the commencement of this section is deemed to have been made, issued, created, registered, dealt with, taken or done under this Act.

(3) The Minister may make regulations

- (a) respecting the transition of any matter from the previous legislation;
- (b) to deal with any difficulty or impossibility resulting from the transition from the previous legislation.

Transitional

190(1) In this section,

- (a) “Schedule” means the Schedule to this Act;
- (b) a reference to a suspension or disqualification is a reference to a suspension or disqualification under the Schedule and that is still in effect on the coming into force of sections 39 and 88 of this Act;
- (c) a reference to an on-going appeal is a reference to an appeal commenced under section 3 of the Schedule and that is still continuing on the coming into force of sections 39 and 88 of this Act;
- (d) a reference to a right of appeal is a reference to a right of appeal provided for under section 3 of the Schedule and that has not expired before the coming into force of sections 39 and 88 of this Act.

(2) On the coming into force of sections 39 and 88 of this Act,

- (a) all suspensions and disqualifications continue under those provisions;
- (b) all on-going appeals continue and shall be determined under those provisions;

- (c) all rights of appeal continue under and are subject to provisions;
- (d) notwithstanding clause (c), a right of appeal expires on the day provided for in the Schedule as if the Schedule had been repealed.

Regulations

191(1) The Lieutenant Governor in Council may make regulations in respect of matters coming under this Act that the Minister considers are not provided for or are insufficiently provided for by this Act.

(2) A regulation made under subsection (1) is repealed on the earliest of the following:

- (a) the coming into force of an amendment to a statute that provides for the matter dealt with in the regulation;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) the expiration of 2 years from the day that the regulation made under subsection (1) comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.

(4) A regulation shall not be made under subsection (1) after the expiration of 3 years from the day that this section comes into force, but any regulation made under subsection (1) that is in force on the expiration of that 3-year period remains in force until repealed under subsection (2).

(5) A regulation shall not be made under subsection (1) after the provisions of subsection (2) or extending the 3-year period provided for under subsection (4).

Amends SA
1984 cA-8.1

192 The *Agricultural Pests Act* is amended in section 1(1)(c) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends SA
1981 cB-15

193 The *Business Corporations Act* is amended in section 264(1)

- (a) by repealing clause (g) and substituting the following:

(g) it is, in respect of a commercial vehicle as defined in the *Traffic Safety Act*, the holder of a certificate of registration under the *Traffic Safety Act*, unless it neither picks up nor delivers goods or passengers in Alberta,

(b) in clause (h) by striking out “issued by the Alberta Motor Transport Board” and substituting “as defined in section 130 of the *Traffic Safety Act*”.

Amends SA
1991 cC-22.1

194 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule

(a) by striking out “Alberta Motor Transport Board”;

(b) by adding “Alberta Transportation Safety Board” after “Alberta Securities Commission”;

(c) by striking out “Driver Control Board”.

Amends RSA
1980 cC-29

195 The *Court of Queen’s Bench Act* is amended in section 9(1.1) by striking out “section 114(1)(a) of the *Motor Vehicle Administration Act*” and substituting “section 181(1)(a) of the *Traffic Safety Act*”.

Amends SA
1998 cD-3.5

196 The *Dangerous Goods Transportation and Handling Act* is amended in section 1

(a) in clause (g) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”;

(b) in clause (j)(ii) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends SA
1992 cE-13.3

197 The *Environmental Protection and Enhancement Act* is amended in section 1(ee) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends SA
1987 cF-22.5

198(1) The *Fuel Tax Act* is amended by this section.

(2) Section 1(1)(q)(i) is amended by striking out “public vehicle as defined under the *Motor Transport Act* or a fleet of public vehicles” and substituting “commercial vehicle as defined under the *Traffic Safety Act* or a fleet of commercial vehicles”.

(3) Section 2(1)(d) is amended by striking out “public vehicle” and substituting “commercial vehicle”.

(4) Section 4 is amended

(a) in subsection (3)(b), (b.1) and (c) by striking out “Highway Traffic Act” and substituting “Traffic Safety Act”;

(b) in subsection (3)(e) by striking out “public vehicle” and substituting “commercial vehicle”.

Amends SA
1994 cG-8.5

199 The Government Organization Act is amended by striking out Schedule 12 in section 12(5) by striking out “section 93 of the Motor Vehicle Administration Act” and substituting “section 93 of the Traffic Safety Act”.

Amends RSA
1980 cl-4

200 The Innkeepers Act is amended in section 1(c) by striking out “Motor Vehicle Administration Act” and substituting “Traffic Safety Act”.

Amends RSA
1980 cl-5

201(1) The Insurance Act (RSA 1980 cl-5) is amended by striking out this section.

(2) The following is added after section 21.4:

Definitions

21.5 In sections 21.6 to 21.9,

- (a) “licensed insurer” means an insurer that holds a licence authorizing the insurer to underwrite automobile insurance;
- (b) “non-Alberta policy” means an owner’s policy evidencing a contract of insurance that is not made in Alberta;
- (c) “unlicensed insurer” means an insurer that does not hold a licence that authorizes the insurer to undertake automobile insurance.

Owner’s policy

21.6(1) In this section, “insured” means a person named as the insured in an owner’s policy.

(2) Every licensed insurer that issues an owner’s policy must at the time of issue of the policy also issue and deliver to the insured a financial responsibility card and, on request,

by that insured, any additional copies of the card required to be provided under the regulations.

(3) Every licensed insurer that issues an owner's policy must provide to the insured the information required by the regulations relating to financial responsibility cards when the policy is being cancelled or the insured is given a notice of renewal.

(4) When an insured to whom a financial responsibility card has been issued pursuant to this section ceases to be insured by the owner's policy in respect of which the card was issued, that person must forthwith destroy the card and every copy of the card issued to that person.

(5) Any insurer that has issued a financial responsibility card or an insurance agent who represents the insurer must provide to a peace officer any information requested concerning the cancellation or lapse of the owner's policy with respect to which the financial responsibility card was issued.

(6) A financial responsibility card issued pursuant to this section must be in a form approved by the Superintendent.

Non-Alberta
policy -
licensed
insurer

21.7 A financial responsibility card that is issued by a licensed insurer in respect of a non-Alberta policy and that is in a form approved by the Superintendent is deemed to have been issued pursuant to this Part and may be used to indicate financial responsibility in Alberta.

Non-Alberta
policy -
unlicensed
insurer

21.8(1) A financial responsibility card that is issued by an unlicensed insurer in respect of a non-Alberta policy is deemed to have been issued pursuant to this Part and may be used to indicate financial responsibility in Alberta if

- (a) the card is in a form approved by the Superintendent or is otherwise acceptable to the Superintendent, and
- (b) the unlicensed insurer provides the Superintendent with a power of attorney and undertaking that meets the requirements of the regulations.

(2) If an unlicensed insurer has provided the Superintendent with a power of attorney and undertaking that meets the requirements of the regulations, notice or process in any action or proceeding in Alberta against the unlicensed insurer or its insured arising out of an automobile accident in Alberta may be effectually served on the insurer or the insured, or on both of them,

- (a) by leaving 3 copies of the notice or process with the Superintendent, and
- (b) if the unlicensed insurer is not a party to the action or proceeding, by leaving with the Superintendent a written statement signed by the person who issued or caused to be issued the notice or process that sets out the full name and address of the unlicensed insurer against whose insured the action or proceeding is taken.

(3) On receipt of notice or process under subsection (2), the Superintendent must forthwith mail 2 copies of it by registered mail to the unlicensed insurer at the insurer's address last known to the Superintendent.

(4) The plaintiff in any action or proceeding against an unlicensed insurer that has provided the Superintendent with an undertaking that meets the requirements of the regulations may give evidence of the undertaking, and the undertaking is, for all purposes of the action or proceeding, deemed to be a covenant for valuable consideration made by the unlicensed insurer with the plaintiff.

(5) If an unlicensed insurer that has provided the Superintendent with a power of attorney and undertaking that meets the requirements of the regulations defaults under them, no financial responsibility card issued by the unlicensed insurer may be accepted as proof of financial responsibility in Alberta so long as that default continues, and the Superintendent must forthwith notify the proper officers in charge of the registration of automobiles and the licensing of drivers in all jurisdictions in Canada, and in the United States of America where the financial responsibility cards are accepted as proof of financial responsibility, of the default.

Fund
maintained by
corporation

21.9(1) In this section, "motor vehicle" means a motor vehicle as defined in the *Motor Vehicle Administration Act* or, if that Act is repealed, as defined in the *Traffic Safety Act*.

(2) A corporation is entitled to a financial responsibility card that is issued by the Superintendent if

- (a) the corporation is a prescribed corporation,
- (b) the corporation maintains a separate fund for the purpose of satisfying from that fund liabilities that the corporation may incur resulting from bodily

injury to or the death of any person, or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, and

- (c) in the opinion of the Superintendent, the fund is adequate to satisfy all liabilities that the corporation is likely to incur, subject, in the case of each motor vehicle registered in the name of the corporation, to the limits as to amount and the accident insurance benefits specified in this Act.

(3) If the Superintendent is satisfied that the requirements of subsection (2) are met, the Superintendent must issue and deliver to the corporation a financial responsibility card and, on the request of the corporation, any additional copies of the card required by the regulations to be provided.

(4) When the fund of a corporation that has been issued a financial responsibility card under subsection (2) ceases to meet the requirements of subsection (2)(b) or (c), the corporation must forthwith deliver to the Superintendent for cancellation its financial responsibility card and all copies of the card issued to the corporation.

(3) Section 22 is amended by adding the following after clause (h.2):

- (h.3) governing any matter with respect to the issuance of and the cancellation of financial responsibility cards;
- (h.4) respecting the provision of copies of financial responsibility cards to an insured for the purposes of section 21.6 and to a prescribed corporation for the purposes of section 21.9;
- (h.5) respecting the information that a licensed insurer as defined in section 21.5 must provide to an insured when the policy is being cancelled or the insured is given a notice of renewal;
- (h.6) respecting the power of attorney and undertaking that unlicensed insurers as defined in section 21.5 are to provide for the purposes of section 21.8;
- (h.7) prescribing corporations for the purposes of section 21.9.

(4) Section 294(3) is amended by striking out “Motor Vehicle Administration Act” and substituting “Traffic Safety Act”.

Amends SA
1985 cL-22.5

202 The Livestock Identification and Brand Inspection Act is amended in section 3(6) by striking out “Motor Transport Act” and substituting “Traffic Safety Act”.

Amends SA
1985 cM-0.5

203 The Maintenance Enforcement Act is amended in section 16.1

- (a) in subsection (1) by striking out “Motor Vehicle Administration Act” and substituting “Traffic Safety Act”;**
- (b) in subsection (2) by striking out “section 57.2(2) of the Motor Vehicle Administration Act” and substituting “section 58 of the Traffic Safety Act”;**
- (c) in subsection (3) by striking out “section 57.2(2) of the Motor Vehicle Administration Act” and substituting “section 58 of the Traffic Safety Act”.**

Amends RSA
1980 cM-21

204(1) The Motor Vehicle Accident Claims Act is amended by this section.

(2) Section 1 is amended

(a) by repealing clauses (e) and (f) and substituting the following:

- (e) “motor vehicle” means a vehicle propelled by any power, other than muscular power, except**
 - (i) aircraft, tractors, whether equipped with rubber tires or not, traction engines, implements of husbandry, trolley buses and vehicles that run only on rails, and**
 - (ii) machines designed for use primarily in connection with the building or maintenance of highways or other construction works that are not required to be licensed under the *Traffic Safety Act*,**

and includes a truck tractor required to be registered under the *Traffic Safety Act* or the regulations under that Act;

- (f) “owner” means an owner as defined in the *Traffic Safety Act*;**

(b) by repealing clauses (g), (h) and (i) and substituting the following:

- (g) “Registrar” means the Registrar as defined in the *Traffic Safety Act*;
- (h) “registration” means registration under the *Traffic Safety Act* or the issue of a certificate under the *Traffic Safety Act*;
- (i) “uninsured motor vehicle” means a motor vehicle that is not an insured motor vehicle within the meaning of the *Traffic Safety Act*.

(3) Section 3(1)(a) and (b) are amended by striking out “Motor Vehicle Administration Act or the Off-highway Vehicle Act” and substituting “Traffic Safety Act”.

(4) Section 4 is amended by striking out “Motor Vehicle Administration Act or the Off-highway Vehicle Act” and substituting “Traffic Safety Act”.

(5) Section 31(2)(k) is amended by striking out “section 93 of the Motor Vehicle Administration Act” and substituting “section 77 of the Traffic Safety Act”.

Amends RSA
1980 cM-22

205(1) The *Motor Vehicle Administration Act* is amended by this section.

(2) Section 109 is amended

(a) in subsection (4)(b) by striking out “5 years” and substituting “10 years”;

(b) in subsection (5)(b) by striking out “proceeding 5 years” and substituting “proceeding 10 years”.

(3) Section 112 is amended by adding the following after subsection (1):

(1.1) Where

- (a) a person’s operator’s licence has been suspended or a person has been disqualified from driving a motor vehicle by virtue of being convicted of an offence referred to in subsection (1), and
- (b) within 3 years from the day of being convicted of the offence referred to in clause (a), that person is once again charged with an offence referred to in subsection (1),

a peace officer, the Registrar or a person authorized by a peace officer or the Registrar shall, for a period of 60 days, or a lesser period of time as prescribed by regulation, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(1.2) Subsection (1.1) applies only if the registered owner of the vehicle that is to be seized or immobilized under subsection (1.1) was the registered owner of the vehicle that was seized or immobilized under subsection (1).

(4) Section 112.1 is amended

(a) in subsection (2)(b) by striking out “5 years” and substituting “10 years”;

(b) in subsection (3)(b) by striking out “proceeding 5 years” wherever it occurs and substituting “proceeding 10 years”.

Amends SA
1994 cM-26.1

206(1) The *Municipal Government Act* is amended by this section.

(2) Section 602.12 is amended by striking out “*Motor Transport Act*” and substituting “*Traffic Safety Act*”.

(3) Section 602.15(1)(a) is amended by striking out “Alberta Motor Transport Board” and substituting “Alberta Transportation Safety Board”.

Amends RSA
1980 cP-13

207 The *Possessory Liens Act* is amended in section 9(2) by striking out “*Motor Vehicle Administration Act*” and substituting “*Traffic Safety Act*”.

Amends SA
1988 cP-21.5

208(1) The *Provincial Offences Procedure Act* is amended by this section.

(2) Section 1(j) is amended by striking out “*Motor Vehicle Administration Act*” and substituting “*Traffic Safety Act*”.

(3) Section 30(5) is repealed and the following is substituted:

(5) Notwithstanding subsection (4), if

(a) the defendant has been charged under section 160 of the *Traffic Safety Act*, or

- (b) the offence notice relates to an alleged parking violation,

the offence notice may be served by sending it by ordinary mail to the defendant's address as shown on the records of the Registrar of Motor Vehicle Services under the *Traffic Safety Act*.

(4) Section 33(4) is amended by striking out “Motor Vehicle Administration Act” and substituting “Traffic Safety Act”.

(5) Section 37(2.1) is amended by striking out “Motor Vehicle Administration Act” and substituting “Traffic Safety Act”.

(6) Section 38.1(1) is repealed and the following is substituted:

Affidavit
evidence

38.1(1) In any proceedings under this Part where a defendant is charged with a contravention of

- (a) the *Traffic Safety Act* or the Rules of the Road under that Act relating to the speed of motor vehicles, or
- (b) the *Traffic Safety Act* or the Rules of the Road under that Act relating to the actions of a driver of a motor vehicle with respect to rapid intermittent flashes of yellow light displayed by a traffic control signal and the crossing of a highway by pedestrians,

the evidence of the interceptor of the motor vehicle and the issuer of the violation ticket may be given by affidavit.

Amends RSA
1980 cP-22

209 The *Provincial Parks Act* is amended in section 1

- (a) in clauses (b.1) and (c.1) by striking out “Highway Traffic Act” and substituting “Traffic Safety Act”;**
- (b) in clause (c.2) by striking out “Off-highway Vehicle Act” and substituting “Traffic Safety Act”.**

Amends RSA
1980 cP-28

210(1) The *Public Highways Development Act* is amended by this section.

(2) Section 6 is amended

- (a) in subsection (1) by striking out “sections 14 to 16 of the *Highway Traffic Act*” and substituting “sections 13, 14, 108, 110 and 152 of the *Traffic Safety Act*”;**

(b) in subsection (2) by striking out “sections 14 to 16 of the *Highway Traffic Act*” and substituting “sections 13, 14, 108, 110 and 152 of the *Traffic Safety Act*”.

(3) Section 12(3)(b) is amended by striking out “sections 14 to 16 of the *Highway Traffic Act*” and substituting “sections 13, 14, 108, 110 and 152 of the *Traffic Safety Act*”.

Amends SA
1998 cR-4.1

211 The *Railway Act* (SA 1998 cR-4.1) is amended in section 1

(a) by repealing clause (c) and substituting the following:

(c) “Board” means the Alberta Transportation Safety Board;

(b) in clause (e) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends RSA
1980 cS-23

212 The *Stray Animals Act* is amended in section 1(b) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends RSA
1980 cW-6

213 The *Weed Control Act* is amended in section 1(1)(e) by striking out “*Highway Traffic Act*” and substituting “*Traffic Safety Act*”.

Amends SA
1984 cY-1

214 The *Young Offenders Act* is amended in section 30(5) by striking out “in accordance with section 66 of the *Motor Vehicle Administration Act*” and substituting “under the *Traffic Safety Act*”.

Repeals

215 The following enactments are repealed on Proclamation:

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act* (RSA 1980 cM-20);
- (c) the *Motor Transport Act* (SA 1992 cM-20.1);
- (d) the *Motor Vehicle Administration Act*;
- (e) the *Motor Vehicle Administration Amendment Act, 1995*;
- (f) the *Off-highway Vehicle Act*;

(g) the Schedule to this Act.

Coming into
force

216 This Act comes into force on Proclamation.

SCHEDULE

Interpretation

1(1) In this Schedule,

- (a) “alcohol-related driving of a motor vehicle” means those circumstances referred to in section 2(1)(a) and (b) of this Schedule;
- (b) “Board” means the Driver Control Board provided for under the *Motor Vehicle Administration Act*;
- (c) “bodily harm” means any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature;
- (d) “notice of disqualification” means a notice of disqualification referred to in section 2 of this Schedule;
- (e) “notice of suspension” means a notice of suspension referred to in section 2 of this Schedule;
- (f) “peace officer” means a police officer as defined in section 1 of the *Police Act*;
- (g) “temporary operator’s permit” means a temporary operator’s permit issued under section 2 of this Schedule.

(2) Except as otherwise provided for in this section, section 1 of this Act applies to this Schedule whether or not section 1 of this Act is in force.

3- and 6-
month
suspensions,
etc.

2(1) Where

- (a) a peace officer has reasonable and probable grounds to believe that a person drove a motor vehicle, and
- (b) in relation to that person driving that motor vehicle, the peace officer,
 - (i) by reason of an analysis of the breath or blood of the person, has reasonable and probable grounds to believe that the person has consumed alcohol in such a quantity that the concentration of alcohol in that person’s blood exceeds 80 milligrams of alcohol in 100 millilitres of blood, or

- (ii) has reasonable and probable grounds to believe that the person while having alcohol in that person's body failed or refused, without a reasonable excuse, to comply with a demand made on that person to supply a sample of that person's breath or blood under section 254 of the *Criminal Code* (Canada),

the peace officer shall, on behalf of the Registrar,

- (c) in the case of a person who holds an operator's licence,
 - (i) require that person to surrender to the peace officer that operator's licence and issue to that person a temporary operator's permit, and
 - (ii) serve on that person a notice of suspension of that person's operator's licence;
- (d) in the case of a person who holds a temporary operator's permit,
 - (i) require that person to surrender to the peace officer that temporary operator's permit, and
 - (ii) serve on that person a notice of suspension of that temporary operator's permit;
- (e) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification
 - (i) disqualifying that person from operating a motor vehicle, and
 - (ii) disqualifying that person from applying for or holding an operator's licence;
- (f) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

(2) Where

- (a) an operator's licence is surrendered and a temporary operator's permit is issued under subsection (1)(c), that temporary operator's permit expires at the end of the 21st day following the day that the temporary operator's permit was issued;

- (b) a notice of suspension is served under subsection (1)(c), the suspension, with respect to the surrendered operator's licence, takes effect immediately on the expiration of the temporary operator's permit issued in respect of the surrendered operator's licence;
 - (c) a notice of suspension is served under subsection (1)(d), the suspension, with respect to the surrendered temporary operator's permit, takes effect immediately on the service of the notice;
 - (d) a notice of disqualification is served under subsection (1)(e), the disqualification takes effect at the end of the 21st day following the day that the notice was served;
 - (e) a notice of disqualification is served under subsection (1)(f), the disqualification takes effect immediately on the service of the notice.
- (3) A temporary operator's permit, during the period of time that it is in effect, stands in the place of the surrendered operator's licence and is subject to the same terms and conditions as those to which the surrendered operator's licence was subject.
- (4) A suspension or disqualification referred to in subsection (2)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 3 of this Schedule, until the end of the 3-month period that commences on the day that the suspension or disqualification takes effect.
- (5) Notwithstanding subsection (4), where a peace officer on reasonable and probable grounds believes that the alcohol-related driving of a motor vehicle by a person has caused bodily harm to or the death of another person, a suspension or disqualification referred to in subsection (2)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 3 of this Schedule, until the end of the 6-month period that commences on the day that the suspension or disqualification takes effect.
- (6) Notwithstanding that a person refuses or fails
- (a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;
 - (b) to surrender an operator's licence or a temporary operator's permit, that refusal or failure does not prevent the suspension or disqualification from taking effect;

- (c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

Appeals re
suspension,
etc.

3(1) Where, with respect to the alcohol-related driving of a motor vehicle,

- (a) a person's operator's licence or temporary operator's permit is suspended, or
- (b) a person is disqualified from acquiring or holding an operator's licence or from operating a motor vehicle

under section 2 of this Schedule, the person may appeal that suspension or disqualification to the Board.

(2) In an appeal under this section, the Board shall consider

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;
- (b) the report of the peace officer;
- (c) a copy of any certificate of analysis under section 258 of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy;
- (d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant evidence and information given or presentations made at the hearing.

(3) An appellant is not compelled to give evidence in an appeal under this section.

(4) If, after conducting an appeal under this section, the Board is satisfied that

- (a) the person having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood, drove a motor vehicle, or
- (b) the person, with respect to the driving of a motor vehicle, failed or refused, without a reasonable excuse, to comply with a demand made on that person to supply a sample of that person's breath or blood under section 254 of the *Criminal Code* (Canada),

the Board must confirm the suspension or disqualification.

(5) If, after conducting an appeal under this section, the Board is satisfied

- (a) that the person did not drive a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood, or
- (b) that, with respect to the driving of a motor vehicle,
 - (i) the person did not fail or refuse to comply with a demand made on that person to supply a sample of that person's breath or blood under section 254 of the *Criminal Code* (Canada), or
 - (ii) the person had a reasonable excuse for failing or refusing to comply with the demand referred to in subclause (i),

the Board must

- (c) cancel the suspension or disqualification, and
- (d) direct the return to that person of any fees paid to the Government by that person in respect of the appeal conducted under this section.

Appeal is not
a stay

4 An appeal commenced under this Schedule does not stay any suspension, cancellation, disqualification or other decision or action that is the subject of or otherwise related to the appeal.

Procedure re
appeals

5 For the purposes of conducting appeals under this Schedule, section 27 of this Act applies to this Schedule, whether or not section 27 is in force, and the Board may make rules in accordance with section 27.

Regulations

6 The Minister of Transportation and Utilities may make regulations

- (a) governing the information and the form of the information to be provided to the Registrar of Motor Vehicle Services by peace officers with respect to the suspensions or disqualifications referred to in this Schedule;
- (b) governing the handling of operator's licences and other documents surrendered under this Schedule;
- (c) prescribing and governing the use of forms to be used for the purposes of this Schedule.