

1999 BILL 220

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 220

**MOTOR VEHICLE ADMINISTRATION
AMENDMENT ACT, 1999**

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 220
Mrs. Forsyth

BILL 220

1999

MOTOR VEHICLE ADMINISTRATION AMENDMENT ACT, 1999

(Assented to _____, 1999)

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

Amends RSA
1980 cM-22

1 The *Motor Vehicle Administration Act* is amended by this Act.

2 Section 110 is amended

(a) by adding the following after subsection (1):

(1.1) When, on demand of a peace officer made under section 254 of the *Criminal Code* (Canada), the driver of a motor vehicle provides a breath sample which, on analysis by an instrument approved as suitable for the purpose of section 258 of the *Criminal Code* (Canada), indicates that the concentration of alcohol in the driver's blood is 50 milligrams or more of alcohol in 100 millilitres of blood, the peace officer shall request the driver to surrender his operator's licence to the peace officer.

(b) in subsections (2) and (3) by striking out "subsection (1)" wherever it occurs and substituting "subsection (1) or (1.1)";

(c) by repealing subsection (5) and substituting the following:

(5) A peace officer who requests a person to

Explanatory Notes

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

2 Section 110 presently reads:

110(1) When a peace officer reasonably suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into his body any alcohol, drug or other substance in such a quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

(2) The request of a peace officer under subsection (1) suspends any operator's licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.

(3) If a driver who has been required under subsection (1) to surrender his operator's licence is not the holder of an operator's licence, the request disqualifies the driver from holding an operator's licence.

(4) A suspension or disqualification arising pursuant to this section terminates on the expiration of 24 hours from the time the suspension or disqualification arose.

surrender his operator's licence under this section shall

- (a) make a written record of the date and time of the suspension or disqualification, the name and address of the driver and, if known, the number of the driver's operator's licence;
- (b) provide the driver with a written statement that the length of the suspension or disqualification is 24 hours and of the time from which the suspension or disqualification takes effect;
- (c) notify the Registrar of the suspension or disqualification, the name and address of the driver and, if known, the number of the driver's operator's licence.

(d) by adding the following after subsection (5):

(5.1) On termination of a suspension or disqualification, an operator's licence surrendered under this section shall be returned without delay to the driver except when the driver is otherwise not eligible to hold an operator's licence.

(5.2) A driver whose operator's licence is suspended under this section shall pay the fee prescribed by regulation to reinstate his licence.

(e) in subsection (6) by striking out "subsection (1)" and substituting "subsection (1) or (1.1)";

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

(6.1) On the 3rd or any subsequent suspension under this section, the driver's operator's licence is suspended for an additional 30 days.

3 This Act comes into force on Proclamation.

(5) Notwithstanding subsection (4), when the suspension or disqualification involves alcohol and

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

(b) the driver 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 suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall thereupon return the driver's licence, if any, to the driver and the suspension or disqualification thereupon terminates.

(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 involving the actual driving of or care and control of a motor vehicle by the driver and

(a) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol, or

(b) the condition of the driver resulting from the introduction by him into his body of any drug or other substance.

(7) Repealed 1991 c22 s16.

3 Coming into force.