

2000 BILL 210

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 210

TRAFFIC SAFETY AMENDMENT ACT, 2000

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 210
Mrs. Forsyth

BILL 210

2000

TRAFFIC SAFETY AMENDMENT ACT, 2000

(Assented to , 2000)

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

Amends SA
1999 cT-6.4

1 The *Traffic Safety Act* is amended by this Act.

2 Section 89 is amended

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

(1.1) If a peace officer, by reason of an analysis of the breath or blood of the driver of a motor vehicle, has reasonable and probable grounds to believe that the driver has consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall require the driver to surrender the driver's operator's licence to the peace officer.

(b) in subsection (2) by adding "or subsection (1.1)" after "subsection (1)";

(c) in subsection (5)(a) and (b) by striking out "80 milligrams" and substituting "50 milligrams".

Explanatory Notes

1 Amends chapter T-6.4 of the Statutes of Alberta, 1999.

2 Unproclaimed section 89 presently reads:

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,

3 This Act comes into force on Proclamation.

- (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.*

3 Coming into force.